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POINT MOLATE MIXED-USE TRIBAL DESTINATION RESORT AND CASINO PROJECT FINAL EIR

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SECTION 1.0
INTRODUCTION

1.1 OVERVIEW

The Draft Environmental Impact Statement / Environmental Impact Report (Draft EIS/EIR) for the proposed Point Molate Mixed-Use Tribal Destination Resort and Casino Project (Proposed Project) was submitted to the State Clearinghouse (No. 2005032073) and released for public and agency review on July 10, 2009. The Draft EIS/EIR was made available for a 105-day comment period that concluded on October 23, 2009. During the comment period, two public hearings were held at the Richmond Auditorium (August 12 and September 17, 2009) during which time verbal and written comments on the Draft EIS/EIR were received. In addition, the City of Richmond (City) and Bureau of Indian Affairs (BIA) hosted two workshops at the Richmond Auditorium (August 10 and 27, 2009) where technical analysts, City staff, and BIA staff were available to answer questions related to the analyses presented in the Draft EIS/EIR.

This volume (I) of the Final Environmental Impact Report (Final EIR) provides responses to all substantive comments received on the Draft EIS/EIR for the Proposed Project. The response to comments provided herein, along with the revised Final EIR text, will be considered by the City prior to rendering a decision concerning adoption of the Proposed Project or an alternative. This Final EIR has been prepared according to the requirements of the California Environmental Quality Act (CEQA), which states that a Final EIR shall consist of the following:

(a) The Draft EIR or a revision of that draft. (Volume II)
(b) Comments and recommendations received on the Draft EIR either verbatim or in summary. (Volume I)
(c) A list of persons, organizations, and public agencies commenting on the Draft EIR. (Volume I)
(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process. (Volume I)
(e) Any other information added by the Lead Agency. (Volumes II and III)

In addition to consideration and certification of the Final EIR in approving the Proposed Project, the City is required to make findings of fact regarding the significant environmental impacts identified in the Final EIR and project alternatives, as well as a statement of overriding considerations for significant impacts, which cannot be mitigated. The findings, and any statement of overriding considerations, are made after
the City has considered and certified the Final EIR and are included in the public record. The findings and any statement of overriding considerations may be considered and a later date separate from the certification of the Final EIR.

1.2 ORGANIZATION OF THE FINAL EIR

CEQA and the National Environmental Policy Act (NEPA) encourage state and federal agencies to work together to avoid duplication between their respective environmental impact assessment processes (40 CFR 1506.2, Elimination of Duplication with State and Local Procedures; CEQA Guidelines Sections 15170, 15222, and 15226). For example, the two statutes (and their implementing regulations) authorize agencies to prepare joint environmental documents, to undertake joint planning processes, and to hold joint hearings. The purpose of these provisions includes streamlining the environmental review process to the fullest extent possible and ensuring that local, state, and federal agencies work together in a coordinated fashion. With those goals in mind, the City and the BIA prepared a joint Draft EIS/EIR.

Since the Draft EIS/EIR was completed and circulated for public review and comment, the City and BIA determined that due to their differing internal procedures and timelines, the environmental review process should be completed separately. For that reason, this document is a Final EIR completed under CEQA and independent of the NEPA process. A separate Final EIS is being prepared by BIA. Because the Draft EIS/EIR had been prepared to comply with both statutes, the substance of the document meets all CEQA standards. In some instances, the Draft EIS/EIR contained information and analysis for purposes of compliance with NEPA, particularly with respect to socioeconomic benefits and impacts. Where appropriate, this Final EIR notes the different legal requirements. In many instances, however, for ease of reference and to make the Draft EIS/EIR and Final EIR documents consistent, this document includes references to NEPA and some analysis and discussion that was originally included for NEPA purposes. Discussion of such NEPA matters is provided for informational purposes only.

The Final EIR is organized into three volumes. Volume I contains all comments received on the Draft EIS/EIR (Section 2.0), general responses to comments received (Section 3.0), and responses to individual comments (Section 4.0). A summary of changes and edits made to the Draft EIS/EIR is provided in the following section. Substantive changes are also noted within the responses to comments presented in Sections 3.0 and 4.0. Volume II is composed of the revised text of the Draft EIS/EIR, with all changes indicated in underline (added text) and strike-out (deleted text). Figures and tables that have been updated, deleted or added are so indicated in the Table of Contents for Volume II. Finally, Volume III provides supplementary appendices that were not included in the Draft EIS/EIR.

1.3 CHANGES AND EDITS TO THE DRAFT EIR

Neither the comments received on the Draft EIS/EIR nor the responses thereto indicate new significant impacts or information that would require recirculation of the Draft EIS/EIR pursuant to CEQA.
Guidelines Section 15088.5. However, a number of small changes have been made to the project description and analysis presented in the Final EIR. The minor text revisions, which are indicated by underline/strike out text in the Final EIR, are self evident and scattered throughout the document. Relevant changes to the project description and technical analyses are summarized below.

Subsequent to the release of the Draft EIS/EIR for public comment, an Intergovernmental Agreement (IGA) between Contra Costa County and the Tribe was executed ([Appendix BB](#)), which specifies services to be provided by the County and compensation for such services to be paid by the Tribe (applicable to Alternatives A, B, and C). The IGA covers a broad range of issues including law enforcement, public health and safety, problem gambling, transportation infrastructure, and employment. Implementation of the IGA, which is contingent upon completion of the environmental review process, provides a mechanism for mitigating all potential off-site impacts in the jurisdiction of Contra Costa County, as well as providing a long term, government-to-government relationship. The IGA is summarized in Section 2.1.2 of the Final EIR.

Alternative B was slightly modified in the Final EIR by transferring 50,000 square feet of retail space from the proposed Retail Village portion of the project site to the southern residential area to provide small-scale retail and community services to local residents. The relocated retail space would occupy a portion of the project footprint formerly occupied by residential units. Overall square footage of the project components under Alternative B would remain unchanged as detailed in Section 2.3.2 of the Final EIR.

Based on on-going consultation with the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), additional details and clarifications regarding the environmental remediation proposed as part of the Project were added to the Final EIR in Section 2.1.5. While all potential impacts stemming from remediation of hazardous material conditions on-site were analyzed in the Draft EIS/EIR, the Final EIR was supplemented to highlight the analysis throughout Section 4. Supplemental documentation concerning the proposed environmental remediation, including the Remedial Plan, is provided in Appendix II.

A new alternative (Alternative B1) has been analyzed which is similar to Alternative B but includes the preservation of Building 6, a component of the Winehaven Historic District. The square footage of each project component under Alternative B1 is identical to Alternative B, however the layout of project components has been reconfigured under Alternative B1 to avoid the demolition of Building 6. An analysis of potential impacts resulting from Alternative B1 has been added to the Final EIR. Because Alternative B1 has the same square footage and project components as Alternative B and is intended to avoid or mitigate impacts to Building 6, this information is provided to assess whether Alternative B1 has new or different significant impacts that were not already discussed when analyzing Alternative B.
An impact statement for water quality was added for each alternative related to dewatering activities associated with environmental remediation and construction. With implementation of mitigation provided in Section 5.2.2 of the Final EIR, potential impacts would be less than significant.

Following circulation of the Draft EIS/EIR, a number of changes occurred in the regulatory environment (at the State and Federal level) related to air quality, which required modifications to the analysis presented in the Final EIR. In December 2009, the Bay Area Air Quality Management District released draft guidance for the analysis of greenhouse gas emissions and mitigation in CEQA documents. The analysis was revised to reflect these changes, which is summarized in Sections 3.4 and 4.15 of the Final EIR. At the Federal level, the US Environmental Protection Agency (USEPA) designated the San Francisco Bay Air Basin as “non-attainment” for particulate matter 2.5 (PM$_{2.5}$). The USEPA also revised the National Ambient Air Quality Standard for ozone. These changes are reflected in Sections 3.4 and 4.4 of the Final EIR. Air quality mitigation in Section 5.2.3 has been supplemented in light of the new regulatory guidance.

Impacts to biological resources were reexamined in light of comments received on the Draft EIS/EIR, as well as based on consultation with the US Army Corps of Engineers (USACE). The acreages of habitats potentially impacted by the various alternatives were updated in Section 4.5 of the Final EIR. Following a verification of the extent of wetlands and other jurisdictional waters by the USACE, impacts to wetlands and other waters of the United States were also revised in Section 4.5 of the Final EIR. Finally, additional analysis of potential impacts to eelgrass habitat on-site was conducted and is reported in General Response 3.9.1 provided in Volume I of the Final EIR. Supplemental documentation related to the analysis of eelgrass habitat is provided in Appendix FF. Mitigation measures provided in Section 5.2.4 of the Final EIR have been supplemented to provide greater specificity and more stringent restrictions for the protection of sensitive species and habitats.

Based on the level of interest generated during the public comment period in the summer and fall of 2009, a supplemental architectural and structural study was undertaken on Building No. 6 within the Winehaven Historic District. The findings of the study and additional analysis related to Building No. 6 are provided in General Response 3.3.2 of the Final EIR Volume I. The results of the supplemental assessment (Appendix DD) did not alter the impact analysis provided in Section 4.6 of the Final EIR.

The background conditions (Section 3.7) and impact analysis (Section 4.7) related to socioeconomic conditions were updated with more recent demographic information where available. In addition, pertinent provisions of the IGA were incorporated into the analysis presented in Section 4.7 as well as mitigation in Section 5.2.6 of the Final EIR.

The transportation analysis was amended following the release of the Draft EIS/EIR by broadening the study area to include several additional roadway segments and intersections. Additions to the analysis include four intersections along Sir Francis Drake Boulevard in Marin County and four segments of State...
Route 4 in Contra Costa County (Appendix HH). The background conditions and analysis are summarized in Sections 3.8, 4.8, and 4.15 of the Final EIR. With implementation of mitigation provided in Section 5.2.7 of the Final EIR, all potential impacts to the additional study areas would be less than significant. In addition, the IGA (Appendix BB) between the Tribe and Contra Costa County provides a mechanism to mitigate significant impacts to transportation facilities located within the jurisdiction of the County that were previously considered significant and unavoidable under cumulative conditions in the Draft EIS/EIR.

Minor revisions to Sections 3.9 and 4.9 (Land Use) of the Final EIR were made to reflect the fact that the City of Richmond has not adopted an Updated General Plan, as was expected when the Draft EIS/EIR was released. Furthermore, Sections 3.9 and 4.9 have been updated to note that certain land use options that were previously under consideration by the City are no longer considered viable.

The analysis of impacts to public services (Section 4.10) has been updated in the Final EIR to incorporate pertinent sections of the IGA (Appendix BB) related to emergency medical transport, law enforcement, etc. In addition, an impact statement was added related to public health and safety associated with food service, swimming pools, and groundwater wells. No new impacts were identified as a result of the supplemental analysis.

The analysis of the ambient noise environment was supplemented following release of the Draft EIS/EIR. Additional fieldwork was undertaken in order to characterize the ambient noise characteristics of the proposed southern residential housing area (Alternatives B and D). The findings of the noise analysis are reported in General Response 3.15.2 of Final EIR Volume I. With implementation of the recommended mitigation, all impacts to the noise environment would be less than significant.

The analysis of impacts to the aesthetic environment at Point Molate was supplemented by incorporating additional mitigation measures that were previously recommended for impacts to cultural resources in the Draft EIS/EIR. The project site’s character (location along San Francisco Bay, Potrero Ridge, and the historic structures) are central elements of the Winehaven Historic District’s integrity. While many of the mitigation measures that are recommended in Section 5.2.5 would reduce or eliminate impacts to the Historic District, they would also mitigate potential impacts to the aesthetic character of the project site as well. As such, cross-references have been added to the aesthetics analysis in Final EIR Section 4.13.

Section 4.14.8 of the Final EIR has been supplemented with additional analysis related to impacts associated with proposed mitigation and off-site infrastructure improvements. With the implementation of the recommended mitigation measures, all indirect impacts would be less than significant.

Finally, the cumulative analysis, presented in Section 4.15 of the Final EIR, has been updated. The Draft EIS/EIR initially used a cumulative temporal horizon that corresponded to the timeframe considered in the City’s General Plan for several of the resource/issue areas. The transportation and air quality analyses
used a more distant future date to correspond with the temporal extent of the Contra Costa County Travel Demand Model in effect at the time of preparation of the Draft EIS/EIR. The cumulative analysis in the Final EIR has been revised to project further into the future (2025) for all resource areas. However, the exact year used in the analysis is not a significant factor given the approach used in the cumulative analysis. The cumulative analysis presented in the Final EIR also incorporates an additional industrial project in the City of Richmond (Honda Port of Entry Project). Lastly, the cumulative analysis was supplemented by addressing potential impacts associated with sea level rise. The text of the Final EIR has been updated in Sections 3.4 and 4.15 to describe existing conditions, outline the most-likely and worst case scenarios for sea level rise, and address the potential for the project site to be impacted. As discussed in the above referenced sections, no impacts related to sea level rise would occur at the project site.
SECTION 2.0
COMMENTS ON DRAFT EIS/EIR

2.1 ORGANIZATION OF COMMENTS

This section of the Final EIR provides all of the comments received by the City and BIA on the Draft EIS/EIR prepared for the Proposed Project. The comments presented herein were submitted to the lead agencies by way of letter, email, written comment cards, and verbally at the two public hearings held for the Draft EIS/EIR. The comments are organized into three categories: those submitted in writing by public agencies; those submitted in writing by private citizens and groups; and those entered into the record during the two public hearings. All of the comments received are indexed in Table 2-1. The comment letters are presented immediately after the comment index. Responses to the comments are provided in Sections 3.0 and 4.0.

Table 2-1.
Index of All Comments Received on the Draft EIS/EIR.

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<tr>
<td>A-1</td>
<td>Harold C. Brown, Jr.</td>
<td>County of Marin, Board of Supervisors</td>
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<td>Marge Atkinson, Mayor</td>
<td>City of Albany</td>
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<td>A-3</td>
<td>Eric Steger, Senior Civil Engineer</td>
<td>County of Marin, Department of Public Works</td>
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<td>A-4</td>
<td>Brenda Johnson</td>
<td>US Geological Survey</td>
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<td>A-6</td>
<td>Hamid Shamsapour, Director of Public Works / City Engineer</td>
<td>City of Larkspur Department of Public Works</td>
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<td>A-7</td>
<td>Deidre Heitman</td>
<td>San Francisco BART</td>
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<td>A-8</td>
<td>Alan Zahradnik</td>
<td>Golden Gate Bridge Highway and Transportation District</td>
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<td>Leonard R. McNiel, Mayor</td>
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<td>A-10</td>
<td>Nader Mansourian, Assistant Public Works Director</td>
<td>City of San Rafael, Public Works-Admin/Engineering</td>
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<td>Joe Doser, Supervising Environmental Health Specialist</td>
<td>Contra Costa Health Service</td>
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<td>William R Kirkpatrick</td>
<td>East Bay Municipal Utility District</td>
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<td>Virginia Fujita, Mayor</td>
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<td>Jean Roggenkamp, Deputy Air Pollution Control Officer</td>
<td>Bay Area Air Quality Management District</td>
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<td>Lisa Carboni, District Branch Chief</td>
<td>Department of Transportation</td>
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<td>A-16</td>
<td>Christina M Aiienza P.E., Executive Director</td>
<td>West Contra Costa Transportation Advisory Committee</td>
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### Comments on Draft EIS/EIR

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<td>A-17</td>
<td>Rosemary M Corbin, HPAC Chair</td>
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<td>A-18</td>
<td>Andrea Lynn Hoch, Legal Affairs</td>
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<td>Karita Zimmerman, Planning Manager</td>
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<td>Sen. Loni Hancock and Sen. Mark De Saulnier</td>
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<td>Kieth Jabari, Director</td>
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<td>Kathleen M. Goforth, Manager</td>
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<td>Katheryn R. Hart</td>
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<td>Jaime Michaels</td>
<td>San Francisco Bay Conservation and Development Commission</td>
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<td>Eileen Whitty</td>
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<td>PH1-57</td>
<td>Michael Woldemar</td>
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Public Hearing 2 (September 17, 2009)

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<td>Andres Soto</td>
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<td>Rick Alcaraz</td>
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<td>PH2-61</td>
<td>Dr. Henry Clark</td>
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<td>Mike Ali Raccoon Eyes Kinney</td>
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<td>Juquin Navas</td>
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2.2 COMMENTS ON THE DRAFT EIS/EIR

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<td>Lech Naumovich</td>
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<td>Rev. Andre Shumake</td>
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<td>PH2-93</td>
<td>Carol Teltchick-Fall</td>
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SECTION 3.0
GENERAL RESPONSE TO COMMENTS

3.1 CEQA AND NEPA PROCEDURAL ISSUES

3.1.1 EXTENSION OF THE COMMENT PERIOD

Summary of Comments: The Lead Agencies received numerous requests for an extension of the original comment period.

Response: The original comment period for the Draft EIS/EIR was from July 10, 2009 to September 23, 2009 (75 days). The 75-day comment period was noted in the State Clearing House Notice of Completion filing (2005032073) and was announced in the Federal Register with a Notice of Availability (NOA) on July 10, 2009. In addition, the comment period was announced in the local newspaper (West County Times) on July 10 and 11, 2009, as well as on the City’s website. The comment period was extended by 30 days during a regularly scheduled meeting of the Richmond City Council on September 22, 2009, bringing the total review time for public comment to 105 days, which is far in excess of the comment period required by CEQA and NEPA. The extension was announced on the City’s website, on a website dedicated to the project (www.pointmolateis-eir.com), via mailings to all individuals on the EIS/EIR distribution list, as well as in the local newspaper (West County Times). The extended comment period ended on October 23, 2009. The Final EIR considers and responds to all substantive comments received or submitted (as indicated by the post mark) during the extended comment period.

3.1.2 RECIRCULATION OF THE DRAFT EIS/EIR

Summary of Comments: Several comments were received requesting that the Draft EIS/EIR be recirculated prior to certification.

Response: Section 15088.5 of the CEQA Guidelines states that recirculation of a Draft EIR is required when one or more of the following conditions are met:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse
environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

With respect to the applicable NEPA regulations, recirculation of a Draft EIS is required only when the “draft statement is so inadequate as to preclude meaningful analysis (40 C.F.R. § 1502.9[a]).” Limited revisions have been made to the document since it was initially circulated (refer to Section 1.3 which summarizes changes to the document; all changes are presented in underline-strikeout format in Volume II of the Final EIR). Based on the criteria outlined above, recirculation of the Draft EIS/EIR is not warranted pursuant to the requirements of CEQA or NEPA for the following reasons: 1) the robust analysis presented in the document is neither inadequate nor conclusory in nature, 2) the EIR has considered a reasonable range of alternatives (refer to General Response 3.3); 3) none of the environmental impacts identified in the Draft EIS/EIR have increased in severity with the introduction of new information; and 4) no new significant environmental impacts have been identified since initial circulation of the EIR and inclusion of the supplementary information. It is the very purpose of a draft document to elicit agency and public comment such that the final document may be improved based on others’ scrutiny and input. To this end, the Draft EIS/EIR has been updated, clarified, and improved upon in the Final EIR, all within the reasonable bounds of the EIR process.
3.2 NON-CEQA AND NEPA ISSUES

3.2.1 EXPRESSIONS OF OPINION AND OTHER NON-SUBSTANTIVE COMMENTS

Summary of Comments: Many of the comments received were expressions of opinion either for or against the Proposed Project. Letters, emails, verbal comments made at the two public hearings, and abbreviated comment cards formed the bulk of such comments. Many other comments were received which do not raise a substantive environmental issue.

Response: To warrant a response in the Final EIR, comments must fulfill two minimum requirements: 1) the comments must raise a substantive environmental issue, and 2) they must be related to either the decisions to be made by the Lead Agencies based on the EIS/EIR, or to the expected result of these decisions. Responses are not required for comments failing to raise substantive environmental issues, such as comments merely expressing an opinion.

3.3 ALTERNATIVES

3.3.1 EVALUATION OF OFF-SITE ALTERNATIVES

Summary of Comments: Several comments suggested that off-site alternatives should have been fully analyzed in the Draft EIS/EIR.

Response: As discussed in Section 2.8 of the Draft EIS/EIR, off-site alternatives were rejected from full analysis because they would not satisfy the purpose and need of the Proposed Project. The City’s objectives are to implement a productive reuse of the former Naval Fuel Depot Point Molate that includes economic development, job creation, establishment of a long-term revenue source for the City, preservation of historic and natural resources, and promotion of public access to the Richmond shoreline and open space recreation areas. As such, off-site alternatives could not, by definition, meet the City’s objectives for adaptive reuse.

As detailed in the above referenced section of the Draft EIS/EIR, the Tribal Government investigated several parcels of land within or near the cities of Vallejo, Antioch, Fairfield, Hercules, unincorporated lands in Sonoma and Solano Counties, as well as former Naval installations at Mare Island and near Concord. These alternative site locations were considered for the reestablishment of a tribal land base and construction of a mixed-use development. The lands investigated were each rejected on the grounds of lack of community support, inadequate access, deficient infrastructure, and/or insufficient size to accommodate the multiple uses (gaming and non-gaming) needed by the Tribal Government to meet the goals of economic self-sufficiency, self-governance, and self-determination.
3.3.2 ALTERNATIVES TO DEMOLITION OR RELOCATION OF HISTORIC BUILDINGS

Summary of Comments: A number of commenters expressed concern that Building No. 6, a contributing element of the Winehaven Historic District, would be demolished under Alternatives A – D. Some commenters also suggested that Building No. 17 should be retained in its current location, rather than be relocated as proposed under Alternatives A – D. Finally, some commenters suggested that a new development alternative should be introduced that would not result in demolition or relocation of any historic buildings.

Response: As discussed in Section 4.6 of the Draft EIS/EIR, the significant historic resource impacts related to demolition of Building No. 6 under Alternatives A – D are disclosed and mitigation measures are presented in Section 5.2.5 that would lessen the severity of, but not eliminate, the impact. The Draft EIS/EIR also analyzes a Total Parkland Alternative (Alternative E) that includes preservation of all 35 buildings included within the Winehaven Historic District, including Building No. 6, such that the analysis presented in the Draft EIS/EIR included an alternative that would avoid impacts associated with demolition of Building No. 6 and relocation of Building No. 17.

The following discussion outlines the primary considerations taken into account in formulating alternatives for analysis as they relate to Building No. 6. Despite the constraints to reuse of Building No. 6 described below, in response to comments a variant to Alternative B (Alternative B1) has been added to the Final EIR that is very similar to Alternative B except that it retains and rehabilitates Building No. 6. As outlined below, rehabilitation of Building No. 6 is a costly proposition. Therefore, in modifying an alternative to retain Building No. 6, the alternative with the greatest amount of commercial development (Alternative B) was chosen so as to better offset the additional costs of the rehabilitation. Alternative B1 is very similar to Alternative B except that the design, location, and orientation of the structures has changed somewhat in order to retain Building No. 6.

In the course of developing the alternatives to be analyzed in the Draft EIS/EIR, the Lead Agencies considered several key factors, including: hillside and shoreline open space preservation; focusing redevelopment on the existing developed footprint of Point Molate; preservation of buildings within the Winehaven Historic District; economic sustainability that would finance preservation efforts; and avoidance of redevelopment within areas of the project site impacted with hazardous materials that will be monitored and maintained in perpetuity. To fully appreciate the history of visioning and feasibility analyses for the reuse of Point Molate as it relates to the Winehaven Historic District, key aspects of the Point Molate Reuse Plan are discussed below.

The Point Molate Reuse Plan (Brady and Associates, 1997) is the primary document that was used by the City to formulate a vision for the redevelopment of Point Molate and guided the development of alternatives considered in the Draft EIS/EIR. A fundamental principal articulated throughout the Reuse Plan is the preservation of open space and redevelopment within the established development footprint.
The Reuse Plan identifies four areas within the project site suitable for redevelopment: the *Historic District* (composed of 32 of 35 of the Winehaven Historic District buildings, including the main Winehaven Building [No. 1], powerhouse [No. 13], warehouse [No. 10], fire station [No. 63] and all of the historic residential structures); the *Northern Development Area* (which covers the land currently occupied by Buildings No. 6 and No. 17); the *Central Development Area* (located on the ridge immediately south of the Central Development Area); and the *Southern Development Area* (located in the southwestern portion of the project site that is currently occupied by the paved area known as Drum Lot 2). Inclusion of Building No. 6 within the Northern Development Area, and not within the Historic District, reflects the fact that the area presently occupied by the building was viewed by the drafters of the Reuse Plan as a more suitable location for new construction than the Historic District area.

The Reuse Plan explicitly recognizes the constraints that preservation of Building No. 6 would pose on the economic viability of reuse. Referring to Building No. 6, the Reuse Plan states:

> It has minimal architectural merit. Its structural condition was evaluated as “good to fair - except for the ceiling of lower warehouse partially collapsed from water damage” by Naval consultants (PRC Environmental Management, Inc., 1996). An independent analysis was performed by W.B. Clausen Structural Engineers for the City. In a letter dated June 6, 1996, the company stated that “The building has suffered major water damages to wooden roofs and floors. It is our opinion that costs to repair this building will exceed its value. This building should be demolished.” (Brady and Associates, 1997:I-34)

The Reuse Plan goes on to state:

> Based on structural analyses performed to date and on a preliminary market assessment of the need for space in this building, demolition is recommended over preservation, especially the longer it stands empty. Demolition would be advantageous in that it would free additional land for new development needed to help finance improvements for reuse of other historic buildings (Brady and Associates, 1997:I-34).

In the years that have transpired since this assessment was made, Building No. 6 has suffered continued deterioration and none of the deficiencies identified during the studies conducted for the Reuse Plan have been addressed.

As discussed in the Reuse Plan, a marketing study was undertaken to assess the potential demand of several potential business sectors for space within Building No. 6. The study found that reuse opportunities for the building are limited, given that it was designed for use as a warehouse. Limiting factors include its unappealing appearance, the limited number of windows, close-spacing of interior support beams that severely restrict the ability to provide large open spaces, and a sloped floor, among
other concerns. The Reuse Plan suggests that the only practicable reuses would include warehousing, light industry, or as a live/work space.

Based on the level of interest generated during the public comment period in the summer and fall of 2009, an additional study was undertaken following release of the Draft EIS/EIR to further evaluate the economic and practical limitations associated with reusing the building. A detailed structural analysis was commissioned to supplement the Historic Building Structural Condition Assessment (Lionakis Beaumont Design Group, 2008; Appendix E). The condition assessment completed in 2008 considered the minimum repairs required to reuse the building according to its original design (warehouse). The assessment and associated opinion of probable cost did not account for the suite of modifications required for a use other than that for which it was originally designed. For the supplemental assessment (Lionakis Beaumont Design Group, 2009; Appendix DD), it was assumed that the building would be adaptively reused as a conference center with limited retail and food service amenities as a component of the gaming resort project described in Alternatives A, B and C.

The supplemental assessment employed visual examination, field measurements, coring of concrete walls and floors, and laboratory materials testing in order to more fully characterize the condition of the building and to develop recommendations for reuse. The assessment observed that several of the deficiencies identified in 2008 have worsened, particularly as it relates to the failing roof system that is exposing other components of the building to damage from exposure to the elements. Deficiencies identified include: a partially collapsed roof; failing slope and drainage of the roof in areas that have not collapsed; unfinished concrete exterior walls and parapets that are spalling, cracking, and exposing rebar to oxidation; water percolating through exposed concrete walls causing damage to the eastern wall that retains up to 12 feet of earth; extensive dry rot on wooden components; inadequate seismic stability; as well as other structural and architectural issues. Refer to Appendix A of the supplemental assessment (Appendix DD) for recent photographs of Building No. 6 illustrating its current state of disrepair. Not surprisingly, the survey of mechanical and plumbing systems found that the existing conditions are wholly inadequate, requiring a near-complete overhaul.

As part of the supplemental structural assessment and conceptual design for reuse, Lionakis prepared an estimate of probable cost for design and construction of the building’s core and shell. The analysis concluded that “actual costs would be expected to exceed $25,000,000…other cost factors not included in the estimate of probable cost include site design and construction of circulation facilities, accessibility for compliance with the Americans with Disabilities Act (ADA), a reconfigured main entry to articulate with the other site components, and delivery access. Such considerations are expected to add approximately five percent to the overall cost. Furniture and equipment costs for the event/conference center would likely add an additional 15 – 20 percent of the construction costs (Lionakis, 2009:1; Appendix DD).” Lionakis echoes the findings of previous structural and architectural assessments of the building in their conclusions. They state, “Despite the fact that the building is associated with the Winehaven Historic District, it has extremely limited architectural merit. While the recommendations presented herein would
provide for adaptive reuse of the building, it is our opinion that the costs associated with the rehabilitation would far exceed its finished value (Lionakis, 2009:1; Appendix DD).”

Despite the questionable feasibility of the retention of Building No. 6 within a development alternative, as noted above, Alternative B1 was added to the Final EIR, which retains Building No. 6. Based on the large number of comments requesting an alternative that preserves Buildings No. 6 the project proponent provided the design for Alternative B1 which includes reuse of Building No. 6 as a retail and restaurant complex. This use is similar to the conference center / retail / restaurant uses assumed in the Lionakis assessment. Therefore, we would assume the substantial costs of reuse estimated by Lionakis would be similar for the reuse proposed in Alternative B1.

The renovation and reuse of Building No. 6 is not likely to result in increased patronage or operating revenues when compared to Alternative B, because it has not added any new components that would be expected to have such a result. The project proponent is of the opinion that the components proposed and the size of those components as detailed in both Alternatives B and B1 are appropriately tailored to the size of the project site and the surrounding market such that the expansion or addition of components would result in diminishing returns.

Thus, Alternative B1 would result in substantial additional costs without resulting in any additional revenues to offset these costs. Nonetheless, Alternative B1 is considered a potentially feasible alternative for the purposes of CEQA analysis. While profits would clearly be diminished, the project proponent has not indicated that the development of Alternative B1 would be unprofitable or otherwise infeasible. Furthermore, as suggested by some commenters, the reuse of Building No. 6 may be important to the public and political acceptance of the development of the project site. Thus, while implementation Alternative B1 may not be the first choice of the project proponent, based on information available, it is considered a potentially feasible alternative that has been included in the Final EIR. However, whether Alternative B1 can ultimately be accomplished in a successful manner will depend on the final costs of restoration and whether the proposed uses (retail / restaurant uses) can successfully be implemented in a rehabilitated Building No. 6. The discussion above outlines these challenges. The project proponent has made no commitment regarding whether it can or is willing to carry out Alternative B1.

With respect to Building No. 17, the City determined that the land surrounding the building is among the most ecologically suitable locations for new on-site development (see discussion above concerning development constraints) and that retention of the building in its present location would result in the elimination of critical proposed uses. The Draft EIS/EIR, at Section 4.6, discloses the significant impact associated with relocating the building on-site, and Mitigation Measure 5-1(l) is recommended to lessen the severity of the impact. In short, in-situ preservation of Building No. 17 would result in either a drastic scaling back of the project such that the City’s objectives for reuse would not be met, or that displaced amenities and programming elements would be shifted to less desirable locations on the property,
resulting in less open space, encroachment into biologically or archaeologically sensitive areas, and diminishment of the walk-ability of the site due to reduced density, etc.

### 3.4 SAN FRANCISCO BAY TRAIL

**Summary of Comments:** Several of the comments received state that the Proposed Project should be required to provide the funds to design, permit, and construct an approximately 2-mile segment of the San Francisco Bay Trail south of the project site to Point Richmond. In addition, some commenters suggest that such off-site improvements are required by the City of Richmond’s General Plan.

**Response:** As described under *Parkland and Recreation* in Section 2.2.2 of the Draft EIS/EIR, the Proposed Project would include construction of a segment of the San Francisco Bay Trail through the Point Molate property. The proposed trail would be located along the shoreline of the Point Molate property and would be maintained by the project proponents.

In November 2009, Chevron agreed to donate 1.5 miles of its property to the East Bay Regional Park District (EBRPD) for Bay Trail easements on the west side of the San Pablo Peninsula. The two easements are located between the Richmond San Rafael Bridge to the Point Molate property south of the project site, and between the Point Molate property and the City’s Terminal 4 property on the north. The EBRPD Board of Directors voted to accept Chevron's donation and appropriated $100,000 for trail alignment engineering, surveying and title costs. In the absence of associated significant impacts, it is not the responsibility of the project proponents to complete the off-site segments of the Bay Trail, nor can the project proponents compel EBRPD to build the proposed segment. However, in light of these recent developments regarding the easement conveyance, **Improvement Measure 7-20** has been added to the Final EIR clarifying requirements for bicycle and pedestrian access to the site from the existing path under I-580. The improvement measure provides for the construction of bicycle lanes and sidewalks along Western Drive to the project site if the Bay Trail segment north of I-580 is not in place at the commencement of operations at Point Molate. Alternatively, the bike lanes and sidewalks would not be built along Western Drive north of I-580 if the Bay Trail connection between the project site and I-580 is functional upon the beginning of operations.

With respect to compliance with the Richmond General Plan, some commenters cite General Plan Goal OSC-S item 1, which states “City will require all new commercial, industrial, and residential developments to provide public access where a local or regional trail (e.g., Bay Trail and Bay Area Ridge Trail) is planned or located.” The Proposed Project is consistent with this goal as the entire shoreline area at Point Molate would be open to the public and the Bay Trail segment through the project site would be completed.
3.5 GEOLOGY

3.5.1 SEISMICITY AND LIQUEFACTION

Comments: Several comments were received regarding the safety of constructing habitable structures within a seismically active region such as Point Molate and the San Francisco Bay Area. Commenters were concerned with the seismic shaking potential of the area and associated potential for liquefaction of soils on the project site.

Response: Because of the seismic activity of the region, provisions are included as mitigation in Section 5.2.1 of the Draft EIS/EIR to reduce potential impacts associated with seismic shaking and liquefaction (and unstable soil conditions) to less than significant levels. As stated in Mitigation Measure 1-3, the Winehaven buildings and any other retained on-site historic buildings shall be retrofitted in compliance with the State Historical Building Code (Health and Safety Code 18950, et. seq. and California Code of Regulations Part 8 Title 24) to reduce the risk of collapse during strong seismic events. The above referenced mitigation measure has been clarified in the Final EIR to note the specific statutory and regulatory frameworks that apply.

New buildings shall be constructed according to the seismic stability provisions of the California Building Code, which defines seismic requirements for the project site area. These provisions will reduce potential impacts. Additionally, as required under Mitigation Measure 1-2, engineering of all structures and facilities shall incorporate the recommendations of the final design-grade geotechnical report to mitigate all potential impacts associated with seismic activity and liquefaction. These measures are anticipated to include requirements to construct foundations designed to resist movements of expansive soils and removal of unstable soils and replacement with suitable fill or engineered materials. Adherence to engineering standards and site-specific design specifications would mitigate potential impacts associated with seismicity as well as expansive or unstable soils. Verification of adherence to the strict structural prescriptions would be accomplished through implementation of the required Mitigation Monitoring and Reporting Plan as well as through independent plan checks and construction inspection, which are standard construction requirements.

3.6 WATER AND HYDROLOGIC ISSUES

3.6.1 WATER SUPPLY

Comments: Several comments raised the issue of potential impacts on East Bay Municipal Utility District’s (EBMUD) water supply infrastructure from the Proposed Project. Comments were also received regarding the availability of EBMUD water to meet the demands of the Proposed Project, the need for a water assessment from EBMUD, and purported failure to meet CEQA Guidelines Section 15155 regarding City consultation with the appropriate water agency. Some comments also stated that
the document needs to discuss the potential impacts of the off-site connection routes to fully address direct and indirect impacts from the Proposed Project.

**Response:** Potential impacts to the area water supply are discussed in Section 4.10 of the Draft EIR/EIS. As discussed therein, water demand of the Proposed Project would be met by connection to the existing EBMUD system. The Tribe has received a will-serve letter from EBMUD (November 14, 2007) stating its ability to enter into negotiations and contract for water service to meet the demands of the Proposed Project (Appendix G). As discussed in Section 4.10 of the Draft EIR/EIS, Alternative B would require the highest peak demand of all the alternatives. It is estimated that Alternative B would demand 933 gallons per minute (gpm), which accounts for 0.9 percent of EBMUD’s remaining water supply system capacity. EBMUD’s ability to serve the Proposed Project without detrimentally impacting the supply system was verified through the completion of a Water Supply Assessment (WSA). The WSA (Appendix G), dated September 10, 2008, also memorializes the consultation between the City and EBMUD, fulfilling the requirements of CEQA Guidelines Section 15155. As noted in the WSA, the anticipated demand of the Proposed Project is included within the most recent EBMUD management plan. As stated in the Draft EIS/EIR, implementation of the Proposed Project would not adversely impact the water supply for the area.

A water and wastewater feasibility report (Appendix G) was prepared for the Proposed Project analyzing the components required to provide water service to meet the estimated demands of the Proposed Project. Based on the findings of the report, on-site storage of water in the existing one million gallon water tank would provide adequate pressure to meet fire-flow requirements. Water would be supplied by the existing 12-inch diameter water main located below Western Drive. Potential indirect impacts along Western Drive were assessed in the course of the EIR analysis (Draft EIS/EIR Section 4.3). The Tribe, like all other EBMUD customers, will pay the costs associated with the infrastructure improvements that would be required. EBMUD will ultimately direct the final specifications of all off-site improvements and will work closely with the project proponent in finalizing the design of on-site connections.

**3.6.2 WASTEWATER**

**Summary of Comments:** Several commenters raised the issue of potential impacts from the Proposed Project on Richmond Municipal Sewer District (RMSD) wastewater disposal infrastructure. Comments were also received regarding the availability of capacity at the RMSD Wastewater Treatment Plant (WWTP) to treat the demands of the Proposed Project. Some comments also referenced potential impacts related to the off-site connection routes.

**Response:** As discussed in Section 4.10, the RMSD is in the process of making off-site upgrades to the sewer collection system to minimize the volume of inflow and infiltration (I&I) along existing collection lines. Based upon the City’s Sewer System Master Plan, improvements to the sewer collection system are planned to occur through the year 2020, with an estimated reduction in system I&I by 70 percent (Appendix G).
These I&I improvements will remove the current capacity issues at the WWTP, which are due strictly to wet weather I&I, and allow for future anticipated wastewater flows. Refer to Impact Statements 4.10.3, 4.10.14, 4.10.25, and 4.10.36 in the Draft EIS/EIR for a discussion of I&I rates for each alternative analyzed. Furthermore, as required under Mitigation Measure 9-3 of the Final EIR and by the established application procedure, the Tribe would pay its fair share for improvements, as necessary, consistent with typical commercial requests for service, and fund upgrades to the collection system to reduce existing rates of I&I to such an extent as to provide adequate conveyance and treatment capacity for the peak day wastewater generation rates.

Two potential wastewater conveyance routes are discussed in the Draft EIR/EIS. The two utility routing corridors are described in Section 2.0 of the Draft EIS/EIR and detailed maps of the routes are provided in the water and wastewater feasibility study included in Appendix G as well as Figure 4.14-3 of the Final EIR. As the existing wastewater conveyance system connecting to the project site does not meet anticipated project flow requirements, the development of new infrastructure is needed prior to project operation. Two optional routes were analyzed in the Draft EIS/EIR. Through a combination of background research and field surveys covering off-site improvement areas, the potential environmental impacts associated with the construction of the wastewater conveyance and other utility routes, as well as improvements to regional transportation facilities, were considered in the scoping and execution of resource studies (Sections 3.5.4, 3.6.2, and 4.14.8). Analysis of indirect and off-site effects of the Proposed Project is presented in Section 4.14 of the Draft EIS/EIR. The Final EIR (Section 4.14.8) has been supplemented to more fully describe the research and field study undertaken to assess off-site impacts. Off-site locations analyzed in the Final EIR include the optional utility alignments (Figure 4.14-3), as well as all areas subject to ground disturbance related to mitigation (e.g., transportation facilities). Off-site surveys were conducted on September 3 and September 25, 2008 (Sections 3.5.4, 3.6.2, and Appendix Y). Additional background research and field survey was undertaken in October 2009 to augment work from the previous year (4.14.8). As such, all areas that may be affected by off-site infrastructure improvements are analyzed in the Final EIR.

3.6.3 STORMWATER

Summary of Comments: Several commenters were concerned with the ability of the project design to detain and treat stormwater in accordance with local and state standards.

Response: As discussed in Section 3.3.2, surface runoff from lands within the project site and lands tributary to the project site originates from the ridge located approximately one fourth to one half mile east of the western coastline. Eight distinct watersheds are present on the project site, which discharge directly to San Francisco Bay (Bay). The watersheds and existing storm drains are shown in Figure 3.3-2 of the Draft EIS/EIR. Additional details regarding the on-site drainages are provided in Appendix H. To assess the capacities of the existing stormwater conveyance system to accommodate the change in
impervious surfaces, a drainage plan was developed and is included within Appendix H. The drainage plan includes runoff hydrographs which quantify the increase in stormwater runoff rates and recommended improvements that would result in the detention of increased flows associated with project development, thus limiting off-site flows to rates equal to or less than the pre-existing off-site stormwater discharge rates. Based on the drainage plan’s recommendation to require incorporation of drainage improvements and provisions outlined within the Contra Costa Stormwater C.3 Guidelines, discharge from the project site would not result in significant impacts to the beneficial uses of the Bay.

Mitigation has been included that requires the Tribe to develop a design-grade Stormwater Control Plan that includes the provisions outlined within the most current version of Contra Costa Stormwater C.3 provisions. As discussed in Mitigation Measure 2-3 of the Draft EIS/EIR, the Stormwater Control Plan shall include final design specifications as required by the C.3 Guidelines in place when development begins. The existing C.3 Guidelines have been incorporated into the preliminary drainage plan included in Appendix H of the Draft EIS/EIR.

Implementation of the planned stormwater quality improvement design provisions of the project alternatives are the responsibility of the Tribe with oversight provided by the appropriate jurisdictional agency. On trust lands, Region 9 of the U.S. Environmental Protection Agency (USEPA) is responsible for ensuring tribal actions on trust lands do not interfere with a State’s ability to meet the requirements of the Clean Water Act (CWA). The Tribe is responsible for maintaining the performance of water quality improvements with the potential for civil penalties should failures result in environmental impacts. On fee lands, the City and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) are responsible for ensuring Tribal and City actions do not degrade water quality in such a manner that CWA requirements cannot be met. As required by Mitigation Measure 2-1, the Tribe would be responsible for ensuring water quality improvements are maintained in accordance with the requirement to implement a stormwater pollution prevention plan (SWPPP) that addresses water quality impacts associated with construction and operation of the project. Additional provisions preventing stormwater pollution would be documented in an Erosion and Sediment Control Plan (prepared for fee lands) and a Tribal a Grading Ordinance that is the functional equivalent to the requirements of the City’s grading permit (for trust lands), as required by Mitigation Measure 2-2. Compliance with the applicable provisions of the CWA on trust lands would be verified and enforced by the USEPA. Furthermore, all mitigation included in the Final EIR will be enforceable by the City. Please refer to General Response 3.10 for a discussion of the mechanisms in place to enforce mitigations specified in the Final EIR.

3.7 AIR QUALITY

3.7.1 TOXIC AIR CONTAMINANTS

Summary of Comments: Some commenters stated that the Proposed Project could have a direct or cumulative impact related to air quality toxicity.
Response: The types of commercial and retail uses proposed at the project site would not emit toxic air contaminants (TACs) in an amount that would require risk screening. TACs (including diesel particulate matter [DPM]) are discussed in Section 3.4 and Section 4.4 of the Draft EIR/EIS. The Chevron Refinery, located on the east side of the San Pablo Peninsula, is the nearest emitter of TACs in the vicinity of the project site. The Chevron Refinery is separated from the project site by Portero Ridge, which rises roughly 325 – 430 feet above sea level. The prevailing winds are from the west/southwest 86 percent of the time. The distance, natural barriers, and prevailing winds isolate the project site from the Chevron Refinery; as such, no direct or cumulative TAC impacts would occur.

3.7.2 INDOOR AIR QUALITY

Summary of Comments: Several commenters stated that the Proposed Project would have a significant impact on indoor air quality due to second hand smoke.

Response: Section 4.4 of the Draft EIS/EIR provides a discussion of indoor air quality. Second hand smoke has the potential to precipitate an array of health problems. While indoor smoking is regulated at the state level, there are no similar provisions at the federal level that would apply to trust lands. Moreover, there are no federal or state indoor air pollution thresholds that are applicable to the analysis.

Indoor smoking would be permitted at designated areas within the casino facility. Potential impacts related in indoor smoking are analyzed in Sections 4.4.3, 4.4.6, and 4.4.9 of the Draft EIS/EIR. The analysis in Section 4.4 includes second hand smoke generated within the gaming facility as well as outdoor pollutants derived from tobacco smoke brought into the facility by ventilation systems. Mitigation Measures 3-45 through 3-53 provided in Section 5.2.3 of the Draft EIS/EIR would reduce second hand smoke and indoor air pollutant impacts to a less than significant level. The broad range of mitigation measures includes, but are not limited to: smoke-free areas of the casino with separate HVAC systems; notification signage, readily available literature, and disclosure to all prospective employees concerning the presence and effects of second hand tobacco smoke; ventilation systems that are compliant with ASHRAE Standard 62-1999 requirements; and protection of fresh air sources from tobacco smoke or other pollutants of concern.

3.7.3 TRIP GENERATION

Summary of Comments: Some commenters stated that the trip generation rate applied in the transportation analysis is erroneous and therefore emissions from vehicle trips are underestimated.

Response:
Refer to General Response 3.12 regarding trip generation rates.
3.8 GLOBAL CLIMATE CHANGE

3.8.1 GREENHOUSE GASES

Summary of Comments: Several commenters stated that the criteria used to evaluate potential impacts related to greenhouse gases and climate change are inappropriate.

Response: Section 4.15 of the Draft EIS/EIR provides a quantification of the GHG emissions for all development alternatives. At the time the Draft EIS/EIR was released for public comment, no federal, state, or local agency had set numerical significance thresholds for the analysis of impacts from greenhouse gas (GHG) emissions. In the absence of such thresholds, the GHG impact analysis in the Draft EIS/EIR is properly based on guidance provided by, and/or consultation with, the California Air Resources Board (CARB), the California Air Pollution Control Officers Association (CAPCOA), the Association of Environmental Professionals (AEP), the California Office of Planning and Research (OPR), and the California Attorney General’s Office. The goal of all GHG impact analysis guidance in California is to ensure compliance with the State’s GHG reduction targets contained in Assembly Bill 32 (AB 32). Therefore, the Draft EIS/EIR properly considers the Proposed Project’s effects on statewide efforts to achieve GHG reductions under AB 32 in determining whether a significant impact would result. In addition to the mitigation measures required to ensure a less than significant impact, an extensive list of improvement measures are provided in Draft EIS/EIR Section 5.2.3 that would further reduce GHG emissions. As noted in Draft EIS/EIR Section 5.2.3, many of these measures are consistent with the Office of the Attorney General’s recommended global warming mitigation measures.

Although the climate change analysis in the Draft EIS/EIR remains adequate pursuant to the requirements of NEPA and CEQA, the analysis has been substantially updated and revised in Section 4.15 of the Final EIR consistent with the recent CEQA Guidelines issued by the Bay Area Air Quality Management District.

3.8.2 SEA LEVEL RISE

Summary of Comments: Several commenters raised the issue of potential impacts related to sea level rise associated with global warming.

Response: The project site would not be impacted by rising sea levels, even if a worst case scenario of a 55 inch increase in sea level over the next 100 years is assumed. The text of the Final EIR has been updated in Sections 3.4 and 4.15 to describe existing conditions, outline the most-likely and worst case scenarios for sea level rise, and address the potential for the project site to be impacted. Using modeling data provided by the San Francisco Bay Conservation and Development Commission (BCDC), it was determined that only a tiny portion of the project site would be subject to inundation under the worst case scenario of sea level rise. Figure 3.4-1 was added to the Final EIR, which depicts shoreline areas vulnerable to sea level rise based on data provided by BCDC. The portion of the project site subject to
inundation is located below the existing sea wall, and no project components would be located in this area. As such, no impacts related to sea level rise would occur.

3.9 BIOLOGICAL RESOURCES

3.9.1 Eelgrass

Summary of Comments: Several commenters have claimed that impacts to eelgrass beds have not been fully evaluated and that potential effects from project construction, site stormwater drainage, quarrying and barge transport of aggregates via the pier and ferry operations would negatively impact eelgrass beds.

Response: Potential impacts to eelgrass beds located within the submerged lands within the project site were addressed in Section 3.5.4, 3.9.1, 4.5, and 5.2.4 of the Draft EIS/EIR. Consideration of several factors related to optimum habitat characteristics, the spatial relationship of project components to sensitive habitats, proposed water quality improvements, and proposed ferry operations indicates that the Proposed Project would have a less than significant impact on eelgrass beds located within the waters of Point Molate.

Recent (April 2009) aerial mapping of the Point Molate eelgrass beds with high resolution satellite imagery and overlays of San Francisco Bay bathymetry navigation maps shows that the eelgrass beds are confined to near shore shallow water habitats no deeper than 3 feet (Appendix FF). Examination of the mapped extent of the eelgrass beds shows a distance in excess of 2,000 feet between the proposed mooring location on the pier and the seaward extent of the currently mapped eelgrass beds. As described in detail below, the extent of eelgrass beds off shore of Point Molate is constricted by depth and available light. The depth at the end of the pier is approximately 30 feet which is well out of the depth range of eelgrass beds in the San Francisco Bay. Furthermore, the rather long pier (approximately 1,365 feet) at Point Molate extends to the edge of the regulated navigation zone known as the San Francisco Bay Vessel Traffic Services Area, which is a major water transportation route. Refer to Appendix FF for a bathymetric map depicting the project site in relation to the established navigation zone.

Direct impacts to eelgrass beds from project construction are fully avoided based on the project design. Total avoidance of eelgrass bed habitat is accomplished by virtue of the fact that only the existing pier will be utilized and the total surface area of the pier will not be increased. Improvement of the existing pier may occur, but no new piles will be driven nor will any structures be built in the vicinity of eelgrass bed habitat. All activities associated with the pier reuse are subject to approval by the BCDC through consultation, and specific parameters associated with the pier reuse will likely be specified conditions of the BCDC consistency determination process.

Potential indirect impacts to eelgrass beds related to project site drainage, stormwater management and water quality are addressed in Sections 2.2.2, 3.3 and 4.3 and General Response 3.6.3. A National
Pollutant Discharge Elimination System (NPDES) general construction permit will be acquired for the project under regulation of the Clean Water Act (CWA) and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented for the management of construction related storm water discharges, as well as erosion and sediment control for all construction.

Additionally, a storm water management plan (SWMP) is included in Appendix H which details how storm water flows that may contain potentially turbid and/or contaminated waters will be stored in temporary detention facilities and filtered through vegetated swales in accordance with Contra Costa County C.3 stormwater quality control guidelines. In compliance with the CWA, these facilities will be monitored for water quality and treated if necessary prior to surface water discharge into the Bay. Section 4.3.6 analyzes water quality effects from stormwater. Section 5.2.2 details the Best Management Practices (BMP) to be developed in a SWPPP and a design-grade Stormwater Control Plan will be created in accordance with the Richmond Municipal Code 12.22.050. Furthermore, all regional Basin Plan water quality objectives must be met for all stormwater discharges entering State waters from non-trust lands. These combined measures and implementation strategies, in adherence with RWQCB water quality standards and objectives, will reduce water quality effects from project related surface water discharges to less than significant levels to eelgrass beds. In fact, with the implementation of the full suite of habitat restoration, on-site biological mitigation, and improvements to the aged stormwater system currently in place, the quality of water discharged to the Bay is expected to significantly increase.

Aggregate materials are slated to be quarried and processed on-site and would be transferred from the designated processing locations to barges docked at the end of the pier using a conveyor belt system set up on the existing pier structure. Sufficient dust control of crushed materials would be accomplished prior to transport along the conveyor system. To assure that all material being transported along the conveyor has a low risk of being discharged into the Bay by wind erosion or any other causes, complete enclosure of the conveyor belt system will be accomplished along with wetting the loose material as it enters the barges. This will prevent any loose sediment, soils or dust from entering the Bay during the transport operations (Mitigation Measure 4-8).

While the project proposes to utilize the existing pier as a ferry terminal, these ferry services would be offered using established deepwater channel routes and would not increase the overall vessel traffic in the Bay. As described in the letter dated December 8, 2008 from the President of the Blue and Gold Fleet (Appendix S), ferry service to the project site would be most effectively provided through “back-loading” of existing ferry routes. This is accomplished by stopping at the Point Molate pier in the reverse commute direction on “dead-head” runs that are virtually empty. As such, the number and frequency of ferry vessels passing the Point Molate pier would not increase over existing conditions. Thus, the frequency and magnitude of potential ferry wakes would not significantly increase from the current baseline condition under the Proposed Project. The ferry mooring location would be established at the deepwater channel end of the pier, where the depth of the Bay is approximately 30 feet. Ferries, oil tankers, and all manner of other vessels pass adjacent to the existing pier on a daily basis as they traverse...
the San Pablo Straight located roughly 1.5 miles north. As such, the slight diversion to land at the Point Molate pier would not create wakes or turbidity in the near-shore environments that are greater than what are experienced under the baseline conditions as a result of existing water transportation. It should be noted that during Naval occupation of the site, ships with far greater draft and much larger propellers (with a concomitant ability to raise more turbidity) regularly moored at the pier with no apparent adverse effect on the eelgrass beds at Point Molate as indicated by historic aerial photographs (Appendix FF). Moreover, the eelgrass beds along Point Molate also survived several decades during which time a shrimp camp was located on the southern beach. The camp had several small piers that extended into the Bay and regularly dragged large nets along the bay bottom while hauling in their catch. The shrimp camp was in operation at the same time that hydraulic mining was taking place in the Sierra Nevada, creating an unprecedented amount of sediment to be washed into San Francisco Bay, undoubtedly raising the turbidity of near-shore environments. Despite such intensive past use of the shoreline at Point Molate, the eelgrass beds have nonetheless survived. Nonetheless, additional language has been added to Final EIR Section 5.2.4 that would serve to further reduce any potential for impacts related to boat wakes.

Despite the fact that the Project was designed with habitat preservation in mind, mitigation has been added (Mitigation Measure 4-8) to the Final EIR that specifies the speed at which ferry vessels may approach the pier to further reduce the potential for the creation of wakes and turbidity. The area landward of the pier, which extends to the north and south of Point Molate, is restricted to motorized boat traffic and would remain so under all of the project alternatives.

In a literature review document dated February 2003 that was jointly prepared by National Oceanic and Atmospheric Administration (NOAA) Center for Coastal Fisheries and Habitat Research and the University of Washington, School of Marine Affairs titled; Eelgrass (Zostera marina L.) Research in San Francisco Bay, California from 1920 to the Present, the Point Molate eelgrass beds were thoroughly reviewed from available scientific literature. This document highlights studies conducted by Zimmerman et. al in 1991; Short and Duarte in 2001; and Phillips and Wyllie-Echeverria in 1989 to find and evaluate relationships between sub-marine light and eelgrass distribution in the Bay; the Point Molate eelgrass beds were evaluated in these studies. Findings presented in the study indicate that Point Molate eelgrass is a distinct ecotype adapted for locally high turbidity and lower light conditions and that these factors in combination with other unidentified environmental factors limits the growth of eelgrass at the Point Molate location. In addition, Zimmerman et. al indicated that Point Molate eelgrass was limited by available light to depths approximating 1 meter (3.3 feet).

Other literature such as Jensen et. al 2000 titled, Eelgrass, Growth Along Depth Gradients shows that at the 3 meter range (9.8 feet), maximum relative cover and biomass are observed for eelgrass in suitable light conditions. This study also indicated that beyond 3 meters a steady reduction in cover and biomass is observed. Therefore as available light is decreased the depth of establishment is also decreased.
Utilization of the existing pier would provide a 2,000 foot buffer, which is more than sufficient for ferry approaches and departures. In addition to this favorable buffer, **Mitigation Measure 4-8** includes supplemental measures such as limiting ferry routes to the deepwater channel as well as reducing approach velocities to the end of the pier. Furthermore, ferry traffic will not route from the terminal landward towards the shoreline and the mooring of private boats would not be allowed. In addition to these strict impact avoidance measures the Tribe has committed money and volunteer hours to a current eelgrass monitoring and restoration program developed to establish reseeding of the current population and track eelgrass growth rates as well as other applicable environmental parameters to maintain and preserve these sensitive habitats. These monitoring efforts will ensure that these sensitive habitats are preserved and maintained in perpetuity.

The conditions cited above, in combination with the relevant avoidance and mitigation measures will reduce potential impacts to eelgrass beds to a less than significant level. The National Marine Fisheries Service (NMFS) concurred with this conclusion of less than significant impact for purposes of consultation under Section 7 of the Endangered Species Act (Final EIR **Appendix FF**). NMFS recommended extended monitoring of impacts to eelgrass during operation, however, to ensure mitigation is effective and impacts to essential fish habitat are less than significant - this mitigation has been added to **Section 5.0** of the Final EIR.

### 3.9.2 HABITAT CLASSIFICATION

**Summary of Comments:** Some commenters stated that the vegetation mapping presented in the Draft EIS/EIR is not accurate, specifically with respect to the classification of grassland habitat.

**Response:** Habitat classification is presented in **Section 3.5.4** of the Draft EIS/EIR. All grassland encountered on-site was considered to be highly degraded and more appropriately classed as California Annual Grassland Alliance, rather than coastal prairie/coastal grassland. Plant species most frequently observed within the annual grassland habitat on-site were slender wild oat (*Avena barbata*), big quaking grass (*Briza maxima*), ripgut brome (*Bromus diandrus*), soft brome (*Bromus hordeaceus*), red brome (*Bromus madritensis ssp. rubens*), nit grass (*Gastridium ventricosum*), ryegrass (*Lolium multiflorum*), Harding grass (*Phalaris aquatica*), brome fescue (*Vulpia bromoides*), Italian thistle (*Carduus pycnocephalus*), field mustard (*Brassica rapa*), smooth cat’s-ear (*Hypochaeris glabra*), morning glory (*Convolvulus arvensis*), rose clover (*Trifolium hirtum*), filaree (*Erodium botrys*), Fitch’s spikeweed (*Hemizonia fitchii*), sticky tarweed (*Holocarpha virgata*), blue dicks (*Dichelostemma capitatum*), Ithuriel’s spear (*Triteleia laxa*), cheeseweed (*Malva parviflora*), and bristly ox-tongue (*Picris echioides*). Of these dominant species, only a few of the forbs are native: Fitch’s spikeweed, sticky tarweed, blue dicks and Ithuriel’s spear.

Please refer to **Section 3.5-13** where it is noted that “A comprehensive list of plant species observed on-site during the floristic surveys is provided in **Appendix K**. Plant species identification, nomenclature, and taxonomy followed The Jepson Manual: Higher Plants of California (Hickman, 1993) and Plants of...
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the San Francisco Bay Region: Mendocino to Monterey (Kozloff and Keidleman, 1994). Plant species observed on-site were identified to the lowest taxonomic level permitted given the timing of the surveys and phenological state of the plants. Habitat classification was based on the classification systems presented in A Manual of California Vegetation (Sawyer and Keeler-Wolf, 1995), Preliminary Descriptions of the Terrestrial Communities of California (Holland, 1986), and A Guide to Wildlife Habitats of California (Mayer and Laudenslayer, Jr. 1988), but have been modified to reflect the existing conditions on-site."

While the distinction between coastal prairie and California Annual Grasslands is subtle, both are general grassland types that can be highly variable in species composition and have been invaded to differing degrees by non-native plants. While at some point in the past, coastal prairie was more than likely the dominant grassland habitat on Point Molate, it should be noted that without natural disturbance regimes present such as grazers and periodic wild fire, or proper management, coastal prairie does not sustain and over time becomes invaded by non-natives to the degree where a coastal prairie designation is unwarranted. Additionally, the California Department of Fish and Game (CDFG), which tracks coastal terrace prairie in CNDDB, does not identify this habitat type on the Point Molate site and the next closest occurrence of this habitat is 5 miles to the west on Ring Mountain in Marin County.

It should be noted that regardless of the typological classification of on-site grassland habitats, only 0.637 acres of 39.461 acres (equalling 1.61 %) of total grassland habitat is impacted under Alternative A. Mitigation Measure 4-1 outlines a 2:1 replacement/restoration ratio for these impacts. This would include the conversion/restoration of a 1:1 ratio of non-native habitats on-site to grasslands as well as designating an additional 1:1 ratio of existing and equivalent habitat into an open space preserve with a conservation easement in perpetuity. Mitigation Measure 4-9 details how the vegetation mitigation will be designed, implemented, maintained and monitored in perpetuity with the development of a Vegetation Management Plan (VMP) for the project site. This plan will include design and implementation strategies for planting and seeding of native grasses and component species that are most indicative of the natural historic maritime setting on-site. Native grassland species documented to occur in low abundance on-site such as California oatgrass (Danthonia californica), red fescue (Festuca rubra), purple needlegrass (Nassella pulchra), cordgrass (Spartina foliosa), inland saltgrass (Distichlis spicata), and six week fescue (Vulpia octaflora) will be harvested for seeds, to the extent feasible, and used for grassland establishment in these newly created grasslands. These grasses will form a basis for establishment of a native grassland community. In addition to these species, a preponderance of additional native component species will be used for restoration of the grasslands on-site. The composition of grasses used for restoration and replacement will be detailed in the VMP.

Additional botanical surveys have been conducted on the site since the publication of the Draft EIS/EIR. These surveys have shown that current conditions on the site are similar to the conditions reported in the Draft EIS/EIR. The surveys cited in the Draft EIS/EIR as well as recent surveys will be utilized in the
development of the VMP and will be considered as applicable to permits/approvals requiring an accounting of impacts to vegetation or habitat.

### 3.10 MITIGATION ENFORCEMENT

**Summary of Comments:** Several comments were received that questioned the mechanism for enforcing mitigation and improvement measures provided in the Final EIR.

**Response:** As described in Section 1.5.5 of the Draft EIS/EIR, all mitigation and improvement measures adopted by the City of Richmond as conditions of approval of one of the project alternatives will be included in a Mitigation Monitoring and Reporting Program to verify compliance. If the City decides to adopt one of the alternatives that includes federal trust acquisition of the project site (Alternatives A, B, and C), the mitigation will be attached as an exhibit to the Municipal Services Agreement (MSA; Appendix C), and thus will be incorporated into a legally enforceable contract. Recognizing the unique status of the Guidiville Band of Pomo Indians as a federally-recognized tribe, Section 11.3 of the MSA provides for a limited waiver of the Tribe’s sovereign immunity for enforcement of contractual obligations specified in the LDA and its attachments, such as the MSA. Enforcement on the part of the City will consist of verifying compliance with all mitigation and improvement measures specified in the Final EIR. The Tribe also provided a limited waiver of sovereign immunity from unconsented suit for the purpose of enforcing mitigation measures stipulated in the Intergovernmental Agreement (IGA; Appendix BB) that was entered into with Contra Costa County.

### 3.11 SOCIOECONOMIC CONDITIONS

#### 3.11.1 CRIME

**Summary of Comments:** Several commenters expressed concern that casino operations are linked to crime, and that the Proposed Project would significantly increase crime throughout the region. Several commenters highlighted specific crimes they were concerned would increase as a result of the Proposed Project, including prostitution, child abuse, domestic violence, public intoxication, and driving while intoxicated.

**Response:** As discussed in Section 4.7.6 of the Draft EIS/EIR, there has been no demonstrated causal link between casino-style gambling and crime. The discussion of social effects from gambling casinos is based primarily on studies by the National Gambling Impact Study Commission (NGISC) (1999), the National Research Council (NORC) (1999), and the National Public Sector Gaming Study Commission (NPSGSC) (2000). While each of the studies is distinct, they consider a range of sources including: academic research, testimony on a range of topics from around the United States, review of articles and comments, and original datasets from statistics of 100 different United States communities and case studies of casino openings. Together they present the most comprehensive and objective research on the social effects of problem gambling.
Destination resorts, by nature, increase the volume of people entering a given area. Whenever large numbers of people are introduced to an area, the volume of crime typically increases proportionately. This holds true for the introduction of any large-scale development. The discussion in Section 4.7.6 of the Draft EIS/EIR points out, criminal incidents would be expected to increase at the project site over existing conditions, since presently there is virtually no public use of the property. Law enforcement services would be required at the resort due to the additional presence of people. With the implementation of the MSA as part of the Proposed Project, the Tribe would provide compensation to local law enforcement service providers so that these agencies have the capacity (employees, facilities, and equipment) necessary to address any increase in demand for law enforcement services resulting from the Proposed Project. The MSA and supplemental mitigation measures (Mitigation Measures 9-13 and 9-19) require construction of a combined police and fire station on-site to serve the San Pablo Peninsula. With mitigation, the impact would be less than significant. For further discussion of law enforcement services refer to Section 4.10.9 of the Draft EIS/EIR. Moreover, mitigation measures presented in Section 5.2.6 of the Final EIR have been supplemented based on input from Cooperating Agencies. With implementation of the proposed mitigation measures, the provisions of the MSA, as well contemporary management practices, potential impacts related to crime would be reduced to a less-than-significant level.

As highlighted in the Public Hearing held September 17, 2009, recent email correspondence between the San Pablo Chief of Police, Joseph P. Aita, and City Manager, Brock Arner, indicates that the Lytton San Pablo Casino has had little impact on local crime. The text of the email was entered into the administrative record by City of Richmond Planning Commissioner Rao. An excerpt of Chief Aita’s statement is provided below.

> It is well known that the addition of any large business or entertainment venue will naturally increase a city’s population, thus generating increased calls for service and/or medical responses by public safety providers. Astonishingly, the Casino only generated 4.5 percent of the City’s total calls for service in 2008; and even less (1.6 percent) which required actual police intervention… Comparatively, the Town Center shopping mall adjacent to the Casino operates extended business hours with a significantly less daily population, yet recorded just 1.5 percent fewer total calls for service that the Casino. The Center also averages 11 arrests per month to the Casino’s 14.

The statements made by the San Pablo Chief of Police further support the findings of the crime impact analysis presented in the Draft EIR/EIS. For more information regarding Chief Aita’s full statement, please refer to Comment PH2-90.

Additionally, Contra Costa County Sheriff Warren E. Rupf stated in a letter to the County Administrator dated November 2, 2009, that he anticipates the Proposed Project would have a negligible impact on
criminal activity (Appendix JJ). Sheriff Rupf noted that there has not been “any significant increase in criminal activity” as a result of the neighboring Casino San Pablo and he expects the same to remain true with the Proposed Project. Sheriff Rupf agrees that the provisions of the LDA and the MSA will adequately address any potential concerns related to criminal activity associated with the Proposed Project. Furthermore, he states that the MSA and LDA will provide the necessary funding to place more deputies in unincorporated West County so that a safer environment may be provided in that area.

With respect to alcohol availability and consumption, it is important to note that it will not be a policy of the Tribe to offer complimentary alcoholic beverages to its customers. Furthermore, as stated under Mitigation Measure 9-15, “the Tribe shall adopt a ‘Responsible Alcoholic Beverage Policy’ that would include, but not be limited to, requesting identification of patrons and refusing service to those who have had enough to drink. This policy shall be discussed with the Richmond Police Department.” Additionally, as stated under Mitigation Measure 6-2 of the Final EIR, “The Tribe shall provide training to all appropriate employees regarding the identification of intoxicated patrons gambling; shall adopt procedures to prohibit intoxicated persons from gambling at the gaming establishment; and shall provide information to intoxicated gambling patrons regarding the dangers of intoxicated gambling, and available counseling and treatment resources.”

The Draft EIS/EIR provides an analysis of all reasonably foreseeable impacts to the human environment from gambling. Section 4.7 and Appendix T of the Draft EIS/EIR analyze potential impacts associated with crime and other social issues as a result of having a casino in the local area. Some commenters described speculative negative expectations that causally linked the Proposed Project with a wide variety of social ills, yet failed to provide new information for consideration in the Final EIR to substantiate the perceived link.

The EIR’s analysis and conclusion that the potential social impacts can be mitigated to a less that significant level is echoed in the Intergovernmental Agreement (IGA) between Contra Costa County and the Tribe, as well as a recent letter from the County to the Secretary of the Interior (Appendix BB). In both documents it is acknowledged that potential impacts will be fully mitigated by the mitigation measures presented in the Draft EIS/EIR.

3.11.2 PROBLEM GAMBLING

Summary of Comments: Several comments received expressed concern that the Proposed Project would increase the likelihood of problem or pathological gambling and associated social dysfunction within the region.

Response: Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of
socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes.

Section 4.7.5 of the Draft EIS/EIR contains a discussion of social impacts, and estimates the increase in the number of problem gamblers and increased demand in treatment for these problem gamblers. As discussed, the most prevalent forms of gambling are those already found in most neighborhoods: scratch lottery cards, lotto, and video lottery terminals. Thus, problem gamblers already exist in most communities. However, several studies suggest that the prevalence of problem and pathological gambling increases for all residents within 50 miles of a casino. Given the presence of an existing Class II casino approximately five miles east of the Proposed Project site, it is assumed that nearby residents are already exposed to gambling at that facility. The Draft EIS/EIR provided several mitigation measures to reduce the significance of these potential impacts. Mitigation measures presented in Section 5.2.6 of the Final EIR augment those provided in the Draft by providing greater specificity, timetables for implementation, and reporting protocols.

Based upon gambling service statistics, as referenced in Section 4.7.5, it has been estimated that approximately one counselor would be needed for every 52 persons in need of treatment for problem and pathological gambling. Mitigation provided in Section 5.2.6 of the Final EIR states that the Tribe will compensate County Social Services for a minimum of two new licensed counselor positions to address problem and pathological gambling. The Tribe and the County will engage in consultation every two years to assess changes in the number of counselors needed, as stipulated in the IGA (Appendix BB). Implementation of mitigation measures to address problem gambling would provide treatment for the estimated increase in problem gamblers from the project alternatives, as well as provide gamblers with awareness of treatment and methods for problem gamblers to privately seek treatment. As detailed in Section 5.2.6, the Tribe would provide training for all appropriate employees regarding identification of problem gambling. Employees shall offer customers information about available problem gambling resources when signs of problem gambling are evident. The Tribe shall maintain a voluntary self-exclusion policy as well as an involuntary exclusion policy for the purposes of preventing problem gambling. The Tribe shall also provide non-monetary support to the California Council on Problem Gambling. Information will be provided to guests of the gaming establishment through signage, pamphlets, and an Internet website that describe the symptoms of problem gambling. Informational brochures will be available throughout the gaming facility that discuss how a person knows that he or she has a gambling problem and the ramifications of such a problem in terms of family, friends and social obligations. The brochures shall provide a hotline number that is available to call 24 hours each day, including the Council on Compulsive Gambling of California’s 24-hour free and confidential Helpline, which offers problem gamblers and their families’ information and referral to self-help and professional services. With implementation of these mitigation measures, potential impacts to problem gambling would be less than significant.
3.11.3 EMPLOYMENT OPPORTUNITIES

Summary of Comments: Some comments requested precise details regarding the employment opportunities generated by the Proposed Project. Several comments opined that most or all jobs offered would pay minimum wage and lack benefits. Some commenters challenged the validity of employment projections, and were concerned that the information regarding jobs is not “guaranteed.”

Response: Employment opportunities generated from the operation of project alternatives would consist of entry-level, mid-level and management positions. The types of positions offered would be similar to other resort facilities that offer a wide range of amenities. Typical tribal casino and resort employment opportunities are listed in Table 4.7-4 of Section 4.7.2 of the Draft EIS/EIR. Entry-level positions could be filled by persons with a variety of skill levels. Average salaries offered would be consistent with, or greater than those of, other tribal gaming facilities and competitive in the local labor market. Existing agreements between the Tribe and City provide for compliance with living wage, first-source hiring and other local worker benefits. The MSA between the Tribe and City requires the Tribe to hire 40 percent of the non-management operational employees from the City of Richmond at opening of the facilities. The Tribe, through the IGA with the County, has further committed to develop a county-wide first-source hiring plan with a goal to source a total of 70 percent (including the 40 percent from the City) of non-management operational employees from within the County at opening of the facilities (Appendix BB).

Operational activities would generate an annual total of approximately 16,771 employment opportunities within the County including direct, indirect, and induced employment, as shown in Table 4.7-5 of Section 4.7.2 in the Draft EIS/EIR. The modeling that generated the projected employment numbers is provided in the Economic Impact Study (Appendix T) of the Draft EIS/EIR. The Impact Analysis for Planning (IMPLAN) model was utilized in the Economic Impact Study. This model was developed by the U.S. Department of Agriculture Forest Service, and is a widely used modeling tool. The IMPLAN model is commonly used to estimate economic impacts to communities and regions. It uses a complex set of coefficients and multipliers that are specific to each county to account for how each industry in the region interacts with one another. These multipliers come pre-programmed into the data for each county. Therefore, the number of jobs that would be generated in different industries can be estimated, but the specific salaries and benefits cannot be estimated with confidence. Specific salaries and benefits for positions depend on the industries and companies or organizations that hire new employees. Market conditions and final programming of amenities at the time of operation would determine the ultimate mix of job types and the amount of compensation. Predicting the future labor market conditions could not be accomplished with precision or confidence and thus would be purely speculative and beyond the scope of analysis.

It is important to note that the IMPLAN model is a tool to project future events based upon certain assumptions. Assuming revenue for the Project’s first year of operations remains consistent with what
has been observed for other resort casino operations in the region, approximately 17,000 jobs are projected to be generated within the region, with the vast majority in Contra Costa County.

As summarized in Section 2.1.2 and Table 2-1 of the Draft EIS/EIR, “Wages shall be equivalent to the wage portions of the federal Davis-Bacon Act, the California Labor Code, the City’s Living Wage Ordinance, the City’s Business Opportunity Ordinance, and the City’s Local Employment Program Ordinance.” The goal of sourcing 70 percent of jobs from within the county labor market would have significant economic benefits for the County from the direct, indirect, and induced jobs created by the Proposed Project. To help effectuate this goal, the Tribe has committed to make three equal payments of $50,000 to the County to fund staffing at the Employment and Human Services Department, North Richmond Young Adult Empowerment Center, as stipulated in the IGA (Appendix BB).

3.11.4 ECONOMIC VIABILITY OF PROPOSED PROJECT

Summary of Comments: Several commenters questioned the economic viability of the Proposed Project.

Response: The project proponent exercised due diligence prior to moving forward with the redevelopment proposal for Point Molate in order to determine the likelihood that the Proposed Project would be economically viable. A Gaming Market Analysis report was prepared (Innovation Group, 2007) in order to examine the local Richmond economy, relative location of competing facilities, and overall Bay Area gaming market conditions. The market assessment determined that the Proposed Project would indeed be successful and would be profitable in its first year of operation. Additionally, as determined in the Growth Inducing Impact Study prepared (Gaming Market Advisors, 2008), the greater Bay Area gaming market is expected to grow by approximately 20 percent to $2.20 billion in 2012 with the introduction of the Proposed Project. Based on the above referenced considerations, the project proponents have invested more than 15 million dollars in the development option fees, project design, and other associated costs. After careful examination of local market conditions, it has been determined that the Proposed Project would be not only economically viable, but particularly successful in the current economy.

3.11.5 ECONOMIC IMPACT TO IMMEDIATE AND SURROUNDING COMMUNITIES

Summary of Comments: Several commenters stated that impacts to the immediate and surrounding communities were not assessed in the Draft EIS/EIR, that the Proposed Project would be detrimental to poor and minority communities surrounding the project site, and that the project would result in urban decay. Some commenters were concerned that the Proposed Project would result in detrimental cannibalization effects for the neighboring Casino San Pablo. In addition, some commenters were concerned that the money patrons would spend while gambling would leave the region and result in a substantial net monetary loss for the surrounding communities.
Response: Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. Tables 3.7-8 and 3.7-9 provide an overview of minority and low-income communities located in proximity to the Proposed Project, including population statistics. Census tracts are used to identify minority and low-income communities for the environmental justice analysis. All of the potentially significant impacts associated with the Proposed Project would occur in close proximity to the project site. It was therefore determined that potential environmental justice communities are those located within the immediate vicinity of the project site, as identified in Section 3.7 and shown in Figure 3.7-1. As discussed in Section 4.7 no low-income or minority communities would be disproportionally adversely affected by impacts of the Proposed Project.

As stated in Section 4.7.2 of the Final EIR, the Proposed Project would generate substantial wages in the regional economy from construction and operational activities. An estimated $903 million would be spent on one-time construction wages. After initial construction, an estimated $481 million annually would continue to be recycled through the surrounding communities by means of operational employee wages. These wages would serve to boost the economy of Richmond and Contra Costa County.

New spending from the Proposed Project is expected to generate a new annual total output of approximately $767 million within the County (Table 4.7-2), which is roughly 80 percent of the projected revenue of $959 million for the casino. There is no evidentiary support for the claim that the Proposed Project would result in net monetary loss for Richmond and the surrounding communities. On the contrary, studies suggest the Proposed Project stands to generate a substantial boost in the economy for Richmond, Contra Costa County and surrounding communities.

Impacts to Regional Businesses

It is important to note that any substitution impacts as a result of the Proposed Project would be diffused across the region because there are a large number of existing businesses that already operate in a competitive environment. While Gaming Market Advisors (Appendix T) find that the facility most proximate to the Proposed Project is expected to experience the greatest proportional loss of revenue, declines in revenue at gaming facilities would be minimal. As projected by the Gaming Market Advisors, the greater San Francisco market would be worth approximately $1.83 billion in 2012 without development of the Proposed Project. With development of the Proposed Project, the gaming market is projected to grow by roughly 20 percent to approximately $2.20 billion in 2012. As the facility would draw non-residents to the area, the associated increase in new visitor demand for off-site entertainment venues, restaurants, etc. would make up for some area residents choosing to visit the Proposed Project rather than other local establishments. Therefore, although a certain amount of cannibalization is to be
expected, it is important to reiterate that the development of the Proposed Project is expected to result in a nearly 20 percent expansion of the San Francisco gaming market, which would greatly offset potential impacts due to cannibalization.

The Proposed Project is not anticipated to result in urban decay of the immediate or surrounding communities. The total gross leasable area (GLA) of all retail centers, excluding malls, is approximately 3.7 million square feet in Marin County and 16.3 million square feet in Contra Costa County (Terranomics Retail Services, 2009). Based upon the expansive retail market currently within communities surrounding the Proposed Project, the analysis presented in the Draft EIS/EIR assumes that regional businesses currently experience significant competition from preexisting retail stores. The development of approximately 367,000 square feet under the Proposed Project would be divided between restaurants, retail, entertainment and other uses as detailed in Section 2.0 of the Draft EIS/EIR. At roughly 1.8 percent of the Contra Costa and Marin markets, the development of retail and food service space under the Proposed Project is small in the context of the broader retail market of the surrounding area. If retail space included within regional malls were considered, the Proposed Project would likely equate to less than one percent of the total regional floor space. Moreover, the types of retail establishments offered at Point Molate would be consistent with other resort facilities and would not be a large draw for regional residents shopping for daily essentials. Finally, given the relative remoteness of Point Molate it is not expected to be a major shopping destination for people who are not already using one of the many other resort amenities. Therefore, as there are many opportunities for consumers to shop throughout the region, the Proposed Project is not anticipated to draw a significant number of consumers away from established retail developments such that it would result in the failure of any regional business. For this reason, the Proposed Project would not result in urban decay of the area.

On the contrary, surrounding communities would benefit from the Tribe’s expenditures on the goods and services necessary to maintain and operate a large-scale destination resort and casino. As stated in the Draft EIS/EIR, purchases would be made primarily from existing vendors located in Contra Costa County, the City of Richmond, and surrounding areas (Alameda, Marin, and Solano counties). While the exact amount of spending at county businesses cannot be quantified, spending at county businesses would generate new revenue and would be considered beneficial. Because the project site is located near a highly populated urbanized area, it is expected that local and county businesses would be able to meet a large portion of demand for goods and services. Further, local business would receive new revenue from induced and indirect expenditures on goods and services. Table 4.7-2 provides a classification of direct expenditures on goods and services. The areas of classification provide a perspective on the industries that would receive output directly from the Proposed Project. To attempt to further quantify expenditures on goods and services at specific local businesses would be highly speculative. Moreover, given the character and mix of amenities proposed under the various alternatives, it is expected that the Proposed Project would cultivate a segment of the regional tourism economy (rather than cannibalize it) and provide a net benefit to regional businesses by creating a greater demand for goods and services.
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3.11.6 POTENTIAL IMPACTS TO SOCIAL SERVICES

Summary of Comments: Several comments received expressed concern that the Proposed Project would strain social and public services, including fire, emergency medical services, law enforcement, schools, and parks and recreation.

Response: Analysis of impacts to social services is described in Section 4.10 of the Draft EIS/EIR. It was determined that impacts to fire services, emergency medical services, and law enforcement could be potentially significant. Mitigation for the aforementioned potentially significant impacts is contained in Draft EIS/EIR Section 5.2.9. With mitigation, all potential impacts to social and public services would be less than significant.

IMPACTS WITHIN RICHMOND

The most pronounced impacts to social services are expected within Richmond. Impacts to fire services, emergency medical services, and law enforcement may be observed during both the construction and operational phases of the Proposed Project. The City would be fiscally impacted by increased costs to provide public services to the Proposed Project. However, these effects are addressed in the MSA (Appendix C), which provides for compensation by the Tribe to the City in the amount of $8 million per year for the first eight years beginning with the commencement of gaming operations, and $10 million per year thereafter. The City would receive additional community benefit payments based on the number of hotel rooms, size of retail floor space, and a portion of the annual construction costs. Provisions of the MSA and implementation of the recommended mitigation measures provided in Section 5.2.9 of the Final EIR (Mitigation Measures 9-7 through 9-12 and Improvement Measure 9-13) would ensure all potential public service impacts are less than significant. For further information regarding the impact analysis and mitigation measures for social services, refer to Sections 4.7 and 5.2.9 of the Final EIR. Refer to General Response 3.14.4 for further discussion of potential impacts to police and fire services.

IMPACTS WITHIN NEIGHBORING COMMUNITIES AND COUNTIES

As discussed in Section 4.10, some of the potential impacts to social services may occur within communities neighboring Richmond, and throughout Contra Costa County. According to Section 2.2 of the MSA (Appendix C), potential impacts of the Proposed Project on the City Police Department would include enforcement of state criminal laws occurring on-site, issues associated with gambling that could be experienced throughout the community, traffic enforcement, and the investigation of any state criminal laws. Additionally, as required in the IGA (Appendix BB), under Alternatives A, B, and C, the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters and first responders, health, and social services related costs, and community benefit payments, commencing with the project start date, and payable for as long as the IGA is in effect. The County and Tribe agreed that $7 million of each annual payment by the Tribe will be directed to programs and services in West Contra Costa County, and that the remaining $5 million will be used for programs and services throughout the County. Of these
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amounts, for seven years after the date of the first annual payment, $2 million per year will be directed to help support the County Hospital and clinics. An additional $2 million per year for seven years will be directed to health programs and services in West Contra Costa County, including County Clinics and Doctors Medical Center. Finally, $1 million per year for seven years will be allocated for additional Deputy Sheriff patrols in the unincorporated areas of West Contra Costa County. With mitigation, the impacts to social services on the surrounding communities would be less than significant. Parkland would be greatly increased over existing conditions.

The impacts of the Proposed Project have also been considered for schools, as well as parks and recreation. From the generation of employment opportunities, a certain number of families are expected to relocate to Contra Costa County. As explained in Section 4.10.10, the Proposed Project would have a nominal effect on the ability of West Contra Costa Unified School District to provide services. Indirect, growth-inducing, and cumulative impacts are analyzed in Sections 4.14 and 4.15 of the Draft EIS/EIR. In addition, as described in Section 2.2.2, the Proposed Project would create a 35-acre Shoreline Park and between 145 and 191 acres of Hillside Open Space with completely open community access. In accordance with Section 5.7 of the MSA, the Tribe would be responsible for the maintenance of the Hillside Open Space with its trail system and the Shoreline Park, including the Bay Trail (Appendix C). Impacts on schools, and parks and recreation are considered less than significant.

Given the scale of the Proposed Project, the Draft EIS/EIR does not dismiss the potential for impacts to social services to occur in communities outside of Contra Costa County. However, the City of Richmond and Contra Costa County are expected to be most directly and quantifiably impacted by the Proposed Project due to their close proximity to the project site. Therefore, the socioeconomic impact analysis provided in Sections 3.7 and 4.7 of the Draft EIS/EIR focuses on these geographies. Impacts to social services, including law enforcement, fire response, emergency medical services, schools, and parks and recreation, would be local in nature. Therefore, it is anticipated that social services demand would not be significantly affected in areas outside the immediate community.

3.12 TRANSPORTATION AND CIRCULATION

3.12.1 FERRY SERVICE

Summary of Comments: Several comments were received related to the proposed ferry service on-site. Some commenters stated their belief that the ferry service is not “guaranteed” to operate and that there is no funding for ferry service to/from the project site. Other comments received questioned the analysis of potential impacts that the Proposed Project may have on eelgrass beds and the proposed Hercules and Richmond ferry services. Finally, some commenters stated that the number of patrons that would use the ferry service is overestimated in the analysis.
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Response: Regular ferry service to the project site is a central component of the Proposed Project. As such, the analysis presented in the Draft EIS/EIR considers the reasonably foreseeable impacts and benefits associated with implementation of the various alternatives under consideration. Just as the Economic Impact study presented in Appendix T of the Draft EIS/EIR relies on proposed project components (e.g., gaming, retail, concerts, food service, etc.) to estimate total economic output, the transportation and air quality analyses are based on the understanding that ferry service would be the anchor of an intermodal transit hub that is integral to the project. Collaboration with regional ferry service providers has identified a large amount of capacity within the existing fleet on ferry runs in the reverse commute direction. During the morning hours ferries carry commuters from Vallejo and Tiburon to San Francisco; the return (or reverse commute) leg of the run is mostly devoid of passengers. By ferrying patrons to the project site the operators will develop a new revenue stream while incurring negligible increased operating expenses. The ferry service would be funded through fares subsidized by the Proposed Project and would not require any public financial assistance. The available capacity, existing and projected operating deficits of the ferry providers, and explicit interest in serving the project site (Appendix S) have established the feasibility of the ferry service. The Draft EIS/EIR would be referenced in association with any future environmental review that may be required before expansion of ferry service to the project site. This environmental review, should it be required, would be expected to take place during the project construction period.

With respect to the proposed Hercules and Richmond ferries, it is not expected that the Point Molate ferry service would compete for the same riders. As noted above and in the letter provided by Blue and Gold Fleet (Appendix S), the project site would be served primarily by ferries originating in San Francisco, which would not serve the needs of the vast majority of commuters. Considering that it is the stated goal of virtually all surrounding municipalities to encourage the expansion of alternative modes of transportation in order to reduce congestion on regional streets and highways and reduce emissions, it stands to reason that expansion of regional ferry service, particularly when there would be no increased competition for scarce public funds, would have a beneficial impact. Additional discussion has been added to Final EIR Section 1.3 to clarify the funding source.

Section 2.14 of the Transportation Impact Analysis (TIA) states there are 27 round trips throughout the day from Vallejo to San Francisco. It is conservatively estimated that ferries on the route to Point Molate are at half capacity (refer to Appendix S, Blue and Gold Fleet letter). Using a 400 passenger ferry, there would be approximately 200 seats per trip available for patrons to the project site, or 27 trips multiplied by 200 passengers (5,400 passenger trips daily). While the TIA and information provided by the Blue and Gold Fleet service provider indicate that 5,000+ daily passenger trips to Point Molate are within reason, a more conservative estimate was used in the Draft EIS/EIR that assumes 15 percent of average daily trips to the site would be made by ferry.

Refer to General Response 3.9.1 for a discussion of potential environmental impacts associated with the proposed ferry service.
3.12.2 TRIP GENERATION RATES

**DOWLING STUDY**

Summary of Comments: Some commenters cited the traffic study titled *Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County* (Dowling, 2007) and noted that the study reached different conclusions than the studies cited in the Draft EIS/EIR.

Response: The Dowling (2007) study was reviewed by the engineers that prepared the transportation analyses presented in the Draft EIS/EIR and Final EIR. A reference to the study has been added to Section 4.8 of the Final EIR. The Dowling (2007) study is a report detailing predictions regarding transportation impacts in the event that three tribal casinos operated in the greater Richmond area. As discussed below, careful review of the Dowling (2007) study indicates that application of its findings to the present analysis would be inappropriate and misleading.

The Dowling (2007) study used very different assumptions as it relates to: the mode of transportation used by patrons and employees to reach the project site; how many daily vehicle trips would be generated by the Proposed Project; where the vehicle trips originate from; and what roadways vehicles accessing the project site would use. Furthermore, it appears that the Dowling (2007) study arrived at erroneous conclusions due to methodological flaws as discussed below.

The Dowling (2007) study is predicated on a number of inaccurate assumptions. First, the study does not acknowledge that the Proposed Project is different from other tribal casinos in California which were used as a basis for comparison. As described in Section 2.0 of the Draft EIS/EIR, the Proposed Project would function as a destination resort, offering amenities that are not found anywhere else in the California resort and gaming market. Unlike several of the existing casinos that cater to a local market, roughly 95 percent of the Proposed Project’s patronage would originate outside of the Richmond area (Appendix T). The Dowling (2007) study also mentions taking driveway counts at an existing tribal casino in west Contra Costa County. It is unclear where, if at all, this information is used in the analysis. Nevertheless, the other casino is not an appropriate comparable destination since the facility cited is more properly considered a “stand alone” urban casino without retail, entertainment, parkland, lodging, and other resort amenities. The Dowling (2007) study’s assumption to the contrary skews the resulting trip generation and distribution.

Secondly, the Dowling (2007) study does not consider the benefits of serving the project site with alternative modes of transportation. The direct ferry link to the project site is not included in the Dowling (2007) analysis and a vehicle trip reduction is not provided for this amenity. As discussed above, a conservative estimate of a 15 percent reduction was used in the analysis which has a significant effect on the estimated daily vehicle trips to the project site. In addition, the Dowling (2007) study does not provide a reduction for the planned transit and shuttle service to the project site, which is conservatively
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estimated to reduce daily vehicle trips to the project site by 15 percent. Furthermore, it appears that the Dowling (2007) study did not apply any trip reductions for diverted link trips. The combined ferry and transit services, aggressive Transportation Demand Management (TDM) measures outlined in Section 5.0 of the Final EIR (Mitigation Measure 3-20), as well as diverted link trips would result in a significant reduction in vehicle trips compared to that which was estimated in the Dowling (2007) study.

A third methodological flaw in the Dowling (2007) study is that it relies on a casino market model developed by ECONorthwest to determine the level of trip generation for each of the three casinos it assumed to be in operation. The model takes into account drive times, income, age and seasonal population patterns. The ECONorthwest model, which is based on studies conducted in Oregon, is in stark contrast to the targeted studies completed for Point Molate which use a combination of empirical data and existing environmental documents (primarily from California) to establish reasonable trip generations rates. The non-casino trip generation rates used in the Final EIR are taken directly from the Institute of Transportation Engineers (ITE) trip generation manual.

Another significant methodological issue is that the Dowling (2007) study does not acknowledge the large internal trip reduction that would result from casino patrons utilizing the range of amenities within the project site such as retail, restaurants, and overnight lodging. The analysis presented in the Draft EIS/EIR projects a 50 percent internal capture rate between retail and casino uses. In contrast, the Dowling (2007) study projects a 20 percent internal capture rate. Such an assumption would hold true only if the amenities proposed for the project site were consistent with a typical mixed use development primarily serving the needs of local residents, such as typical “big box” stores (i.e., Home Depot, Wal-Mart, etc.). Moreover, the transportation studies used in the Draft EIS/EIR project a 70 percent internal capture rate between hotel and casino uses, which is not accounted for in Dowling (2007) study.

For the long-term analysis, the Dowling (2007) study assumes that project generated automobile trips grow significantly over time. This approach is not substantiated by any cited documentation. A more widely accepted approach assumes that while the background traffic (non-project) grows over time, project-related trips would peak early-on, level off, and remain static. If long-term transportation infrastructure improvements are considered, project trips may even drop as a result of expanded and improved public transportation over time.

As a result of the issues cited above, it appears that the Dowling (2007) study significantly over-estimates project-related automobile trips to the project site, and therefore the Final EIR analysis has not been modified in this area.

STUDIES USED TO DETERMINE TRIP GENERATION

Summary of Comments: Several commenters inquired if the studies used to determine the trip generation rate used in the Draft EIS/EIR are independent of one another, are approved projects or are otherwise comparable to the Proposed Project.
Response: The studies used to determine the trip generation rate for the Proposed Project were in fact independent of one another. Each of the six studies cited in the TIA (Appendix S) represents a unique and independent look at trip generation, distribution, and reduction for tribal casinos.

**INTERSECTION/Roadway Scope of Analysis**

**Summary of Comments:** Several commenters inquired if all intersections and roadways, which had the potential to add 50 project-related trips were analyzed in the TIA, STIA, and within the Draft EIS/EIR.

**Response:** The TIA and STIA analyzed all intersections and roadways within the study area that had the potential to receive 50 or more trips as a result of the Proposed Project.

Prior to beginning the analysis trips were traced from each geographic region based on facility class, traffic volumes, congestion and travel times to determine the most likely travel paths for each “origin-destination” pair. Based on the trip distribution percentages, project trips were then assigned to the most applicable roadway(s). Any intersection found to carry 50 or more peak hour trips (as per county guidelines) was included as part of the projects overall assessment. This criterion does not apply to freeway segments. There is no specific criterion that determines which segments should be included in the analysis. Based on engineering judgment and comments received during the scoping phase of the analysis (Appendix B), the study area (intersections and freeway segments) was identified for thorough analysis.

However, in response to comments received on the Draft EIS/EIR, State Route 4 (SR-4) and four intersections in the City of Larkspur along Sir Francis Drake Boulevard were analyzed and are included in the Final EIR (Appendix HH). The analysis of SR-4 was incorporated into the Final EIR in Sections 3.8, 4.8, and 4.15. This facility was analyzed following the agreement between Contra Costa County and the Tribe, which provides for a goal of sourcing 70 percent of initial hires from within the County. Based on this consideration, it was deemed reasonable to include this artery despite its significant distance from the project site. It was determined, using Traffix traffic modeling software, that project-related traffic would not degrade the level of service (LOS) on SR-4 below LOS D, nor would project-related traffic increase by two percent on any roadway segment that is currently operating below LOS D (refer to Appendix HH of the Final EIR).

The following intersections were studied in the City of Larkspur:

- U.S. 101 Southbound Off-Ramp at Sir Francis Drake Boulevard
- U.S. 101 Northbound On- and Off-Ramp at Sir Francis Drake Boulevard
- Larkspur Landing Circle (Ferry Terminal) at Sir Francis Drake Boulevard
- Larkspur Landing Circle (East) at Sir Francis Drake Boulevard
The existing and cumulative traffic volumes for the above referenced intersection analysis were determined from the 2009 San Quentin State Prison Central Health Services Center Project Draft EIR, and the SMART Train Project EIR. It was determined that the intersections of U.S. 101 Southbound Off-Ramps at Sir Francis Drake Boulevard and Larkspur Landing Circle (East) at Sir Francis Drake Boulevard would operate at an acceptable LOS D or better in the background and under all alternative conditions. It was also determined that the intersections of U.S. 101 Northbound On- and Off-Ramps at Sir Francis Drake Boulevard and Larkspur Landing Circle (Ferry Terminal) at Sir Francis Drake Boulevard would operate at a LOS E and F in the background and under all alternative conditions. Therefore, Mitigation Measures 7-24 and 7-25 would be implemented to reduce vehicle trips to and from the project site. Intersection analysis is provided in Sections 4.8, 4.15 and 5.7 of the Final EIR and in Appendix GG (Abrams Associates Traffic Engineering Memorandum). With implementation of Mitigation Measures 7-24 and 7-25 impacts to U.S. 101 Northbound On- and Off-Ramps at Sir Francis Drake Boulevard and Larkspur Landing Circle (Ferry Terminal) at Sir Francis Drake Boulevard would be less-than-significant.

**CONFERENCE CENTER**

**Summary of Comments:** Several commenters pointed out that the conference center proposed under Alternatives A – D was not assigned project related trips.

**Response:** Trips for the Conference Center were appropriately accounted for in the hotel trip generation rate. The trip generation rate for the hotel was derived from the ITE manual (ITE land use 310). This land use is described by the ITE manual as following: “Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities (emphasis added).” The hotel land use trip generation rate includes ancillary facilities such as a conference center and thus captures the trips that would be generated by this facility.

The concern was raised by one commenter that, even with the potential for internal capture between the hotel and convention facility, that the said convention facility would likely generate trips from local residents. While it is true that the convention facility may generate trips from local residents, the conclusion that this would not be covered by the hotel trip generation land use is not as evident. It is asserted that the hotels, and their corollary convention facility and meeting spaces, studied for the derivation of the ITE Hotel trip generation rate would also have a similar tendency to attract local residents, and therefore, the trip generation rate used for the proposed hotels would also account for this concern.

**3.12.3 TRIP DISTRIBUTION**

**Summary of Comments:** Several commenters stated that the trip distribution was not well defined and requested that a figure be included in the TIA which more clearly shows the trip distribution used in the traffic analysis.
Response: Appendix GG of the Final EIR contains a revised trip distribution figure, which depicts the trip distribution found in Table 5-3 of the TIA (Appendix S).

3.12.4 TRIP REDUCTIONS

TRAFFIC DEMAND MANAGEMENT

Summary of Comments: Several commenters requested clarification of how a 15 percent trip reduction from Transportation Demand Management (TDM) would be achieved.

Response: A 15 percent reduction in automobile traffic was applied to the trip generation from the casino portion of the Proposed Project. Under Alternative A, this equates to a reduction of approximately 200 trips during the critical PM peak hour. The TDM reduction is intended to account for patrons and employees who would utilize transit and shuttle buses to access the project site. This reduction would apply to patrons and employees who would utilize the various methods of transit to travel to Richmond and then transfer to a private shuttle bus or an extended AC Transit line. The TDM reduction also accounts for charter bus trips from outlying areas and employees who park in on-site parking lots and use the Point Molate shuttle. The following is a list of factors that are pertinent to the effectiveness of the Point Molate TDM program:

Effectiveness of Employee TDM Measures - The project proposes to provide economic incentives for employees to use transit, as described in Section 5.2.3 of the Final EIR. This is in addition to the other major provisions for transit including subsidizing public buses, providing shuttle buses to and from on-site employee parking areas and BART, as well as providing charter bus service for outlying areas.

The ITE Trip Generation Handbook contains a detailed summary of surveys and studies on the effects of TDM and transit on trip generation. This is provided for overall project traffic and particularly for traffic from employees. Based on detailed surveys of various TDM programs, the ITE Trip Generation Handbook has provided a summary of the benefits to transportation (both perceived and actual).

For employees, the Trip Generation Handbook provides extensive data to support the effectiveness of various TDM measures. It is important to note that the project is proposing all of the key components that are typically part of a successful TDM program (according to ITE) including support measures, economic incentives, and transportation services; these TDM programs are outlined in Section 5.2.3 of the Final EIR. Support measures to the TDM programs include employee transportation coordinators, promotional activities, rideshare matching, on-site dependent care, and alternative work schedules. Economic incentives are any steps taken by an employer to provide a monetary incentive to use an alternate travel mode. Transportation services include employer based efforts such as van-pool programs, shuttle bus service to off-site transit stations, guaranteed ride home programs, and the provision of on-site
showers and changing facilities all of which are provided by mitigation measures in Section 5.2.3 of the Final EIR.

According to ITE the combination of economic incentives with transportation services (such as those proposed by the project) produced an average reduction in commuter vehicles of 24 percent at the survey sites. At a typical employment location that operates during normal business hours, there can be up to 85 percent of the employees arriving and/or departing during the peak hour. However, at a casino resort with 24-hour operations, there are normally three shifts per day so that the maximum number arriving during the peak hours would be no more than about a third of the employees. In addition, since most employees work a five day work week it was assumed that two sevenths of the employees would not be working on any given day. Also, the percent arriving would typically be reduced by another 10 percent to account for absences due to vacations, illness, etc.

The resort is estimated to have roughly 4,000 employees. Thus, assuming a vehicle occupancy rate for employees of 1.5 persons per vehicle (due to ridesharing) the above mentioned reductions equate to an estimated potential for 635 vehicle trips (due to employees) during the PM peak hour. This is based on a scenario where no transit service or TDM programs are provided. Based on the ITE surveys the 24 percent reduction for the TDM measures should readily equate to an overall reduction to the casino traffic of about 150 PM peak hour trips. Information gathered at other California tribal casinos indicates that the average occupancy of vehicles with resort patrons is about 2.4 persons per vehicle.

Therefore, based on this analysis the Proposed Project’s shuttle services and public bus transit subsidies would only need to serve about 120 resort patrons during the peak hour to meet the 15 percent TDM reduction assumed in the project trip generation. This would equate to about 7 percent of the resort patrons estimated to arrive during the PM peak hour. This was determined to be a reasonable assumption given the direct connection to BART and the effects of other transportation services such as charter buses.

*Overall Effectiveness of the TDM Measures* – The ITE Trip Generation Handbook also contains a detailed summary of surveys and studies on the overall effects of TDM and transit on the total traffic generation of a project. Since the Proposed Project would construct both a bus transit center and a ferry terminal, the ITE survey results indicate these features should result in an overall reduction in vehicle trip generation of 20 percent.

Applying a 20 percent TDM reduction to the entire project would be reasonable because employees from the hotels and the retail areas would also be provided incentives to use transit and they would certainly be expected to utilize the on-site transit options available to them. This reduction would therefore apply to the entire project which results in an estimated reduction of 270 peak hour trips. This is greater than the 200 trip reduction used in the analysis and validates the assumptions used. This difference is largely due to the fact that the TDM reductions were only applied to the casino portion of the project.
**INTERNAL CAPTURE**

**Summary of Comments:** Several commenters noted that the 50 and 70 percent internal capture reduction in retail and hotel trips is too aggressive and not supported.

**Response:** Point Molate is an all inclusive “destination resort.” As such the retail uses are primarily being provided as amenities for the resort and gaming patrons. The retail uses are envisioned to be small high-end boutique retail facilities. The location of the project site is somewhat isolated and can only be accessed by one roadway or via ferry. Vehicular access to the retail facilities would require potential patrons to mix with casino, hotel and event traffic to access the site. Moreover, the central parking design would discourage short shopping trips where patrons would not take advantage of the other amenities offered. It is unlikely that this scenario would garner greater than a 50 percent share of non-casino/resort destined customers. The TIA specifically states, “Similarly, it is expected that a majority of the retail patron’s primary reason for visiting the project would be to utilize the gaming and recreational components of the project”. It was determined that a 50 percent reduction to the retail trip generation would accurately reflect this interaction between the gaming and retail facilities.”

In addition to these factors a review of trip reduction rates for mixed use developments among cities in San Mateo, Alameda, and Santa Clara counties was performed. The 50 percent reduction for retail use was a blend of adopted rates utilized within the aforementioned jurisdictions, the interaction of land uses within the Point Molate development and isolated nature of the proposed land use. A 50 percent reduction in retail use due to internal capture is appropriate and conservative.

In reviewing traffic studies for similar tribal casino/hotel complexes it was found that a greater than 70 percent internal capture rate between the casino and hotel components was often used in the transportation studies. The high internal capture rate is a result of the general isolation of most tribal casinos and the fact that the vast majority of patrons that use the hotel and retail establishments also use the casino. As an inclusive “destination resort,” it is anticipated that a much higher internal capture rate would be achieved than stand alone rural gaming properties with fewer amenities. The basis for this reduction is the *Mississippi Gulf Coast Transportation Management Plan for Waterfront Development* (Gulf Regional Planning Commission, 1993), which determined that there is a 100 percent internal capture rate when there is a casino/hotel complex. While the two casinos used in the Gulf study had different room to casino square feet ratios, they had the same reduction due to internal capture. Finally, the 70 percent internal capture rate is consistent with the rate in the Gaming Market Assessment, which estimates a 70.6 percent internal capture rate (*Appendix T*). A 70 percent internal capture rate is therefore appropriate.

**3.12.5 GEOGRAPHIC SCOPE OF ANALYSIS**

**Summary of Comments:** Some commenters stated that the geographic scope of the analysis presented in the Draft EIS/EIR was not extensive enough.
3.0 General Response to Comments

Response: The geographic scope of analysis presented in the Final EIR includes intersections and roadway segments in the City of Richmond, City of San Pablo, Contra Costa County, Marin County, City of San Rafael, Pinole, and the City of Larkspur (refer to Appendix HH of the Final EIR regarding transportation analysis along Sir Francis Drake Boulevard). All intersections were analyzed that had the potential to receive 50 or more new trips as a result of implementation of the Proposed Project.

During the scoping process completed for the Proposed Project, public agencies, businesses, and concerned citizens were given an opportunity to comment on the range of environmental issues to be addressed in the analysis, the types of project effects to be considered, the geographic and temporal scope of analysis, and the range of alternatives to be included in the Draft EIS/EIR (Appendix B). During the scoping process more than 140 comment letters were received, many of which were from governmental agencies charged with regional transportation planning. Entities that provided written comments during scoping include the California Department of Transportation (Caltrans), California Highway Patrol, County of Marin, Contra Costa County (2), West Contra Costa Transportation Advisory Committee (WCCTAC), Marin County Board of Supervisors, El Cerrito Community Development Department, and the Town of Fairfax. Numerous commenters recommended specific facilities, roadways, and intersections to be included in the analysis. The scope of analysis for the transportation study was further refined through consultation with the lead agencies, including transportation planners from the City of Richmond, as well as cooperating agencies. The scope was somewhat revised and expanded following review of the Administrative Draft EIS/EIR by the lead and cooperating agencies. The ultimate scope of analysis for the transportation analysis presented in Final EIR was slightly expanded following release of the Draft EIS/EIR on the basis of new information provided by commenters that demonstrated that other facilities required analysis for a comprehensive review.

In a couple of instances, comments received on the Draft EIS/EIR questioned why a segment of I-80 south of the I-580 split was not included in the analysis. While a significant portion of I-80 is included in the transportation studies, the segment south of the I-580 split in Alameda County was excluded from full analysis in the TIA and Final EIR because it was not identified by any agency or municipality during the scoping period or during scoping consultation with WCCTAC, Caltrans, and the City of Richmond as a segment warranting detailed analysis. This segment of I-80, which is located a significant distance from the project site (approximately 8 miles by the most direct route), is outside of the region that may reasonably be expected to be adversely impacted by traffic generated by the Proposed Project.

3.12.6 BICYCLES ON THE RICHMOND – SAN RAFAEL BRIDGE

Summary of Comments: Several comments were received that noted bicycles would not be allowed on the Richmond – San Rafael Bridge if the decking were re-striped to allow for three lanes of travel in each direction.

Response: There are currently no bicycle lanes on the Richmond-San Rafael Bridge and bicycles are not allowed on the Bridge. At the time that the Draft EIS/EIR was distributed for public comment, there was
no approved plan to provide bicycle lanes on the Bridge by the jurisdictional agency (Caltrans), nor is there currently such a plan. As such, bicycle lanes on the Bridge were not considered part of the existing or baseline conditions. Therefore, if the Bridge deck were re-striped to allow for three lanes of travel in each direction, bicycle facilities would not be impacted. However, the Draft EIS/EIR concludes that the Mitigation Measure 7-15, which calls for re-striping of the Richmond – San Rafael Bridge to provide for three lanes of travel in both directions, is infeasible and impacts to the Bridge under cumulative conditions are considered significant and unavoidable. As such, implementation of the Proposed Project would not preclude the addition of bicycle lanes on the Bridge.

3.12.7 BART SHUTTLE ACCOMMODATION

Summary of Comments: Several commenters commented on the shuttle bus to Richmond and El Cerrito BART stations and the ability of these stations to handle the increase in loading and unloading of passengers.

Response: The El Cerrito del Norte BART station will not be served by project-sponsored shuttles. The focus of project shuttles will be at the multi-modal Richmond BART station. The Richmond BART station provides easy access to BART trains, Amtrak, and AC Transit. The commenter has provided a reasonable concern and therefore, additional study has been included in the Final EIR regarding bus loading/unloading at the Richmond BART station. The additional analysis is discussed in Section 4.8 of the Final EIR and concludes that the addition of project shuttles at the Richmond BART Station would have a less than significant impact.

3.12.8 TRANSPORTATION MITIGATION

Summary of Comments: Some commenters questioned where the matching funds (to the Tribe’s fair share contributions) to complete transportation mitigation measures would come from.

Response: Funds in addition to the Tribe’s fair share contribution would be required to complete some of the transportation improvements described in mitigation measures presented in Section 5.0 of the Final EIR. For improvements located within the City of Richmond for which the Tribe is not paying 100 percent, additional funds would be provided by the City. The IGA between Contra Costa County and the Tribe provides a framework and funding mechanism for improvements required within the County’s jurisdiction (Appendix BB). Other required improvements that are identified in Region Transportation Plans (RTP) have established funding sources to which the Tribe’s fair share would supplement (refer to Section 4.8 or 4.15 of the Final EIR). Mitigation measures for which there is currently no plan to fund, or that fall within the responsibility and jurisdiction of a public agency other than the City of Richmond for which there is no existing plan to implement or fund are considered infeasible and associated significant impacts are disclosed (Section 4.15). It is anticipated that other regional development projects would also make fair share contributions to several of the mitigation measures identified.
3.12.9 Western Drive

**Summary of Comments:** Several San Pablo Yacht Harbor residents commented that the increased traffic along Western Drive would negatively impact their commute time.

**Response:** Section 2.0 of the Draft EIS/EIR proposes that the Project widen Western Drive from two lanes to five lanes, which would reduce traffic impacts under all alternatives to a less than significant level (refer to Sections 4.8 and 4.15 of the Final EIR). It should be noted that peak hour casino traffic does not coincide with commuter traffic; generally peak hour casino traffic occurs between 9:30 am to 10:30 am and 6:30 pm to 7:30 pm. Nonetheless, Mitigation Measure 7-2 of the Final EIR has been supplemented to require that “Western Drive shall remain passable to through traffic 24 hours a day, seven days a week to provide access to and from other land uses located on the San Pablo Peninsula. In the event that portions of Western Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not restricted.”

**Western Drive/Eastbound I-580 On-ramp**

**Summary of Comments:** Some commenters contend that the Western Drive/eastbound I-580 on-ramp poses safety hazard due to a poor level of service at the Marine Street off-ramp and high speeds of vehicles coming off the Richmond-San Rafael Bridge.

**Response:** Vehicles using the Western Drive eastbound ramp on to I-580 are prohibited from crossing the solid white line that begins at the on-ramp and continues beyond the Marine Street exit. Once eastbound traffic that has entered the roadway from the Western Drive on-ramp has passed the Marine Street off-ramp, vehicles may merge into the right hand lanes and use the Canal Street off-ramp, which is 0.68 miles east of the Marine Street off-ramp. As I-580 is currently striped (the solid white line from Western Drive on-ramp to beyond the Marine Street off-ramp) there would be no immediate interaction between Western Drive on-ramp traffic and through traffic coming off the Richmond-San Rafael Bridge. It should also be noted that I-580 between the Marine Street and Canal Street off-ramps is a straight roadway; thus, Western Drive traffic can safely merge onto eastbound I-580.

3.13 Land Use

3.13.1 Consistency with Regional Planning Documents

**City of Richmond General Plan**

**Summary of Comments:** Several comments were received stating that Alternatives A - D conflict with the adopted Richmond General Plan.

**Response:** Section 4.9 of the Draft EIS/EIR acknowledges that Alternatives A - D would conflict with some applicable City General Plan land use policies and zoning designations. For each of these alternatives the impact was found to be less than significant, or would otherwise be reduced to such levels through mitigation. In addition, Table 1-1, Potential Permits and Approvals Required, clearly states that
the City of Richmond would have to approve a General Plan amendment and rezoning prior to implementation of Alternatives A - D. Such an amendment and rezoning are part of the Proposed Project. Alternatives B, D, and B1 would require additional approval of a subdivision map. These approvals would ensure that the chosen alternative would be consistent with the City’s General Plan and Zoning Ordinance.

**CITY OF RICHMOND GENERAL PLAN UPDATE**

**Summary of Comments**: Several comments were received requesting that the General Plan Update be incorporated into the analysis of the project.

**Response**: The recently released Draft General Plan Update, which may not be adopted prior to certification of this EIR, designates Point Molate as a Planned Area District. A Planned Area District is an area of the City where “further analysis is needed to determine appropriate land use designations.” Therefore, land use designations for Point Molate are those “legally existing as of 2010 and/or permitted under the 1994 General Plan.” The Draft General Plan Update is available online at http://www.cityofrichmondgeneralplan.org/. As the Draft EIS/EIR already analyzes the consistency with the 1994 General Plan and states the need for a General Plan amendment and zoning changes for Alternatives A – D, no additional analysis is warranted. **Section 3.9.1** of the Final EIR has been revised to include language from the Draft General Plan Update regarding land use designations and zoning.

**3.13.2 OPEN SPACE**

**Summary of Comments**: Several comments were received stating that project implementation would impact existing open space at the project site.

**Response**: Under the Proposed Project and Alternatives B through E and B1 there would be a permanent 35-acre Shoreline Park along the entire stretch of project shoreline that would remain undeveloped. This portion of the Proposed Project would provide publicly accessible open space along the shoreline, increasing acreage of both City and regional parkland. Currently, the project site is restricted from public access except for people traveling on Western Drive (the only road leading into and out of the project site). The development of the Proposed Project or one of the project alternatives would restore public access to the project site (including the 145-acres of Hillside Open Space). The hillside open space area would be placed into a permanent conservation easement restricting the type of uses permitted (refer to **Mitigation Measure 4-1**). The development proposed under the Proposed Project and project alternatives would be largely restricted to the existing developed footprint.

**Impact Statement 4.10.11** (and respective impact statements for the additional alternatives) in the Draft EIS/EIR states that the development of the Open Space and Shoreline Park portions of the Proposed Project would not impact off-site parks in a significant fashion, as increased on-site parkland patronage is...
anticipated. The incorporation of the Hillside Open Space and Shoreline Park does not warrant additional analysis of off-site parks or potential degradation of existing open space on-site.

Tribal operation and maintenance of the Shoreline Park and Hillside Open Space will be funded by the Tribe and managed through a tribal ordinance which incorporates standards and guidelines similar to those within the State of California Department of Parks and Recreation Park Management Plan (refer to Section 2.2.2 of the Draft EIS/EIR).

3.14 PUBLIC SERVICES

3.14.1 EMERGENCY PREPAREDNESS AND RESPONSE

Summary of Comments: Various comments were received requesting additional information to be provided for emergency situations. Specific comments stated that significant issues would arise with only one emergency access/evacuation route along Western Drive.

Response: Mitigation Measure 11-2 states that the Tribe shall create an emergency response plan to prepare for incidents at or near the project site for which a multiple agency response is required. For example, in the event of a catastrophic earthquake, wildfire, or other emergency situation, the plan shall outline procedures for sheltering in place, orderly evacuation when appropriate, and coordination with neighboring facilities such as Chevron and the San Pablo Yacht Harbor. The proposed facilities would provide an ideal location for sheltering in place in the event that such a response was warranted given the capacity to accommodate a large number of people, stockpiling of food, and the million gallon water tank located on-site.

The Draft EIS/EIR identifies two primary evacuation routes from the project site, one via Western Drive to I-580 and by water evacuation facilitated by the presence of the proposed on-site ferry terminal. Since the Draft EIS/EIR was released in July 2009, the City and Chevron have undertaken consultations to develop a mutual aid agreement that would provide for a higher level of preparedness planning between the two entities and formalize the existing “handshake” agreement to provide emergency ingress/egress over San Pablo Ridge, providing an additional surface evacuation route for the Proposed Project. In any event, the widening of Western Drive to five lanes would allow for orderly evacuation of the western side of the San Pablo Peninsula if such a response was deemed appropriate.

Mitigation Measure 11-2 has been supplemented to require coordination with the Water Emergency Transportation Authority (WETA) to provide enhanced emergency response planning, coordinated ferry services, and improved emergency response infrastructure for potential disasters in the greater Bay Area.
3.14.2 EMERGENCY MEDICAL SERVICES (EMS)

Summary of Comments: Various comments were received stating that impacts to Emergency Medical Services (EMS) are not thoroughly analyzed within the Draft EIS/EIR, especially the increased demand for EMS off-reservation (but generated by activities on-site), and the potential for increased response times due to project generated traffic.

Response: Existing emergency medical services are discussed in Section 3.10 and impacts to emergency medical services are discussed in Section 4.10 of the Draft EIS/EIR. Section 3.10 has been clarified to state that American Medical Response (AMR) provides service to the project site through a contractual agreement with the Contra Costa County Health Services Department, as stated within the IGA. The following language has been inserted into the Final EIR Section 3.10.2: “Emergency medical services to the project site are coordinated by the Contra Costa County Health Services Department.”

Section 4.10 of the Draft EIR/EIS provides a discussion of the demand for services at the two emergency facilities that would most likely be impacted by the proposed alternatives. As stated in the Draft EIS/EIR, the Proposed Project is expected to increase the need for local EMS at the project site. Various mitigation measures (9-13, 9-23 and 9-24) have been tailored to address the potential project impacts, including the incorporation of additional standards and compensation methods above and beyond those agreements entered into between the Tribe and local service providers (City of Richmond Fire Department, City of Richmond Police Department, and Contra Costa County). The analysis within Section 3.10 and 4.10 of the Draft EIS/EIR provides a discussion of the appropriate agencies and jurisdictions which shall provide services to the project site. Potential impacts to EMS associated with indirect and growth induced off-site impacts are analyzed in Section 4.14 of the Draft EIS/EIR.

As described in Section 2.0 and 3.10, the City of Richmond has agreed to provide police and fire protective services to the project site, which would provide for a first-response in the event that EMS is required. Furthermore, as outlined in the IGA (Section 2.1.2 of the Final EIR and Appendix BB), the Tribe has agreed to contract with Contra Costa County to provide emergency ambulance service to the site. The Tribe has also agreed to reimburse the County for actual costs of uncompensated ambulance service provided to the Point Molate patrons or employees who are transported by the County’s designated ambulance provider from the project site. Moreover, a total of $4 million in new funds, provided by the Tribe, would be directed to help support County Hospital, County clinics, Doctors Medical Center, and other west Contra Costa County health and medical services, as provided in the IGA (Appendix BB). Contribution of these funds would ensure that impacts to EMS in west Contra Costa County would be less than significant with implementation of the Proposed Project.

With regard to potential delays to emergency vehicles, mitigation measures identified in the Draft EIS/EIR (Mitigation Measure 7-2) will ensure traffic operations would not degrade to such an extent that delays to emergency vehicles would result. Any potential increases in response time by emergency
vehicles due to project-related traffic would be offset by the funding of roadway improvements included as mitigation. The potential for project induced traffic increasing regional EMS response times is analyzed within Section 4.8 of the Draft EIR/EIS Impact Statement 4.8.6, and respective alternative impact statements. This analysis determined that project implementation would not result in inadequate emergency access.

3.14.3 PUBLIC HEALTH AND SAFETY

Comment: Some comments received stated that the Draft EIS/EIR did not analyze the Proposed Project’s potential impact to the Contra Costa Environmental Health Division (CCEHD).

Response: The MSA with the City and the IGA with the County both include requirements that provide regulatory oversight of public health and safety issues for the development scenarios proposed under Alternatives A, B, and C. Section 4.10 of the Draft EIS/EIR contains an analysis of potential impacts to public health and safety services. Section 4.10 has been updated to clarify that public health measures are expected to be included in any Tribal-State Compact, which is required for the operation of Class III gaming. Additional public health and safety requirements are provided within the County Response Program included within the IGA, which states that compliance with the County Environmental Health Division shall occur on trust property. These safety provisions include jurisdiction over wells, medical waste, solid waste, public swimming pools, and retail food facilities. Through implementation of the requirements in the IGA and Mitigation Measures 9-23 and 9-24, no significant public health and safety impacts would occur.

3.14.4 POLICE AND FIRE SERVICES

Summary of Comments: Several comments were received citing concerns that project implementation would impact the level of service provided by the City of Richmond Police and Fire Departments.

Response: As discussed in Sections 2.2.2, 3.10.2, and 4.10 of the Draft EIS/EIR, the City of Richmond Fire and Police Departments would be the service providers for fire protective services and law enforcement on the project site. The MSA requires that the Tribe provide and fund staffing and equipment for an on-site police substation and fire station, as well as provide compensation to the City in the amount of $8 million per year for the first eight years beginning with commencement of gaming operations, and $10 million per year thereafter. The City anticipated that the provisions identified in the MSA would adequately provide the City of Richmond Police and Fire Departments with adequate equipment, facilities, and staffing to provide sufficient fire protection and law enforcement services on the project site, as well as increased protection for the surrounding area. The 24-hour presence of police and fire staff on-site would benefit the surrounding areas with increased protection and decreased response times. Improvement Measures 9-13, 9-19, 9-20, and 9-21 included within Section 5.0 provide for additional staffing and specifics for on-site facilities for police and fire protection.
Potential off-site impacts to police and fire services (as well as other public services) would be further reduced with implementation of the IGA between the Tribe and Contra Costa County, which is fully described in Section 2.1.2 of the Final EIR and is attached as Appendix BB. Among the many provisions in the IGA, the Tribe has agreed to: work with the City Police Department, Contra Costa County Sheriff and BART Police to implement enhanced security at the Richmond BART station; provide compensation for County Sheriff support services for the incarceration of persons engaging in suspected criminal activity; provide compensation to the County District Attorney, Criminal Prosecution Caseload, Public Defenders, and Probation Department for potential incarceration and prosecution; contract with the County to provide emergency ambulance service to the Tribe; and reimburse the County for actual costs of uncompensated ambulance service and emergency health service costs accrued during transportation or treatment. With funding from the annual payments the County will develop and implement a public safety, fire fighter and first responders, health, and social services related response program. Furthermore, of the $12 million in annual payments to the County that the Tribe has committed to, $2 million annually would go to help support the County hospitals and clinics; $2 million annually would be directed to health programs and services in West Contra Costa County; and $1 million annually would be directed to funding additional Deputy Sheriff patrols in the unincorporated areas of West Contra Costa County.

As discussed in Section 4.7 of the Draft EIS/EIR, all development alternatives (A, B, C, and D) would also generate substantial additional new tax revenues for municipal, county, state, and the federal governments, which could be allocated towards improving the existing conditions of public services.

3.14.5 PROVISION OF PUBLIC UTILITIES

Comment: Several comments received stated that the Draft EIS/EIR did not analyze the Proposed Project’s potential impact to regional public utility providers.

Response: Requirements for the provision of public utilities are covered in the MSA between the City and Tribe, summarized in Draft EIS/EIR Section 2.0, and included in full within Appendix C. Existing utility infrastructure is described in Section 3.10, with analysis of potential project impacts within Section 4.10 of the Final EIR. Pacific Gas and Electric (electricity and natural gas) and East Bay Municipal Utility District (water) have verified their capacity to serve the project site. Refer to Comment Letter I-198 (Section 2.0 of this document) for a letter from Pacific Gas and Electric verifying its capacity to serve the project site. On-site electrical demand would be offset by the aggressive energy efficiency design components and on-site power generation described in Section 2.1.1 of the Final EIR, as well as Mitigation Measure 9-2. Refer to General Response 3.6.1 for a discussion of water supply to the project site. Potential environmental impacts associated with off-site infrastructure improvements associated with the provision of utilities to the project site are discussed in Section 4.14.8 of the Final EIR.
3.14.6 SOLID WASTE

**Comment:** Several comments were received questioning the level of impact from solid waste produced on-site, and the availability of local landfills to accept the waste.

**Response:** Solid waste impacts are discussed in Section 4.10 of the Draft EIS/EIR. The Draft EIS/EIR states that solid waste generation for all project alternatives would be an insignificant contribution to the waste stream and would not significantly decrease the life expectancy of the designated landfill.

Please refer to Sections 3.12.2 and 4.12 of the Final EIR for a discussion of maintenance of the closed Navy landfill located on the project site.

3.15 NOISE

3.15.1 CONSTRUCTION

**Summary of Comments:** Several commenters requested clarification whether residential housing proposed in Alternatives B and D would be occupied during construction of other elements of the Proposed Project.

**Response:** None of the operational activities or occupation of residential structures would overlap with construction activities.

3.15.2 OPERATION

**Summary of Comments:** Several commenters inquired why noise measurements were performed at 11:00 a.m. instead of the a.m. or p.m. peak hour.

**Response:** Commenters assume that because more traffic would be on I-580 during the a.m. or p.m. peak hour that the ambient noise level would be greatest. Peak-hour traffic generally moves at a slower rate than off-peak-hour traffic. An increase in traffic does correlate to an increase in the ambient noise level; however, not to the degree that an increase in speed raises the noise level. Traffic moving at 65 miles per hour sounds twice as loud as traffic moving at 30 miles per hour. The peak noise hour does not coincide with the peak traffic hour; therefore, measurement at 11:00 a.m. would result a more conservative ambient noise level.

**Summary of Comments:** Some commenters noted that noise measurements were performed in proximity to the proposed resort facilities (located more than 3,960 feet from nearest existing noise receptor), but not at the proposed southern residential site (Alternatives B and D), which is considered an on-site noise sensitive receptor.
Response: The residential component at Point Molate would be closer to the Richmond-San Rafael Bridge and therefore, may have a greater ambient background noise level than the proposed central resort component of the site. Therefore, two 15-minute noise measurements were performed subsequent to the release of the Draft EIS/EIR to supplement the noise analysis at two locations in proximity to the proposed southern residential components. Site 1 is located on the southwest corner of the proposed residential site and Site 2 is situated in the middle of the proposed residential site (refer to Figure 2-8 in the Draft EIS/EIR, which shows the location of the proposed southern residential site). The ambient background noise level at Site 1 was measured as 53.3 Ldn dBA and Site 2 was measured as 50.8 Ldn dBA (output files provided in Appendix GG of the Final EIR). The standard for residential development in the City of Richmond is 60 Ldn dBA (refer to Section 3.11 of the Draft EIS/EIR); therefore, the existing ambient noise level at the proposed residential site is below the City of Richmond standard for residential housing. Refer to Section 4.11 of the Final EIR for a discussion of potential impacts associated with noise during operation of the Proposed Project.

3.16 HAZARDS AND HAZARDOUS MATERIALS

3.16.1 ENVIRONMENTAL REMEDIATION

Summary of Comments: Several comments were received regarding the final transfer of the remaining Navy-held property and the process for finishing the required environmental remediation. Some commenters questioned the validity of the analysis presented in the Draft EIS/EIR due to the fact that the San Francisco Regional Water Quality Control Board vacated the 2008 Site Cleanup Order in September of 2009. Finally, some comments were received requesting clarification of how the Draft EIS/EIR analyzes potential environmental impacts associated with the remediation.

Response: Section 2.1.4 of the Draft EIS/EIR details the process by which the remaining Navy-held property at Point Molate will be transferred to the City of Richmond. Commonly referred to as an early transfer with privatized remediation, the process allows the Governor to defer the requirement that the United States provide a covenant in the deed conveying the property warranting that all response actions necessary to protect human health and the environment have been taken before the date of transfer (early transfer). Under this process, the subsequent property owner assumes the responsibility for supervising the remediation.

Pursuant to the requirements of the early transfer, remaining remediation activities will be performed on behalf of the City, by Winehaven Partners, which includes Upstream Point Molate, LLC and its business partners. Associated documents included in the Covenant Deferral Package that was submitted to the Governor for approval include: a finding of suitability for early transfer (FOSET; executed on September 8, 2008), which certifies that the property is suitable for early transfer pursuant to the deferral provisions of the Comprehensive Environmental Response Compensation Liability Act; an Early Transfer Cooperative Agreement (ETCA; executed on September 9, 2008), which constitutes a contract between
the City and the Navy that provides for transfer of identified future environmental obligations to be transferred from the Navy to the City, funding in the amount of $28.5 million dollars to be granted by the Navy to the City for those obligations, identification of a handful of Navy-retained responsibilities, and other provisions. The Navy financial grant, along with an additional financial contribution from Upstream and the Tribe (additional $4 million), will fund an aggressive cleanup program on-site and the purchase of environmental insurance to protect against cost overruns, new discoveries and regulatory changes, and third-party liabilities. In a letter dated September 1, 2009, the Governor approved the Navy’s Covenant Deferral Request for Early Transfer of the remaining 41-acre portion of the project site.

The remediation of hazardous materials conditions at the project site will be governed by a Site Cleanup Order (Order) issued by the San Francisco Regional Water Quality Control Board (SFRWQCB). Refer to Mitigation Measures 11-3 through 11-11 of the Final EIR that outline the cleanup requirements and mandate adherence to all existing and future Orders issued by the SFRWQCB.

An Order was adopted by the SFRWQCB on November 12, 2008 (Appendix X), which specified the deliverables and schedule to complete the outstanding evaluations, remediation work, monitoring, and reporting for the site. On September 15, 2009, the SFRWQCB vacated and remanded to the Board the 2008 Order. The action was in response to a petition filed arguing that the Order is subject to a determination under CEQA and is not categorically exempt from review. Upon remand, the SFRWQCB may determine that the Order is eligible for a statutory exemption, may rely on this Final EIR, or may determine that the Order qualifies for CEQA’s common sense exception. A revised Order will be prepared and circulated for public comment following the City’s selection of an alternative analyzed in the Final EIR. It is expected, based on consultation with the SFRWQCB, that the revised order will be similar to the 2008 Order in scope and content.

The Draft EIS/EIR considered all potential environmental impacts stemming from remediation of hazardous material conditions on-site. The ultimate scope of analysis was developed based on the Remedial Plan and Order, which provide a reasonable set of expectations for the extent, location and methods of site cleanup proposed under Alternatives A - D. Thus, in the absence of an adopted Order, a comprehensive analysis of potential impacts associated with remediation was accomplished. The Remedial Plan is provided as Appendix II. The Draft EIS/EIR makes clear that additional remediation would take place under Alternatives A-D when compared to Alternatives E and F. As noted in Draft EIS/EIR Section 2.1, “This more aggressive remedial strategy is feasible due to successful negotiations between the Navy, City, and Upstream to implement a timely and expansive cleanup, as well as a contribution of several million dollars by the Tribe and Upstream to fund the comprehensive cleanup work. The funding package would be available under Alternatives A through D and Alternative B1, but not under Alternatives E and F. At least $4 million of additional funding would be required from the City to implement an aggressive cleanup plan under Alternatives E and F.”
Potential impacts to air quality, noise, water quality, traffic, biological resources, cultural resources, etc., that could be associated with remediation were considered in the Draft EIS/EIR. For example, all truck trips required to export impacted soils have been accounted for in both the traffic impact analysis as well as air quality modeling. For biotic, hydrologic, and cultural resources, the area of direct impact was compared with the distribution of all resources of concern. All remedial activities involving major ground disturbance, such as removal of impacted soils, would occur during the construction phase of the Proposed Project. Text has been added to the Final EIR to highlight how remediation is accounted for in the impact analysis and mitigation measures.

Interim Land Use Controls (LUCs), which will be codified in a Covenant and Agreement, are being prepared that restrict access to the affected portions of the property until the SFRWQCB has approved the completion of cleanup activities on those areas. As stated in the 2008 Order, “Interim LUCs will be developed for areas of the [project site] undergoing remediation. The Interim LUCs will protect the public during the completion of site remediation activities and provide for the necessary access to complete those activities. In addition, the Interim LUCs will include provisions for their removal after completion of remediation measures for each affected area of the site. In some cases, the Interim LUCs may need to be replaced by Final LUCs as appropriate, depending on the scope of each proposed cleanup action for areas of the site that do not meet unrestricted use standards. The Discharger will propose such Final LUCs for Board review and approval after an acceptable remedy has been successfully completed pursuant to this Order (SFRWQCB, 2008; Appendix X).”

### 3.16.2 Anhydrous Ammonia Storage at Chevron Refinery

**Summary of Comments:** Several comments were received citing concerns with the Proposed Project’s proximity to the Chevron-Richmond Refinery, while others noted that the analysis presented in the Draft EIS/EIR relies on a study that contradicts the findings of modeling related to a potential release of anhydrous ammonia cited in the Navy’s Final EIS/EIR for the Disposal and Reuse of Point Molate.

**Response:** The Chevron Richmond Refinery is described in Section 3.12 of the Draft EIS/EIR and potential impacts are assessed in Section 4.12. The analysis considered on-site mitigation systems and consequence modeling analysis to evaluate potential impacts associated with the Proposed Project. Mitigation is presented in Section 5.0 that, upon implementation, would reduce potential impacts associated with a release of anhydrous ammonia (NH₃) from the Chevron Richmond Refinery under Alternatives A - E to a less than significant level.

As described in Section 3.12.2 of the Draft EIS/EIR, Chevron is required under CalARP guidelines to implement on-site active mitigation measures at the NH₃ storage area that is designed to minimize the risk of releasing NH₃ into the environment from possible fire or over-pressurization incidents. Specific on-site active prevention and mitigation systems are currently in place and include a firewater deluge system that emits a water vapor cloud around the vessels such that potential NH₃ vapor cloud would be contained in the event of a fire. The NH₃ storage vessels have leak detection systems with audible and control room
alarms, pressure relief devices, excess flow valves, and emergency block valves to prevent or limit the severity of a release. Additionally, a firewater-monitor fog system, which consists of water fog sprays, would effectively disperse a NH₃ vapor cloud.

Under the CalARP program, the Chevron facility is required to conduct a hazard assessment as part of the RMP requirements, which include a Worst Case Scenario (WCS) analysis and an Alternative Release Scenario (ARS) analysis. This analysis is described in detail in the 2002 Navy EIS/EIR (Appendix U). Following the information presented in the RMP, the 2002 Navy EIS/EIR (Appendix U) determined that the project site was located within the scenario circle under a WCS event, and three quarters of the project site fell within the ARS. The 2002 Navy EIR/EIS determined that potential exposure would occur due to sensitive receptors being located with the ERPG 2 exposure zone. The 2002 Navy EIR/EIS concluded that the presence of ammonia storage at Chevron poses a significant impact to the project site.

These findings have been contradicted by a more recent site-specific consequence modeling analysis. A comprehensive modeling of the risks associated with a NH₃ release, which is described in the Draft EIS/EIR and is included as Appendix M, concluded that the assumptions used in the previous study were flawed, resulting in an overstatement of the risk posed by the neighboring Chevron facility. Specifically, the 2002 Navy EIS/EIR and WCS/ARS analysis fail to take into account that Chevron has installed on-site active mitigation systems and employs active controls to prevent and protect against a catastrophic ammonia release within the facility. Furthermore, the steep topography between Chevron and Point Molate (as high as 430 feet above mean sea level) was not taken into account in the WCS/ARS analysis.

A consequence modeling analysis was prepared in 2007 by Marine Research Specialists (MRS), to provide an additional evaluation of an accidental NH₃ release from the facility and to determine the possible site-specific exposure associated with such a release (Appendix M). The MRS analysis included the creation of a third scenario, which balances the probability, impacts, and dispersal between the WCS and ARS. This third scenario is referenced as the Likely Worst-Case Scenario.

The MSR consequence modeling analysis is developed along CalARP guidelines, similar to the RMP discussed in the 2002 Navy EIR/EIS (Appendix U), with the inclusion of quantitative estimates of the release probabilities, topographical information, and the preventative and response safety measures in place at the facility. In the 2007 MRS analysis, the intervening terrain along the Potrero Hills were recognized as forming a substantial physical barrier between Chevron and the project site thus affecting the dispersal pattern. From the facility NH₃ storage tank location, which is approximately 10 feet above mean sea level (msl), the terrain rises 350 to 430 feet, and then transitions through wooded terrain towards the project site before falling to 65 feet above msl at the upper edge of the site. The distance from the NH₃ tank to the project site is between approximately 0.87 to 1.4 miles distant. The intervening terrain has several effects on the advection and dispersion of an ammonia vapor cloud including:
3.0 General Response to Comments

(1) The height of the Potrero Ridge along the eastern border of the site increases the actual linear feet that a vapor cloud would travel from the Chevron Facility to the project site by 100 feet. With the height of the intervening hills included, the distance from the NH₃ tank to the project site increases from 4,590 linear feet to 4,690 feet.

(2) The terrain precludes an ammonia vapor cloud from traveling over the ridge during periods with extremely low wind speeds or inversion heights below approximately 350 feet; thereby, containing the vapor and not allowing it to travel onto the project site.

(3) Another effect of the terrain is an increase in the turbulence and vapor cloud diffusion as the potential vapor cloud travels over the terrain. As a result, the vapor cloud becomes dispersed and less concentrated as it travels over the hills, towards the project site.

All of these factors contribute to enhanced vapor cloud dispersion and lower than expected ammonia concentrations that would potentially expose the persons residing at or using the project site (MRS, 2007).

Prevailing wind patterns, as an additional dispersal factor, further reduce the probability that the project site would be affected by a release of NH₃. The MRS analysis includes a wind frequency distribution study, which found that wind blows in a northeasterly direction from Angel Island towards the Chevron facility more than 84 percent of the time. The wind blows from all other directions 16 percent of the time.

The MRS consequence modeling analysis determined that the WCS as improbable in the extreme. This fact, combined with safety record of the facility storage vessels, the fact that the vessels are never filled to more than 42 percent of capacity, and existing active mitigation measures and technical safeguards at the facility and environmental conditions at the site, led MRS to conclude that NH₃ storage at Chevron does not pose a significant risk.

Thus, based on the full range of factors, several of which were excluded from the 2002 Navy EIS/EIR and WCS/ARS analyses, it was concluded that the possibility of a NH₃ release affecting the site is very small. This small probability, combined with the ample mitigation detailed in Section 5.2.11, diminish the potential for adverse impacts to the health and safety of people occupying Point Molate to a less than significant level.

3.16.3 Security at the Neighboring Chevron Refinery

Comment: Several comments were received citing security concerns and terrorism threats at the Chevron Refinery that may arise with the operation of the Proposed Project at Point Molate.

Response: The Chevron Refinery has a number of safeguards in place to reduce threats associated with terrorism and sabotage. At present, these precautions include chain link and barbwire fencing, controlled gate entrances, a large security force that roves the grounds and guards the entrances, identification for all
Refinery personnel, and general awareness training for all employees (ESA, 2007). In the wake of the terrorist attacks of September 11, 2001, Chevron developed a security protocol that is consistent with the national color code system. Additional safeguards that Chevron has enacted include providing additional security at critical locations, enhanced cooperation with the Contra Costa Sheriff’s Department, restricted parking, vehicle searches, and other confidential measures.

Currently, a small security force, overseen by the City of Richmond, is responsible for patrolling the hillside areas of Point Molate adjacent to the Chevron facility. The additional visitors to Point Molate generated by the Proposed Project would not result in the weakening of Chevron’s existing security; nevertheless, with development of the Proposed Project, security along Chevron’s shared boundary with Point Molate would be enhanced by constructing and staffing an on-site emergency response station (police and fire) at Point Molate and by providing additional security forces to patrol the hillside open space at the expense of the project proponents.

3.17 AESTHETICS

Summary of Comments: Several comments have been received expressing concern regarding the potential for the Proposed Project to adversely impact the aesthetic value of the project site.

Response: The aesthetic character of the project site is described in Section 3.13 of the Draft EIS/EIR and potential impacts are assessed in Sections 4.13 and 4.15. The analysis considered a host of goals and policies articulated in the City’s General Plan and used explicit criteria to evaluate potential impacts associated with the Proposed Project. Mitigation is presented in Section 5.0 that, upon implementation, would reduce potential impacts to the aesthetic character of the site under Alternatives A – E to a less than significant level. As disclosed in the Draft EIS/EIR, the No Action Alternative (Alternative F) would result in a significant impact since the Winehaven Historic District would continue to deteriorate and could substantially degrade the existing visual character or quality of the site and immediate surroundings. No feasible mitigation is available to eliminate or lessen this impact under Alternative F due to the lack of a funding source.

As described in Section 3.13.2, the project site’s aesthetic character is defined by the presence of the Winehaven Historic District, its location adjacent to San Francisco Bay, and the open space hills climbing to Potrero Ridge on the eastern margin of the project site. Through a combination of adaptive project design on the part of the applicant, mitigation measures detailed in the Draft EIS/EIR, and a cooperative final design process, the site’s character-defining features would be maintained and all potential impacts would be less than significant under Alternatives A - D.

The central facets of the site’s character (location along San Francisco Bay, Potrero Ridge, and the historic structures) are also critical elements of the Winehaven Historic District’s integrity, as detailed in Sections 3.6, 4.6, and 4.15. While many of the mitigation measures that are recommended in the context
of reducing or eliminating impacts to the Historic District, they would also mitigate potential impacts to the aesthetic character as well. As such, cross-references have been added to the aesthetics analysis in Final EIR Section 4.13.

The final design of new construction within the Winehaven Historic District would be subject to the Section 106 consultation process involving the public, City of Richmond, California State Historic Preservation Officer (SHPO), the Tribe/Upstream Point Molate, Bureau of Indian Affairs (for Alternatives A – C), and other invited signatories. During this consultation process the Tribe shall develop comprehensive Design Guidelines to comply with the Secretary of the Interior’s (SOI) Standards and Guidelines for the Treatment of Historic Properties that will govern the rehabilitation of all retained buildings within the Historic District as well as new construction near or within the historic core of the District. Since the final color palate, materials, landscaping scheme, and new construction articulation (to existing historic structures) is subject to the final Design Guidelines, the renderings presented in the Draft EIS/EIR serve to illustrate the approximate massing of new construction. The final design, in order to comply with the SOI Standards and Guidelines, must retain the historic character, avoid a false sense of historical development, preserve distinctive materials, features, finishes, and construction techniques, and all new construction must be differentiated from the historic buildings, yet be compatible. All of these considerations, and a host of others provided in the SOI Standards and Guidelines, will be applied in the final design guidelines as required by Final EIR Mitigation Measure 5-2.

Other ways in which the historic character of the Winehaven Historic District would be preserved that are provided as mitigation include: all new attachments to the historic buildings shall be reversible; existing windows within Buildings 1, 10, and 13 would be repaired and preserved to the maximum extent feasible; metal sheet hood moldings over the paired windows on the west elevation and the three story portion of the Building 1 should be repaired and replaced; new construction south of Building 1 shall be cognizant of the existing scale, massing, and height of Building 1. The height of new construction shall be stepped-up gradually from the north side of new construction toward the south, with the lower side near Building 1; and incorporation of design elements into the new construction that serve the same purpose as the architectural detail on the four Teutonic-influenced buildings and carry-over existing themes in scale and texture.

As depicted in the site plans presented in Figures 2-3, 2-8, 2-11, and 2-14, no structures would be placed west of Building 1 (Winehaven Building) in any of the alternatives that would obstruct views of the San Francisco Bay. Similarly, the area that lies between the proposed new hotel and the Bay would remain open and accessible, with views of the Bay preserved from the shoreline areas. The principals of maintaining views of the Bay are included in several of the requirements specified in Mitigation Measure 5-1, including: (b) prohibiting construction in front of Building 1 that would obscure the building as viewed from the bay or vice versa; (n) retention of open space, or the impression of space, between Building 1 and any new construction south of Building 1; and, ensuring the powerhouse (Building 13) and hillside may be viewed between Building 1 and any new construction. In addition, all
of the alternatives provide for a 35 acre shoreline park open to the public. It should be noted that the vast majority of redevelopment within Point Molate would occur on lands that are highly degraded as a result of a half century of occupation by the Navy, during which time the site functioned as an industrial facility.

The vast majority of hillside open space, located east of Western Drive, would be maintained under all of the project alternatives. **Tables 2-2 and 2-6** in the Draft EIS/EIR detail the acreage of open space to be preserved under the various alternatives under consideration, which varies from 145 (Alternatives A, B, and D) to 191 acres (Alternative C). New construction planned east of Western Drive would be constructed in an area that is largely classified as ruderal and currently contains a number of Navy-era structures. The proposed 5,000 car parking structure east of Western Drive would be semi-subterranean, and adjacent amenities would be relatively low-slung so as not to obscure Potrero Ridge that rises between roughly 315 to 370 feet above sea level in this area. As such, implementation of Alternatives A – D would not significantly diminish the views of San Pablo Ridge from within or outside of the project site.

The methods used in the analysis of aesthetic impacts from off-site vantage points are discussed in **Section 3.13** and the findings are presented in **Section 4.13** of the Draft EIS/EIR. As depicted in Draft EIS/EIR **Figure 3.13-1a**, the project site lies a significant distance from population centers that have an unobscured view of Point Molate. Due to the site’s surrounding terrain, it is not visible from other parts of Richmond and generally is obscured to west-bound drivers on the Richmond – San Rafael Bridge, as it is oriented between 90+ to 150 degrees perpendicular to the line of sight of drivers. For drivers passing east on the bridge, the project site lies between one and more than three miles distant. The analysis also considered fixed vantage points in Marin County, which generally lie four or more miles away. In each case it was concluded that additional light sources would be added, which require mitigation (**Mitigation Measure 12-3**) to ensure that fugitive light would be kept at a minimum and would not be a source of substantial glare. The procedural design and consultation process described above, in combination with implementation of **Mitigation Measures 4-18, 5-1 and 12-1** through **12-3**, would ensure that all off-site aesthetic impacts are reduced to less than significant levels.
SECTION 4.0
RESPONSE TO INDIVIDUAL COMMENTS

This section provides direct responses to the 400+ comments collected from private citizens, businesses, organizations, unions, as well as public agencies and governmental bodies during the 105-day comment period. All of the comments, which have been bracketed and numbered for ease of reference, are provided in Section 2.0 of this document. Written comments received from public agencies and other governmental entities are given the prefix “A” followed by a sequential number, distinguishing each comment. Written comments received by citizens, private organizations, businesses, unions, etc., are given the prefix “I.” Finally, comments provided during the two public hearings are given the prefix “PH.” Refer to Table 2-1 which provides an index of all of the comments received on the Draft EIS/EIR.

Once an issue is addressed, either in the General Responses (Section 3.0) or in an individual response to a comment, subsequent responses to similar comments reference the initial response. This format eliminates redundancy where multiple comments have been submitted on the same issue.

4.1 RESPONSES TO WRITTEN AGENCY COMMENTS

COMMENT A1

RESPONSE A1-1
Comment noted.

RESPONSE A1-2
Due to the scale of the Proposed Project, specifically the potential for the project to generate substantial economic activity, a large area was studied. While economic activity from the Proposed Project would affect a large area, the geographic location of the City of Richmond and Contra Costa County results in the potential for these areas to be affected to the greatest extent; and therefore, the socioeconomic impact analysis provided in Sections 3.7 and 4.7 of the Draft EIS/EIR focuses on these locations. Economic effects would also be spread across a variety of areas outside of Contra Costa County, but an attempt to identify any specific areas where economic activity would be concentrated would be speculative. For these reasons, potential impacts to Marin County specifically were not quantified. Please refer to General Responses 3.11.1 through 3.11.6 for a discussion of potential social impacts within the immediate and surrounding communities.
4.0 Response to Individual Comments

The Draft EIS/EIR provides an analysis of all reasonably foreseeable social impacts from gambling. A more in-depth analysis is provided for problem/pathological gambling and crime as these issues were highlighted during the scoping process for the Proposed Project.

The commenter is incorrect in stating that the Draft EIS/EIR assumes that social impacts would affect only an area 10 miles or less from the site; the Draft EIS/EIR states that, based on a review of research, increases in the number of pathological and problem gamblers from the Proposed Project would be limited to within 10 miles of the project site. As discussed in Section 4.7, based on a review of existing literature, no specific data regarding the increase in problem and pathological gamblers for those residents living between 11 and 50 miles of a casino is available.

Census tracts are used to identify minority and low-income communities for the environmental justice analysis. The majority of potential impacts associated with the Proposed Project, such as those to land, water resources, air quality, and traffic, among others, can be characterized as local in nature; and therefore, it was determined that potential environmental justice communities are those located within the immediate vicinity of the project site, as identified in Section 3.7 and shown in Figure 3.7-1 of the Draft EIS/EIR. Additionally, Section 4.7 determined that no identified low-income or minority communities would be disproportionately adversely impacted by the Proposed Project. Expanding the environmental justice analysis to include communities within Marin County would not change the conclusions of the environmental justice analysis.

As discussed in Draft EIS/EIR Section 4.7, as a result of Alternatives A - D, criminal incidents would be expected to increase at the project site relative to the existing conditions as a result of an increased volume of people on-site. The project site and immediate project area fall within the jurisdiction of the City of Richmond Police Department; and therefore, this agency has been contracted through the Municipal Services Agreement (MSA) to be compensated for providing law enforcement services to the project site and project area. The Richmond Police would be assisted by Tribal security under Alternatives A – C and B1.

The Economic Impact Study (Appendix T) quantifies, and the Draft EIS/EIR Section 4.7 summarizes, the new economic activity from the Proposed Project which would result in substantial new economic activity, employment, and wages in the County, including spending at existing businesses. The Economic Impact Study also identifies that revenue for the Proposed Project from outside the County is expected to originate from a variety of markets within the greater San Francisco area, the largest being the San Jose market (see Draft EIS/EIR Figure 3.7-2). While Marin County could experience some spending diverted to the Proposed Project, a large amount of new economic activity would result both in Contra Costa County and surrounding counties (including Marin County), which would yield an overall neutral or beneficial impact to Marin County. Draft EIS/EIR Section 4.14 discusses potential growth-inducing impacts associated with the Proposed Project, and identifies that commercial growth would likely result from economic activity generated by the Proposed Project. Based on the inherent tourism value of the
Proposed Project and new household spending that would result in the County, it is estimated that the Proposed Project would result in approximately nine new commercial developments, including three new gas stations, three new restaurants, and three new fast food (or similar) establishments.

Based on the magnitude of new economic activity that would result in Contra Costa County and surrounding counties, combined with the characterization of the Proposed Project as a destination resort, the Proposed Project would not diminish the viability of existing business in Marin County and result in urban decay. Please refer to General Response 3.11.5 for further discussion of urban decay and other economic impacts to regional businesses.

**RESPONSE A1-3**

**Mitigation Measure 1-2 in Section 5.2.1** of the Final EIR has been augmented to clarify the required contents of the design-level geotechnical investigation and to note that the investigation shall be incorporated into the Mitigation Monitoring and Reporting Plan and subject to implementation verification.

A Historic Building Condition Assessment of the Winehaven District was conducted and is included as Appendix E of the Draft EIS/EIR. The Historic Building Condition Assessment concludes that the historic buildings are salvageable and capable of supporting seismic retrofitting. Recommendations for seismic retrofitting and probable associated costs are also provided in Appendix E. Please refer to Appendix DD for more in-depth analysis of historic Building No. 6.

**RESPONSE A1-4**

Refer to General Response to Comment 3.7 regarding toxic air contaminates.

**RESPONSE A1-5**

Please refer to Tables 4.5-1, 4.5-2, 4.5-3 and 4.5-4 in Draft EIS/EIR Section 4.5. These tables detail project related impacts to habitats and indicate that no impacts to beach strand habitats would occur under Alternatives A - D. Therefore, avoiding impacts to beach strand habitat “to the maximum extent feasible” is achieved in the project design.

As stated in Mitigation Measure 4-9 of Draft EIS/EIR Section 5.2.4 “the VMP [Vegetation Management Plan] shall outline the specific goals of mitigation, describe detailed logistics and instructions for implementation of the specified goals, determine appropriate monitoring regimes and reporting requirements, establish success criteria, and devise an adaptive management strategy to ensure the goals of mitigation are achieved in perpetuity.” Thus, habitat specific, detailed and comprehensive mitigation implementation standards and monitoring criteria will be built into the VMP. In addition, language has been added to Final EIR Section 5.2.4 to describe the required contents of the VMP in more detail.
As required under CEQA and NEPA all potential impacts to avian species (including migratory birds) are sufficiently addressed in Draft EIS/EIR Sections 3.5 and 4.5 using the significance criteria detailed in Section 3.5.7. Mitigation Measures 4-15 through 4-19 reduce potential impacts to potentially occurring avian species to less than significant. In addition, the USFWS Section 7 concurrence letter (Appendix J) offers a “not likely to adversely affect” determination for all federally listed avian species with the potential to occur within the project site while specifically noting that the “project area contains a very small amount of low quality habitat that is isolated from other habitat areas known or likely to support these species.” This designation also includes a “not likely to adversely affect” determination to federally listed birds that “may forage in offshore waters and eelgrass beds within the project area.” Additionally, all buffers and setbacks from sensitive resources will be approved through consultation with the Bay Conservation and Development Commission (BCDC), as applicable.

Regarding the commenter’s opinion that the proposed connection between the Winehaven Building (No. 1) and the proposed new construction would not be permissible, please refer to Mitigation Measure 5-1 of the Draft EIS/EIR for a description of procedural approach for resolving adverse affects on the Winehaven Historic District. The Proposed Project would be required to conform to the Secretary of the Interior’s (SOI) Standards and Guidelines for Rehabilitation (Mitigation Measure 5-1). For additional discussion of potential impacts associated with redevelopment within the historic district, please refer to General Response 3.12, as well as individual responses A17-1 and A24-12.

RESPONSE A1-6

Impacts to US 101 and the scope of traffic analysis in Marin County are discussed in the Supplemental Traffic Impact Analysis (STIA; Appendix S). The STIA identifies and analyzes a critical portion of US 101 that has the potential to be impacted by the Proposed Project. This analysis is summarized in Sections 4.8 and 4.15 of the Draft EIS/EIR.

RESPONSE A1-7

Please see General Response 3.11.5 and Response A1-2 for further discussion of urban decay and other economic impacts to regional businesses, including those in Marin County. As depicted in Figures 1-1 through 1-3 of the Draft EIS/EIR, the project site is located a significant distance from existing residential communities. Contrary to the commenter’s statements, the Proposed Project would create connections with existing communities, and would not result in “residential land use economic deterioration” or “the potential physical division” of the existing minority community in Richmond.

RESPONSE A1-8

As described in Section 4.10.1 of the Draft EIS/EIR, East Bay Municipal Utility District (EBMUD) prepared a Water Supply Assessment (WSA; Appendix Z) to compare the water demand of the Proposed Project with the 2005 Urban Water Management Plan, in accordance with Urban Water Management Planning Act (SB 610). Despite the commenter’s characterization of the analysis by EBMUD as a
“purported water supply assessment in a brief letter”, the WSA was prepared in accordance with all applicable standards and guidelines. According to the WSA, “The water demands for the Point Molate Mixed-Use Tribal Destination Resort and Casino Project area are accounted for in EBMUD’s water demand projections as published in EBMUD’s 2005 Urban Water Management Plan.” The WSA further states that, “Water consumption within the EBMUD service area has remained relatively level in recent years in spite of population and account growth. Since the 1970s, water demand has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2030 water demand forecast of 281 mgd for the EBMUD service area can be reduced to 232 mgd with the successful implementation of water recycling and conservation programs, as outlined in the UWMP. The Point Molate Mixed-Use Tribal Destination Resort and Casino Project will not change the EBMUD 2030 demand projection (emphasis added).” With the inclusion of the water conservation measures outlined in the WSA, which are included as Mitigation Measure 9-1, the Proposed Project would have a less-than-significant impact on the EBMUD water supply source, and would not result in an exceedance of EBMUD water supply capacity. EBMUD further confirms its available capacity to serve the Proposed Project in its comment letter on the Draft EIS/EIR, attached to the Final EIR as Letter A-12.

**RESPONSE A1-9**

There is no basis to conclude that implementation of the Proposed Project would require the Federal Aviation Administration (FAA) to alter existing flight patterns. Noise contour maps presented in the City of South San Francisco and City of Oakland General Plans show that the Community Noise Equivalency Level (CNEL) at the project site would be less than 65 dBA, which is within acceptable noise levels (refer to Section 4.11 of the Draft EIS/EIR). The Tiburon General Plan notes that aircraft noise from San Francisco and Oakland airports create noises levels of 19 to 44 dB CNEL, well below acceptable noise level provided in the Tiburon General Plan. Due to the nature of the proposed land uses no adjustment of flight movement would occur.

**RESPONSE A1-10**

Please refer to General Response 3.17 concerning analysis of potential aesthetic impacts. Also, please refer to Draft EIS/EIR Section 4.13, which contains specific impact analysis related to light and glare, including a reference to required mitigation measures in Section 5.2.12 in order to ensure light and glare impacts are less than significant.

**RESPONSE A1-11**

Please refer to General Response 3.3, which addresses the formulation and analysis of alternatives in the Draft EIS/EIR. Note also that non-gaming alternatives are included in the Draft EIS/EIR.

**RESPONSE A1-12**

All of the agreements referenced are contingent upon completion of environmental review and approval of the development of the Proposed Project. None of the agreements require that the project site be
developed absent the necessary environmental review. Neither does the presence of the various agreements indicate that development must take place even in the absence of environmental review. Note that the Draft EIS/EIR contains a no action alternative which assumes that no on-site development would take place under that alternative.

Each referenced agreement is fully considered in the Draft EIS/EIR. The Land Disposition Agreement (LDA), the Early Transfer Cooperative Agreement (ETCA), and the MSA are all discussed in detail in Section 2 of the Draft EIS/EIR. The Intergovernmental Agreement (IGA) between the Tribe and Contra Costa County, which was reached in November 2009, is considered in the Final EIR and provided in Appendix BB. These agreements are relevant to some of the development alternatives and are therefore considered in the analysis of environmental impacts contained in Final EIR Section 4. Preliminary service agreements are considered primarily in the analysis of utilities and public services impacts (Draft EIS/EIR Section 4.10). Agreements with service providers allow for the provision of public services or utilities in the event that development occurs. The mere presence of these agreements does not mean that development will occur. Although the Base Reuse Plan is not predicated on tribal use of the site, the stated “purpose and need” (Draft EIS/EIR Section 1.4) includes a tribal component. It is fully consistent with NEPA and CEQA to consider the purpose and need in selecting alternatives for analysis. Nonetheless, some alternatives analyzed in the Draft EIS/EIR include tribal development and some do not include such development. Please also refer to General Response 3.3, which addresses the formulation and analysis of alternatives in the Draft EIS/EIR.

RESPONSE A1-13

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

COMMENT A2

RESPONSE A2-1

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

Refer to General Response 3.12.5 regarding the geographic scope of the traffic analysis in general, and in regards to the segment I-80 south of the I-580 split, specifically.

The Draft EIS/EIR notes that “San Pablo Avenue provides an alternative access point to the project site via Richmond Parkway (Section 3.8: 3.8-4).” The description has been amended in the Final EIR to clarify that the indirect access provided by San Pablo Avenue applies to the northern extension of it which serves the communities of Rodeo, Hercules, and Pinole. A portion of vehicular traffic originating in these communities is expected to use the northern segment of San Pablo Avenue, thence the Richmond Parkway south of the intersection of the two arteries in the Hilltop area of Richmond. The portion of San Pablo Avenue north of the Richmond Parkway is a major throughway in a suburban setting with relatively few stop lights and acceptable operations. In contrast, San Pablo Avenue in the City of Albany
is set in a highly developed urban environment with a far greater number of signalized intersections and traffic that generally flows at a much slower rate than that of its northern extension in Rodeo, Hercules, Pinole, and the Hilltop area of Richmond. While a very small number of vehicular trips may use this facility to access the project site, far fewer than 50 trips in the peak hour are expected to utilize it; thus San Pablo Avenue in the City of Albany was excluded from further analysis.

Please refer to General Response 3.12.2 regarding additional discussion of the scope of analysis for the transportation studies, discussion of the proposed conference facility, as well as trip generation rates and trip reductions.

COMMENT A3

RESPONSE A3-1

Comment noted.

RESPONSE A3-2

Please refer to General Response 3.12.2 for a discussion of trip generation rates and trip reductions. Refer to the TIA, STIA (Appendix S), and supplemental transportation memorandum (Appendix HH), which provide a discussion of the methods and assumptions used in the transportation analysis.

Please refer to General Response 3.10 regarding enforcement of all mitigation measures specified in the Final EIR.

The May 1992 Institute of Traffic Engineers (ITE) article (Ackeret and Hosea, 1992) cited by the commenter provides casino trip generation rate for “Las Vegas Area Casino-Hotels.” However, the conclusions reached in the nearly 18 year old article are not applicable for several important reasons. First of all, the Proposed Project cannot be accurately characterized as a “Las Vegas Area” casino. The study cited considered three types of facilities that are categorized based on their location in the Las Vegas market: Strip Hotels and Casinos, Outlying Areas, and Local Casinos. As discussed in the ITE article, these are very specific types of land uses that cannot be applied uniformly throughout the country. The article acknowledges that “this sort of development represents a unique land use for which trip generation rates have not been established (Ackeret and Hosea, 1992:1).” Secondly, the data presented in the article is dated, reflecting traffic patterns in Las Vegas which were observed between 1985 and 1990. The trip generation rates presented in the article assume 100 percent occupancy of hotel rooms, which is an unreasonable assumption, especially in light of the fact that the authors note that occupancy at the facilities studied never averaged greater than 81.6 percent of capacity. Finally, the article states that “…it is important to realize that the following evaluations do not necessarily reflect the peak-hour rates of the hotel-casino traffic generator (emphasis added; Ackeret and Hosea, 1992:1),” which further highlights that the application of the article’s findings is inappropriate and would lead to erroneous conclusions.
As described in **Section 4.8** of the Draft EIS/EIR, as well as within the TIA (**Appendix S**), the ITE method was used to estimate the traffic volumes generated by the various components of each alternative. However, the ITE method does not have a standard trip generation rate that applies to the unique land uses that characterize tribal gaming resorts with a broad range of amenities. Therefore, data was collected from several existing and proposed tribal gaming facilities, which are listed in the TIA. Application of the relevant ITE rates and empirical data from other comparable facilities results in a much higher level of confidence for the estimation of appropriate trip generation considering the land uses proposed under the various alternatives.

The transportation infrastructure improvements referenced in **Mitigation Measure 7-5** are planned improvements identified in the Marin County Regional Transportation Plan (RTP). The RTP identifies funding sources for these improvements. Furthermore, without the Proposed Project, the intersection located at Sir Francis Drake and Andersen Drive would operate at a less than acceptable level of service; thus, project-related traffic does not cause an unacceptable level of service, rather it would contribute to a pre-existing problem. Therefore, it is not the responsibility of the Tribe to pay 100 percent of the costs to resolve the less than acceptable level of service at the intersection. In compliance with established formulas for calculating fair share contributions, **Mitigation Measure 7-5** correctly requires a contribution ranging from zero (Alternative F – No Action) to 17 percent of the cost of the improvement, depending on the alternative selected. The Tribe would defer to responsible agencies with jurisdiction over the intersection regarding the final design of the required improvements.

The STIA (**Appendix S**) includes a full analysis of the I-580 / US 101 interchange as does **Section 4.8** and **4.15** of the Draft EIS/EIR. It was determined through this analysis that the I-580 / US 101 interchange would have a less than significant impact due to project-related traffic. Refer to **Sections 4.8** and **4.15** of the Final EIR as well as **Appendix HH** for a summary of the analysis performed along Sir Francis Drake Boulevard in the City of Larkspur for the Proposed Project.

Please refer to **Section 3.8** of the Draft EIS/EIR for a discussion of the relevant regulatory framework applicable to the Proposed Project in the context of the transportation analysis.

**Sections 4.8** and **4.15** of the Draft EIS/EIR and the STIA analyze potential impacts to the Richmond-San Rafael Bridge. It was determined that in the build-out year project-related traffic would have a less than significant impact on the level of service on the bridge. However, in the cumulative year there would be a significant impact and mitigation is provided in **Section 5.2.7** of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there are currently no plans to fund or implement the improvements on the part of Caltrans. Refer to **General Response 3.12.6** regarding bicycles on the Richmond-San Rafael Bridge.
COMMENT A4

RESPONSE A4-1

Comment noted.

COMMENT A5

RESPONSE A5-1

Please refer to General Response 3.1.1 regarding extension of the comment period.

COMMENT A6

RESPONSE A6-1

The scope of analysis used in the transportation studies is discussed in General Reponses 3.12.2 and 3.12.5. The scope of the analysis has been expanded to include the intersections along Sir Francis Drake Boulevard cited by the commenter within the City of Larkspur. The analysis is provided in a technical memorandum provided in Final EIR Appendix HH and has been incorporated into Sections 3.8, 4.8, and 4.15 of the Final EIR. Potentially significant impacts were identified at two of the intersections in the City of Larkspur. With the implementation of mitigation measures provided in Section 5.0 of the Final EIR, impacts would be reduced to a less than significant level.

A total of 39.3 percent of trips would originate from points west of the project site. Refer to trip generation rate, General Response 3.12 and Section 5 of the TIA for an accurate percent of traffic using the Richmond-San Rafael Bridge; also refer to the technical memorandum provided in Appendix HH of the Final EIR for an accurate percentage of project-related vehicles which would use Sir Francis Drake Boulevard. Refer to Section 5.2.7 of the Draft EIS/EIR for mitigation measures on Sir Francis Drake Boulevard. With the implementation of mitigation measures there would be a less than significant impact to roadways and intersections in Marin County.

The TIA and STIA provided with the Draft EIS/EIR make different assumptions with respect to the number of trips that would be reduced by implementation of the proposed ferry service, diverted link trips (incorrectly dubbed “pass by” trips in the TIA), and TDM measures. Ultimately, the analysis presented in the Draft EIS/EIR employs the more conservative assumptions articulated in the STIA with respect to ferry patronage and diverted link reductions. Based on the incorporation of more aggressive TDM measures developed after the TIA was completed, the STIA and Draft EIS/EIR calculate a higher percentage of trips diverted through TDM than estimated in the TIA. However, the total number of vehicle trips reduced through TDM, diverted link, and ferry trips is the same in the TIA, STIA, and Draft EIS/EIR.

The description of the Richmond – San Rafael Bridge on page 3.8-4 of the Draft EIS/EIR has been corrected in the Final EIR to address the mistake identified by the commenter.
COMMENT A7

RESPONSE A7-1

Comments noted regarding the focus of the review.

The Tribe does not intend to charge for parking at the facility and no mitigation measure has been added requiring that a fee be charged for parking. While parking charges would likely encourage the use of alternate transportation it would also likely reduce overall patronage, reducing revenues and therefore reducing the ability of the project to fund other substantial mitigation measures, including aggressive measures to encourage the use of transit to reduce emissions and improve traffic operations, as detailed in Draft EIS/EIR Sections 5.2.3 and 5.7.2.

The Tribe proposes to build two parking structures (one semi-subterranean and one completely subterranean) to provide ample parking, which would have the effect of reducing the total footprint needed for parking facilities and eliminating potential impacts related to the aesthetic character of the site. As described in Section 2.0 of the Draft EIS/EIR, the Proposed Project would prohibit the use of personal vehicles for circulation within and between the major components of the project site. The large amount of parkland and open space proposed under Alternatives A – E, as well as construction of the Bay Trail through the project site, would encourage walking and use of bicycles. “Cruising” within the project site in search of available parking would not occur since patrons may only park in the two garages provided on site and given the ample number of parking spaces that would be made available.

The far-reaching mitigation measures and progressive design components focused on alternative modes of transportation and ridesharing would reduce the number of vehicle trips by a significant margin. Such measures include providing on-site ferry service, providing funding for AC Transit to extend bus service to the site, improvements to local bus stops, economic incentives for employees carpooling, free shuttles to the Richmond BART station, etc. The approach articulated in the project proposal envisions enhancing the existing local public transit network in tandem with development of the on-site ferry service.

Section 5.0 provides details regarding fair share funding that the Tribe would pay for each of the required mitigation measures. Mitigation Measures 3-17, 3-18, 3-20, and 7-7 provided in Section 5.0 of the Draft EIS/EIR require funding to enhance existing transit and transit facilities. The Draft EIS/EIR considers the availability of funding in considering the feasibility of mitigation measures. In no instance does the Draft EIS/EIR assume, recommend, or encourage the use of existing public funding sources to fund mitigation measures to the detriment of other transportation projects.

Mitigation Measure 3-17(d) has been supplemented to require continued consultation and coordination with the regional public transit providers in the final planning and implementation phases of project development, as suggested by the commenter.
Mitigation Measure 7-6 has been supplemented as suggested by the commenter to clarify that the goal is to reduce vehicle trips to the project site by increasing the use of transit.

COMMENT A8

RESPONSE A8-1

The Final EIR at Section 3.8 has been corrected to more accurately characterize the Golden Gate Bridge, Highway and Transportation District’s service area. Additionally, the commenter’s supplemental information concerning ferry routes operated by Golden Gate Ferry has been incorporated into the Final EIR Section 3.8. Figure 3.8-3 has been updated to reflect the fact that Golden Gate Transit Routes 40 and 42 operate on the Richmond San Rafael Bridge.

Regarding the commenter’s inquiry concerning Castro Street and Richmond Parkway; these streets do not intersect. In fact, Castro Street and the Richmond Parkway are the same facility in the vicinity of their intersection with I-580. The Richmond Parkway arterial, as well as all of its intersections with the potential to be impacted, were analyzed in the Draft EIS/EIR. Please refer to Sections 4.8 and 4.15 of the Draft EIS/EIR for a discussion of potential operational impacts along the Richmond Parkway in the near-term and cumulative years. Mitigation for potential impacts to these facilities is provided in Section 5.2.7. The signalized intersection just north of Tewksbury Avenue and Castro Street is Castro Street and Redwood Way/WB I-580 On/Off Ramps, which is analyzed as intersection number one in the Draft EIS/EIR and TIA.

In the absence of significant impacts, the Tribe has committed to fund 100 percent of three improvements to the area of Point Richmond the commenter refers to. Improvement Measures 7-21, 7-22, and 7-23 would improve traffic operations at the intersection of Standard Avenue at Castro Street, Tewksbury Avenue and Castro Street, as well as provide improvements to the “Tewksbury Turnaround” located at the intersection of Tewksbury Avenue and Castro Street.

Implementation of the Proposed Project would somewhat exacerbate the Anderson Drive and Sir Francis Drake Boulevard intersection; however, Mitigation Measure 7-5, which is provided in Section 5.2.7 of the Draft EIS/EIR, would reduce impacts to this intersection to less than significant. As such, Golden Gate Transit would not be subject to bus route interruptions at this location as a result of the Proposed Project.

The Draft EIS/EIR at Sections 4.8 and 4.15 discloses all significant impacts associated with the facilities cited by the commenter. As discussed in the context of each relevant impact statement, some impacts are considered significant because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements.
Ferry service would be on a regularly scheduled basis. Please refer to Section 2.2.2 and Appendix S of the Draft EIS/EIR, as well as General Response 3.12.1 for ferry service information.

Mitigation Measure 3-17 has been supplemented to specifically reference service to the “Tewksbury Turnaround” transit stop. Improvement Measure 7-23 has been added to the Final EIR, which states that “the Tribe shall fully fund improvements to the Tewksbury Avenue bus turnaround, these improvements would include, but not be limited to: constructing bus shelters, improve bus benches, landscaping, and lighting (applicable to Alternatives A, B, C, and D).”

Mitigation Measure 3-17(d) requires on-going consultation with regional transit providers, as suggested in the comment addressing Mitigation Measure 3-19 on page 2 of comment letter A8.

Mitigation Measure 7-7 has been amended to require coordination with other regional transit providers as necessary, which would include Golden Gate Transit.

COMMENT A9

RESPONSE A9-1

Please refer to General Response 3.1.1 regarding extension of the comment period.

RESPONSE A9-2

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

RESPONSE A9-3

The commenter’s claim that impacts on the City of San Pablo are not clearly identified because census tracts are used as opposed to municipal boundaries is not supported. Census tracts are used to identify minority and low-income communities for the environmental justice analysis, and potential economic activity associated with the Proposed Project is quantified for Contra Costa County, including the City of San Pablo. Low-income and minority communities are identified in the environmental justice discussion in Section 3.7 of the Draft EIS/EIR. These communities are identified based on the potential for the Proposed Project to disproportionately and adversely affect these communities. The majority of potential impacts associated with the Proposed Project, such as those to land, water resources, air quality, problem gambling, and traffic, among others, can be characterized as local in nature; and therefore, it was determined that potential environmental justice communities are those located within the immediate vicinity of the project site, as identified in Section 3.7 and shown in Figure 3.7-1. Additionally, Section 4.7 determined that no identified low-income or minority communities would be disproportionately adversely impacted by the Proposed Project. Expanding the environmental justice analysis to include communities within the City of San Pablo would not change the conclusions of the environmental justice analysis.
The Economic Impact Study is included as Appendix T and discussed in Section 3.7 and 4.7 of the Draft EIS/EIR. The grouping of the five casinos in the greater San Francisco market does not obscure the impact to Casino San Pablo (CSP). The project will impact casinos throughout Northern California as guests who live between Sacramento and San Francisco will frequent casinos in both regions. The casinos were grouped within a general region (i.e. greater San Francisco, greater Sacramento, and other) for comparison purposes only. As discussed in Appendix T and Section 4.7, due to the substantial amount of gaming wins at facilities within the competitive gaming market, declines in revenue at gaming facilities would be minimal. However, the casino located closest to the project site is expected to experience the greatest loss of revenue. The intent of the Economic Impact Study for the Draft EIS/EIR is to determine potential impacts to Native American Tribes; in this case the operators of tribal gaming facilities. Gaming market competition by itself is not considered a significant issue in the context of CEQA or NEPA. Please see General Response 3.11.5 and Response A1-2 for further discussion of urban decay and other economic impacts to regional businesses.

The Economic Impact Study determined that the Proposed Project would draw patrons from a large geographic area (across the greater San Francisco area) and not just Contra Costa County and the City of Richmond. Due to the scope of the gaming market for the Proposed Project, the gaming facility is most accurately characterized as a single component of the larger destination resort venue.

As discussed in Section 4.7, Class II gaming facilities are allowed to include bingo and non-banked card games (played against only other players and not the house), and specifically excludes slot machines and banked card games. Therefore, some of the gaming opportunities specific to casinos and included under Alternative A already exist within ten miles of the project site. As discussed, the Proposed Project would be a destination resort and would appeal to Class III gamers from across northern California. In fact, the Economic Impact Study identifies that the Proposed Project is expected to attract gamers from 19 other Class III gaming facilities and no other Class II facilities. This indicates that the majority of gamers would originate from outside the County and would be seeking Class III gaming opportunities.

The commenter does not support their claim that most of the diverted gaming activity from the greater San Francisco market would come from CSP revenues. Substitution impacts would be diffused across the region because there are a large number of existing businesses that already operate in a competitive environment. While the Economic Impact Study finds that the facility most proximate to the Proposed Project is expected to experience some loss of revenue, such declines would be minimal. It is not expected that the amount of revenue diverted from CSP would be as great as outlined by the commenter. Additionally, as projected by the Economic Impact Study, the greater San Francisco gaming market would be worth approximately $1.83 billion in 2012 without development of the Proposed Project. With development of the Proposed Project, the gaming market is projected to grow by roughly 20 percent to approximately $2.20 billion in 2012. As the facility would draw non-residents to the area, the associated increase in new visitor demand for off-site entertainment venues, restaurants, and other attractions would
off-set some regional patrons choosing to visit the Proposed Project rather than other local establishments. Therefore, although a certain amount of cannibalization is expected, the development of the Proposed Project would result in a nearly 20 percent expansion of the San Francisco gaming market, which would significantly offset potential impacts due to cannibalization. Moreover, since the payments received by the City of San Pablo for the provision of services are intended to offset impacts proportional to the use of such services, any decline in revenue would be expected to be accompanied by a concomitant decline in the need for services.

An attempt by Casino San Pablo to change from a Class II to Class III type gaming is highly speculative, is not relevant to the analysis of environmental impacts associated with the Proposed Project, and is outside the scope of this analysis. The payments derived from the operation of CSP in exchange for the provision of services were set in a Municipal Services Agreement (MSA) entered into by the City of San Pablo and the operators of the gaming facility. Thus, even if CSP were to become a Class III facility, any decline in revenues would be the direct result of the MSA, which caps annual payments at $3.5 million in the event that CSP becomes a Class III facility. Again, analysis of potential effects associated with speculative actions (conversion to Class III) on the part of third-party entities, the effects of which are determined by the terms of an MSA that the Proposed Project applicant is not a signatory to, are not germane to the consideration of potential impacts associated with the Proposed Project.

CSP is included as part of the Economic Impact Study provided in Appendix T. Providing a new study focused solely on this single facility and the issues outlined by the commenter would not change the conclusions of the Economic Impact Study completed for the Proposed Project, as discussed above.

**RESPONSE A9-4**

Please refer to **General Response 3.12.1** concerning the proposed ferry service.

Implementation of the full suite of mitigation measures for potential impacts to the Richmond – San Rafael Bridge in the cumulative year was determined to be infeasible due to the fact that the facility is outside of the jurisdiction of the City and Tribe, and there currently is not a plan to implement or fund the required measures by the jurisdictional agency. For this reason, the Draft EIS/EIR disclosed that such impacts are considered significant and unavoidable. The potential impacts noted to the Richmond – San Rafael Bridge would occur in the cumulative year with or without the Proposed Project. As such, the Proposed Project has the benefit of providing a significant fair share contribution to the improvements that may be required in the future.

The commenter is correct that special event trips would be intermittent, spread over a longer time period and would not occur during the peak hour. Event traffic is analyzed in Section 8.0 of the TIA and was found to constitute a less than significant impact. Please refer to **Response A16-1, Special Event Traffic**, below for additional discussion.
Refer to **General Response 3.12.2** regarding trip generation rates and **General Response 3.12.4** regarding trip reductions. Note also that NEPA and CEQA do not require that “worst case” assumptions be made when analyzing environmental impacts.

While the TIA conservatively assumed that 2.7 million cubic yards of soil would be exported from the site, completion of the conceptual grading plan (**Appendix H**) and the Remedial Plan (**Appendix II**) indicate that the actual amount of soil to be exported would be substantially lower. In fact, the grading plan estimates that only 1.58 million cubic yards of soil would be exported under Alternative B (the alternative with the greatest amount of earthwork), while the Remedial Plan estimates that less than 205,000 cubic yards of impacted soil would require export under the worst case scenario. Moreover, the excavations of impacted soil would have to be backfilled using clean fill derived from other locations on-site, which would replace the volume of impacted soils to be exported. Thus, the TIA overestimates the amount of fill to be exported by approximately 1.12 million cubic yards. As such, the analysis of potential traffic impacts associated with export of soil from the project site during construction and remediation is conservative and no additional analysis is warranted.

Refer to **General Response 3.12.6** regarding the Richmond - San Rafael Bridge lane conversion mitigation. Regarding the breakdown lane comment, it is acknowledged that traffic incidents may occur, temporarily reducing capacity in one or more lanes of traffic until such time that the accident is cleared. However, such incidents are generally short-lived. On the basis of research conducted for the Highway Capacity Manual (HCM), the mean duration of a traffic incident was 37 minutes. The HCM methodology required by Caltrans does not include a factor to account for incidents (although it does reduce the travel speeds by approximately 3 mph when a freeway segment has no shoulders). In addition, the commenter presumes that capacity is unchanged on freeways with breakdown lanes during an accident, which is not accurate.

Ultimately, the effect of an incident on the capacity depends on the proportion of the traveled roadway that is blocked as well as the number of lanes on the roadway at that point. For example, the existing Richmond - San Rafael Bridge has two lanes in each direction and, based on historic traffic volume data for the bridge and the HCM, the capacity of those lanes is approximately 2,000 vehicles per hour. On a two lane freeway with an accident on the shoulder (i.e. in the breakdown lane) the HCM indicates the overall capacity of the two lanes in each direction (4,000 vehicles per hour) would be reduced by 19 percent to about 3,240 vehicles per hour.

For comparison, with three lanes and no breakdown lane an accident could not be moved to the shoulder and would be expected to block at least one travel lane. Under this scenario the maximum capacity of the three lanes in each direction (6,000 vehicles per hour) would be reduced by 51 percent to about 2,940 vehicles per hour when one lane is blocked. Therefore, it is acknowledged that there may be reduced capacity during an incident blocking one lane; however, the benefits of using the breakdown lane for
additional capacity when there are no incidents (an increase in capacity of 2,000 vehicles per hour) would greatly offset any temporary disruptions.

The above cited factors will be considered by Caltrans when determining the appropriate improvements for the bridge. However, it is generally accepted that providing additional capacity during periods without incidents is the critical factor, which is why it is not unusual for breakdown lanes to be converted to regular travel lanes.

Annual maintenance events at the Chevron refinery occur infrequently and are not within normal peak traffic scenarios. NEPA and CEQA do not require that “worst case” assumptions be made when analyzing environmental impacts. In addition, it is likely that increased maintenance-related traffic during maintenance events would be largely offset by decreased operations-related traffic, thereby decreasing the likelihood of increased traffic trips during maintenance events.

Refer to General Response 3.4 and Response I4 regarding Bay Trail connections to the site. Improvement Measure 7-20 provides for bicycle lanes to be included from the project site to I-580 along Western Drive in the event that the proposed Bay Trail segment south of the project site is not functional by the time the Proposed Project is operational. Therefore, Mitigation Measures 3.17 (f), (g), and (i) would be applicable.

**RESPONSE A9-5**

Please refer to General Response 3.9.1 for a thorough discussion of potential impacts to the eelgrass beds located on site. In summary, the eelgrass beds would be protected and not subject to impacts from construction or operation of the Proposed Project based on the following considerations: implementation of the Proposed Project would result in enhanced stormwater conveyance, which would improve water quality through treatment of turbid and/or contaminated water; the pier used for exporting soil is located in excess of 2,000 feet from the seaward extent of the currently mapped eelgrass beds; and Mitigation Measure 4-8 has been augmented to provide additional provisions protecting the eelgrass beds.

Project site drainage (which may indirectly affect the eelgrass beds) is addressed is Section 2.2.2 of the Draft EIS/EIR. An NPDES general construction permit will be acquired for the Project under the requirements of the Clean Water Act (CWA) and a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented for construction-related storm water discharges. The SWPPP shall detail erosion and sediment control Best Management Practices (BMPs) for all phases of construction. Additionally, a conceptual drainage and grading study and storm water management plan (SWMP) is included in Appendix H. These documents describe how storm water flows that may contain potentially turbid and/or contaminated waters from construction activities will be stored in temporary detention facilities where the water can be treated (or trucked from the site and treated) prior to surface water discharge, thus protecting water quality that may affect the eelgrass beds.
Furthermore, aggregate materials would be transferred from crushing locations on-site to barges docked at the end of the pier using a fully enclosed conveyor belt system on the existing pier structure. Adequate dust control of crushed materials would be accomplished prior to transport along the conveyor system. To assure that all material being transported along the conveyor has a low risk of being discharged into the Bay by wind or other agents, full enclosure of the conveyor system will be provided. With these measures implemented, potential impacts to water quality and eelgrass beds will be reduced to less than significant levels. Refer to Mitigation Measure 4-8 in the Final EIR for a description of the full suite of measures that will ensure protection of the eelgrass habitat on-site.

Regarding the recommended changes to Mitigation Measure 4-8 provided by the commenter; removal of “some eelgrass” prior to construction would be inappropriate and unnecessary. As noted in Comment Letter I101, the Romburg Tiburon Center for Environmental Studies is presently engaged in an eelgrass survey, monitoring and restoration effort at Point Molate, which the Guidiville Tribe has actively participated in.

**RESPONSE A9-6**

The fully enclosed conveyor system proposed for use in exporting fill from the site via barge would have no environmental impact in and of itself to areas of soil contamination. Aggregate crushing would occur in the paved area known as Drum Lot 1, and crushed aggregate would be conveyed directly to barges at the end of the pier. However, impacted soils would be exported via truck to approved disposal locations. Please refer to Section 2.1.5 of the Final EIR for a detailed description of the remedial activities proposed. All potential impacts associated with the excavation of impacted soil have been considered in the Final EIR (see General Response 3.16.1). All hazardous materials remediation would occur in highly degraded areas, which were used intensively during Naval occupation of the site. Please refer to Mitigation Measure 11-1, which requires the implementation of a site-specific hazardous materials inadvertent discovery plan or an equivalent soil and groundwater management plan (SMP) that addresses potential inadvertent discovery of hazardous materials in the course of conduction ground disturbing activities.

Please refer to General Response 3.14.1 that addresses emergency preparedness and evacuation.

Please refer to General Response 3.16.2 that addresses the Ammonia Consequence Modeling Analysis undertaken for the Proposed Project (Appendix M).

Please refer to Response A9-3 regarding the potential for public services in the City of San Pablo to be impacted.

**RESPONSE A9-7**

Please refer to General Response 3.3 concerning the analysis of a reasonable range of alternatives presented in the Draft EIS/EIR.
As stated in the Purpose and Need (Section 1.4) of the Draft EIS/EIR, approval of the Proposed Project would provide a land base for the Tribe and establish a Tribal Headquarters from which its governmental functions could operate to provide housing, health care, education, and other services, and from which it can conduct the economic development necessary to fund these Tribal Government services and provide employment opportunities for its members. The Tribe is proposing to conduct gaming on the trust property in an effort to generate the funds necessary to support the range of governmental, social, health, and educational programs discussed in Section 1.4. In accordance with CEQA and NEPA, a range of alternatives are described and analyzed that would meet the needs of the City and the Tribe, albeit to varying degrees.

In addition to analyzing three alternatives that include gaming components, Alternative D proposes a more conventional non-gaming mixed-use redevelopment of the site with residential, retail, professional, entertainment, and hospitality amenities similar to those suggested by the commenter. While this alternative would partially meet the Tribe’s goal of economic self-sufficiency, it would not restore a Tribal land base, which is a central component of self-determination. If the project site were to be taken into federal trust and redeveloped in a manner similar to Alternative D (i.e., without a gaming component), the City’s objectives of creating a sizable revenue source would be substantially impacted and it would lose its jurisdiction and tax-levying authority over the site.

**RESPONSE A9-8**

The commenter suggests that the project description is incomplete because it purportedly does not include discussion of a Tribal compact or the Governor’s consent for an early transfer of the remaining portions of the project site held by the Navy. The Draft EIS/EIR provides an exhaustive list of approvals and permits (Section 1.4) required for the project alternatives to be implemented. Please refer to Table 1-1 of the Draft EIS/EIR, titled Potential Permits and Approvals Required. As noted in the table, a Tribal-State Compact would be required, which would be subject to approval by the Secretary of the Interior. Moreover, the document clearly states that the proposed gaming facility would be operated “pursuant to the requirements of federal law, Tribal law, and a Tribal/State Compact that will be negotiated between the State of California and the Tribal Government (Section 1.4, p. 1-10). Additionally, the document notes that the document may be used as a basis for a potential future Tribal Environmental Impact Report for compact compliance (ES.1, p. i; Section 2.2.1, p. 2-15).

The Draft EIS/EIR thoroughly discusses the process which governs the final transfer of the remaining Navy-held lands to the City. This process is discussed at length in Section 2.1.4 of the Draft EIS/EIR where the provisions and guiding documents for the proposed early transfer with privatized remediation are discussed. The above referenced portion of the Draft EIS/EIR addresses the need for the Governor’s consent to the early transfer. The Governor provided final consent to early transfer on September 1, 2009. The final transfer of the land from the Navy to the City occurred on March 25, 2010.
**4.0 Response to Individual Comments**

**COMMENT A10**

**RESPONSE A10-1**

Please refer to **General Responses 3.12.1, 3.12.2 and 3.12.3** for a discussion of ferry service, trip generation rates and trip distribution, respectively. Assumptions for the transportation analyses are discussed in the TIA and STIA (**Appendix S**). The methods and assumptions are discussed further in the general responses cited above.

The commenter misinterprets the information provided in the transportation analysis, which led to the conclusion that 55 percent of vehicle trips would access the site via the Richmond – San Rafael Bridge. In fact, Table 5-4 of the TIA (**Appendix S**) states that 55 percent of vehicle trips would use I-580 west to access the project site; thus, such trips originate at points east, and use the westbound lanes to access the site. As clearly stated in Table 5-4 of the TIA, 18.3 percent of vehicle trips would access the site via eastbound I-580 and the Richmond – San Rafael Bridge. This critical misreading of the information led to a series of erroneous conclusions enumerated in comment A10-1, such as the contention that the analysis “does not account for a considerable number of trips on I-580.”

The misreading of trip distribution data presented in the TIA and Draft EIS/EIR led the commenter to suggest that potential impacts to the intersection at Sir Francis Drake and Andersen Drive were underestimated. Please refer to **Sections 4.8, 4.15 and 5.2.7** of the Final EIR for a full consideration of potential impacts to this intersection and mitigation that would address the actual impact. The fair share contribution for addressing impacts to the intersection at Sir Francis Drake and Andersen Drive were calculated using Caltrans’ fair share contribution methodology, which indicates that the Tribe’s contribution would be as high as 17 percent, depending on the alternative selected. The intersection has been identified in the City of San Rafael’s General Plan 2020 Circulation Element, **Major Planned Circulation Improvements for the intersection at Sir Francis Drake Blvd and Andersen Drive**, which calls for widening and signalization of the intersection. Considering that the primary scope of improvements required have already been established in the City of San Rafael’s General Plan (widening and signalization) and the fact that the final design will be subject to approval by the jurisdictional agency (City of San Rafael), the Draft EIS/EIR does not attempt to dictate the specifics of the improvement, such as changes in lane geometry.

With regard to the perceived “conflicting information” presented on pages 5-24 and 5-33 of the TIA, close inspection of the referenced sections failed to indicate any such conflict. Table 5-18 on page 5-33 of the TIA provides the “percent contribution” of traffic *volume* to the impacted intersection by the Proposed Project, and not the “fair share of project trips” as suggested by the commenter. When viewed in context of the discussion in the TIA, it is clear that the table is presenting the volume contribution of the Proposed Project to establish whether the significance threshold has been exceeded. It should be noted that while the TIA concluded that impact at the subject intersection was less than significant, the
Draft EIS/EIR took a more conservative approach in classifying the impact as significant and providing substantial mitigation.

Project trip generation for the Richmond - San Rafael Bridge is presented in Section 5.0 of the TIA (Appendix S). The fair share amount presented in Section 5.2.7 of the Draft EIS/EIR represents the contribution of the Tribe following Caltrans’ methodology for calculating fair share contributions. The “vehicles per lane” designation at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated as 4225 vehicles per lane per hour in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

The commenter is correct; the TIA construction analysis was performed for Alternative B, which is considered the worst-case scenario of any alternative. Section 4.8 of the Draft EIS/EIR, impact 4.8-13, page 4.8-14, shows Alternative B construction trips, which coincide with the numbers presented in the TIA. Language has been added to Final EIR Section 4.8 for Alternatives A, C, and D clarifying why construction trips are reduced, i.e. reduced soil hauling and reduced construction components. Also, in the Final EIR construction truck trips have been converted into passenger car trips using a conversion factor provided in the 2003 Highway Capacity Manual. This conversion allows a more accurate correlation between construction traffic and operational traffic.

**RESPONSE A10-2**

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

**COMMENT A11**

**RESPONSE A11-1**

Under Alternatives A, B, C, and B1 most of the developed and habitable areas of the project site would be situated on land held in trust by the federal government. Land held in trust would generally not be subject to state or local jurisdiction absent some other agreement in which the Tribe or federal government agrees to some level of state or local oversight or jurisdiction. However, the MSA (Appendix C) and the IGA (Appendix BB), include several provisions that provide for limited local oversight of the development proposed under the various alternatives. Agreements for local oversight and provision of services are generally with the City of Richmond, as specified in the MSA. It is recognized that Contra Costa Health Services, Environmental Health Division (CCEHD) would maintain jurisdiction on lands held in fee title at Point Molate and would have authority to regulate matters related to: retail food facilities; public swimming pools and spas; well drilling, abandonment, and soil borings; and medical waste disposal. In recognition of this, Sections 4.10 and 5.2.9 of the Final EIR have been supplemented to reflect the existing and continuing authority of CCEHD on lands held in fee title. Furthermore, mitigation has been added to the Final EIR at Section 5.2.9 that requires the Tribe to develop ordinances that are the functional equivalent of those enforced by CCEHD related to retail food facilities, public swimming pools/spas, well drilling, well abandonment, soil borings, and disposal of medical waste for trust lands.
(Mitigation Measure 9-23). A second mitigation measure has been added to the Final EIR at Section 5.2.9 that requires the Tribe to abide by all applicable sections of the Contra Costa County Code of Ordinances related to health and safety measures of retail food facilities, public swimming pools/spas, well drilling, well abandonment, soil borings, and disposal of medical waste for facilities located on lands held in fee title (Mitigation Measure 9-24).

Implementation of the mitigation cited above would ensure that no significant public health or safety impacts would occur as a result of the Proposed Project.

RESPONSE A11-2

Mitigation Measures 9-24 provided in the Final EIR requires compliance with all of the relevant sections of the Contra Costa County Code of Ordinances governing the subjects cited in the comment on land held in fee title. Mitigation Measures 9-23 in the Final EIR requires that the Tribe adopt a Tribal Ordinance related to the maintenance of health and safety measures of retail food facilities, public swimming pools/spas, well drilling, well abandonment, soil borings, and disposal of medical waste that is the functional equivalent of the applicable sections of the Contra Costa County Code of Ordinances.

RESPONSE A11-3

MEDICAL WASTE

The project site would not include a hospital, clinic, doctor’s office, veterinarians, or laboratories, and would not be a medical waste generator.

SOLID WASTE

The Proposed Project does not include a “recycling center” on-site, as defined by Title 14, Section 17402.5(d) of the California Code of Regulations, nor will a transfer station be operated on-site. Rather, the Tribe proposes design and operation processes that will increase the amount of waste to be diverted from the waste stream and recycled. The recycled materials that are generated on-site will be collected by a certified waste hauler and processed off-site at an appropriate, licensed facility. The Solid Waste Management Plan proposed as part of Mitigation Measure 9-5 in the Draft EIS/EIR includes a provision requiring diversion of 50 percent of waste produced at the project by means of an aggressive recycling program.

ON-SITE NAVY LANDFILL (IR-01)

A discussion of the existing landfill on-site (IR-01) is contained in Section 3.12 of the Draft EIS/EIR, with specific cleanup/monitoring procedures included within Mitigation Measure 11-3. Under Alternatives A, B, and C, this closed facility would be located on trust lands and outside the jurisdiction of CCEHD. Nonetheless, stringent maintenance and monitoring protocols, as well as prohibitions on development, are provided in the existing land use restrictions. Post-closure maintenance and monitoring is currently being conducted annually at IR-01 in accordance with the Site 1 Post Closure Maintenance
and Monitoring Plan (PCMMP). Please refer to Sections 3.12 and 4.12 of the Draft EIS/EIR for further discussion of the protocols in place to ensure that the integrity of this facility is maintained in perpetuity.

**COMMENT A12**

**RESPONSE A12-1**

The water demands calculated in Appendix G of the Draft EIS/EIR consider solely overall water demand to meet the needs of the proposed project developments. The discussion of water supply in Section 2.2 through 2.4 in the Draft EIS/EIR details the methods of meeting the water demands from the various project components. For example, the potable water demands of Alternative A are addressed in the Draft EIS/EIR under “Water Supply” in Section 2.2.2 of the Draft EIS/EIR. These demands are solely for potable water, as a portion of the overall water demand specified in Appendix G (portion of the irrigation demand) would be met by the grey water system. As discussed under water supply in Section 2.2.2 of the Draft EIS/EIR, the water supply includes the potable water demand of 460 gallons per minute and 60 percent of the irrigation demand during the irrigation season (the other 40 percent met by the grey water system).

Section 2.2.2 of the Final EIR has been updated to clarify the letter provide by EBMUD is a “will-serve” letter and not a service agreement. The text on page 3.10-1 of the Draft EIS/EIR that incorrectly refers to East Bay Municipal Utilities District, rather than East Bay Municipal Utility District, has been corrected in the Final EIR.

It is acknowledged that EBMUD would not assume ownership or operation of private tanks and private pipelines. Text has been incorporated into the water supply discussion of Section 2.0 of the Final EIR to clarify that the Tribe would ensure existing storage tanks used for emergency backup conform to all standard EBMUD requirements prior to pressurization of the lines. In response to fire demands, pressurization of EBMUD water supply lines would be required to be adequate to meet the needs of the selected alternative. The private storage tank and lines would be used to meet peak hour needs. As discussed in Section 2.0 of the Draft EIS/EIR, the Tribe would pay all fees consistent with EBMUD’s standard water connection fee schedule.

The commenter suggests the Water Supply Assessment (WSA) prepared by EBMUD should be addressed in Section 3.10 of the Final EIR under “Water Supply.” Section 3.0 of the Draft EIS/EIR provides the existing setting of EBMUD’s water supply without implementation of the project alternatives. Section 4.10 of the Draft EIS/EIR addresses impacts of the proposed alternatives to the existing setting. The WSA is an analysis document that assesses whether EBMUD’s water supply system has adequate capacity to meet the needs of the project alternatives. Therefore, it is appropriate to include the discussion of the WSA within the environmental consequences section of the Final EIR (Section 4.10). The WSA is included as Appendix Z of the Final EIR and the incorrect reference to the WSA on page 4.10-3 of the Draft EIS/EIR has been corrected.
The recommended procedures for procuring water service have been incorporated into the project description. As addressed in Section 2.0 of the Draft EIS/EIR, the Tribe will pay all fees associated with standard commercial connection to EBMUD’s municipal water system and will ensure all water supply features on the project site meet EBMUD specifications. Additionally, the Tribe has committed to paying its fair share of the costs of upgrades to the off-site water conveyance system that would be required as a result of serving the selected development project.

A reference to the Water and Wastewater Feasibility Study (Appendix G) has been included in the impact discussion of water supply in Section 4.10.1 of the Final EIR to identify the analysis that was used to determine the average and peak water demands of the Proposed Alternative. The Tribe would request service to meet projected potable water demands from EBMUD as the sole water purveyor in the region.

As discussed in Sections 2.1.4 and 2.1.5, remediation of the project site is a required component of the early transfer process of the project site to the City and is a required component of the project description. Prior to construction on the project site, the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) would be the responsible agency for overseeing and approving the completion of the remediation activities outlined within Section 2.1.5 of the Draft EIS/EIR. Additionally, the Tribe has committed to include mitigation for potential exposure to undiscovered hazardous materials through the development of a site-specific hazardous materials inadvertent discovery plan.

As discussed in Section 2.1 of the Draft EIS/EIR, a Site Cleanup Order (Order) was adopted by the SFRWQCB on November 12, 2008 which outlines the specific deliverables and schedule to complete the outstanding evaluations, remediation work, monitoring, and reporting for the site (Appendix X of the Draft EIS/EIR). As memorialized in the SFRWQCB Order adopted for the project site on November 12, 2008, detailed remediation plans will be developed, submitted, and modified according to comments received between March 2009 and March 2010. Implementation of the remediation activities is expected to begin during the summer of 2010. A conceptual Remedial Plan (RP) was prepared in November 2008 that describes the environmental services obligations of the Tribe and Upstream under the Early Transfer Cooperative Agreement as described in Section 2.1.4 of the Draft EIS/EIR (Appendix II). The RP includes an aggressive strategy to remove soils that have been affected by past Navy operations at the project site. Potential impacts related to remediation have been considered across a range of issues (water resources, air quality, traffic and disposal). Additional Best Management Practices (BMPs) will be implemented during on-going remediation to reduce any impacts to humans or the environment. The RP was developed in accordance with the requirements of the Cleanup Order adopted by the SFRWQCB (Appendix X), which is the lead agency for environmental remediation at the project site. The RP summarizes the planning, design, and remediation work that must be completed under the regulatory oversight of the SFRWQCB and is intended to satisfy the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP) by implementing the requirements of the ETCA and the Site Clean-up Requirements (SCRs).
(Appendix X). The RP also provides for a Soils and Groundwater Management Plan that will guide all future activities at the project site. The last component of the RP is the requirement for implementation of a Sampling and Analysis Plan for Long Term Groundwater Monitoring (SAP) documenting the monitoring wells and groundwater seep locations, sampling frequency, and analyses. The Tribe and selected remediation contractor will provide all necessary remediation and monitoring documentation to EBMUD as part of the application process for water service. As mitigation in Section 5.2.9 of the Draft EIS/EIR, the Tribe has committed to incorporating the provisions of EBMUD’s application process for water service into the selected project alternative.

To minimize impacts to EBMUD’s municipal water system and available water capacity, the Tribe has committed to comply with the model Water Efficient Landscape Ordinance (AB 325) and will develop a landscape documentation package that will include all the required provisions as laid out in Mitigation Measure 9-1 of the Draft EIS/EIR. Additionally, Mitigation Measure 9-1 requires the Tribe to incorporate native, drought tolerant plants in the landscape architecture plan and comply with Section 31, Water Efficiency Requirements, of EBMUD’s Regulations Governing Water Service to Customers. The project proponents have expressed interest in working with EBMUD throughout the development and operation process of the selected development alternative to advance water conservation goals.

**COMMENT A13**

**RESPONSE A13-1**

**SURFACE TRANSPORTATION**

Please refer to General Response 3.12.2, Intersection/Roadway Scope of Analysis, regarding the scope of analysis presented in the Draft EIS/EIR.

Please refer to General Response to Comment 3.12.4 regarding the trip reductions used in the transportation analysis.

Please refer to General Response to Comment 3.14.1 regarding emergency ingress and egress at the project site.

**FERRY SERVICE**

Please refer to General Response 3.12.1, which covers a range of issues associated with the proposed ferry service.

As stated in the Draft EIS/EIR, and expanded in the general response cited above, the proposed ferry service would be funded by fares and supplemented by the Proposed Project, and would not be operated by the Water Emergency Transportation Authority (WETA). As discussed in detail in General Response 3.12.1, the proposed ferry service is not expected to draw commuters to the project site to catch the ferry since it will generally be operating in the reverse commute direction. While a negligible number of
commuters may choose to use the on-site ferry service (primarily those who routinely travel from Richmond to Vallejo or Tiburon), they would have access to plentiful on-site parking provided in two garages (7,500 total spaces). The trips generated by the rare ferry commuter would be off-set by an equal number of vehicle trips that would be eliminated from surrounding roadways. Furthermore, all potential impacts associated with modifications to the pier and operation of the ferry are addressed in the Final EIR. Please refer to General Response 3.9.1 for a discussion of potential biological impacts associated with the reuse of the on-site pier.

**COMMENT A14**

**RESPONSE A14-1**

The Draft EIS/EIR concluded that the Proposed Project would result in potentially significant air quality impacts. Section 4.4 of the Final EIR has been updated to list current attainment designations for all criteria pollutants and acknowledges the non-attainment status of PM$_{2.5}$.

Impacts from construction-related emissions, including diesel particulate matter (DPM), are analyzed in Section 4.4 of the Draft EIS/EIR. Mitigation measures provided in Appendix R within the URBEMIS output files and in Section 5.2.3 of the Draft EIS/EIR would reduce DPM emissions during the construction phase. Mitigation Measures 3-17 and 3-18, which were suggested in the BAAQMD comment letter, have been added to Section 5.2.3 of the Final EIR.

The specific mix of measures specified in Mitigation Measure 3-19 would be determined at the time of mitigation implementation. Given that the existing conditions related to many of the measures are variable and could change between now and the time of implementation, it would be premature to attempt to specifically determine the exact mix of 3-19 mitigation measures that would be implemented. However, with the approval of the Proposed Project all mitigation, including Mitigation Measure 3-19, would become part of the Municipal Services Agreement (MSA) and therefore, would be legally binding. Please also refer to General Response 3.10 for a discussion of the mechanisms in place to enforce mitigations specified in the Final EIR. Language has been added to Final EIR Mitigation Measure 3-19 stating that mitigation would occur within the San Francisco Bay Area Air Basin (SFBAAB) boundaries and that mitigation would be implemented before the operation of the Project. Funding low emissions upgrades to ferry vessels has also been added as one of the permissible mitigation measures under Final EIR Mitigation Measure 3-22. Finally, Final EIR Mitigation Measure 3-19 has been revised to require the preparation of an Air Quality Mitigation Plan which would identify each project that would be utilized to reduce emissions and quantify the emissions reduction achieved by each project. The BAAQMD would be provided an opportunity to review the methodology in this plan for technical adequacy prior to implementation of the plan.

As noted in the TIA and the Supplemental TIA (Appendix S), similar studies have used diverted link rates (erroneously called pass-by rates in the Draft EIS/EIR) as high as 40 percent. The adjacent stream
of traffic on I-580 is very substantial (approximately 70,000 vehicles per day cross the Richmond - San Rafael Bridge). Furthermore, traffic on the Richmond - San Rafael Bridge would have an excellent view of the Proposed Project. Due to the high visibility from I-580, it is anticipated that a substantial portion (conservatively estimated at 15 percent) of casino traffic would be drawn from travelers already on the Bridge. The Final EIR Section 4.4 has been revised to clarify that the assumed diverted link rate for the casino component of the Proposed Project is 15 percent. The 28.3 percent diverted link assumption is for the retail component only. These are relatively low diverted link rates given the proximity of a major freeway and do not conflict with the description of the Project as a destination resort as most trips are not generated by travelers passing by the site.

Draft EIS/EIR Mitigation Measure 3-17 provides transit incentives. The project site also provides pathways which accommodate bicycles. Please refer to Response A7-1 regarding fees for parking on-site.

Draft EIS/EIR Table 2-8 compares the Proposed Project (Alternative A) to the other alternatives. Table 2-8 shows that Alternative B impacts are either similar to or greater than the Proposed Project. Air quality impacts in Table 2-8 are shown to be greater than the Proposed Project. The reasons for identifying greater air quality impacts are discussed in the text following Table 2-8. Specifically, the text notes that construction and operational emissions would be greater for Alternative B. Draft EIS/EIR Section 4.4 contains a detailed comparison of each alternative’s air quality impacts. No significant health risks to residential units are identified in the Draft EIS/EIR. An analysis of operational DPM emissions has been added to the Final EIR Section 4.4 for Alternatives B, D, and B1, which include residential units.

The greenhouse gas (GHG) emissions analysis has been revised to include a comprehensive estimate of GHG emissions, an analysis of impacts, and consideration of mitigation measures consistent with recommendations in the 2009 draft BAAQMD CEQA Air Quality Guidelines. Mitigation measures have been added to Final EIR Section 5.2.3, as recommended, which require the Tribe to purchase locally produced building materials whenever possible, to purchase carbon credits to reduce climate change impacts to a less than significant level, and to meet LEED building design criteria where possible, except with respect to indoor smoking allowed in certain areas.

**COMMENT A15**

**RESPONSE A15-1**

A Mitigation Monitoring and Reporting Plan will specify the Project’s fair share contributions, scheduling, and implementation responsibilities. A detailed discussion of financing of mitigation is beyond the scope of environmental analysis required by NEPA or CEQA except to the extent necessary to determine the likely availability of funding for a fair share funded mitigation measure, which is included in the Draft EIS/EIR Sections 4.8, 4.15, and 5.2.7. The lead agencies and Project Proponents will
continue to work with the California Department of Transportation (Caltrans) to ensure timely processing of all required encroachment permits and implementation of mitigation measures.

**RESPONSE A15-2**

Given the location of the project it would be anticipated that close to 100 percent of project traffic would use State-maintained roadway facilities (I-580). However, as noted in Draft EIS/EIR Appendix S, it is anticipated that only a small percentage of trips generated during construction would occur during the peak traffic hour. Construction workers generally come to work prior to the peak hour (between 5:00 am and 7:00 am) and the bulk of material delivery and soil hauling is anticipated to occur between 9:00 am and before 4:00 pm. **Mitigation Measures 3-16 and 7-1 through 7-3** address potential impacts associated with traffic generated during the construction phase of the Project.

Refer to General Response to Comment 3.12.4 regarding trip reductions.

**RESPONSE A15-3**

The Executive Summary and Section 5.2.7 of the Final EIR were corrected in response to the typo noted by the commenter.

**MODELING SOFTWARE**

The traffic analysis of the study intersections used the methodology required by the Contra Costa Transportation Authority (CCTA) based on consultation with the City of Richmond. This methodology is currently only available with Traffix and the CCTALOS analysis program and is not yet an option with the Synchro software package. The Traffix files are available upon request.

**MITIGATION AT RICHMOND PARKWAY – I-80**

Regarding the commenter’s question about the amount of space available to add a new westbound I-80 on-ramp from the south side of the Richmond Parkway; there is approximately 115 feet between the northeast corner of the park and ride facility and the first travel lane on westbound I-80, excluding the existing on-ramp lane, which would be utilized as part of any reconfiguration of the on-ramp. A small amount of right-of-way acquisition would be required to complete the proposed improvement. The proposed addition of a parking structure at the existing park and ride lot referenced by the commenter was not considered in the Draft EIS/EIR since it had not been approved, was not entitled by the City, and thus was not considered reasonably foreseeable. Should the improvements cited by commenter come to fruition (i.e., construction of a parking structure where there is currently only a surface lot), the proposed mitigation (**Mitigation Measure 7-12**) could either be designed to accommodate the new structure or a different engineering solution to achieve the same result could be required. The mitigation in the Draft EIS/EIR simply presents one potentially feasible solution that reflects the traffic engineer's best estimate of what improvements would be appropriate to maintain the level of service standards at this interchange. Thus, the Draft EIS/EIR for the Proposed Project identifies mitigation measures for environmental
review purposes, but it is acknowledged that a proportionate contribution would be made to whatever improvements are ultimately determined to be appropriate by the jurisdictional agency.

Despite having identified a physical improvement that would alleviate the impact identified at the Richmond Parkway/Blume Drive/westbound I-80 on-ramp in the cumulative year, the impact is considered significant and unavoidable in the Draft EIS/EIR and Final EIR because the full suite of required mitigation measures are considered infeasible at this time due to lack of funding and/or because the improvements fall within the responsibility and jurisdiction of a public agency other than the City of Richmond for which there is no existing plan to implement or fund. Thus, the amount of right of way acquisition required for the proposed improvement associated with Mitigation Measure 7-12 is academic. However, if it is determined at a later date that mitigation is feasible, the Project Proponent would be required to make a fair share contribution to the improvement.

**RICHMOND – SAN RAFAEL BRIDGE**

No significant impacts were identified at the toll plaza under background (near-term) conditions. The discussion regarding increased Fastrak use was included in the background plus project section because of the extensive data available on the increasing Fastrak use over the past five years. However, under cumulative conditions the toll plaza is forecast to exceed capacity with or without the Proposed Project. Therefore, the conversion of additional toll lanes to Fastrak has been specifically proposed to address regional traffic increases to which the Project would contribute. The conversion of manual lanes to Fastrak-only lanes is not required to address any operational issues associated with Project-related traffic accessing the toll plaza from Western Drive.

It is acknowledged that project traffic entering from Western Drive may not be able to access the Fastrak lanes if the far right lanes remain as manual collection lanes. However, any queues or slight delays that result would clearly be confined to Western Drive. Therefore, the lack of access from the Western Drive on-ramp to the proposed exclusive Fastrak lanes would not result in any significant impacts at the toll plaza. Because the Western Drive westbound on-ramp is controlled with a yield sign, the increased traffic using it would not have a significant effect on the mainline freeway operations.

It is recognized that the proposed mitigation to restripe the Richmond – San Rafael Bridge would require the use of the emergency lane and would require a Caltrans exception. The impact to the Richmond – San Rafael Bridge is disclosed in the Draft EIS/EIR as a significant impact in the cumulative year. Therefore, if Caltrans determines that the exception is not warranted, the impact would continue to be significant. However, if it is determined that a Caltrans exception is warranted the Tribe would contribute a fair share contribution to the mitigation measure. The proposed eastbound lane coming off the Richmond – San Rafael Bridge is assumed to end at the Marine Street/Castro Street exit. This off-ramp is proposed to be widened to two lanes as a mitigation measure for the Proposed Project.
Widening the eastern anchor of the bridge is not expected to be a part of this mitigation measure. For environmental review purposes the third eastbound lane coming off the bridge was assumed to be achieved without any major widening of the bridge structures in the area. However, it is acknowledged that implementing this improvement would require removal of the unusual shoulder bicycle lane in this area (which is currently being planned) and would also require exceptions to Caltrans’ design standards. Please refer to **General Response 3.4** for a discussion of the current plans for completing the San Francisco Bay Trail.

**REDWOOD WAY – WB I-580 RAMPS**

This improvement is not intended to improve the operations of the westbound on-ramp. The mitigation addresses the poor operations forecast for the signalized intersection by increasing the storage and capacity for the southbound left-turn movement. This would require modifying the on-ramp to receive two lanes from the intersection. It is assumed these two lanes would then merge back to one lane before reaching the mainline freeway.

**EASTBOUND I-580 OFF-RAMP TO WESTERN DRIVE**

The need for a new I-580 eastbound off-ramp to Western Drive was analyzed as part of the TIA and found to be unnecessary to maintain an acceptable level of service in the near term. For the cumulative scenario, a new eastbound off-ramp was determined to be infeasible due to physical and topographical constraints. It was also found to be potentially detrimental to traffic operations on the Richmond – San Rafael Bridge and the toll plaza area. Any new off-ramp in this area would likely require major modifications to the Richmond – San-Rafael Bridge structure. Constructing an off-ramp in the toll plaza area could result in increased congestion for traffic coming off the bridge, especially if exceptions to Caltrans design standards were necessary (which was one conclusion of the analysis). In addition to the downstream Western Drive on-ramp there is also an existing on-ramp from the Toll Plaza parking lot that must be considered when reviewing traffic operations and mitigations in this area.

**CALTRANS MAINTENANCE STATION**

In response to the comment concerning access to the Caltrans maintenance yard located between Western Drive and bridge toll plaza, the potential for access issues caused by the Proposed Project was analyzed. Based on the review completed by the traffic engineers, the Proposed Project (specifically improving Western Drive and the addition of new trips) would not cause any significant impacts to the access or traffic operations at this facility, but one potential operational issue was identified. Vehicles that arrive via the I-580 westbound off-ramp at Western Drive may experience increased delays waiting for a gap in traffic to turn left into the Caltrans maintenance station. Since the traffic volume entering the maintenance station is quite low, the delays would not result in any significant impacts. However, since the roadway will be improved in this area as part of the Proposed Project, **Mitigation Measure 7-25** has been added to provide for a separate left-turn pocket for the maintenance station (for northbound Western Drive traffic) to be included as part of the improvements proposed for the roadway.
**RESPONSE A15-4**

Any inconvenience and associated costs caused by the temporary closure of the eastbound I-580 on-ramp during construction of the Proposed Project will be borne by the project proponents. Final EIR **Mitigation Measure 7-3** has been augmented to require coordination with Caltrans during construction of the Proposed Project. Coordination with local agencies would be provided through **Mitigation Measure 7-1**, which requires that the project proponent provide a comprehensive plan detailing the following:

- Soil haul truck routes
- Soil disposal sites
- Barge route
- Traffic safety mitigation
- Road and right-of-way deterioration restoration funding
- Time limits for haul trucks and barge operation
- A minimum two-week notice shall be given to Point Molate residences of any road blockage
- The Tribe shall determine alternate construction and operational access routes during times of roadway construction in the vicinity of the project site.

**RESPONSE A15-5**

Please refer to **General Response 3.17** concerning analysis of visual impacts.

**RESPONSE A15-6**

A broad range of progressive measures and design components are planned to reduce motorized trip generation. Please refer to Draft EIS/EIR **Mitigation Measure 3-17, 3-18, 3-20, 7-7, and 7-20**, which provide Transportation Demand Management (TDM) measures, bicycle and pedestrian amenities, and improvements of transit and facilities, which are provided in addition to amenities such as the proposed ferry service. All proposed amenities, improvements and facilities would meet state and federal guidelines, rules and regulations. Potential impacts to alternative transportation, including pedestrian and bicycle are analyzed in Draft EIS/EIR **Section 4.8**. Indirect impacts of the project and project mitigation is provided in **Section 4.14** of the Draft EIS/EIR. Standard BMPs would be applied to all construction work associated with the Proposed Project, which would eliminate potential safety hazards to cyclists and pedestrians.

**RESPONSE A15-7**

Although the comment is provided under the heading “hydraulics”, the commenter states that there is not enough detail to adequately determine the impacts on State Facilities. The general vagueness of the comment does not allow for a concise response in regards to the methodologies utilized in the Draft
EIS/EIR to assess impacts of the project alternatives. The Draft EIS/EIR addresses “State Facilities” that may be impacted as a result of the project alternatives. State highways are addressed under the impact assessments of Transportation and Traffic in Section 4.8 of the Draft EIS/EIR. In regards to the general issue of “hydraulics” as stated in the comment letter, there are no “state” facilities on the project site that would be impacted by the project alternatives. All project site components are presently owned by either the Navy or the City of Richmond. Water resources on the project site are currently under the jurisdiction of the City, the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), and the State Water Resources Control Board (SWRCB) as well as other governmental entities such as the BCDC. Impacts to hydrology and water quality in relation to the jurisdictional agencies (which would include Region 9 of the USEPA for the lands taken into trust) are addressed in Section 4.3 of the Draft EIS/EIR. The indirect impacts of off-site traffic improvements, including improvements to state facilities, are analyzed in Draft EIS/EIR Section 4.14.

**RESPONSE A15-8**

Encroachment permits would be required for any work within State right-of-way. Table 1-1 of the Draft EIS/EIR acknowledges the need for encroachment permits to construct some off-site improvements.

**COMMENT A16**

**RESPONSE A16-1**

**MEASURE J GROWTH MANAGEMENT PLAN**

From the Proposed Project’s inception, the lead agencies and representatives have actively engaged in cooperative, multi-jurisdictional planning efforts. Measure J requires that new projects provide a Traffic Study in consultation with affected localities. Two traffic studies have been produced in consultation with the City of Richmond, Contra Costa County, the West Contra Costa Transportation Authority (WCCTAC) and Caltrans. The traffic studies and associated Draft EIS/EIR and Final EIR comply with four key objectives of Measure J’s Growth Management Plan:

1. **Assure that new commercial growth pays for the facilities required to meet the demands resulting from that growth:** this is clearly accomplished by the transportation improvements proposed as part of the Project as well as mitigation measures that require fair share contributions (in some cases paying 100 percent of costs associated with improvements).

2. **Require cooperative transportation and land use planning among local jurisdictions:** a host of agencies, service providers, and other stakeholders (including WCCTAC) have been consulted at the various stages of the Project’s design and analysis. Such entities include: City of Richmond, Point Richmond Neighborhood Council, Contra Costa County, AC Transit, BART, Blue and Gold Fleet, as well as the surrounding local jurisdictions represented by WCCTAC. In fact, the City and its representatives have met with WCCTAC Board of Directors on several occasions.

3. **Support land use patterns within Contra Costa County that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions:** the Proposed
Project includes a number of progressive design elements and mitigation measures designed to promote alternative modes of transportation such as the use of excess capacity on BART in western Contra Costa County, enhancement of the safety and usability of the Richmond BART Station, promotion of ridesharing, extension of bus routes in the vicinity of the project site, improvements to bus stops in the vicinity of the project site, provision of free shuttles, etc. Please refer to Sections 2.2.2 of the Final EIR for an exhaustive accounting of the progressive design components and Section 5.0 for a list of mitigation intended to reduce vehicle miles traveled and to make efficient use of the existing transportation system.

4. *Support infill and redevelopment in existing urban and Brownfield areas:* as a former Naval fuel depot serving an industrial purpose, the Project proposes to redevelop a highly degraded Brownfield situated in an urban setting.

In addition to the 2000 Update to the WCCTAC Action Plan the more recent 2008 Update (approved on June 27, 2008) was also carefully reviewed during preparation of the Draft EIS/EIR for the project. The latest review of that document and the current 2009 update referenced in the comment indicated that numerous new objectives had been added but the only substantial change to the Multi-Modal Transportation Service Objectives (MTSOs) for the facilities studied in the Draft EIR/EIS was that I-80 now has a new MTSO. The 2009 Action Plan Update specifies that I-80 must "Maintain a Delay Index of 3.0 or less on I-80 during weekday morning and evening peak hours". Based on a review of the segments of I-80 that would be impacted by the project, it was determined that the proposed project would add less than 3 percent to the background traffic volumes on any segment of I-80. This amount of traffic would not result in any major changes to (or violations of) the newly established MTSO for I-80 included in the latest 2009 update to the WCCTAC Action Plan.

**ROUTES OF REGIONAL SIGNIFICANCE**

All routes of regional significance outlined in the comment are included in the Draft EIS/EIR, either as study intersections and/or roadway segments, with the exception of I-80 south of the I-580/I-80 split, SR-4, Central Avenue, and El Portal Drive. Based on the trip distribution patterns developed for the Proposed Project by the traffic engineers, as well as consultation undertaken during scoping for the analysis presented in the Draft EIS/EIR, it was determined that the Proposed Project would not add 50 or more trips to Central Avenue or El Portal Drive in the peak hour; thus, these roadways were not subject to further analysis in the TIA, STIA, or Draft EIS/EIR. Refer to *General Response 3.12.5* regarding I-80 south of the I-580/I-80 split. An analysis of State Route 4 (SR-4) is provided in Sections 4.8 and 4.15 of the Final EIR. It was determined that project-related traffic would have a less than significant impact on SR-4.

**I-580 EASTBOUND MERGE FROM WESTERN DRIVE**

The merge maneuver described by the commenter is both ill-advised and unlikely given the accessibility of a preferable route that does not require crossing two lanes of travel in a quarter mile. Where the
Western Drive / eastbound I-580 on-ramp enters the freeway, it is initially separated by a concrete barrier. Beyond the barrier, the on-ramp lane is separated from the other lanes of traffic by a solid white line for over a quarter of a mile, which ends after the Marine Street off-ramp. It is anticipated that patrons and employees traveling to points east would access the Richmond Parkway via the first off-ramp after Marine Street, which is Canal Boulevard. Canal Boulevard provides a direct link to the Richmond Parkway, thus eliminating the need to perform the merge maneuver described by the commenter.

**RICHMOND INTERMODAL STATION**

**Mitigation Measure 3-17(d)** provides for shuttles to operate at least twice per hour to and from the project site to the Richmond Intermodal Station (served by BART and Amtrak). The El Cerrito del Norte BART station will not be served by project shuttles. The Richmond Intermodal Station provides easy access to BART trains, Amtrak, and AC Transit. As noted by the commenter, trains serving the Richmond BART Station have “significant capacity” which would be utilized by patrons and employees of the Proposed Project. The bus/shuttle loading area of the Richmond Intermodal Station has sufficient existing capacity, provided in three parallel passenger loading zones. On-site parking will be greatly enhanced by the time the Proposed Project begins operating with the construction of a five-story parking garage to serve the station. Moreover, as provided in the Intergovernmental Agreement with Contra Costa County, the “Tribe will work with the City Police Department, Contra Costa County Sheriff and BART to implement enhanced security at the Richmond BART station, which the Parties agree will be a benefit to County residents and will encourage greater usage of BART facilities in the evenings.” (Appendix BB).

**PROPOSED FERRY SERVICE**

Please refer to General Response 3.12.1 and Response A13 above regarding ferry service, potential impacts to other proposed ferry services, and analysis of potential environmental impacts. Providing ferry service and no cost shuttle service to and from the site, as well as providing direct access to the main public transportation node in Richmond is unique among redevelopment projects of this scale in the Bay Area and California.

**VEHICLE MILES TRAVELED**

It may be deduced that implementation of the Proposed Project and associated mitigation measures would considerably reduce overall vehicle miles traveled (VMT) by providing a proximate alternative to other northern California and western Nevada resorts, gaming facilities, and entertainment venues. While estimating the precise reduction in vehicle miles travelled with implementation of the Proposed Project would be speculative, such infill projects are widely recognized as conveying such benefits. In addition, project features and mitigation measures such as ferry service and the creation of a new shuttle route connection to an intermodal transit station go well beyond traditional TDM provisions.
**TRIP GENERATION**

Please refer to **General Response 3.12.2** for a general discussion of trip generation rates used in the analysis. The following discussion supplements the general response cited above.

The size differences between the components of Alternatives A, B, and C are due to the fundamental differences inherent in each alternative. As shown in Draft EIS/EIR Table 2-2, the total gaming floor is the same size for Alternatives A-C. Hotel sizing and the inclusion of residential units constitute the main differences between the alternatives. There are two project components in the TIA (Appendix S) and **Section 2.2** of the Draft EIS/EIR that have an aggregated size difference. First, the entertainment facility includes 500 additional seats in the TIA over and above what is proposed as part of the Project. The analysis presented in the Draft EIS/EIR uses trip generation calculations based on the higher number of seats, resulting in a conservative (overestimation) estimate of trips generated by this component. Second, the Winehaven Building is estimated at 118,220 square feet (sq. ft.) in the TIA and 120,000 sq. ft. in **Section 2.2** of the Draft EIS/EIR, a difference of 1,780 sq. ft. This is due to a slight reduction in square footage in the TIA to account for non-trip generating components.

Trip generation rates for the non-casino components of the Proposed Project (e.g., lodging, retail, office, residential, entertainment, conference, restaurant, etc.) were developed using empirical data on trip generation published by the Institute of Transportation Engineers (ITE) publication Trip Generation, 7th Edition. For the casino component, for which the ITE Trip Generation Manual has not established a standardized rate, data was collected from multiple proposed and existing gaming facilities found to be similar to the Proposed Project. Each casino study used in determining the Proposed Project’s trip generation rate is described in detail in the TIA (Appendix S) on pages 5-3 and 5-4. Although none of the casinos studied are exactly like the Proposed Project, as a group they give a representative cross section of projects with similar gaming amenities. This methodology for determining trip generation rate is consistent with the methodology used in the ITE Trip Generation Manual. Please also refer to **General Response 3.12.2** regarding trip generation methodology.

The traffic engineers at AECOM (formerly DMJM Harris) confirmed that the trip generation rates used to determine the Proposed Project’s trip generation rates did not include a reduction for a Transit Demand Management plan. Furthermore, the engineers confirmed that the studies used to determine the Proposed Project’s trip generation rate are independent of one another. However, like the studies used in the ITE manual to determine average trip generation rates, the studies used to determine the Project’s trip generation rates had similar components which used similar trip generation rates or reductions.

Gaming positions were not used in determining the project's trip generation rate. The use of square footage is an accurate and common methodology for determining trip generation for tribal casinos and other projects. The number of gaming positions is only one of several components of an overall project that serve as an attraction to visitors. Also, in this case the propriety of using square footage rather than the number of gaming positions is reinforced by the facts. It is possible to plan and therefore know the
square footage involved, but, at this stage, it is not possible to know the number of gaming positions that will be operated. That number may be the subject of negotiations between the Governor of California and the Tribe in connection with a compact to be submitted to the Legislature and the Tribal Council for approval prior to submission to the Secretary of the Interior for final approval [25 U.S.C. § 2710(d)(3)(B)]. Therefore, given the various factors governing trip generation rate and the uncertainty surrounding the number of gaming positions, it is reasonable to base the trip rate on overall square footage. The referenced 1998 ITE study, while providing a rate based on gaming positions, also provides a square footage based calculation for comparison purposes.

The Gaming Market Analysis (Innovation Group, 2007) provides an estimate of visitation and revenues, but does not provide an estimate for trip generation. Therefore, the Gaming Market Analysis was properly used to develop the trip distribution, rather than trip generation. Nonetheless, the trip generation estimate for the Proposed Project is conservative in that it would tend to overestimate trips when compared with the visitation estimate from the Gaming Market Analysis. Specifically, the Gaming Market Analysis estimates 7,025,719 visits to the project facilities over the course of a year. The corresponding visitation estimate calculated from the traffic study trip generation estimate projects 12,831,975 visitors. This includes visitors, employees, and vendors arriving via alternative transportation and automobiles. For automobiles, an average vehicle occupancy rate of 1.3 is assumed, which is a conservative assumption given the latest MTC projection for social/recreation trips (1.576) and given recent surveys at a nearby destination tribal casino resort (2.3 weekday; 2.6 weekend) (MTC, 1998).

Please refer to General Response 3.12.2 regarding the Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County (Dowling, 2007). A reference to the study has been added to Section 4.8 of the Final EIR.

**TRIP REDUCTIONS**

Please refer to General Response 3.12.4 for a discussion of trip reductions used in the analysis. The following discussion supplements the general response cited above.

**PASS-BY / DIVERTED LINK TRIPS**

It is acknowledged that the trips referred to in the Draft EIS/EIR as “pass-by” trips can more accurately be described as “diverted link” trips. Thus, Final EIR Section 4.8 has been revised to change references to “pass-by” trips to “diverted link” trips. The visible nature of the site, high profile in the media, proposed marketing campaign, and its close proximity to I-580 indicate that a significant number of existing automobile trips would be diverted to the project site. Historically, Indian casinos rely heavily on pass-by and/or diverted link traffic. As such, the 15 percent diverted link assumption is considered conservative.
TRANSPORTATION DEMAND MANAGEMENT

Please refer to General Response 3.12.4 for a discussion of the reductions taken as a result of the transportation demand management strategies outlined in the Final EIR.

CONFERENCE CENTER

Please refer to General Response 3.12.2 regarding the conference center.

ENTERTAINMENT CENTER – SPECIAL EVENT TRAFFIC

Section 2.2.2 of the Draft EIS/EIR describes the proposed entertainment facility under Alternatives A and B as having 2,500 seats, whereas the TIA describes this component as having 3,000 seats. This is due to the fact that the entertainment center’s intensity was reduced after the TIA was issued. However, no adjustment to the TIA was made because it provided a more conservative estimation of the entertainment center's trip generation by assuming an additional 500 seats.

For the Project Event Conditions, the proposed entertainment facility was analyzed to determine if this component would generate any new impacts above and beyond what was analyzed in the Project Conditions analysis. The analysis was completed assuming a 3,000 seat entertainment facility for an 85th percentile event, with trips arriving with 1.6 passengers per vehicle. The use of the 85th percentile and 1.6 passengers per vehicle are both industry standard numbers. Furthermore, it is asserted that the use of 1.6 passengers per vehicle is a very conservative assumption for the nature of this type of generator, where it is reasonable to assume that the majority of patrons to an event would not be coming alone (the 1.6 occupancy rate assumes 2 out of every 5 cars has one occupant and the remaining 3 vehicles have only two passengers). Additionally the 3,000 seat entertainment facility initially assumed for the entertainment facility was subsequently reduced to 2,500 seats for Alternatives A and B. This means that the 85th percentile of the 3,000 seat facility would account for slightly over 100 percent of the now smaller 2,500 seat facility.

As part of the Project Event Conditions, the TIA assumed that 20 percent of the trips generated by the entertainment venue would arrive during the PM peak hour. Due to the nature of this land use, standard practices are not available for the derivation of numbers to use for the purpose of analysis, and therefore, professional judgment on the part of the traffic engineers was an important factor in the analysis.

As part of the TIA other similar casinos were reviewed. The use of 20 percent of the event traffic occurring during the PM peak hour for the proposed facilities is a fair and conservative assumption.

Alternatives A and B have the same intensity with regards to the Entertainment Center; therefore, either alternative would result in the same impacts. As described in detail in Section 2.0 of the Draft EIS/EIR, a proposed residential housing component in the southern portion of the project site for Alternative B is the only difference compared to Alternative A. Furthermore, as described in Section 2.2.2 of the Draft
EIS/EIR, and supplemented by mitigation measures, residents on-site would be served by a free shuttle to take them to the Winehaven entertainment district located a short distance to the north. Alternative C is a less intense alternative than A; since Alternative A would not require additional mitigation related to special events, no such mitigation would be warranted for Alternative C either. Furthermore, since no additional event center trips were identified, no adjustment is needed in fair share contributions.

**TRIP DISTRIBUTION**

The trip distribution shown in Table 5-3 of the TIA was derived from a Gaming Market Assessment (Innovation Group, 2007). As Table 4-1 illustrates, the study calculated the total “gamer” population in several regions surrounding the project site and determined the percentage of that population that would be likely to patronize the Proposed Project, which was used as a basis for establishing the trip distribution used in the TIA. A trip distribution figure is provided in Appendix HH of the Final EIR that provides a visual depiction of the data presented in Table 5-4 of the TIA.

<table>
<thead>
<tr>
<th>Market Segments</th>
<th>Proportion of Pt. Molate Patronage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Rosa</td>
<td>0.90%</td>
</tr>
<tr>
<td>San Rafael</td>
<td>11.40%</td>
</tr>
<tr>
<td>Napa</td>
<td>6.40%</td>
</tr>
<tr>
<td>Stockton / Modesto</td>
<td>2.50%</td>
</tr>
<tr>
<td>Sacramento</td>
<td>7.00%</td>
</tr>
<tr>
<td>Concord</td>
<td>10.90%</td>
</tr>
<tr>
<td>Primary</td>
<td>5.10%</td>
</tr>
<tr>
<td>Tertiary</td>
<td>0.10%</td>
</tr>
<tr>
<td>Castro Valley</td>
<td>9.40%</td>
</tr>
<tr>
<td>Oakland</td>
<td>9.20%</td>
</tr>
<tr>
<td>Fremont</td>
<td>3.20%</td>
</tr>
<tr>
<td>San Francisco</td>
<td>17.20%</td>
</tr>
<tr>
<td>San Mateo</td>
<td>8.30%</td>
</tr>
<tr>
<td>Santa Cruz</td>
<td>0.80%</td>
</tr>
<tr>
<td>San Jose</td>
<td>7.60%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: The Innovation Group, 2007

Note: Primary and Tertiary were combined as “Richmond” in TIA

Distribution patterns and mode splits are similar between alternatives, considering the availability of transit and ferry. After the application of trip reductions, distribution patterns are expected to be very similar. The inbound/outbound percentages are different for the land uses proposed under Alternatives D and E, however, by utilizing the same trip distribution pattern the analysis is conservative. For instance, it
is reasonable to assume that the residential trips (Alternative D) are going to be more local in nature, for commuting to jobs on-site and in surrounding areas. As residents would fill jobs on a regional basis (i.e., Richmond, Oakland, Marin, Berkeley, San Francisco, etc.), the trip lengths would likely be shorter in comparison to the gaming trips, but the overall patterns would be very similar.

**CONSTRUCTION TRAFFIC**

Construction traffic impacts presented in Section 4.8 of the Draft EIS/EIR have been re-analyzed in the Final EIR using truck trips converted to passenger car trips as suggested by the commenter. Please refer to Section 4.8 of the Final EIR, which concludes that there would be no change in significance using the revised methodology. Distribution patterns related to the delivery of building materials, limited export of soil, and construction personnel are not expected to diverge in any significant way from the operational trip distribution. Given that there is one road into and out of the project site and only a few arterial routes suitable to handle construction trucks, the construction trip distribution was determined to be similar to the operational trip distribution.

**BACKGROUND SCENARIO**

Since the publication of the Notice of Intent and a Notice of Preparation in 2005, and the subsequent release of the TIA in December 2008, publication of the Draft EIS/EIR was delayed by a series of administrative issues, not the least of which was the change in executive administrations at the federal level. As a result, the TIA and Draft EIS/EIR use the year 2010 in the analysis of the near-term traffic background scenario. The commenter suggests that as a result of the delay of publication of the Draft EIS/EIR that the transportation analysis is invalid and that a “growth factor should be applied to through-trips” on the regional transportation network. While such an approach could be reasonable in the context of traffic volumes that are growing and congestion worsening over the short-term, all indications suggest that traffic volumes on Bay Area roadways have been decreasing since the TIA was completed, resulting in less congestion. John Goodwin, spokesman for the Metropolitan Transportation Commission was quoted recently as stating, “One of the most dramatic changes we have seen since the end of 2008 is on 101 in Marin County. North- and southbound congestion has virtually disappeared. I wouldn't be surprised if [U.S. 101 in Marin County] falls off the Top 10 list altogether next year (Payne, 2009).” Such is the case elsewhere in the greater Bay Area as well. In fact, the significant drop in traffic has prompted, in part, the need to raise tolls on area bridges to compensate for the decrease in volume. “In the past year [2008], traffic counts have dropped 4 percent, driven by high gas prices, the weak economy and construction on bridges. Toll authority officials do not anticipate an increase in traffic (Cabanatuan, 2008).” Thus, given the fact that traffic volumes have dropped since completion of the TIA, there is no indication that the background scenario presented in the analysis underestimates the background conditions. As such, no change in the analysis is warranted.
CCTA Consultation and Cumulative Scenario

DMJM (now AECOM) consulted with Martin Engelmann, Deputy Director of the Contra Costa Transportation Authority (CCTA), regarding the Richmond Parkway growth rate in August 2007. The consultation was used as an opportunity to communicate preliminary findings and convey the proposed approach to the traffic analysis.

There are two important factors that must be considered in the evaluation of the CCTA’s projected growth rate. First, a casino land use is not included in the CCTA model. Secondly, as a matter of standard practice, “raw” model output is typically not used without interpretation. Instead, the delta between the baseline and horizon year is applied to “existing ground counts.” As such, the future volumes were developed based on the growth obtained from the model. In the case of the Richmond Parkway, the growth projected for the Richmond Parkway was extremely high (3.5%), which could not be correlated to any known phenomenon. Other recently completed traffic studies were reviewed that included Richmond Parkway in their analysis. An annual growth rate of 1.7 percent is still relatively high, but is considered reasonable due to the regional importance of the Richmond Parkway.

The traffic volume forecasts are based on information from the countywide traffic model prepared for the 2004 Contra Costa Countywide Comprehensive Transportation Plan and information provided by the CCTA staff. A summary of the overall traffic model results utilized in the forecasts was also summarized in the Contra Costa Decennial Model Update - Model Documentation Addendum (officially adopted by the CCTA on July 20, 2005). This addendum summarizes the results of the 2004 model and states that traffic in western Contra Costa County is forecast to increase by about 42 percent between 2000 and 2025. It should be noted that a 1.7 percent increase in traffic compounded yearly for 20 years (2005 - 2025) equates to about a 40 percent increase in traffic, which is generally consistent with the 2004 model results.

Bay Trail

Please refer to General Response 3.4 as well as the response to Response 14 below regarding the Bay Trail.

Restrriping the Richmond – San Rafael Bridge

Please refer to General Response 3.12.6 regarding bicycles on the Richmond – San Rafael Bridge. Regarding the potential loss of the breakdown lane on the Bridge, a variance would be required from Caltrans, such as that which has been granted for the San Francisco – Oakland Bay Bridge. However, as noted in the Draft EIS/EIR, restriping of the Richmond – San Rafael Bridge is considered infeasible at this time and the associated impact in the cumulative year is considered significant and unavoidable.
**Revisions to the Traffic, Air Quality, and Noise Impact Analyses**

Based on the discussion provided above, no significant revisions (other than those outlined) are warranted in the traffic, air quality, or noise impact analyses.

**Comment A17**

**Response A17-1**

The comment letter provides a series of comments on the Draft EIS/EIR related to historic preservation, particularly as it relates to the Winehaven Historic District, the 19th century shrimp camp, and the extant portions of the Richmond Belt Line railroad located on-site. Overall, the comment expresses support for the preservation of all buildings associated with Winehaven and calls for the inclusion of another preservation alternative in the analysis. The following discussion responds to specific comments in the letter.

Please refer to **General Response 3.3.2** regarding preservation of Building No. 6, retention of Building No. 17 in its present location, and the suggestion of a development alternative that retains Building No. 6.

The commenter is correct in noting that the historic Richmond – San Rafael Ferry System made use of Castro Point, not Point Molate. The Final EIR has been corrected at **Section 3.6.2** in response to the comment.

The setting of Winehaven (inclusive of landscaping), along with six additional aspects of historical integrity contribute to the district’s significance at the local, state, and national level. All seven aspects of integrity were considered in the analysis of impacts documented in Volume I of the Cultural Resources Study (**Appendix Y**) as well as in **Section 4.6** of the Draft EIS/EIR. Landscape design, materials, articulation of new and existing structures, etc., all of which have a bearing on the integrity of setting, shall be addressed in the Programmatic Agreement required by **Mitigation Measure 5-1**. Please refer to **General Response 3.17** which details the Section 106 consultation process, application of the Secretary of the Interior’s standards and guidelines, and development of design guidelines for the rehabilitation of Winehaven.

It is recognized that, as the commenter points out, the Section 106 consultation process may result in final design guidelines that would diminish to insignificance potential impacts associated with the introduction of new construction in the Winehaven Historic District. Considering that one of the primary objectives of the Programmatic Agreement required by **Mitigation Measure 5-1** is the resolution of adverse effects to the District, every effort will be made to eliminate impacts related to the integrity of setting. Nonetheless, the analysis undertaken in the cultural resource studies (**Appendix N** and **Y**) and Draft EIS/EIR takes a conservative approach to the evaluation of impacts.
Mitigation Measure 5-1 of the Draft EIS/EIR requires development of a cultural interpretive center, to be housed within one of the historic buildings, which highlights the long and unique history of Point Molate and the surrounding community. The mitigation measure has been supplemented in the Final EIR and calls for recognizing and interpreting the 19th century shrimp camp throughout the project site. The former Richmond Belt Line could be memorialized as part of the interpretive center, but the physical remains have been judged by the lead agencies to not meet the criteria for consideration as a significant historical resource. As such, preservation of a portion of the line would be optional and subject to a series of physical and financial constraints.

COMMENT A18

RESPONSE A18-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE A18-2

Please refer to General Response 3.10, regarding the limited waiver of Tribal sovereignty provided and enforcement of mitigation measures. For additional discussion regarding the on-going environmental remediation refer to General Response 3.16.

RESPONSE A18-3

Please refer to General Response 3.1.1 regarding extension of the comment period.

RESPONSE A18-4

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Approval of the Proposed Project by the lead agencies would result in lands being taken into trust and would become Indian Lands eligible for gaming consistent with both federal and state law.

RESPONSE A18-5

Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project.

RESPONSE A18-6

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE A18-7

Please refer to General Response 3.10 regarding the limited waiver of Tribal sovereignty provided and enforcement of mitigation measures. For additional discussion regarding the on-going environmental remediation refer to General Response 3.16.

RESPONSE A18-8

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. See above for more specific responses to the comments summarized here.

COMMENT A19

RESPONSE A19-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

The Proposed Project has been analyzed and treated in accordance with Section 15206 of the CEQA Guidelines. The Draft EIS/EIR was submitted to the State Clearinghouse on July 9, 2009 (SCH No. 2005032073) and was widely distributed to regional governmental bodies and members of the public for review and comment. The comment period, which was more than twice that which is required by law, was widely publicized in newspapers, media accounts, on the City of Richmond’s webpage, as well as the webpage dedicated to hosting materials related to the environmental analysis. The analysis presented in the Draft EIS/EIR reflects the regional significance in that the geographic scope was not limited to the confines of the local jurisdiction. To the contrary, potential traffic impacts were analyzed for surrounding jurisdictions (including Marin County); the air quality analysis included the entire air basin; the hydrologic analysis considered the regional watershed; the socioeconomic analysis considered an unusually large area; biological studies considered a broad area, which extends across San Francisco and San Pablo Bays; etc. Moreover, since the release of the Draft EIS/EIR, the transportation analysis has been broadened to include additional locations in Marin County (refer to Appendix HH and Sections 4.8 and 4.15 of the Final EIR). The broad geographic and temporal scope of the analysis presented in the Draft EIS/EIR is in keeping with both the spirit and letter of the law related to projects of regional or area-wide significance as defined in Section 15206 of the CEQA Guidelines. The assertion by the commenter that the Draft EIS/EIR excluded Marin County in the impact analysis is incorrect.

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

RESPONSE A19-2

CEQA requires that a range of potential alternatives to the Proposed Project be considered that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives (CEQA
Section 1.4 of the Draft EIS/EIR discusses at length the objectives of the City as it relates to reuse of the Point Molate project site. In summary, the City’s objectives are to implement a reuse for the project site that:

- Is consistent with the BRAC processes, as well as the applicable conveyance legislation, and Navy Record of Decision (ROD) for the transfer;
- Promotes employment and long-term economic development within the City and creates business opportunities within the City and Contra Costa County;
- Provides long-term income to the City for operation of governmental programs;
- Provides enhanced public recreational facilities and opportunities within the City and improved access to the shoreline;
- Balances economic development with preservation of open space and important historic resources;
- Facilitates the early environmental clean-up of Point Molate;
- Enhances regional public transportation facilities;
- Is consistent with the recommendations of the Blue Ribbon Advisory Board recommendations, as codified in the Point Molate Base Reuse Plan (Brady and Associates, 1997);
- Is consistent with the recommendations of the Restoration Advisory Board (RAB); and
- Protects natural resources.

The scope of the City’s basic objectives, as well as those of the Tribe, require reuse of Point Molate in a manner that would provide for the greatest number of jobs and highest community benefit payments pursuant to the requirements of the Municipal Services Agreement. Please refer to Section 2.1.2 and Table 2-1 of the Draft EIS/EIR for a detailed description of the formula used to calculate the amount of community benefit payments to the City, which would vary according to the alternative selected. In addition to the Proposed Project, four other alternatives were considered including a reduced intensity alternative and a non-gaming mixed use alternative, that would meet the objectives of the City, albeit to varying degrees. In each case, alternatives with the potential to generate significant revenue for the City and create a large number of jobs result in an increase in vehicular traffic on regional roadways. Nonetheless, the City has considered an adequate range of alternatives in compliance with CEQA Guidelines (15126.6[a]).

Response A19-3

Contrary to the suggestion of the commenter, Section 2.2 of the Draft EIS/EIR provides a detailed description of the alternatives analyzed. The above referenced section clearly indicates the type of gaming proposed (Class III), the characteristics of the proposed casino, the hours of operation (24 hours), etc. The worst-case traffic scenario is analyzed for each alternative, which is the peak hour. The entertainment center trip generation rate was provided by the ITE Trip Generation Manual and is based on the capacity of the facility, not the type of entertainment provided. Please note that the analysis provided in the TIA overestimates the number of seats in the entertainment facility by 500 seats (20 percent),
resulting in a very conservative analysis of potential impacts. Section 8.0 of the TIA provides an analysis of special events at the Proposed Project, and determined that no significant impacts would occur. Please refer to General Response A16-1, Entertainment Center, for additional discussion of this issue.

Please refer to General Response 3.12.2 and Response A16-1 for a discussion of trip generation rates used in the analysis. Please refer to General Comments 3.12.1 and General Responses A13 and A16 above regarding the proposed ferry service.

**RESPONSE A19-4**

Please refer to General Response 3.12.5 for a discussion of the geographic scope of analysis. Contrary to the commenter’s statements, the Draft EIS/EIR considered transportation facilities in Marin County and additional facilities were added to the analysis presented in the Final EIR.

**RESPONSE A19-5**

During the scoping period for the Proposed Project each neighboring jurisdiction, including Marin County, had an opportunity to comment on the scope of the EIS/EIR. Marin County provided two extensive comment letters, which outlined the County’s environmental concerns. The County’s comments were considered by the Lead Agencies when the scope of analysis was determined. Additional analysis was performed subsequent to the release of the Draft EIS/EIR which evaluated impacts to other Marin County facilities. The analysis is provided in Sections 4.8, 4.15, and 5.0 of the Final EIR.

**RESPONSE A19-6**

**LARKSPUR INTERSECTIONS**

The analysis presented in the Draft EIS/EIR assigns a significant number of trips to the roadway network on the west side of San Francisco Bay and assumes that more than 18 percent of patrons would use the Richmond – San Rafael Bridge to reach the project site. Based on the fact that a segment of Sir Francis Drake Boulevard, connecting US 101 and I-580, was included in the Draft EIS/EIR and STIA, the commenter’s statement that the analysis does not recognize “…US 101 traffic from the [San Francisco] peninsula going to EB I-580 via Larkspur” is incorrect. It was determined that the vast majority of vehicular trips between westbound I-580 and southbound US 101 would use Sir Francis Drake to make the connection. Since virtually no trips would utilize the Belle Boulevard (certainly well under 50 trips) to make the connection between the two arterials, no further analysis on this road was conducted.

Please refer to Sections 4.8, 4.15, and 5.0 of the Final EIR, as well as Appendix S and HH for a detailed analysis of the additional facilities studied in Marin County, including within the City of Larkspur. Two of the four additional intersections studied after the release of the Draft EIS/EIR were found to have significant impacts. Mitigation Measures 7-24 and 7-25 would reduce these impacts to a less than significant level.
It was determined that the vast majority of vehicular trips between westbound I-580 and southbound US 101 would use Sir Francis Drake to make the connection. Since virtually no trips would utilize the Bellam Boulevard (certainly well under 50 trips) to make the connection between the two arterials, no further analysis on this road was conducted. Please refer to Sections 4.8, 4.15, and 5.0 of the Final EIR, as well as Appendix S and HH for a detailed discussion of the analysis of impacts to Marin County facilities.

MARIN CONGESTION MANAGEMENT PROGRAM

The statement by the commenter that the “Marin County Congestion Management Plan (CMP) was not considered as part of the background study for the EIR” is incorrect. The CMP was, in fact, considered in the background study for the Draft EIS/EIR. The STIA (Appendix S) explicitly incorporates the CMP into the analysis as indicated by the numerous references and incorporation into the discussion of the regional transportation setting. The supplemental transportation memorandum draft following release of the Draft EIS/EIR also incorporates Marin’s CMP in the analysis (Appendix HH). Furthermore, the above referenced studies use the CMP to characterize the traffic background conditions, as the commenter recommends. While the commenter suggests that the Proposed Project conflicts with the Marin General Plan and CMP, no specifics are provided which may be addressed further here. Furthermore, the commenter fails to establish a regulatory nexus between the Proposed Project and the planning documents cited, precluding a more exhaustive response.

TRANSPORTATION MITIGATION

Review of the City of San Rafael General Plan 2020 cited by the TIA at page 5-24 indicates that the General Plan document does in fact state that the improvement is currently planned and partially funded. The Circulation Element of the City of San Rafael General Plan 2020 (page 173, Exhibit 2, Major Planned Circulation Improvements for the intersection at Sir Francis Drake Blvd and Andersen Drive) specifically calls out the planned improvement at Sir Francis Drake Boulevard and Andersen Drive and identifies three funding sources and the proportions expected from each. Despite the fact that this improvement may be in place by the time the Proposed Project begins operation, the Draft EIS/EIR calls for a fair share contribution of up to 17 percent of the cost for the proposed improvement. As such, the analysis and mitigation provided in the Draft EIS/EIR is conservative and complies with the requirements of CEQA.

CUMULATIVE ANALYSIS

As stated in Section 4.15.1 of the Draft EIS/EIR, the resource study area “for each cumulative impact evaluated varies depending on the characteristics of the resource under consideration. For example, impacts to water resources must generally be modeled on the scale of a watershed and regional socioeconomics must be viewed in terms of cultural spheres of interaction that may extend well beyond the local hydrologic unit.” This approach holds true for the cumulative analysis of transportation impacts, which considers facilities located in Marin County as well as Contra Costa County. While it is true that
the analysis is most intensely focused on the region located east of the Richmond – Rafael Bridge, this is
reasonable, particularly as it relates to transportation impacts, since fewer than 19 percent of all project-
generated trips would pass through Marin County. Nonetheless, the analysis presented in the STIA
(Appendix S) and the supplemental transportation memorandum (Appendix HH) consider, under
cumulative conditions, the projects referenced by the commenter including the SMART Train and the
Larkspur Ferry Terminal, as detailed below.

The analysis of the intersection of Anderson Drive and Sir Francis Drake Boulevard located in San Rafael
made use of conservative estimates of background and cumulative traffic conditions developed by
AECOM (formerly DMJM Harris) based on their experience in San Rafael. The background and
Cumulative traffic volumes at the Anderson Drive and Sir Francis Drake Boulevard intersection in the
following two recent EIRs were both found to be lower than the background and cumulative volumes that
were used in the Point Molate analysis:

- San Quentin State Prison Central Health Services Center Project FEIR and Addendum (EDAW, 2009);
- Draft Environmental Impact Report for the San Rafael Target (AECOM, 2008).

The intersections and volumes along Sir Francis Drake Boulevard which were studied in Larkspur were
based on current assumptions for near-term and cumulative assumptions contained in the following
documents:

- San Quentin State Prison Central Health Services Center Project FEIR and Addendum (EDAW, 2009); and
- Sonoma-Marin Area Rail Transit Final EIR (Aspen Environmental Group, 2006).

The background and cumulative traffic volumes used in the I-580/US 101 interchange analysis were
based on traffic volume forecasts obtained from Caltrans and information from the following studies:

- Marin Countywide Plan (Marin County Community Development Agency, 2007); and
- Mobility for the Next Generation – A Transportation 2030 Plan for the San Francisco Bay Area
  (Metropolitan Transportation Commission, 2005).

**PROPOSED FERRY SERVICE**

Please refer to General Comments 3.12.1 regarding the proposed ferry service. Regular ferry service to
the project site is a central component of the Proposed Project. As such, the analysis presented in the
Draft EIS/EIR considers the reasonably foreseeable impacts and benefits associated with its
implementation. The trip generation tables presented in the Draft EIS/EIR and the TIA are the same,
Despite the fact that the Draft EIS/EIR and STIA only assumed a 15 percent reduction for ferry use, while
the TIA assumed 25 percent ferry use. This is due to the fact that the reduction for ferry trips was taken
after the trip generation was calculated. Thus, regardless of the reduction taken for ferry use, overall trip generation remains constant. No revisions to the transportation analyses are warranted.

**TRIP GENERATION**

Please refer to General Response 3.12.2 for a general discussion of trip generation rates used in the analysis. The following discussion supplements the general response cited above. Please also refer to Response A16, Trip Generation, above for a discussion trip generation.

Based on comments received on the Draft EIS/EIR, an extensive review of the project trip generation from the previously referenced DMJM Harris Study (TIA; Appendix S) was conducted. The analysis concluded that the project trip generation estimates were accurate. However, due to the fact that the assumption of ferry service patronage was reduced from 25 to 15 percent in the STIA and Draft EIS/EIR, the distribution of gaming patrons from the San Francisco Peninsula was revisited. As a result, the percent of project traffic added to Sir Francis Drake Boulevard was increased from about 3 percent to 6.3 percent. This figure includes the assumption that 50 percent of this traffic would travel to the project site via the Golden Gate Bridge and Richmond – San Rafael Bridge and 50 percent would take the Bay Bridge. As a result of the added traffic to Sir Francis Drake Boulevard the fair share contribution that the Tribe would be responsible for to mitigate impacts on Sir Francis Drake Boulevard at Anderson Drive would be increased. Section 5.2.7, Table 5-5 of the Final EIR reflects this increased fair share contribution.

Please refer to Response A3-2 above regarding the applicability of the 1992 Institute of Traffic Engineers (ITE; Ackeret and Hosea, 1992) study cited in the comment.

**TRIP REDUCTIONS**

Please refer to General Response 3.12.4 and Response A16-1, Trip Reductions, for a discussion of trip reductions used in the analysis.

The commenter mischaracterizes the use of the 15 percent reduction taken for diverted-link trips (previously called pass-by trips in the Draft EIS/EIR). The commenter incorrectly infers from the analysis that 15 percent of all traffic passing by the project site on I-580 would be likely to patronize the development in the course of an existing vehicular trip. This misunderstanding is highlighted in the commenter’s statement, “For peak traffic analysis purposes, this pass by rate implies that 15 percent of commuters would stop at the casino on their way home from work.” To the contrary, the analysis assumes that an average of 15 percent of patrons (not commuters on the Richmond – San Rafael Bridge) at the site on a given day would arrive via a diverted link trip.
COMMENT A20

RESPONSE A20-1

The concerns summarized in this comment are responded to in more detail below.

RESPONSE A20-2

The BIA and City of Richmond have made every effort to make the Draft EIS/EIR process as clear and transparent as possible. As noted in Draft EIS/EIR Section 1.5.2, the initiation of development of the Draft EIS/EIR was made public in March 2005 with the issuance of notice documents in the Federal Register, at the City of Richmond offices, and in the Contra Costa Times and the West County Times. The notice documents briefly described the Proposed Action/Project and the reasons why the Draft EIS/EIR was being prepared. The notice documents also announced the date of a joint scoping hearing, during which further information was given and public comments were received. The issues that were raised during the scoping period were summarized within the Environmental Impact Statement/Environmental Impact Report Scoping Report, Point Molate Fee-to-Trust and Gaming Resort Development Project. This report was issued by the BIA in July 2005 and is provided as Appendix B to the Draft EIS/EIR.

The land into trust process is described in Sections 1 and 2 of the Draft EIS/EIR. As noted in Sections 1.1, 1.6, 2.2.1, and 2.9.1, the approval of a management contract is a separate federal action by the National Indian Gaming Commission (NIGC), distinct from the BIA taking the land into trust. The commenter implies that the taking of land into trust is contingent upon the approval of a management contract. However, this is not stated anywhere in the Draft EIS/EIR. Instead, the approval of the management contract must take place before the proposed management contractor is able to manage the casino development pursuant to the terms of the contract. The land may be taken into trust before or after the approval of the management contract. Revisions have been made in Final EIR Sections 1 and 2 to clarify the fee-to-trust and management contract approval processes.

RESPONSE A20-3

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes.

The discussion of social effects from gambling casinos is based primarily on studies by the National Gambling Impact Study Commission, National Opinion Research Center, and National Public Sector Gaming Study Commission. While each of the studies is distinct, they consider a range of sources including: academic research, testimony on a range of topics from around the United States, review of
Section 4.7.5 of the Draft EIS/EIR acknowledges that the Proposed Project would result in a potentially significant impact to pathological and problem gamblers. Although the literature states that the prevalence of problem and pathological gambling increases for all residents within 50 miles of a casino, no study estimates the rate of increase for those residents specifically living between 11 and 50 miles of a casino. In addition, studies that estimate the increase in problem and pathological gambling rates focus on communities that do not have existing casinos. Since Casino San Pablo and casinos in Sonoma County (Figure 3.7-2) are located within 50 miles of the Proposed Project, the analysis assumes that some of the residents would have already started gambling at these facilities. This assumption is appropriate because pathological and problem gamblers already have opportunities to gamble at existing facilities within 50 miles. Thus, it was assumed there would not be any additional problem and pathological gambling instances for those residents living more than ten miles from the project site. The implementation of Mitigation Measures 6-1 through 6-4 would reduce potential impacts to problem and pathological gambling to less than significant levels. As stated in Section 5.2.6, the Tribe will be responsible for adopting a policy statement on problem gambling, providing customers with written information including problem gambling treatment programs, and implementing procedures to allow for voluntary self-exclusion for the customers from the gaming establishment. As stated in the IGA (Appendix BB), the Tribe shall provide information to its guests through signage, pamphlets, and an Internet website that describe the symptoms of problem gambling. Informational brochures shall be available throughout the casino that discuss how a person knows that he or she has a gambling problem and the ramifications of such a problem in terms of family, friends and social obligations. The brochures shall provide a hotline number that is available to call 24 hours each day, including the Council on Compulsive Gambling of California’s 24-hour free and confidential Helpline, which offers problem gamblers and their families’ information and referral to self-help and professional services. All appropriate casino employees shall receive training in the identification of problem gambling. Employees shall offer customers information about available problem gambling resources when signs of problem gambling are evident.

The Tribe shall maintain a Self-Exclusion Policy whereby patrons may request a halt to casino promotional mailings, check cashing privileges, and player club privileges. A patron may also request to be physically excluded from the gaming establishment. Procedures shall be established that allow problem gamblers to assume the responsibility of excluding themselves from any form of gambling at the gaming establishment. These procedures shall outline the steps involved in the initiation of a Self-Exclusion Form, and provide for the processing and retention of the Self-Exclusion Form, patron’s return and patron’s reinstatement process. The Draft EIS/EIR determined that it would be important to maintain a voluntary self-exclusion policy in order to give potential problem gamblers, and their families, such an
option to deal with the addiction. The commenter’s assertion that such a policy would not be useful to any patron is incorrect; studies have shown that self-excluders tend to experience long-term, positive outcomes (NCRG, 2010). Additionally, as stated in the IGA (Appendix BB) the Tribe shall maintain an Involuntary Exclusion Policy whereby a patron may be involuntarily subjected to the same provisions associated with the Self-Exclusion Policy, for purposes of preventing the patron’s problem gambling. Both the Self-Exclusion Policy and the Involuntary Exclusion Policy were determined to be necessary mitigation measures for potential impacts to problem gambling as a result of the Proposed Project.

The Draft EIS/EIR discusses the potential impacts to the immediate and surrounding communities, including low-income and minority populations, in Section 4.7. The majority of potential impacts associated with the Proposed Project, such as those to land, water resources, air quality, problem gambling, and traffic, among others, can be characterized as local in nature; and therefore, it was determined that potential environmental justice communities are those located within the immediate vicinity of the project site, as identified in Section 3.7 and shown in Figure 3.7-1. The Draft EIS/EIR acknowledges the Proposed Project would potentially result in significant impacts, including air pollution, traffic, problem gambling, and crime, which would affect the low-income and minority communities surrounding the project site. Section 4.7 determined that, after implementation of proposed mitigation to reduce these potential impacts to less than significant levels, no identified low-income or minority communities would be disproportionally adversely impacted by the Proposed Project. As Section 4.7 states:

Increased air pollutants resulting from construction activates and vehicle emissions would be reduced to a less than significant levels with the implementation of Mitigation Measures 3-1 through 3-19; and therefore, no identified low-income or minority communities would be significantly affected. Increased traffic volumes under the Proposed Project would impact the existing level of service at intersections in Census Tracts 3780, 3650.01, and 3650.02. However, with the implementation of Mitigation Measures 7-4 through 7-8, impacts would be mitigated to a less-than-significant level. The Proposed Project would result in new problem and pathological gamblers within ten miles of the project site, where low-income and minority communities are located. However, after the implementation of Mitigation Measures 6-1 through 6-4, potential impacts would be reduced to a less than significant level, and no identified low-income or minority communities would be significantly affected. The Proposed Project would result in potential increases in crime. However, after the implementation of Mitigation Measures 9-14 through 9-18, potential impacts would be reduced to a less than significant level. The Proposed Project would benefit all communities within proximity of the project site by creating employment opportunities that would demand a substantial portion of the local labor market. These communities would not be disproportionately adversely impacted. This would be a less-than-significant impact.
The Draft EIS/EIR acknowledges the Proposed Project would result in a potentially significant impact to crime (Section 4.7.6). With the implementation of the MSA and IGA as part of the Proposed Project, contributions would be made by the Tribe to the City for public services, which would, in part, fund expansion of law enforcement services to accommodate growth and the increase in criminal incidents in the project area. As discussed in the MSA (Appendix C), the Tribe would provide compensation to local law enforcement, fire service, and emergency medical service providers so that these agencies have the capacity (i.e., employees or equipment) necessary to address any increase in demand resulting from the Proposed Project. The Tribe will provide compensation to the City in the amount of $8 million per year for the first eight years beginning with the commencement of gaming operations, and $10 million per year thereafter. Additionally, as indicated through the IGA (Appendix BB), under the Proposed Project, the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters and first responders, health, and social services related costs, and community benefit payments, commencing with the project start date, and payable for as long as the IGA is in effect. The analysis presented in the Final EIR determined these compensation payments would adequately address the potentially significant impacts to crime, and would reduce impacts to a less than significant level.

Section 4.7.6 and Appendix T of the Draft EIS/EIR analyze the impacts to crime and other social ailments from having a casino located in the local area. While the Draft EIS/EIR does not directly discuss impacts relating to domestic abuse, divorce or suicide specifically, the analysis included a thorough review of literature covering crimes and social issues related to casinos. The literature review included an examination of potential ties between domestic abuse, divorce, suicide and gaming facilities. These social ailments are not discussed specifically in the Draft EIS/EIR because casino impact researchers did not find a remarkable relationship between casinos and these ailments such that they should be addressed separately from other types of crimes or social ailments. Based on the analysis in the Draft EIS/EIR, the Proposed Project is not likely to significantly impact local domestic abuse, divorce or suicide. However, because domestic abuse is illegal, any impacts to domestic abuse would be included in the overall crime rate impacts and would be addressed in crime-related mitigations. Please refer to General Response 3.11.1 for further discussion of potential impacts to crime as a result of the Proposed Project.

The Draft EIS/EIR provides an analysis of all reasonably foreseeable social impacts from gambling. Social costs associated with gambling not discussed in detail would not result in significant impacts from the Proposed Project. It is outside of the scope of the Draft EIS/EIR to examine social costs that are not anticipated to be linked to the Proposed Project and/or gambling, including mental health impacts unrelated to problem gambling.

Section 4.7 discusses the potential impacts to regional businesses as a result of the Proposed Project. The surrounding communities would benefit from the Tribe’s expenditures on the goods and services necessary to maintain and operate a large-scale destination resort and casino. As stated in the Draft EIR/EIS, purchases would be made primarily from existing vendors located in Contra Costa County, the City of Richmond, and surrounding areas. While the exact amount of spending at County businesses
cannot be quantified, spending at County businesses would generate new revenue and would be considered beneficial. As the project site is located in a highly populated urbanized area, it is expected that local and County businesses would be able to meet a large portion of demand for goods and services. Further, local business would receive new revenue from induced and indirect expenditures on goods and services. Table 4.7-2 provides classification of direct expenditures on goods and services. The areas of classification provide a perspective on the industries that would receive business directly from the project. To attempt to further quantify expenditures on goods and services at specific local businesses would be highly speculative. Please refer to General Response 3.11.5 for a full discussion regarding potential impacts to the immediate and surrounding communities.

**RESPONSE A20-4**

Refer to General Response to Comment 3.7.2 regarding indoor air pollution. Due to mitigation measures, any burden on health services caused by the casino is expected to be minimal and, therefore, would not require new personnel. In addition, because patrons will come from a wide geographic area, it is infeasible to determine how to fairly allocate reimbursement.

**RESPONSE A20-5**

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. Please refer to General Response 3.11.3 regarding documentation for the projected employment numbers, and a discussion of the types of jobs expected to be generated by the Proposed Project.

**RESPONSE A20-6**

The commenter notes that the project is near several major throughways and that their comments are aligned with that of WCCTAC’s comments. Please refer to Response A16-1 for a discussion of the issues raised by WCCTAC.

Contrary to the assertion of the commenter, the WCCTAC Action Plan was considered in the transportation analysis and is referenced in Section 3.8 of the Draft EIS/EIR.

Refer to General Response to Comment 3.12.5 regarding the geographic scope of analysis for the transportation study.

As previously stated in General Response 3.12.2, all intersections with the potential to receive 50 new trips as a result of the Proposed Project were included in the transportation analysis.
Refer to **General Response to Comment 3.12.7** regarding the Richmond BART Station’s ability to handle additional riders. As established by WCCTAC in the comment letter dated September 18, 2009, “there exists significant capacity on the BART trains to the Richmond station.” The Proposed Project would use some of the excess capacity and consequently increase revenues to BART generated by fares.

As stated in the Draft EIS/EIR, the Proposed Project would provide the necessary funding for AC Transit to extend bus service to the site. **Mitigation Measures 3-17, 3-18, 3-20, and 7-7** provided in **Section 5.0** of the Draft EIS/EIR require funding to enhance existing transit and transit facilities. The Draft EIS/EIR considers the availability of funding in considering the feasibility of mitigation measures. In no instance does the Draft EIS/EIR assume, recommend, or encourage the use of existing public funding sources to fund mitigation measures to the detriment of other transportation projects. Please refer to **Appendix S**, which includes correspondence with AC Transit indicating their willingness and ability to service the project site.

The proposed ferry service is a central component of the Proposed Project, integrated at every applicable level of analysis. Please refer to **General Comments 3.12.1** and **Response A13** above regarding ferry service, potential impacts to other proposed ferry services, and analysis of potential environmental impacts.

Construction traffic is analyzed in **Section 4.4** of the Draft EIS/EIR. The TIA includes an estimate of truck traffic on local roadways and takes into consideration existing and projected future cumulative traffic conditions.

Diesel particulate matter (DPM) is included in the air quality analysis in **Sections 3.4** and **4.4** of the Draft EIS/EIR. Construction and operation of the project was found to have a less than significant impact due to project related DPM sources. It is recognized that DPM concentrations in the west Contra Costa County area are high. In recognition of the benefits of reducing truck trips during construction, more than 80 percent of the soil hauled from the site would be removed by barge, resulting in less potential for contributing to traffic congestion and less DPM emissions per ton of soil exported. Please refer to **General Response 3.12.4**, which details the aggressive Traffic Demand Management strategies that would be employed as part of the project that would significantly reduce personal vehicle trips to the project site.

**RESPONSE A20-7**

The Economic Impact Study (Draft EIS/EIR **Appendix T**), which is the basis of much of the socioeconomic impact analysis in the Draft EIS/EIR, considers existing and proposed casinos in the region. Please refer to **General Responses in 3.11** regarding potential social and economic impacts to the community.
While it is true that many segments of the leisure, tourism, and entertainment industry have seen declining revenues since the beginning of the current recession, so has nearly every other sector of the economy. According to the Economic Impact Study prepared by the Gaming Market Advisors, with development of the Proposed Project the regional gaming market is expected to grow by approximately 20 percent to $2.20 billion by 2012 (Appendix T). Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

**RESPONSE A20-8**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT A21**

**RESPONSE A21-1**

**BAY TRAIL CONNECTION**

Refer to General Response 3.4 and Response I4 regarding Bay Trail connections to the project site. Improvement Measure 7-20, incorporated into the Final EIR, provides for bicycle lanes to be included from the project site to I-580 along Western Drive in the event that the proposed Bay Trail segment south of the project site is not functional by the time the Proposed Project is operational.

**SAFETY OF SHORELINE PARKS AND OPEN SPACE**

Vehicular traffic would be prohibited within the core of the Proposed Project and no vehicles would be capable of accessing the shoreline parks and open space areas of the project site with the exception of maintenance and security vehicles. The widening and improvement of Western Drive would be accomplished in accordance with the City’s design standards and would therefore not pose any safety hazards to people recreating at the site.

**COMMENT A22**

**RESPONSE A22-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE A22-2**

The commenter notes that there is currently no public transportation to the project site and the site’s geographical location would increase the cost of providing transit service to the site. Mitigation Measures 3-17, 3-18, 3-20, 3-22, 3-23, 7-7 and 7-23 provided in Section 5.0 of the Final EIR require funding to enhance existing regional transit and transit facilities and extend service to the project site. AC Transit has previously signaled its interest in providing service to the project site (Appendix S, pages 225 - 226). The letter provided by AC Transit in June of 2008 identifies a number of possibilities related to
extending service to the project site including: extending Line 72M to provide service every 30 minutes; extending Line 800 to provide service every 30 minutes to one hour depending on the day of the week; extending Line 70 to the project site; and creating a local area circulator service to be operated by AC Transit. While transit service at the project site is a central component of the planned intermodal transportation hub, a number of mitigation measures have been identified to provide specificity regarding the proposed service.

The Draft EIS/EIR considers the availability of funding in considering the feasibility of mitigation measures. In no instance does the Draft EIS/EIR assume, recommend, or encourage the use of existing public funding sources to fund mitigation measures to the detriment of other transportation projects. Relevant portions of mitigation measures cited above are summarized below, which clearly establish the emphasis on incorporating and building upon the existing transit system that presently serves Richmond and the surrounding communities.

**Mitigation Measure 3-17** requires, among other things, that:

- The Tribe shall coordinate with regional ridesharing organizations, provide employee and customer access to guaranteed ride home programs, and fully fund measures such as carpool/vanpool subsidies and preferential parking for carpools and vanpools.
- The Tribe shall provide and fully fund the following on-site transit use incentives for employees: construct transit facilities such as bus turnouts, bus bulbs, benches, bus shelters, and landscaping at transit stops.
- The Tribe shall provide and fully fund shuttle service to transit stations/multimodal centers. Project-operated shuttle buses will be required to run at least two times per hour and on-time. Because the resort is proposed to be open 24 hours per day, shuttle buses that provide service to public transit stops (e.g., the Tewksbury Turnaround) shall run at night and on weekends when those carriers provide service (e.g., shuttle buses shall serve the Richmond Intermodal Station when trains are running). Shuttle bus schedules will mesh with those of AC Transit, BART, Golden Gate Transit, and other public transit providers, who will be incentivized to provide safe, frequent, and reliable service on schedules and at locations compatible with the resort shuttle buses. The Tribe shall continue consultation and coordination with the regional public transit providers in the final planning and implementation phases of project development.

**Mitigation Measure 3-18** requires:

- The Tribe shall encourage the use of public transit systems by enhancing safety and cleanliness at transit stops. In cooperation with the City of Richmond, the Tribe shall provide new transit stops along Western Drive as needed.

**Mitigation Measure 3-20** requires, among other things, that:

- Designation of an on-site TDM coordinator. TDM measures shall be integrated with AC Transit, BART, and Golden Gate Transit services.
The Tribe shall provide transit passes (free or subsidized) and transit schedule information to employees.

The Tribe shall provide a curbside covered and lighted passenger waiting area on-site.

Buses serving the project site shall be equipped with bicycle racks.

The Tribe shall provide and fund a shuttle between the project site and one or more transit hubs in the local area.

The Tribe shall encourage patrons to use public transit by providing coupons (for food, beverage, entertainment, etc.) or other incentives to patrons who arrive via public transit.

Mitigation Measure 3-22 requires:

- The Tribe shall work with AC Transit to expand its current service and contribute funds and supplement operating expenses to implement the following: Bus and/or shuttle schedules tied to the timing of employee shifts; and new routes to serve employee population centers around the project site.

Mitigation Measure 3-23 requires:

- In coordination with the regional transportation agencies, such as AC Transit, Golden Gate Transit, and Bay Area Rapid Transit (BART) rail, the Tribe shall provide funding for the following to support regularly-scheduled community transit or shuttle service to and from the nearest mutually-acceptable major transit node: transit shelter benches, street lighting, route signs and display, and bus turnouts.

Mitigation Measure 7-7 requires:

- The Tribe shall work with AC Transit and other regional transit providers to expand service, tie bus schedules to the timing of employee shifts, and provide new routes to serve employee population centers. The Tribe shall contribute the necessary funds to supplement AC Transit operating expenses to achieve the expanded services.

Mitigation Measure 7-23 requires:

- The Tribe shall fully fund improvements to the Tewksbury Avenue bus turnaround, these improvements would include but not be limited to: constructing bus shelters, improve bus benches, landscaping, and lighting.

Please refer to Response A16-1 above for a discussion of the issues raised by WCCTAC in its comment letter.

With respect to the proposed narrowing of 23rd Street in Richmond, such reconfiguration would not affect the transportation analysis provided in the Draft EIS/EIR. 23rd Street is a corridor running north to south, located a significant distance from the project site. While it is anticipated that some vehicle trips would
access the site via Cutting Boulevard, which intersects 23rd Street in Richmond, operations on Cutting Boulevard would not be affected.

While it is anticipated that on-site parking would be provided free of charge to patrons, the aggressive TDM measures, proposed transit service and incentives, as well as regular ferry service would provide aggressive incentives for use of modes of transportation other than personal vehicles occupied by a single individual.

**RESPONSE A22-3**

The commenter expresses the opinion that construction of transit facilities such as bus turnouts required under Mitigation Measure 3-17(b) are generally not “helpful.” Mitigation Measure 3-17 provides a host of improvements, including the provision of bus turnouts, bus bulbs, benches, bus shelters, and landscaping at transit stops, all of which make use of transit a more convenient, pleasant, and safe experience, and will tend to encourage its use.

Based on the input provided by the commenter, Mitigation Measure 3-17(d) has been supplemented in the Final EIR to provide more specificity related to scheduling and destinations. Further refining of the proposed service would be achieved through continued consultation and cooperation with AC Transit. Development of a transportation plan, as recommended by the commenter, is advisable. However, the Mitigation Monitoring and Reporting Plan, which is a required component in the CEQA process, will verify compliance with all mitigation measures specified in the Final EIR.

The assumption in the TIA that the majority of users of surface transit would be employees is based on the fact that the greatest amount of influence and incentives for transit use to the site can be brought to bear on employees, resulting in conservative estimates for the analysis. It is acknowledged that high-quality transit that is responsive to the needs of consumers has the potential to capture a substantial number of patrons as well.

**COMMENT A23**

**RESPONSE A23-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. A detailed response to most of the concerns expressed in this comment cannot be given because the concerns do not reference specific aspects of the environmental analysis. For instance the commenter references “a troubling lack of adequate analysis of community impacts” but does not provide any specific details. Furthermore, it is not clear which “amenities and values” are referenced in the last paragraph of Comment A23-1. Please refer to General Response 3.11 for responses to common socioeconomic comments. Please see General Response 3.12 for responses to common traffic-related comments. Please see Draft EIS/EIR Section 5.0 for a description of mitigation measures and the significance of impacts after mitigation.
RESPONSE A23-2

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. It should be noted, however, that all of California is traditional tribal land, the nexus to which has been severed during the modern era. Please refer to responses to Comment A18 above for responses to comments from the Governor’s Office of Legal Affairs.

COMMENT A24

RESPONSE A24-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. General concerns related to specific resources and values raised in Comment A24-1 are addressed below as appropriate.

With respect to the commenter’s concern about an alternative project that would only include residential development, no such alternative is contemplated by the lead agencies or the applicant, nor is an all residential alternative analyzed in the Draft EIS/EIR (Alternative D includes the most residential, but also some hotel and retail uses). While a near infinite number of possible reuse scenarios could be conceived, the Draft EIS/EIR properly considers a reasonable range of alternatives that would meet most of the objectives of the lead agencies. Should an all residential alternative be proposed in the future, supplemental environmental review would likely be required at that time to analyze such an alternative.

RESPONSE A24-2

CEQA Guidelines Section 15147 provides the following guidance on the presentation of technical information within an EIR:

The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR.

In accordance with the above referenced guidelines, information presented in the Draft EIS/EIR provides an adequate level of detail to characterize the potential for adverse impacts resulting from the Proposed Project. Key findings of the technical studies undertaken in the course of analysis of the alternatives are summarized within the text of the Draft EIS/EIR in a manner that is not overly technical and which can be understood by a layperson. Supporting technical information was included within the appendices of the document, and therefore was available for agencies and the public to review and reference.
**Response A24-3**

The Draft EIS/EIR was completed in a manner consistent with the requirements of CEQA and NEPA in that it analyzes and discloses significant environmental consequences of each of the alternatives considered and proposes mitigation. A comprehensive analysis of potential impacts, which covers nearly 500 pages, and twelve resource/issue areas, as well as indirect, induced, and cumulative impacts is presented in Sections 4.1 through 4.15. Section 5.0 presents mitigation to eliminate or reduce the severity of all impacts identified in Section 4.0. The comment does not identify any specific deficiency in the document so no further discussion is needed.

**Response A24-4**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site. Please refer to General Response 3.3.2 regarding the Final EIR’s inclusion of Alternative B1, which preserves Building No. 6 in the Winehaven Historic District.

Please refer to Response A24-8 for a response to the commenter’s statement in the introduction of the commenter letter (A24-1) that asserts that the Proposed Project would be incompatible with the East Bay Regional Park District’s (EBRPD) Master Plan.

The document presents adequate illustrated site plans and renderings to allow for a full aesthetic analysis. While the comment requests “photosimulations,” it does not explain why such simulations are necessary or why the illustrated site plans are inadequate. As illustrated in the site plans (Figures 2-3, 2-8, 2-11, 2-14, and 2-17) and architectural renderings (Figures 2-9, 2-10, 2-12, 2-13, 2-15, and 2-16) presented in the Draft EIS/EIR, all of the alternatives would preserve views of the Bay and regional landscape from the open spaces along the shoreline area. While each of the proposed development alternatives would alter the aesthetic character, all changes would be in accordance with strict design guidelines, as discussed in General Response 3.17. Moreover, implementation of the Proposed Project would remove a significant number of blighted Naval installations throughout the property which would be beneficial to the aesthetic character of the project site. No significant impacts would remain, therefore implementation of further mitigation, as suggested by the comment, is not warranted. Furthermore, each vista is unique, thus it is not possible to utilize off-site mitigation as mitigation for affects to a particular vista.

**Response A24-5**

Please refer to General Response 3.9.1 for a discussion of potential impacts to eelgrass beds.

The commenter’s allegation that the Draft EIS/EIR “does not consider the Project’s potential impacts on eelgrass beds” is not supported by the facts. Eelgrass is considered in the Biological Assessment (Appendix J) as well as several sections of the Draft EIS/EIR (Sections 3.5.2, 4.5, and 4.9). Mitigation
**Measure 4-8** specifically deals with avoidance of impacts to the eelgrass beds. This mitigation measure has been supplemented in the Final EIR to provide additional provisions and specificity for the protection of the eelgrass habitat. Potential impacts to eelgrass beds related to project site drainage, stormwater management and water quality are thoroughly addressed in Sections 2.2.2, 3.3 and 4.3 and **General Response 3.6.3**. Implementation of the suite of water quality and biological mitigation measures would ensure that the eelgrass beds would not be subject to a significant impact.

**RESPONSE A24-6**

Please refer to **General Response 3.9.2** which details the methodology for classifying annual grassland on-site. Per CEQA Guidelines Section 15065 (a)(1), impacts to grasslands on-site do not constitute a threat to eliminate a plant or animal community. It should be noted that regardless of the typological classification of on-site grassland habitats, only 0.637 acres of 39.461 acres (equaling 1.61 %) of total grassland habitat is impacted under Alternative A. **Mitigation Measure 4-1** specifies a 2:1 replacement/restoration ratio for these impacts. This would include the conversion/restoration of a 1:1 ratio of non-native habitats on-site to grasslands as well as designating an additional 1:1 ratio of existing and equivalent habitat into an open space preserve with a conservation easement in perpetuity.

Furthermore, as detailed in **Tables 4.5-1 through 4.5-5**, no impacts to beach strand habitats would occur under Alternatives A - E. Therefore, potential impacts to seaside golden yarrow would not occur and do not require mitigation.

**RESPONSE A24-7**

Please refer to **General Response 3.9.1** regarding potential impacts to eelgrass.

All protected animal species with a potential to occur on-site were considered in the Biological Assessment and Draft EIS/EIR. Burrowing Owls have not been documented to occur within 5 miles of the project site (see **Figure 3.5-3** of the Draft EIS/EIR). There are no previously documented occurrences within the San Quentin quadrangle, and they were not observed during any of the comprehensive biological surveys conducted from August 2007 through June 2008. Therefore they are not likely to occur on-site and were not afforded specific mitigation measures. In addition, **Mitigation Measures 4-15 through 4-17** cover all listed, nesting and migratory bird species.

Since the Navy began fueling operations at the site in 1941, the Point Molate area has been highly impacted by the military/industrial uses of the site, which included significant night lighting. Since Naval operations ceased at the site the night-time lighting regime has changed, yet not to such an extent that the existing conditions reflect a pristine natural environment. In recognition of the potential impacts associated with the introduction of new light sources, **Mitigation Measure 4-18** was included in the Draft EIS/EIR, which would inherently benefit terrestrial and aquatic wildlife in the vicinity of the project site.
Implementation of the recommended mitigation measure would reduce potential impacts associated with night lighting to a less than significant level.

The commenter misrepresents the focus of Mitigation Measures 4-15 through 4-17, which are not intended to address night lighting impacts. In addition, the commenter fails to establish how the lighting from the Proposed Project would impact protected mammals, fish, reptiles, and amphibians, despite the assertions made in the affirmative. A Biological Opinion was issued by the U.S. Fish and Wildlife Service which concurred that the Proposed Project is “not likely to adversely affect” federally listed or proposed species or their critical habitat (Appendix J). Finally, with the exception of periodic security patrols and grounds maintenance vehicles, no vehicular traffic would be allowed in any of the open space areas of the project site.

RESPONSE A24-8

The commenter is correct that CEQA Guidelines Appendix G, Section IX(b) recommends that the environmental analysis ask whether a project conflicts with applicable land use plans or policies of an agency with jurisdiction over the project, when such plans or policies were adopted for the purpose of avoiding or mitigating an environmental effect. CEQA Guideline Section 15125(d) also requires a discussion of any inconsistencies between a project and applicable general plans or regional plans. While consistency with applicable plans must be discussed, CEQA is concerned with physical impacts on the environment and an inconsistency is not in itself a significant impact. Courts have noted that land use plans and policies balance many competing interests and a project need not be consistent with every one of them. Sequoyah Hills Homowners Assn. v. City of Oakland, 23 Cal. App. 4th 704 (1993). Thus, contrary to what the commenter alleges, a project’s inconsistency with a single aspect of plan or policy does not constitute a significant environmental impact, although it may be a relevant factor. The commenter also does not explain whether the provisions cited were adopted to avoid or mitigate environmental impacts, as suggested by Appendix G, Section IX(b).

Contrary to the assertions of the commenter, the Draft EIS/EIR provides a robust analysis of potential conflicts with applicable land use planning documents.

City of Richmond General Plan

Please refer to General Response 3.13.1 regarding consistency with the General Plan. Refer to Section 4.9 of the Draft EIS/EIR for a full consideration of the Proposed Project’s consistency with the adopted General Plan. Specific points raised in comment A24-8 related to the General Plan are addressed below.

The suggestion by the commenter that the Proposed Project does not provide for outdoor recreation uses and maritime uses is incorrect, given the large amount of open space and parkland proposed (cumulative total of 180 – 236 acres), the kayaking facility, and reuse of the former fueling pier. It is acknowledged in the Draft EIS/EIR that the Proposed Project would conflict with the Heavy Industry zoning designation.
However, Table 1-1 (Potential Permits and Approvals Required) of the Draft EIS/EIR clearly states that
the City of Richmond would have to approve a General Plan amendment and rezoning prior to
implementation of Alternatives A - D. Such an amendment and rezoning are part of the Proposed Project.
Alternatives B and D also propose approval of a subdivision map and rezoning, which is clearly stated in
the Draft EIS/EIR.

The commenter fails to establish how the Proposed Project is inconsistent with General Plan Land Use
Policy LU-E.1, which directs the City to “[g]ive high priority to preserving and enhancing the potential
amenities of the shoreline’s variety of edges and the landmark character of the regional landscape.”
Clearly, the development of a 35-acre shoreline park along the entire shoreline of Point Molate, provision
of enhanced public access to this resource, and preservation of all sensitive habitats along the shoreline
would be consistent with the above referenced policy. Similarly, the Proposed Project is consistent with
Policy LU-E.2 in that preservation of view sheds was a central component of the Project’s design, which
is reflected in the fact that the two proposed parking structures would be mostly underground (completely
subterranean in the case of the parking structure serving the Point Hotel), no new obstructions would be
built west of (shore-ward) the Winehaven building, and new construction that rises above the existing
built environment is concentrated so as to preserve unique view opportunities. Finally, the Proposed
Project is consistent with the West Shoreline Area Specific Guidelines cited in that all alternatives (except
the No Action Alternative) under consideration incorporate the construction of a significant segment of
the Bay Trail and publicly-accessible parkland along the shoreline.

The commenter cites the Circulation Map of the Richmond General Plan which designates portions of the
project site as within a Scenic Corridor and Secondary Thoroughfare/Scenic route. The Scenic Corridor
designation requires “development controls to preserve or enhance its scenic values.” The City is
imposing such “development controls” by way of limiting the height, massing, and location of new
construction, as well as imposing mitigation measures to protect and enhance the aesthetic character of
the site (Mitigation Measure 4-18, 5-1, 5-2, 12-1, 12-2, and 12-3). Furthermore, Western Drive is being
“enhanced and developed” in accordance with the principals of a Secondary Thoroughfare/Scenic route,
which will ultimately bring far more people to Point Molate to recreate at the park and open space.

The topography of the San Pablo Peninsula would remain relatively unaltered under the Proposed Project.
All of the hillside areas would remain open space (between 145 and 191 acres) and recreational
opportunities at the project site would be greatly enhanced relative to the existing conditions. Finally, the
commenter’s statement that the Project would “fail to provide the maximum feasible access to the
shoreline” is perplexing, given that the entire shoreline would become publicly accessible under the
Proposed Project. Similarly, the commenter’s statement that the Project would not develop the site for
use as a beach park, would not develop the full recreation potential of Point Molate Beach, and would not
provide for a recreational trail corridor on-site are incorrect. As highlighted in the Draft EIS/EIR, central
components of the Project include development of a 35-acre shoreline park (including revitalization of the
Point Molate Beach Park), development of a kayaking/non-motorized boat facility, between 145 and 191
acres of hill side open space with recreational trails (using already established service roads to minimize disturbance), and construction of a significant segment of the Bay Trail traversing the entire waterfront of the project site.

There are no significant impacts relating to the policies identified in the comment letter.

San Francisco Bay Plan

Please refer to Response A30-2 for a discussion of the limits on BCDC’s jurisdiction and regulatory authority over the Project.

The commenter questions the consistency of the alternatives with the Bay Plan on the grounds that the Bay Plan states that the site should be developed for park use. The Draft EIS/EIR addresses each alternative’s consistency with the Bay Plan in Section 4.9. As summarized in Table 4.9-2 of the Draft EIS/EIR, Alternatives A - E are consistent with the applicable policies: Bay Plan Policy No. 4-b and No. 7.

Policy No. 4-b of the Bay Plan states that “uses other than water-oriented recreation, commercial recreation, and public assembly facilities may be authorized” if they would: 1) not diminish recreational opportunities or the park-like character of the site; 2) preserve historic buildings for compatible new uses; and 3) not significantly, adversely affect the site’s fish, other aquatic life, wildlife and their habitats. The Proposed Project would restore 97 percent of the historic buildings on the site for adaptive reuse. Commercial use of the historic buildings would provide the funds necessary to support redevelopment of the former military installation and ensure the long term maintenance of the historic structures, proposed park and open space. As described in the Draft EIS/EIR the Proposed Project would not significantly adversely affect the wildlife nor their habitat. The BCDC is the sole agency that can determine whether its conditions are sufficiently met. The comment letter submitted by one of BCDC’s staff members does not constitute a consistency determination by the Commission. As stated in Table 1-1 of the Draft EIS/EIR, the Proposed Project is seeking a consistency determination from the BCDC.

The commenter states that the Proposed Project is inconsistent with Bay Plan Policy No. 7, which calls for using the Point Molate Pier “for water-oriented recreation and incidental commercial recreation.” Due to its former use as a fueling station, the pier is not at an appropriate height to safely accommodate many water-orientated recreational uses. In order to fulfill the water-oriented recreation use encouraged in the Bay Plan, the Proposed Project includes a kayaking center south of the pier that would provide safe launching and landing access for non-motorized recreational boats. In addition the 35-acre shoreline park would provide public access to the Bay. Once again, the BCDC is the only entity with the authority to determine a given project’s consistency with the Bay Plan.
The commenter also suggests that the Project’s “impacts on the area’s eelgrass beds” would also make it inconsistent with Policy No. 7. Please refer to General Response 3.9.1 and Response A24-5 above for a discussion of potential impacts related to the eelgrass beds located on-site, which have been determined to be less than significant.

Point Molate Reuse Plan

The Point Molate Reuse Plan is a visioning study prepared in order to define a series of possible uses for the site. An environmental analysis (EIR) was never completed for the implementation of the Reuse Plan’s recommendations. The Reuse Plan does not articulate or implement land use policies at the City or County level. An analysis of a project’s consistency with studies is not required under NEPA or CEQA. Furthermore, the Reuse Plan is superseded by the General Plan and Bay Plan, which are analyzed in Section 4.9 of the Draft EIS/EIR.

The commenter does not specify how the Project is incompatible with areas of the Reuse Plan. The Project is compatible with many of the items listed by the commenter, including the following:

- **Shoreline Park** – The Project would provide a 35-acre shoreline park along the entire length of the project site waterfront.
- **Minimize impacts of future development on natural environment** – The Project provides mitigation minimizing many of the impacts to less-than-significant.
- **Preserve hillsides from further development** – The Project calls for preserving 145 acres of hillside as protected open space.
- **Protect natural resources with emphasis on wetland, riparian habitat, and critical habitat areas** – Section 3.5 of the Draft EIS/EIR analyzes potential impacts to biological resources including wetlands, riparian habitats, and critical habitat areas. Mitigation Measures 4-10 through 4-12 are designed to protect these natural resources.
- **Preserve visual access to the Bay and other features** – The Project would provide a 35-acre shoreline park which would provide the public with visual access to the Bay; much of the hillside open space would also have visual access to the Bay.
- **Provide a variety of open space for outdoor recreation** – As described in Draft EIS/EIR Section 2, both hillside and shoreline open space would be provided for outdoor recreation; these areas would contain pedestrian trails, picnic areas, restroom facilities, public art and cultural exhibits, park recreation facilities, and other park amenities consistent with those found in other regional parks. In addition the project would provide a kayaking center.
- **More than two-thirds of the site will be preserved as open space and parklands in the highly visible hillsides and along the 1.4-mile shoreline** – The Project would preserve approximately 180-acres as open space and parkland, this equates to approximately two-thirds of the project site which is not submerged within the Bay. Development is focused on previously disturbed areas, mainly lower-lying relatively flat portions of the site.
• A network of recreational trails will provide access to the undeveloped hillsides and will be linked to the Bay Trail and promenade along the shoreline – All pedestrian trails would be interconnected including the Bay Trail.

A project’s inconsistency with a single aspect of plan or policy does not constitute a significant environmental impact, although it may be a relevant factor.

San Pablo Peninsula Open Space Study

The Open Space Study is a study that identified recommendations, but consistency is not required by law and, therefore, an analysis of a project’s consistency with studies is not required under NEPA or CEQA. Furthermore, the City Council resolution approving the study called it a “feasibility study”, which is not a land use planning document. Nonetheless, the Project would contain many of the elements recommended in the study and by the commenter. Furthermore the commenter fails to consider that the Project is consistent with Alternative E of the Open Space Study which is titled Park-Related Uses Compatible with Proposed Casino Development of Point Molate.

San Francisco Bay Trail Plan

As stated in Draft EIS/EIR Section 3.10.2 and in a letter received from the San Francisco Bay Trail Project (Comment Letter 203), the “Bay Trail Project is a non-profit organization administered by the Association of the Bay Area Governments”. Please refer to Responses I4-2 and I4-3, which discuss the alignment of the Bay Trail along the Point Molate shoreline and the additional bike access to the site along Western Drive.

East Bay Regional Parks District Master Plan

The East Bay Regional Parks District (EBRPD) 1997 Master Plan is not an adopted land use plan, but rather “defines a the vision and the mission” of the EBRPD and sets the District’s priorities for a 10-year period (1997 – 2007). The Master Plan also predates Congress’s decision to not transfer the Point Molate property to a regional governmental entity for use as a park. In the Navy’s Record of Decision for the final disposal and reuse of Point Molate, the Federal Government found that uses that do not promote economic development and job creation would be inconsistent with the requirements of the Defense Base Closure and Realignment Act of 1990. The federal government’s Record of Decision in transferring the site ant, and the City of Richmond’s governmental decisions, supersede EBRPD’s vision document in determining land use constraints for the site. Moreover, EBRPD does not, nor has it ever, had jurisdiction over the site. As such the EBRPD Master Plan is not a binding document that the City is required to adhere to, nor would inconsistency with the Master Plan constitute a significant impact.

Despite the fact that the Proposed Project does not directly correspond to the Master Plan, many core elements are shared. As detailed in Section 2.0 of the Draft EIS/EIR, a significant amount of parkland
and open space is provided under all of the alternatives considered. Alternatives A – D contemplate between 180 and 236 acres of shoreline parks and hillside open space, which account for between 66 and 86 percent of the total upland acreage on site (approximately 273 acres). A 35-acre Shoreline Park is proposed under Alternatives A – D which would contain a variety of natural environments including tidal, near-shore wetlands, and upland areas. Upland areas would also be provided in the 145 to 190 acres of hillside open space provided by the project under Alternatives A – D. As described in Section 2.2.2, these areas would also provide a variety of recreational activities, including biking/hiking trails, picnic areas, a kayak center, and other park amenities consistent with those found in regional parks in Contra Costa and Alameda Counties.

**RESPONSE A24-9**

The analysis presented in the Draft EIS/EIR considers the effects of implementing the Proposed Project relative to the existing conditions on-site. Since the project site is currently inaccessible to the public, development of the Proposed Project would not result in the loss of an existing regional recreational shoreline. Moreover, development of the Proposed Project would provide for new recreational opportunities to meet the demand created by Project visitors and residents, as well as additional recreational opportunities for the citizens of Richmond and the greater East Bay Area, contrary to the assertions of the commenter.

Please see Response A24-8 regarding the substantial acreage of parkland proposed for each alternative, including a regional shoreline park. The open space that currently exists on-site is highly degraded, having been used primarily for storage of bunker fuel during Navy occupation. Moreover, as described in Section 3.5 of the Draft EIS/EIR, native hillside habitat has been severely impacted by invasive species and past management practices that emphasized fuel reduction over other associated values. Mitigation Measure 4-9 requires a comprehensive vegetation management plan (VMP) that would provide for restoration of native vegetative communities on-site, which is expected to significantly improve wildlife habitat and public enjoyment of the open space within Point Molate. Section 4.14.8 of the Final EIR considers all potential impacts associated with implementing the VMP. Please refer to General Response 3.9.2 for additional discussion of the VMP.

During Naval use of the site, several hillside service roads were established to provide access to the underground storage tanks (USTs) and other facilities located in the hillside areas. Under the Proposed Project, the one lane paved roadways in the hillside area would be converted to non-motorized pedestrian and bicycle trails, open to the public. The limited Tribal facilities proposed for the hillside area would be accessed by the existing paved service road that leads to the proposed building site. Finally, the existing road leading west from Western Drive to the proposed Point Hotel would make use of the existing roadway corridor and area currently occupied by several underground storage tanks.

The commenter suggests that the open space proposed under Alternatives A – D would be subject to impacts related to vandalism, trespass, feral animals, introduction of exotic plant species, off-road vehicle
damage, dumping, etc. Vandalism, trespass, dumping, and off-road vehicle use would all be prevented through the increased security and police presence on the site over existing conditions, which will allow for an immediate response.

Finally, the costs of maintaining and properly managing the parks and open space at Point Molate would be made economically feasible by the revenue generating amenities offered on-site such as gaming, entertainment, retail, restaurants, and lodging. Please refer to Appendix T, Section 4.7 of the Draft EIS/EIR, and General Response 3.11.4 for a discussion of the economic viability of the Proposed Project.

**RESPONSE A24-10**

All intersections provided in the comment are analyzed in the TIA, Supplemental TIA and Sections 4.8 and 4.15 of the Draft EIS/EIR. Level of service threshold are not chosen, they are enacted by the jurisdiction where the roadway or intersection is located, generally in the jurisdiction’s regional transportation or general plan. Significance thresholds are discussed at length in Sections 3.8 and 4.8 of Draft EIS/EIR. With the implementation of mitigation the intersections mentioned in the comment would operate at an acceptable level of service and the Project would not significantly adversely affect access to any existing park or trail.

**RESPONSE A24-11**

Ambient noise levels were measured at the project site over a fifteen day period in 2005 and 2007 at two locations. Noise levels ranged from 50.3 to 62.3 dB, while averaging 53 dB as referenced in Table 3.11-6, Section 3.11 of the Draft EIS/EIR. Section 5.0 of the Draft EIS/EIR provides noise Mitigation Measures 10-3, 10-4, and 10-5 which will functionally reduce operational noise levels to comply with the standards set by the City of Richmond (refer to Section 4.11). The open space and preserve areas will provide the most suitable habitat for wildlife as well as providing areas for foraging and refuge. These areas are well buffered from the proposed development while the existing vegetation would further reduce noise effects. The conservation and preservation of open space areas for wildlife would provide a noise environment comparable to the baseline ambient condition. With implementation of the noise mitigation measures combined with the designated areas of open space and recreational areas, the project would not result in a significant increase in ambient noise levels when compared to the baseline condition in areas where wildlife will congregate and people will recreate; therefore would result in a less than significant impact to the noise environment for birds, wildlife, and people who are recreating. In addition, the USFWS Section 7 Endangered Species Act consultation letter (Appendix J) offers a not likely to adversely affect determination for all federally listed birds and wildlife with potential to occur in the project vicinity.
**RESPONSE A24-12**

A comprehensive identification, evaluation, and analysis of impacts to all cultural resources located within the Point Molate property was completed for the Proposed Project (Appendix N and Y). The findings of the cultural resources study are summarized in Sections 3.6, 4.6, and 4.15 of the Draft EIS/EIR. The analysis considered direct, indirect, and cumulative impacts to the resources located on-site, as well as resources located off-site that may be indirectly impacted (Section 4.14.8).

As part of the analysis, changes to the Winehaven Historic District were carefully considered. Impacts associated with the introduction of new construction, demolition, relocation, and effects associated with the change in land use were considered. While it was determined that feasible mitigation is available to address a number of the potential impacts associated with the Proposed Project, it was concluded that some impacts to the Winehaven Historic District would be significant and unavoidable. This finding is disclosed in Section 4.6 of the Draft EIS/EIR. Specifically, the analysis concluded that significant impacts would result from demolition of a contributing element of the historic district and the introduction of new construction within the District’s boundaries. The commenter goes on to suggest that traffic, noise, and “24-hour occupancy” would “materially impair” the historic district. The commenter fails to indicate how such impacts would occur, particularly in light of the following considerations: circulation within the project site would be by foot, bicycle, and low impact electric vehicles or shuttles – personal automobiles would be restricted from operation within the project site, except for through traffic along Western Drive’s existing alignment through the district going to or from the Point San Pablo area; all potential impacts related to noise are mitigated to less than significant (Section 4.11); and the hours or duration of occupancy would not impact the integrity of the district. Please refer to General Response 3.3.2 regarding the Final EIR’s inclusion of Alternative B1, which preserves Building No. 6 in the Winehaven Historic District.

Finally, the commenter fails to acknowledge that the Proposed Project would be required to conform to the Secretary of the Interior’s (SOI) Standards and Guidelines for Rehabilitation (Mitigation Measure 5-1). The SOI Standards define rehabilitation as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." As such, adaptive reuse is permissible and does not conflict with historic preservation standards provided that modifications, new construction, and other on-site alterations are undertaken in a manner consistent with the SOI Standards and Guidelines. In fact, an adaptive reuse of the historic district provides the financial means to undertake the significant structural and environmental renovations required to allow human occupancy and would bring many more people to the site to enjoy and learn about the rich history of the site. Refer to Mitigation Measure 5-1 of the Draft EIS/EIR for a description of procedural approach for resolving adverse affects on the Winehaven Historic District associated with the Proposed Project.
4.0 Response to Individual Comments

RESPONSE A24-13

Because of the seismic activity of the region, provisions have been included as mitigation to reduce impacts to less than significant levels. The Winehaven buildings and any other existing on-site buildings included under each alternative shall be retrofitted to current building code standards to reduce the risk of collapse during strong seismic events. These provisions are required and will reduce potential impacts to a less than significant level. As mentioned above, the adaptive reuse of the buildings provides the funding to undertake the structural and seismic retrofit work needed, making the buildings more secure under the proposed plan than without reuse. Final EIR Mitigation Measure 1-3 has been revised to increase the specificity of the measure. Additionally, as noted in Draft EIS/EIR, Mitigation Measure 1-2, during the final design stage of the selected project alternative, a registered geologist shall prepare a final geotechnical report to ensure that on-site soils are suitable for the selected alternative. Given the geotechnical information developed during prior studies, there is no reason to believe that the site soils are unsuitable for constructing the Proposed project. Nonetheless, the geotechnical report shall include identification of expansive and unstable soils (including unstable slope and soil conditions that may result in landslides) that would impact the development of the selected alternative and shall identify engineering considerations and site specific design criteria to mitigate potential risks. Recommendations made as a result of these investigations to protect new structures and reduce impacts from geological hazards shall be incorporated into project design. These measures are anticipated to include requirements to construct foundations designed to resist movements of expansive soils and removal of unstable soils and replacement with suitable fill or engineered materials.

The San Pablo Fault is not considered an active fault by the United States Geological Survey (USGS) and the California Geological Survey (CGS). The most probable source of seismic impacts based on the occurrence of fault movement over the last 1.6 million years (quaternary fault movement, identified as active faults by the USGS and CGS) would occur as a result of movement along the Hayward Fault located approximately 4.4 miles east of the project site.

As discussed in Section 2.0 of the Draft EIS/EIR, a Historical Building Structural Conditions Assessment was performed on the project site and was incorporated into the project as Appendix E. An additional assessment was performed specifically for Building No. 6 and is provided as Appendix DD of the Final EIR. As stated in Appendix E, the assessment was performed in accordance with the American Society of Civil Engineers/Structural Engineering Institute (ASCE/SEI) 31-03 Seismic Evaluations of Existing Buildings. Based on the findings of the reports, the buildings can be adequately reinforced and reused without adverse impacts to the historical integrity of the buildings. Retrofitting the existing buildings to meet existing building standards is a proven method of minimizing seismic relating impacts.

The commenter cites text from page 3 of the geotechnical report prepared by ENGEO (2006; Appendix I), which provides a general discussion regarding the geology of the region. As noted in Appendix I, the regionally ubiquitous Franciscan formation does include areas with high landslide potentials. However,
the referenced passage of Appendix I was not documenting the site as having high landslide potential. The geotechnical report goes on to state that two shallow landslides were documented at the site in 1975, yet would be removed during the proposed grading associated with Project development (ENGELO, 2006:3). Furthermore, as discussed in Section 3.2 of the Draft EIS/EIR, the Navy’s 2002 EIS/EIR identified three relatively small landslides at elevations greater than 300 feet above mean sea level (msl) in areas that are not planned for development. The affected landslide area is shown on the Soils Map (Figure 3.2-1 of the Draft EIS/EIR). According to the Navy, these landslides were local in extent and were likely to have shallow slip surfaces. Potential impacts associated with unstable soils and associated expansive and landslide potential was assessed in Section 4.2 of the Draft EIS/EIR, and mitigation is incorporated into Section 5.0 to reduce identified impacts.

Quarrying of on-site materials is a component of the project description in Section 2.0 and therefore is not mitigation. Mitigation Measure 9-4 has been supplemented to require that existing asphalt and concrete be processed and reused on-site to the extent feasible.

RESPONSE A24-14  
Refer to General Response 3.6.3 regarding stormwater quality, including the proper operation of stormwater management systems. Regarding a residential-only alternative, please refer to Response A24-1. In any case, the Tribe would be required to provide funding for all committed mitigation measures for the selected development alternative.

A reference to the Bay Conservation and Development Commission’s San Francisco Bay Scenarios for Sea Level Rise Index Maps has been included in Section 3.8 of the Final EIR, which shows that the project site is not included within an area of inundation from sea rise. Please refer to General Response 3.8.2 for further discussion of potential impacts related to sea level rise.

The commenter references Gray v. County of Madera, 167 Cal. App. 4th 10991115-18 (2008), which holds that the efficacy of mitigation of an identified impact must be validated by substantial evidence. Mitigation incorporated into the project has been proven effective to reduce potential impacts on other development projects. Bioretention swales are proven best management practices to slow the discharge of stormwater generated on a project site to pre-existing discharge rates, while improving the quality of discharged stormwater. The stormwater analysis (Appendix H of the Draft EIS/EIR) was performed in accordance with Contra Costa County guidelines and accurately portrays the potential impacts of the Project alternatives, thereby allowing an accurate assessment of potential impacts as well as the development of accurate and proven mitigation measures to reduce identified impacts.

RESPONSE A24-15  
Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social
or economic impacts, so social or economical impacts are only relevant to the extent they cause an
environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic
impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA /
CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes.

As thoroughly analyzed in **Section 4.7.7** of the Draft EIS/EIR, the Proposed Project would not result in
disproportionately adverse impacts to minority or low-income communities. Minority or low-income
communities near the project site were identified in **Section 3.7.3**. It was determined that all census tracts
identified in proximity to the project site contained minority communities, except Census Tract 3780,
which includes the project site. A few of the census tracts that contained minority communities were also
identified to contain potentially low-income communities.

Localized impacts to the project site, such as various impacts to land and water resources which are
sufficiently mitigated for, would not affect the above referenced census tracts. Most air quality effects are
regional in nature. Increased local air pollutants resulting from construction activates and vehicle
emissions would be reduced to a less than significant levels with the implementation of **Mitigation
Measures 3-1** through **3-19**; and therefore, no identified low-income or minority communities would be
significantly affected. Increased traffic volumes under the Proposed Project would impact the existing
level of service at intersections in Census Tracts 3780, 3650.01, and 3650.02. However, with the
implementation of **Mitigation Measures 7-4** through **7-8**, impacts would be mitigated to a less-than-
significant level. Significant and unavoidable traffic impacts disclosed in the Draft EIS/EIR would not
disproportionately affect any community. Despite the abundance of existing gambling options, the Draft
EIS/EIR conservatively concluded that the Proposed Project may result in new problem and pathological
gamblers within ten miles of the project site, where low-income and minority communities are located.

However, after the implementation of **Mitigation Measures 6-1** through **6-4**, potential impacts would be
reduced to a less than significant level. The Proposed Project may result in increases in crime,
particularly additional responses to on-site calls resulting from a much higher visitation to the site than
currently exists. However, after the implementation of **Mitigation Measures 9-14** through **9-18**,
potential impacts would be reduced to a less than significant level. Any increase in crime would be
minimal; this conclusion is supported by statements made by the Contra Costa County Sheriff in a letter
dated November 2, 2009, which is provided in **Appendix JJ**. The Proposed Project would benefit all
communities within proximity of the project site by creating employment opportunities that would
demand a meaningful portion of the local labor market.

**RESPONSE A24-16**

The commenter raises concern that contaminates could be released into the San Francisco Bay and other
hazards could be created due to sea level rise and boat wakes. Regarding sea level rise, please refer to
**General Response 3.8.2**. Boat wakes would not be a significant source of erosion given the historic use
of the pier without deleterious effects to the shoreline, given the distance of the pier access to the shore,
and given the necessity that vessels operate at a slow speed near the pier (please refer to **General
Response 3.9.1**). Moreover, motorized recreational boats would be prohibited from launching or
mooring from the project site or pier. As noted in Draft EIS/EIR Section 5.2.4, all activities associated with the pier reuse are subject to approval by BCDC. Additional language has been added to Final EIR Section 5.2.4 that would serve to further reduce any potential for impacts related to boat wakes.

Regarding evacuation routes and the potential for a chemical release from the Chevron facility, please refer to General Responses 3.14.1 and 3.16.2. Regarding environmental remediation, please refer to General Response 3.16.1. Please refer to General Response 3.10 for a discussion of the mechanisms in place to enforce mitigation measures specified in the Final EIR.

A limited waiver of Tribal sovereign immunity for the purpose of enforcing the mitigation measures as described in the Final EIR (Section 1.5) has been provided by the Tribe. Please refer to General Response 3.10 for additional discussion of the waiver of sovereign immunity.

RESPONSE A24-17

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

COMMENT A25

RESPONSE A25-1

Specific responses to comments summarized here are provided below.

RESPONSE A25-2

The reference to the removal of land use restrictions pertains to the specific remediation areas discussion within the text and not entire parcels. For example, Mitigation Measure 11-8 of the Draft EIS/EIR for hazardous materials addresses IR-04. The reference to unrestricted use when the San Francisco Regional Water Quality Control Board (SFRWQCB) issues a No Further Action Statement pertains to the areas adjacent to the former valve boxes and not the entire parcel. Remaining land use restrictions are addressed throughout the document. Mitigation Measure 11-8 also states that the land use restrictions for the northern shoreline would remain to ensure no use occurs that would create a potential human health risk. The discussion of the removal of land use restrictions have been revised within the Final EIR to clarify the exact areas addressed. The cultural roundhouse and tribal offices are proposed for the upland areas in the location of several underground storage tanks (USTs). Draft EIS/EIR Mitigation Measure 11-11 includes requirements that include the installation of a soil vapor extraction system, as necessary to ensure no human health impacts remain.

As stated by the commenter, the SFRWQCB is currently the jurisdictional agency responsible for cleanup of the contaminated areas on the project site. The preliminary clean-up order (Order) from the SFRWQCB approved the Fuel Action Product Levels (FPALs) as remediation thresholds. Please refer to
General Response 3.16.1 for a discussion of the vacated Order and the anticipated future steps. As noted in Draft EIS/EIR Mitigation Measure 11-3, the clean-up levels for the site will be such that potential significant risks to human health are not present based on clean-up orders issued by the SFRWQCB. The SFRWQCB will receive a copy of the Final EIR, including all comments received on the Draft EIS/EIR. It is expected that the comments of the United States Environmental Protection Agency (USEPA) will be considered by the SFRWQCB in determining final clean-up levels on the project site.

Monitoring provisions for ongoing remediation of the project site are addressed in Appendix II of the Final EIR. As noted above, a final Order has not been approved by the SFRWQCB and the extent of required monitoring is unknown at this time.

Enforcement of mitigation measures is addressed in General Response 3.10. All mitigation identified in the Final EIR would be enforceable pursuant to the requirements of the Municipal Services Agreement (MSA).

RESPONSE A25-3

Additional analysis has been added in Section 4.4 of the Final EIR, which clarifies that emissions from the removal of remediated soil are included in the air quality modeling. Emissions generated by excavation and export of impacted soils are included in the URBEMIS air quality model under construction, mass grading, and soil hauling. Exportation of 2.7 million cubic yards of soils was assumed in the soil hauling analysis. The overestimation, almost double the 1.38 million cubic yards that is now predicted to be required, takes into account barge emissions and remediated soil hauling. As noted in the Final EIR, remediation would occur during the construction phase of development. Please refer to General Response 3.16.1 regarding remediation of contaminated soils and the evaluation of environmental impacts from this remediation.

RESPONSE A25-4

The referenced statement has been removed from the Final EIR as recommended. The California waiver reference has been updated in Section 3.4 of the Final EIR.

RESPONSE A25-5

Mitigation Measure 3-28 in the Final EIR has been supplemented to require that “Buildings shall be designed to meet Leadership in Energy and Environmental Design (LEED) or equivalent certification standards, except with respect to indoor smoking allowed in certain restricted areas.”

RESPONSE A25-6

All impacts to Waters of the U.S. and wetlands are detailed in Section 4.5 of the Draft EIS/EIR, within Tables 4.5-1 through 4.5-5. Mitigation Measures 4-10, 4-11 and 4-12 outline the measures that would be implemented to reduce potential impacts to Waters of the U.S. to a less than significant level. While
the above referenced mitigation measures would ensure that the Proposed Project would result in the least amount of impacts to protected resources that is feasible, compliance with applicable Federal regulations under Section 404 and 404(b)(1) of the CWA will supplement the protection of on-site streams and wetlands.

**RESPONSE A25-7**

As noted in Section 3.3 of the Draft EIS/EIR, the area identified for residential development under Alternatives B and D is not located within the same watershed as the proposed development under the other alternatives. Thus, restoration of this area would not necessarily reduce water quality impacts from development. Impacts to water quality from stormwater runoff are addressed in Draft EIS/EIR Section 4.3. As noted in Section 4.3, water quality impacts would be reduced to a less than significant level after the implementation of mitigation measures contained in Section 5.2.2. The Draft EIS/EIR requires the restoration of portions of the site to mitigate for the loss of habitat elsewhere on the site. The referenced Alternative B/D residential area is likely to be included in the area slated for restoration pursuant to a comprehensive VMP (see Final EIR Section 5.2.4 and Response A24-9).

**RESPONSE A25-8**

The Tribe intends to make every effort to coordinate the privately-operated ferry service with San Francisco Bay Area Water Emergency Transportation Authority (WETA). In addition, a requirement to coordinate with WETA has been added to Final EIR Section 5.2.11. Refer to General Response to Comment 3.12 regarding the proposed ferry service.

**RESPONSE A25-9**

Impact discussion 4.2.3 of the Final EIR has been corrected to clarify that there is no residential development proposed under Alternative A.

**RESPONSE A25-10**

Comment noted regarding EPA’s role in issuing Water Quality Certification. Table 1-1 of the Final EIR has been revised as recommended. Comment noted regarding the typo on page 3.3-13; the recommended edit has been made to the Final EIR. It was determined that the typo that the commenter refers to on page 3.4-13 was actually on page 3.5-13 and has been corrected in the Final EIR.

**COMMENT A26**

**RESPONSE A26-1**

Specific responses are provided below to the comments summarized here.

**RESPONSE A26-2**

The mitigating project design provisions and mitigation measures proposed in the Draft EIS/EIR to reduce impacts to water quality are proven mitigation measures that are acknowledged by the applicable
jurisdictional agencies (such as the USEPA for federal lands and the City of Richmond for fee lands) as adequately mitigating impacts from commercial development to water quality. The commenter states that the mitigation measures are conceptual in nature, referencing mitigation of wetland impacts as an example. As discussed throughout Section 4.5 of the Draft EIS/EIR, development of the Project alternatives would require various permits and agency decisions that would guide development and associated mitigation. Exact requirements of these permits and results of agency consultations cannot be determined at this stage of the planning process. The mitigation for wetlands was developed from anticipated provisions of associated permits. As required by the Clean Water Act (CWA) Section 404 (b)(1) alternatives analysis, the Project was designed to avoid all wetlands to the maximum extent feasible. Only after the minimization and avoidance of impacts to all wetlands is demonstrated, to the maximum extent feasible through project design, does compensatory mitigation for direct impacts become a relevant regulatory step under the CWA Section 404(b)(1) guidelines. As required by the USACE and USEPA joint guidance on compensatory mitigation, a mitigation monitoring and reporting plan would be developed to determine wetland and stream functions of impacted wetlands so suitable compensatory mitigation can be created to fully offset project impacts. The Draft EIS/EIR clearly lays out these regulatory requirements and the approaches that would be used to fulfill these federal statutes in Sections 3.5, 4.5 and 5.0. Refer to General Response 3.6.3 regarding stormwater drainage and mitigation.

**RESPONSE A26-3**

The terms “construction” and “operation” refer to all activities associated with the Proposed Project. The text within Final EIR Table 1-1 has been updated to clarify that waters of the U.S., as well as waters of the State, include those presently underground and that all waters of the State are regulated by the RWQCB under the Porter Cologne Act.

**RESPONSE A26-4**

The text does not state that the underground vaults would be upgraded, but that the overall existing system would be upgraded as described in Draft EIS/EIR Appendix H. For example, existing lines would be removed and re-routed to accommodate the proposed development and various vegetated swales and bio-retention basins would be developed. The Stormwater Management Plan includes the use of vegetated swales to reduce flows and improve quality thereby not relying solely on the stormwater vaults to improve water quality. Draft EIS/EIR Table 4.3-1 provides a quantitative analysis of the expected stormwater quality improvements that would occur as a result of the installation of bioretention basins on the project site. The vaults would be used solely to increase retention time but would not be relied upon to improve water quality. Additionally, there are only two vaults on the project site that would be incorporated into the stormwater system for the development alternatives. The plan also incorporates in-line stormwater treatment units as outlined in the California Stormwater BMP Handbook between the vaults and the outfall to the Bay.
**RESPONSE A26-5**

Stream channels are identified and mapped in Section 3.5 of the Draft EIS/EIR.

**RESPONSE A26-6**

Please refer to Response A26-2.

**RESPONSE A26-7**

The reference to BMP TC-52 is inaccurate in the Stormwater Management Plan contained in Appendix H of the Draft EIS/EIR. The reference should be to TC-50 for the installation of in-line water quality inlet (trapping catch basin with an oil/water separator), which is consistent with the assumptions and analysis in the Draft EIS/EIR and would comply with the County’s C.3 stormwater guidelines. Use of the vaults would require special consideration, which is anticipated for the extent of the Project and for a re-use project such as the Proposed Project and project development alternatives. Taking into consideration that use of the vaults requires special consideration, the other provisions of the drainage plan were included to provide redundancy in water quality improvements and stormwater flow rate retention. The overall design scheme emphasizes the use of landscape-based treatment techniques, with the use of the existing vault systems to provide redundancy.

Refer to General Response 3.6.3 regarding development of the Stormwater Control Plan.

**RESPONSE A26-8**

Please refer to General Response 3.9.1.

**RESPONSE A26-9**

Please refer to Response A26-2. As required by the Clean Water Act (CWA) Section 404 (b)(1) alternatives analysis, the project was designed to avoid all wetlands to the maximum extent feasible.

**RESPONSE A26-10**

Please refer to General Response 3.10 regarding the enforceability of mitigation.

**Mitigation Measures 2-1** through 2-4 in the Final EIR will ensure that development of the Proposed Project and associated stormwater discharges result in a less than significant impact. **Mitigation Measure 2-2** binds the Tribe to develop an Erosion and Sediment Control Plan through the development of a Tribal Ordinance. Once taken into trust, the site would be under the jurisdiction of the Tribe as well as the BIA and USEPA. The provisions of tribal ordinances will require identical erosion and sedimentation control as would be required by the City’s permitting process. **Mitigation Measure 2-2** has been supplemented in the Final EIR with the following statement: “Permanent erosion control and
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stormwater management features shall be consistent with relevant Bay Plan policies including, but not limited to, Policies 1 through 4 detailing design, construction, and long-term maintenance guidance.”

**Mitigation Measure 2-3** has been clarified in the Final EIR so that it applies to both fee and trust property. The Tribe would be responsible for implementation of the erosion control features. The Tribe will ensure through contractual agreements that the construction contractor is responsible for maintaining erosion control on the entire project site.

While the above referenced mitigation measures would ensure that the Proposed Project would not result in significant impacts associated with stormwater discharges, pollution prevention would be enhanced through compliance with NPDES permit requirements (which would apply to both trust and fee land).

**RESPONSE A26-11**

**Sections 4.5.1 and 4.5.2** quantify impacts to habitats, drainages, and wetlands (among others) for Alternative A. **Table 4.5-1** provides the exact acreage of habitats and jurisdictional waters that would be impacted as a result of the Proposed Project, which assumes a worst case scenario. As previously noted, significant changes were made to the Project footprint to avoid sensitive habitats and jurisdictional waters to the maximum extent feasible. Nonetheless, **Mitigation Measure 4-10** requires additional reconfiguration where feasible to lessen the area of impact to protected resources. Please refer to **Response A25-6** and **Mitigation Measures 4-10 through 4-12** for additional discussion of impacts and mitigation for wetland fill.

Project site drainage is addressed in **Section 2.2.2** whereas an NPDES general construction permit will be acquired for the project under regulation of Clean Water Act (CWA) and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented for construction-related stormwater discharges. The plan will specify erosion and sediment control BMPs for all construction. While **Mitigation Measures 4-10 through 4-12** would ensure that the Proposed Project would result in the least amount of impacts to protected resources to the extent feasible, compliance with SWPPP requirements will supplement the protection of on-site streams and wetlands.

**Mitigation Measure 4-11** states that “Typical 404-permit mitigation occurs at a ratio of 1:1 acres created versus impacted and 2:1 acres restored versus impacted, **though individual permit conditions may vary.**” This does not prematurely set mitigation ratios but simply implies that site specific circumstances will ultimately determine permit conditions for mitigation ratios.

Draft EIS/EIR **Section 3.3.1** states that the SFRWQCB is delegated 401 Water Quality Certification authority on fee lands.

Comment noted regarding underground stream channel restoration.
RESPONSE A26-12

The Final EIR has been updated to include a discussion of dewatering, including impacts associated with the known and potentially undiscovered contamination on the project site. Section 3.3 has been updated to include a regulatory discussion regarding dewatering and the provisions of the State’s NPDES general construction permit. The section has also been updated to address the existing NPDES permit for the project site pertaining to the discharge of treated groundwater associated with remediation activities. Section 4.3 has been updated to address the potential impacts associated with dewatering and Section 5.0 has been updated to include appropriate mitigation including additional SWPPP provisions.

RESPONSE A26-13

Mitigation Measure 9-3 requires the Tribe to pay its fair share to fund upgrades to the Richmond Municipal Sewer District’s wastewater conveyance system to reduce existing rates of infiltration and inflow to such an extent as to provide adequate conveyance and treatment capacity for the selected alternative’s peak day wastewater generation rate. Such improvements to the collection system (analyzed in Section 4.14.8 of the Final EIR) would be complete prior to operation of the Proposed Project.

RESPONSE A26-14

Section 4.3 of the Final EIR has been updated to assess the potential impacts associated with the removal of the petroleum conveyance pipelines from the pier to water quality. As suggested, mitigation has been incorporated into Section 5.2.2 of the Final EIR to mitigate potential impacts. Prior to implementation of the pipeline demolition, the Tribe shall consult with the RWQCB regarding the need for permitting.

RESPONSE A26-15

The soils and erosion control provisions of Section 5.2.2 of the Final EIR (NPDES general construction permit SWPPP provisions) have been updated to include containment of quarried materials transported by barge across the Bay.

RESPONSE A26-16

The commenter suggests that an Integrated Pest Management Plan be developed and implemented to prevent the use of pesticides and herbicides at the site. As discussed in Section 4.12, pesticide related activities are primarily regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which requires that pesticide application occur in a manner consistent with product label instruction. Pesticide application would be performed in a manner consistent with product label and manufacturer’s recommendations in order in to reduce the risk of unintended environmental injury. Nonetheless, Mitigation Measure 11-1(d) has been updated to require that application of such products shall be completed in a manner that prevents contact with groundwater, streams, domestic water supply, or wetlands and that planting of native vegetation shall be emphasized that requires less, or no, pesticides or herbicides.
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**RESPONSE A26-17**

Please refer to General Response 3.10 regarding enforcement of mitigation. Impacts and regulatory requirements are outlined throughout the Draft EIS/EIR according to the appropriate regulatory agency. Please refer to Response A26-2 regarding impacts to wetlands.

**COMMENT A27**

**RESPONSE A27-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE A27-2**

Ferry service to the project site would be provided by existing ferry routes that travel between Vallejo, Tiburon and San Francisco. Ferry service to the project site would be most effectively provided through “back-loading” of these existing ferry routes. This would be accomplished by stopping at the Point Molate pier in the reverse commute direction on “dead-head” runs that are virtually empty. As such, the number and frequency of ferry vessels passing the Point Molate pier is not expected to increase over existing conditions. Please refer to General Response 3.12.1 regarding the proposed ferry service.

**RESPONSE A27-3**

Please refer to Section 5.2.3 of the Final EIR for an expanded suite of mitigation measures targeted to reduce emissions associated with operation of the Proposed Project, including ferry service.

**COMMENT A28**

**RESPONSE A28-1**

It is acknowledged that the Tribe has submitted more than 5,000 pages of archival and ethnographic documentation that asserts a historical connection to the land (refer to comment letter A-28). The cultural setting information provided in the Draft EIS/EIR is intended only to establish a context for interpreting extant historical/prehistoric resources that could be subject to impacts from the development of the Proposed Project, and therefore used readily available, standard reference materials, and did not include research into primary source materials. The cultural setting presented in Section 3.6 of the Draft EIS/EIR is in no way intended to serve as a definitive treatise on Native American occupation of the project site or vicinity. Moreover, the issue of ancestral ties to the project site is beyond the scope of the Draft EIS/EIR, which is intended to analyze environmental impacts resulting from implementation of one of the proposed alternatives. The lengthy “Indian Lands Determination” process, which is addressed as part of the realty component of the fee-to-trust application, is separated from the environmental compliance requirements. With these considerations in mind, the following response is offered.
Native American occupation of the greater Bay Area extends back to the terminal Pleistocene (ca. 10,000 years before present). In the millennia between initial occupation and the modern era, the cultural and ethnic make-up of the region shifted numerous times, as indicated by the archaeological record and glottochronological analysis (Breschini and Haversat, 1997; Dixon and Kroeber, 1919; Fredrickson, 1973, 1974; Krantz, 1977; Levy, 1978; Moratto, 1984; etc.). Spanish occupation of northern California had a devastating effect on the native population, which reduced their numbers by 80 percent or more as a result of disease, hardship, and forced labor (Pritzker, 2000). Widespread disruption of native lifeways during the contact period, which reached a crescendo in the mid 19th century, resulted in a period of punctuated redistribution of native territories as aboriginal occupants fled from areas under Euro-American domination. Given this historic reality, the Draft EIS/EIR does not attempt to provide the last word on prehistoric tribal distributions. Moreover, when such attempts have been made in the past, the findings are qualified by acknowledging that the notion of a “tribe” in the traditional sense does not always apply to California and that intermarriage, seasonal transhumance, and modern notions of ethnicity preclude the ability to definitively delineate “tribal” territories.

As described in the Draft EIS/EIR in Section 3.6.2, the open water adjacent to the project site was likely used by native peoples from all around the northern Bay Area. Remarketing on the lack of defined territory within the waters near the project site, Barrett (1908:307) states that, “There is no definite knowledge obtainable concerning fishing and other rights on the waters of San Francisco and San Pablo Bays, but from all that can be gathered it seems probable that these were neutral grounds and that the Indians of the region all had equal rights in these waters off shore.”

Regarding the issue of consultation pursuant to the requirements of Section 106 of the National Historic Preservation Act, this process is on-going, with the BIA taking the lead. The implementing regulations, found at 36 CFR 800, mandate that such consultations be undertaken on a government-to-government basis.

**COMMENT A29**

**RESPONSE A29-1**

Summary comments noted. Comments are addressed in Responses A29-2 through A29-9 below.

**RESPONSE A29-2**

The discussion of social effects from gambling casinos is based on several sources including studies by the National Gambling Impact Study Commission (NGISC; 1999), National Opinion Research Center (NORC; 1999), and National Public Sector Gaming Study Commission (NPSGSC; 2000). While each of the studies is distinct, they consider a range of sources including: academic research, testimony on a range of topics from around the United States, review of articles and comments, and original datasets from statistics of 100 different United States communities and case studies of casino openings. Together they present a recent and comprehensive evaluation of on the social effects of problem gambling. As stated in
the Draft EIS/EIR, “several studies suggest that [problem and pathological gambling] differentials take effect for residents within a 50 mile radius of a casino, and increase… as the casino moves closer to the population,” (Section 4.7.5). According to Welte et al. (2004), the probability of being a problem or pathological gambler roughly doubles within ten miles of a casino site.

The Draft EIS/EIR does not discredit the idea that as the gaming market grows, society may be better able to prevent problem gambling addictions. This may be true as a result of an increase in society’s knowledge regarding the risks associated with gambling. However, the commenter relies on the idea of the Proposed Project’s entrance into a “mature” market to prove that such social adaptation has already been met, and therefore less treatment is needed for potential impacts to problem gambling. For the purposes of this analysis, a market is considered mature when demand has been satisfied and there is no longer significant growth or innovation potential in the market. As discussed in the Draft EIS/EIR (Appendix T), the current market is not yet saturated; that is, there is still unmet demand in the region, as well as opportunity for growth. Therefore, the California gaming market is considered to be in a stage of growth rather than a stage of maturity. As such, the Proposed Project stands to generate new gambling behavior in addition to capturing existing gamblers. The commenter is correct in stating that the Draft EIS/EIR mentions that gamblers are likely to already exist in the community due to the existence of other gaming facilities within 50 miles of the project site. However, this does not mean that all gamblers necessarily already exist in the community. Even if all gamblers attracted to the Proposed Project already exist in the community, the convenience of the Proposed Project’s location, in relation to other gaming facilities, may spur the generation of new gambling addictions for certain customers. For these reasons, the Draft EIS/EIR determined it is necessary to propose mitigation for both the prevention and treatment of problem gambling as a result of the Proposed Project.

The Final EIR acknowledges that only 3 percent of problem gamblers seek treatment. It is for this reason that proposed mitigation suggests compensation to provide for two new licensed counselors. Please see Response A29-3 below.

**RESPONSE A29-3**

The commenter incorrectly references the Draft EIS/EIR when stating that mitigation proposes the Tribe compensate for the treatment costs of four percent of the population within 10 miles of the project site. The Draft EIS/EIR estimates the total number of potential problem gamblers generated would be four percent of the population within 10 miles of the project site, or 6,433 potential problem gamblers. Based on the proximity of the proposed Scotts Valley gaming facility to the Proposed Project, the increase in problem gamblers may be split between the two facilities. Therefore, approximately 3,217 problem gamblers could be directly attributed to the Proposed Project. As stated in Section 3.7.5, the Draft EIS/EIR recognizes that “approximately three percent of those with severe gambling problems are referred to specialized treatment in a given year.” Therefore, the Draft EIS/EIR proposes Mitigation Measure 6-1 to compensate for the three percent of problem gamblers out of the estimated 3,217 total number of potential problem gamblers that may seek treatment. This equates to roughly 97 people that
may seek professional treatment to cope with a developed gambling problem as a result of the Proposed Project. The Draft EIS/EIR proposes that the Tribe compensate for two new licensed counselors for the treatment of problem gamblers. As discussed in Section 4.7.5, the estimation for two counselors is appropriate; based on information available from the Association of Problem Gambling Service Administrators, it can be assumed that approximately one counselor would be needed for every 52 persons in need of treatment. Furthermore, the IGA (Appendix BB) requires that the Tribe and the County engage in consultation every two years and assess the needs for counselors.

The commenter suggests the proposed mechanism for the correlation between problem gambling and casino location is either that gaming facilities are purposefully built in areas with already high proportions of pathological gamblers, or that problem gamblers typically relocate to areas near casinos. There has been no identified study to substantiate these claims.

**RESPONSE A29-4**

Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project.

The commenter references several studies that suggest a link between problem gambling and other disorders, and notes that it is difficult, if not impossible, to separate cause from effect in this relationship (National Research Council for the National Gambling Impact Study Commission, 1999; Shaffer et. al, 1997; and Volberg et al., 2006). This valid point is not at odds with the analysis presented in the Draft EIS/EIR. Despite the fact that the cause of pathological behavioral problems cited by the commenter cannot be singularly attributed to the availability of gambling, the Draft EIS/EIR takes a conservative view of potential social impacts. Such a conservative view towards potential impacts associated with problem gambling is reflected in the Tribe’s agreement in the IGA (Appendix BB) to sponsor a host of programs aimed at treating the disorder.

The Draft EIS/EIR acknowledges that many people with gambling addictions may overcome their addictions on their own, without counseling. For this reason, the Draft EIS/EIR proposes Mitigation Measures 6-2 through 6-4 so that customers may be provided with information regarding the risks associated with gambling, as well as the availability of support groups and both the Tribe’s voluntary and involuntary self-exclusion programs if the need arises. To avoid estimating the potential impacts and associated costs related to problem gambling at this time would not appropriately address the issue.

**RESPONSE A29-5**

Although the State of California is currently pursuing problem gambling prevention efforts through AB 637, Mitigation Measures 6-1 through 6-4 are necessary. As the commenter summarizes, AB 637 was passed in 2003 with instruction for the Office of Problem Gambling to establish a problem gambling prevention program. Mitigation Measures 6-1 through 6-4, as well as additional provisions provided in Section 11 of the IGA, advance the goals of AB 637.
The Draft EIS/EIR does not contradict the claim that problem gambling prevention efforts are more effective at reducing problem gambling than investing solely in treatment after problem gambling habits have been developed. As detailed in Section 5.2.6, proposed mitigation measures include prevention efforts including a Responsible Gambling Program to support the development of awareness and prevention programs for problem and underage gambling at the gaming establishment. However, there has been no identified method of preventing all cases of problem or pathological gambling through prevention programs alone. As such, it is necessary to evaluate the potential impacts to problem and pathological gambling treatment facilities as a result of the Proposed Project. The Draft EIS/EIR proposes both preventative mitigation as well as treatment mitigation (Section 5.2.6).

**RESPONSE A29-6**

Comments are not in conflict with the analysis presented in the Draft EIS/EIR.

**RESPONSE A29-7**

Please refer to Response A29-2 regarding the maturity of the California gaming market.

The Draft EIS/EIR acknowledges that raising public awareness can counteract some adverse effects from the increased availability of casino gambling. The Draft EIS/EIR proposes Mitigation Measures 6-2 through 6-4 so that customers may be provided with information regarding the risks associated with gambling, as well as learn of the availability of support groups and the Tribe’s self-exclusion program if the need arises.

However, it is conservative to assume that not all cases of problem gambling addiction can be prevented through the distribution of information. Therefore, Mitigation Measure 6-1 provides compensation for problem and pathological gambling counseling services.

**RESPONSE A29-8**

Please refer to Responses A29-3 and A29-5.

**RESPONSE A29-9**

As discussed in Section 4.7 of the Draft EIS/EIR, the Proposed Project is expected to generate substantial social benefits for the City of Richmond and surrounding communities, including employment opportunities, wages, and overall economic output. Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities.
COMMENT A30

RESPONSE A30-1

Specific responses to this summary comment are provided below. The San Francisco Bay Plan (Bay Plan) dated January 2007 in Appendix F of the Draft EIS/EIR has been replaced with the amended version dated February 2008. The latest Bay Plan is also available online at http://www.pointmolateeis-eir.com/.

RESPONSE A30-2

The commenter inaccurately represents the scope of BCDC’s permit jurisdiction under the McAteer-Petris Act (the “MPA”) and the Coastal Zone Management Act (CZMA). The commenter asserts that, in addition to the Bay, certain areas formerly subject to tidal action, and the 100 foot “shoreline band,” BCDC has jurisdiction over priority use areas designated in the Bay Plan and that a permit is required under the MPA for construction, dredging, fill placement, land subdivision, and substantial changes in use within such priority use areas. To the contrary, in areas landward of the high tide line, the authority BCDC has under the MPA to issue a development permit is limited to the 100 foot “shoreline band.” Contrary to the commenter’s assertion, activities within priority use areas but beyond the 100 foot “shoreline band” do not require a permit from BCDC. See Gov. Code §§ 66610 (definition of jurisdiction does not extend to priority use areas); 66653 (“If a function or activity is outside the area of the commission’s jurisdiction or does not require the issuance of a permit, any provisions of the plan pertaining thereto are advisory only.”). All commercial development, except the Kayaking Center, would be set back a minimum of 100-feet from the shore allowing for a 35-acre shoreline park.

The legislature directed BCDC to identify areas for water-oriented land uses, also known as priority use areas, under the rationale that preserving areas for water-oriented uses will minimize the need to fill the Bay to create new sites for such uses. Gov. Code § 66602. By identifying such areas in the Bay Plan, however, that does not give BCDC permitting authority over activities in priority use areas beyond the 100 foot shoreline band. Further, keeping in mind that the legislature’s intent of designating priority use areas was to prevent unnecessary Bay fill, under CEQA, the question is whether allowing a land use that is inconsistent with the use identified for the priority use area will create pressure to fill the Bay elsewhere. See Response A24-8 regarding the purpose and scope of conducting a plan consistency review under CEQA. The Project provides a number of water-oriented recreational opportunities, which are dependent on access to the bay, and would tend to reduce pressure to fill the bay.

RESPONSE A30-3

Please see Response A30-2 regarding BCDC’s jurisdiction under the MPA. The commenter is correct that BCDC also has federal consistency review and authority under the federal Coastal Zone Management Act. Specifically, under the CZMA, BCDC “concurs with or objects to” consistency certifications filed
by a project applicant. Consistency reviews are required for activities that are reasonably foreseeable to affect the “coastal zone,” which is concurrent with BCDC’s jurisdiction. Thus, activities outside the 100-foot band that impact the shoreline band may be subject to the CZMA, even if not permit is required from BCDC under state law. Section 3.5 of the Final EIR has been revised as suggested by the commenter.

**RESPONSE A30-4**

As described in Section 1.1 of the Draft EIS/EIR, 266 upland acres of the roughly 413-acre project site would be taken into federal trust under Alternatives A, B, C, and B1. As “trust land”, the subject 266 acres would become sovereign Tribal land. The remaining portions of the upland areas, which the City would retain title to, would be leased to the Tribe. No change in ownership is proposed for the submerged lands within the Bay.

**RESPONSE A30-5**

As the commenter notes, the entirety of the project site is designated as a priority use area within the Bay Plan. Please see Responses A30-2 and A30-3 regarding BCDC’s jurisdiction authority under the MPA and CZMA.

The commenter is correct that in addition to its authority under the MPA, BCDC administers the Coastal Zone Management Program under the CZMA within the Bay Area. Under the CZMA, activities requiring a federal permit or funding that may affect the coastal zone (i.e., the 100 foot shoreline band) must, “to the maximum extent practicable,” be consistent with the state’s management program. Within the Bay Area, the coastal management program consists of the Bay Plan. Under the CZMA, any applicant for a federal license or permit to conduct an activity, inside or outside the coastal zone, having an effect on any land or water use or natural resource of the coastal zone, must provide “a certification that the proposed activity complies with the enforceable policies of the state’s approved program and that such activity will be conducted in a manner consistent with the program.” 16 U.S.C. § 1456(c)(3)(A).

BCDC, as the administrator of the coastal program, may either concur or object to a consistency certification submitted by the applicant. If BCDC objects to the consistency certification, the project cannot proceed unless the project is modified to become consistent, or the Secretary of Commerce overrides BCDC’s objection and finds that the activity is consistent with the objectives of the CZMA.

As stated within the Draft EIS/EIR, Response A24-8, and Response A30-7 (below), the Proposed Project is consistent with Bay Plan Recreation Policy 4-b.

**RESPONSE A30-6**

A Commission Permit and Consistency Determination are included in Table 1-1 of the Draft EIS/EIR. The Final EIR has been updated to remove the text that no permit is required. See Responses A30-2, A30-3, and A30-5 regarding the scope of BCDC’s jurisdiction and authority under the MPA and CZMA.
Once the land is taken into trust under Alternatives A, B, C, and B1, the BCDC would retain jurisdiction over the 50-foot wide strip of shoreline owned by the City (16 CFR 1453 (1)).

**RESPONSE A30-7**

Please refer to **Response A24-8** regarding the relevance of Bay Plan Map No. 4 Policy 7 and Recreation Policy No. 4-b to the Proposed Project.

The commenter states that the Proposed Project would be “located at the flattest section of the project site, an area best-situated for open and large-scale public park use.” As described in **Section 2.2**, the Proposed Project restricts the majority of redevelopment to the previously developed portions of the project site. A 35-acre shoreline park would be developed within the BCDC jurisdiction, while new construction would largely be located outside of the shoreline band, except to provide permissible park amenities.

It is unclear how the commenter determined that the commercial development component would dominate the site. As described in **Section 2.2**, Alternative A would preserve and maintain approximately 180-acres as open space and parkland, which equates to approximately two-thirds of the project site which is not submerged within the Bay. The Proposed Project would provide amenities that would include pedestrian trails, picnic areas, restroom facilities, park recreation facilities, and cultural exhibits. All commercial development, except the Kayaking Center, would be set back a minimum of 100-feet from the shore allowing for a 35-acre shoreline park. Both the hillside open space and shoreline park would be open to the public during regular hours of operation. Considering the substantial amount of the project site that would be maintained as public open space and parkland, the Proposed Project would not diminish the designated use of the site as a park and thus does not appear to be inconsistent with the Bay Plan policies regarding the priority use area.

The commenter suggests that the Proposed Project is inconsistent with the Bay Plan Recreation Policy No. 4-a and 4-b. Policy No. 4-a lists a number facilities which should be encouraged in waterfront parks. It is unclear how the Proposed Project is inconsistent with this policy as its components include many of the facilities encouraged by the policy. The only facility mentioned by the commenter that the Proposed Project does not include is the boat docking and launching facilities, which were found to be inappropriate due to the sensitive eelgrass habitat located within the Bay. Instead, the Proposed Project includes a Kayaking Center which provides launching and landing access for sail boards, kayaks, and car-top inflatables. The commenter cites a portion of Policy No. 4-a, which provides guidelines for permitting commercial recreation; however, the citation provided was incomplete. Below is the complete statement with the missing portion italicized:

> “Except as may be approved pursuant to recreation policy 4-b” (Emphasis added), limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial
development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary.”

As Bay Map No. 4 Policy 7 explicitly notes that the project site should be developed consistent with Recreation Policy 4-b, it would not be necessary to find that the proposed uses are “incidental” to park use nor “limited”. As the commenter stated, the “Commission itself has not yet reviewed the DEIS/EIR” and so they have not made a formal consistency determination. Please refer to Draft EIS/EIR Impact 4.9.2 and Response A24-8, regarding the Proposed Project’s consistency with Policy 4-b.

The commenter suggests that the Proposed Project is inconsistent with the Bay Plan based on “past Commission action on other projects for non-park commercial development on former military bases designated for Waterfront Park, Beach priority use areas.” The commenter then goes on to detail the Commission’s findings for the Fort Baker and Presidio projects. In regards to the Presidio, the commenter states that “the Commission determined that because the project would result in an increased area dedicated to recreation – approximately 100 acres…the proposal would be consistent with its laws and policies.” Considering that the Proposed Project would create approximately 180 acres of land dedicated to recreation where no land is currently dedicated to recreational uses, it would appear that the Proposed Project meets the criteria outlined by the commenter. The commenter also highlights the fact that the bulk of the developed areas of the Presidio, as with the Proposed Project, would not occur adjacent to the shoreline thus reducing related impacts directly at the shoreline area. Finally, as demonstrated by the analysis in Draft EIS/EIR in Section 4.0, similar to the Presidio redevelopment, commercial use of the project site is necessary to fund the long-term rehabilitation and maintenance of the site, including both the open space/park uses and the Winehaven Historic District.

Response A30-8

Please refer to General Response 3.3.2 for a discussion of the project objectives vis-à-vis redevelopment within the Historic District. In short, adaptive reuse of 97 percent of the buildings in the Historic District would provide for the significant funds required to rehabilitate the retained historic buildings.

As discussed in Section 4.6 of the Draft EIS/EIR, the significant historic resource impacts related to demolition of Building No. 6 under Alternatives A – D are disclosed and mitigation measures are presented in Section 5.2.5 that would lessen the severity of, but not eliminate, the impact. Mitigation presented in Section 5.2.5 requires the development of a Programmatic Agreement (PA), in consultation with the State Historic Preservation Officer. Design Guidelines, which shall comply with the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties, would govern the rehabilitation of all retained buildings within the Historic District as well as new construction near or within the historic core of the District. The Design Guidelines would incorporate the Preservation regulations of the City of Richmond. The host of requirements listed in Mitigation Measures 5-1, 12-1, 12-2, and 12-3 will ensure that the modification of buildings and introduction of new elements would be
done in a manner that preserves the aesthetic quality and historic character of the site to the greatest extent feasible, while still meeting most of the objectives of the Project.

Between the six alternatives considered, the Draft EIS/EIR considers a “reasonable range” of alternatives under both CEQA and NEPA, including a new variant of Alternative B (Alternative B1) that preserves Building No. 6. Please refer to General Response 3.3.2.

**RESPONSE A30-9**

As described in Section 2.2.2 of the Draft EIS/EIR, Alternatives A, B, C, and D would provide a 35-acre shoreline park with public access to the Bay along the entire shoreline of the project site. The shoreline park would include large vegetated areas for walking and enjoying the shoreline, public art and cultural exhibits, picnic areas (both open and reserved), park recreation facilities (play areas, equipment rental, etc.) and restrooms facilities. Hours of operation at the shoreline park would meet or exceed those of surrounding regional parks in Contra Costa and Alameda Counties. Alternative E contemplates a Total Parkland Alternative, with only limited development required to facilitate recreational use of the property. As such, the five alternatives described above provide for maximum feasible access to and along the waterfront at Point Molate.

It should be noted that the Draft EIS/EIR represents a planning document that outlines the primary components of the Proposed Project in order to analyze potential environmental impacts. As such, design-grade illustrations are not provided. Nonetheless, the document presents adequate illustrated site plans and renderings to allow for an understanding of how each of the proposed amenities articulates with one another, including trail connections to the parkland and open space. Please refer to the site plans illustrated in Figures 2-3, 2-8, 2-11, 2-14, and 2-17 and architectural renderings presented in Figures 2-9, 2-10, 2-12, 2-13, 2-15, and 2-16 of the Draft EIS/EIR for a depiction of the conceptual layout. Moreover, all of the alternatives would preserve views of the Bay and regional landscape from the open spaces along the shoreline area.

Moreover, implementation of the Proposed Project would remove the existing barriers to public use and ensure free access for the physically handicapped. It is anticipated that more detailed site plans, depicting all access points, water-oriented recreational facilities, and other features shall be resolved with further consultation with BCDC should one of the alternatives be adopted by the lead agencies. All such amenities would be required to conform to Bay Plan Recreation Policy No. 3 to assure accessible, safe, diverse, and compatible recreational facilities, which would be a condition of approval by BCDC.

**RESPONSE A30-10**

Please refer to General Response 3.17 for a discussion of aesthetics and preservation of natural vistas within the project site. New development would be constructed in “clusters,” as recommended by the commenter, in that the resort facilities would generally be located in the northern third of the site on both
sites of Western Drive, in the same general area as the existing Naval fuel depot and Winehaven buildings. This clustering would generally retain existing views from Western Drive to the Bay. As stated in the Draft EIS/EIR, the parking garage located west of Western Drive would be subterranean, so as to not obscure views of the Bay or hillside areas. The parking garage located east of Western Drive would be semi-subterranean in order to minimize potential aesthetic impacts. Please refer to Section 3.9.1 of the Draft EIS/EIR for a discussion of the Bay Plan Policy No. 4. Finally, it is recognized that close consultation with BCDC and the Commission’s Design Review Board will be an essential component of the consistency determination process.

RESPONSE A30-11

The Draft EIS/EIR, in Section 2.2.2, describes the proposed Bay Trail segment to be constructed on-site, as well as the interconnected hillside trails, which, as the commenter notes, would be consistent with the Bay Plan policies regarding transportation. Reconfiguration of Western Drive would primarily emphasize widening to increase capacity and limited straightening and vertical adjustment to provide for greater safety. Such modifications would not alter the ability of users of this roadway to view the Bay or otherwise impact its designation as a Scenic Drive. The location of project buildings would generally retain existing views from Western Drive to the bay. The proposed pedestrian bridge across Western Drive would be placed in the developed core of the Historic District (where existing buildings already obscure the view from Western Drive to the bay) to provide a safe and convenient link for pedestrians between the various amenities of the project site.

RESPONSE A30-12

The proposed ferry mooring locations, which are described in Section 2.2.2 of the Draft EIS/EIR and depicted in Figure 2-7, are located at the deepwater channel end of the pier, where the depth of the Bay is approximately 30 feet. Such a depth would easily accommodate the draft of passenger ferry vessels, and no dredging would be required. Please refer to General Response 3.9.1 for a discussion of potential impacts to sensitive habitats associated with the proposed ferry service.

As stated in Section 2.6.2 of the Draft EIS/EIR, mooring of private boats would not be allowed at the pier, partly because the height of the pier deck is too high for private recreational boats to feasibly use. Rather, a kayaking center would be provided in the southern portion of the project site to allow for launching and landing of non-motorized boats at the project site. Mooring facilities for private boats are provided at the Point San Pablo Yacht Harbor, located a short distance north of the project site.

Transit links and parking provisions are discussed at length throughout Section 2.0 of the Draft EIS/EIR. In summary, the Project proposes an intermodal transit hub at the site, served by ferry and public transit, which would provide an indirect link to Amtrak and BART. Additional transit measures are provided as mitigation throughout Section 5.0 of the Final EIR.
**RESPONSE A30-13**

Using the best available information, it has been established that the existing pier was constructed shortly after the Navy took possession of the property in 1941, prior to enactment of the McAteer-Petris Act. Therefore, as stated by the commenter, the minor improvements as proposed in **Section 2.2.2 and Figure 2-7** of the Draft EIS/EIR would not be considered new Bay fill. In addition, the current structural integrity of the pier, which was significantly upgraded by the Navy in 1992, will support the proposed modifications and would not warrant modification of the pier pilings or piling caps.

**RESPONSE A30-14**

Comment noted.

**RESPONSE A30-15**

Text has been added to Final EIR **Mitigation Measure 4-8** to ensure safe navigation and avoidance of sensitive eelgrass habitats, consistent with the Bay Plan Recreation Policy No. 8.

**RESPONSE A30-16**

**Tables 4.5-1 through 4.5-4** show that no direct impacts would occur from project construction for Alternatives A-D. **Mitigation Measures 4-6 and 4-7** commit setbacks, biological monitoring and consultation to ensure that indirect impacts do not occur to beach strand and tidal marsh habitats during construction.

**RESPONSE A30-17**

**Table 1-1** of the Final EIR has been updated to address the need for Water Quality Certification for federal approvals including approvals from BCDC. **Mitigation Measure 2-2** in **Section 5.2.2** of the Final EIR has been updated to clarify that permanent erosion control and stormwater management features located on fee lands shall be consistent with relevant Bay Plan policies including, but not limited to, Water Quality Policies 1 through 4 detailing design, construction, and long-term maintenance guidance.

**RESPONSE A30-18**

**Section 3.3.2** of the Final EIR has been updated to clarify that the project site is not located within an area prone to flooding from a potential rise in sea level of 15 inches or 55 inches as mapped by BCDC. Please refer to **General Response 3.8.2** regarding potential impacts related to projected sea level rise.

**RESPONSE A30-19**

Comment noted.
4.2 RESPONSES TO WRITTEN INDIVIDUAL COMMENTS

COMMENT I1

RESPONSE I1-1

Please refer to General Responses 3.11 regarding the analysis of socioeconomic impacts.

RESPONSE I1-2

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I2

RESPONSE I2-1

Please refer to General Response 3.11.1 regarding potential impacts to crime.

The commenter is correct that the Proposed Project would increase traffic; however, as described in Sections 4.8, 4.15, and 5.2.7 of the Draft EIS/EIR, mitigation has been proposed to reduce impacts due to increased project-related traffic. As discussed in the context of each relevant impact statement, some transportation impacts are considered significant and unavoidable because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan by the jurisdictional agency to help fund or implement the improvements.

RESPONSE I2-2

Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project. The other project referred to by the commenter is the proposed Scotts Valley Casino project, which is addressed in the cumulative analysis of the Draft EIS/EIR (Section 4.15).

COMMENT I3

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. Refer to General Response 3.16.3 regarding security at the neighboring Chevron Refinery.

COMMENT I4

RESPONSE I4-1

Comment noted.
4.0 Response to Individual Comments

**RESPONSE I4-2**

As described under the *Parkland and Recreation* discussion in Section 2.2.2 of the Draft EIS/EIR, the Proposed Project would include construction of a segment of the San Francisco Bay Trail through the Point Molate property. The proposed trail would be located along the shoreline of the Point Molate property and would be maintained by the Tribe. Bicycle lanes would be provided on Western Drive in conjunction with the widening and other improvements proposed as part of the project if the portion of the Bay Trail immediately south of the project site is not complete by the time the Project becomes operational. The bike lanes would then connect to the existing bicycle path that crosses under I-580. Please refer to revised Improvement Measure 7-20 in the Final EIR.

In the absence of significant impacts associated with the project, the Lead Agencies cannot arbitrarily impose off-site mitigation, such as construction of additional segments of the Bay Trail. Moreover, such mitigation would be infeasible since it would require construction through private property (Chevron) south of Point Molate. However, mitigation in Section 5.2.3 of the Final EIR does require the Tribe to help fund improvements for the trail segment between I-580 and the project site to provide a catalyst for completion and encourage bicycle and pedestrian connectivity.

Please refer to General Response 3.17 for a discussion of issues related to potential aesthetic impacts.

**RESPONSE I4-3**

Bicycle connectivity to the site is currently provided by a path that runs from Tewksbury Avenue in Point Richmond, which uses a quarter-mile segment of I-580. While the current configuration is not ideal, the City, Chevron, and other stakeholders are working towards providing a safer connection that avoids using I-580. The City has awarded a contract to design, conduct necessary studies, and acquire permits to build a new segment of the Bay Trail. The Bay Trail project would “construct a Class I, two-way, multi-use trail from the intersection of Castro Street and Tewksbury Avenue to the south side of the existing trail passing under the Richmond/San Rafael Bridge and will include a bridge component to the Chevron facilities. The design of the trail will parallel the south side of Interstate 580 (City of Richmond, 2009).” The starting point for design will be trail alignment Option 2 and 5 from the July 31, 2001 *Feasibility Study of Bay Trail Routes to Point San Pablo Peninsula*, which includes an easement over Chevron Property. “The [final] trail alignment and design shall be determined in consultation and with agreement from the Trail Working Committee that includes the City, Chevron, Caltrans, and ABAG’s Bay Trail project and coordinated with other Bay Trail related projects in the area (City of Richmond, 2009).” Upon completion, this new segment will provide improved bicycle connectivity and allow for pedestrians to access the northern San Pablo Peninsula from Point Richmond. Refer to Response I4-2 above regarding bike lanes on Western Drive.

**RESPONSE I4-4**

Please refer to Response I4-2.
RESPONSE 4-5

The Trails for Richmond Action Committee (TRAC) cites General Plan Goal OSC-S item 1, which states “City will require all new commercial, industrial, and residential developments to provide public access where a local or regional trail (e.g., Bay Trail and Bay Area Ridge Trail) is planned or located.” The Proposed Project is consistent with this goal as the entire shoreline area at Point Molate would be open to the public and the Bay Trail segment through the project site would be completed. The commenter misinterprets the General Plan Goal to mean that new developments are required to acquire land and construct improvements on adjacent properties, which is incorrect. The commenter goes on to bullet-point several goals and policies from the General Plan related to bicycle and pedestrian access and notes that an EIR must discuss inconsistencies with such plans. In each case, the Proposed Project would not conflict with the stated goals and policies, as detailed below:

- Policy CIR-A.5: *Promote access to the City's recreational areas, shoreline area and community facilities.* The Proposed Project emphasizes recreational use of the property and provides for free and open public access to shoreline and upland areas within the property.
- Policy CIR-B.3: *Maintain a safe, effective and attractive bicycle and pedestrian circulation system, with particular emphasis on the San Francisco Bay and the Bay Area Ridge Trails and ensuring that new or existing developments are interconnected.* The Proposed Project would integrate safe, effective and attractive bicycle and pedestrian circulation facilities throughout the development. The City is pursuing the implementation of its stated policy by working cooperatively with all stakeholders to complete the above referenced trail between Point Richmond and the northern portion of the San Pablo Peninsula. Refer to Response 4-2 above regarding bike lanes on Western Drive.
- Policy CIR-C.3: *Provide a network of bicycle routes offering safe and easy access to all portions of the City.* Implementation of the Proposed Project is consistent with this policy in that it proposes to construct a significant segment of the Bay Trail through the project site and would provide bike lanes along Western Drive to I-580 in the absence of a completed link by the time the Project becomes operational (Improvement Measure 7-20). Additionally, mitigation in Section 5.2.3 of the Final EIR requires the Tribe to help fund improvements for the Bay Trail segment between I-580 and the project site to provide a catalyst for completion and encourage bicycle and pedestrian connectivity.
- Shoreline Guideline 1: *Promote more effective movement of people to and within the shoreline areas by: (1) increased public transit service linked to BART; and (2) development of convenient bicycle and foot trails.* The Proposed Project would provide increased public transit service linked to BART (see Mitigation Measure 3-23 and Improvement Measure 7-18) and provide bicycle and foot trails throughout the project site. Moreover, the Project would provide for more effective movement of people within the shoreline by completing a significant segment of the Bay Trail along the entire length of the project site.
Shoreline Guideline 2: Promote circulation facilities in the shoreline areas that will assist inland residents in taking advantage of the shoreline. Stress that the design of these facilities should not block access to the waterfront. As described in Section 2.0, the Proposed Project would provide unfettered access to the shoreline at Point Molate and provide access via public transit, ferry, automobile (with on-site parking), and bicycle.

Shoreline Guideline 5: Encourage development of a system of hike/bike trails throughout the shoreline area as shown on Circulation Plan Map, 2. As previously discussed, the Proposed Project would be consistent with this guideline by providing pedestrian and cycling trails along the proposed shoreline park.

West Shoreline Guideline 6: Encourage the creation of a recreational corridor along the western shore of Point San Pablo through trail connections between parks and commercial recreation sites. Again, the Proposed Project advances the City’s guidelines by providing a recreational corridor through the shoreline park proposed along the entire length of Point Molate.

Response I4-6

Please refer to Response I4-2 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail.

The commenter suggests that the Draft EIS/EIR errs in stating that the segment of the Bay Trail between the Point Molate property and I-580 “would likely be via a spur along Western/Winehaven Drive (Draft EIS/EIR page 2-24).” In fact, the General Plan states, under West Shoreline Guidelines (6), that a bicycling trail should be established “from I-580 along Western Drive to the tip of Point San Pablo (as shown on Circulation Plan Map 2 of 2).” While it is the ultimate planning goal to locate the segment north of I-580 along the shoreline, interim provisions are being made to provide bicycle access to the site while the process of acquiring off-site easements, funding design, environmental review, and construction proceeds. A significant step forward was achieved in November 2009, when Chevron agreed to donate 1.5 miles of its property to the East Bay Regional Park District (EBRPD) for Bay Trail easements on the west side of the San Pablo Peninsula. The two easements are located between the Richmond San Rafael Bridge to the Point Molate property on the south, and between the Point Molate property and the City’s Terminal 4 property on the north. The EBRPD Board of Directors voted to accept Chevron's donation and appropriated $100,000 for trail alignment engineering, surveying and title costs.

Improvement Measure 7-20 has been added to the Final EIR that requires inclusion of bicycle lanes on Western Drive as part of the improvements associated with the Proposed Project if the Bay Trail segment between the Point Molate and I-580 is not functional by the time the Proposed Project becomes operational. In addition, sidewalks will be provided along the same segment of Western Drive in the absence of the aforementioned Bay Trail segment.
RESPONSE I4-7

Please refer to Response I4-2 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail.

RESPONSE I4-8

The commenter suggests that the Draft EIS/EIR fails to “recognize and evaluate aesthetic impacts of development alternatives on users of the Bay Trail and shoreline parks.” Aesthetic changes and potential impacts on views from all sides are analyzed and discussed in several portions of the document, including Sections 4.13.1 through 4.13.24. The referenced sections consider changes to the aesthetic character of the site from a range of vantage points, which include the trail and shoreline areas.

As illustrated in the site plans (Figures 2-3, 2-8, 2-11, 2-14, and 2-17) and architectural renderings (Figures 2-9, 2-10, 2-12, 2-13, 2-15, and 2-16) presented in the Draft EIS/EIR, all of the Alternatives would preserve views of the Bay and regional landscape from the open spaces along the shoreline area. While each of the proposed development alternatives would alter the aesthetic character, all changes would be in accordance with strict design guidelines, as discussed below. Moreover, implementation of the Proposed Project would remove a significant number of blighted Naval installations throughout the property, thereby improving the aesthetic character of the project site.

RESPONSE I4-9

In addition to the analysis in the above referenced sections, aesthetic impacts are also considered in the context of the historic character of the project site, as discussed in Sections 4.6.1 through 4.6.35. Mitigation measures recommended to address potential impacts associated with the loss of a historic building, relocation of another, and introduction of new elements of the built environment are now crossed referenced in Section 4.13 of the Draft EIS/EIR. Potential aesthetic impacts discussed in Sections 4.13.1, 4.13.5, 4.13.9, and 4.13.13 now reference Mitigation Measure 5-1, which requires the development of a Programmatic Agreement (PA), in consultation with the State Historic Preservation Officer, which addresses a host of potential impacts related to the aesthetic and historic character of the project site. Design Guidelines, which shall comply with the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties, will govern the rehabilitation of all retained buildings within the Historic District as well as new construction near or within the historic core of the District. The Design Guidelines will incorporate the Preservation regulations of the City of Richmond. The host of requirements listed in Mitigation Measures 5-1, 12-1, 12-2, and 12-3 will ensure that the modification of buildings and introduction of new elements would be done in a manner that preserves the aesthetic quality of the site and reduces all related aesthetic impacts to a less than significant level.

RESPONSE I4-10

Please refer to Figures 2-9, 2-10, 2-12, 2-13, 2-15, and 2-16 for architectural renderings of the various alternatives.
RESPONSE I4-11

Mitigation Measure 5-1 includes a suite of guidelines for development within the Winehaven Historic District, which include appropriate set-backs, retention of vistas, and recognition of appropriate massing and height.

RESPONSE I4-12

The commenter’s opinion that Alternatives A and B would have the “most severe” aesthetic impact is noted. However, with mitigation, all aesthetic impacts are reduced to a less than significant level. Nonetheless, Table 2-8 in Section 2.9.2 has been updated to indicate that Alternative E would have a qualitatively lessened impact compared to Alternatives A – D.

RESPONSE I4-13

The Draft EIS/EIR plainly states the acreages proposed for each parkland and recreational use. Please refer to Tables 2-2 and 2-6, which state that the combined shoreline park / hillside open space would be 180 acres for Alternatives A, B, and D, and a total of 236 acres under Alternative C.

RESPONSE I4-14

Comment noted.

COMMENT I5

RESPONSE I5-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I5-2

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.

RESPONSE I5-3

The City has engaged in a multi-year effort to define a range of reasonable alternatives for the productive reuse of Point Molate, as required in the Dellums legislation that provided for the sale of the property to the City. This process included forming a Blue Ribbon Advisory Board, Restoration Advisory Committee, as well as holding a public scoping hearing and collecting a large number of comments on the range of alternatives to be considered (Appendix B).
CEQA requires the lead agency to consider “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (14 C.C.R. § 15126.6(a)).” Similarly, NEPA Section 1502.14(a) requires federal agencies to explore a reasonable range of alternatives. An agency’s range of alternatives is evaluated under a “rule of reason” standard, which requires an agency to set forth only those alternatives necessary to permit a reasoned choice. An agency’s consideration of alternatives is sufficient if it considers an appropriate range of alternatives, even if it does not consider every available alternative.

**COMMENT I6**

**RESPONSE I6-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I6-2**

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

**RESPONSE I6-3**

Comment noted.

**COMMENT I7**

**RESPONSE I7-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I7-2**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I7-3**

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

**COMMENT I8**

**RESPONSE I8-1**

Comment noted.
4.0 Response to Individual Comments

RESPONSE I8-2

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

Refer to General Response 3.13.1 regarding the Proposed Project’s consistency with the General Plan.

COMMENT I9

RESPONSE I9-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I9-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I10

RESPONSE I10-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I10-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I11

RESPONSE I11-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I11-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.
4.0 Response to Individual Comments

COMMENT I12

RESPONSE I12-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I12-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I13

RESPONSE I13-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I13-2

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I13-3

Air quality mitigation, which would reduce project-related impacts to a less than significant level, is provided in Section 5.2.3 of the Draft EIS/EIR.

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

RESPONSE I13-4

Comment noted.

COMMENT I14

RESPONSE I14-1

Generally casino traffic does not coincide with commuter traffic. Western Drive would be expanded and ferry service would be provided. As described in Sections 4.8, 4.15, and 5.2.7 of the Final EIR, mitigation has been proposed to reduce impacts due to increased project-related traffic, including keeping Western Drive open 24 hours a day, seven days a week during construction and operation of the Proposed Project. As discussed in the context of each relevant impact statement, some transportation impacts are considered significant because the full suite of required improvements may not be implemented since the
subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements.

**RESPONSE I14-2**

Please refer to **General Response 3.13.2** regarding open space at the project site.

**COMMENT I15**

**RESPONSE I15-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I16**

**RESPONSE I16-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I17**

**RESPONSE I17-1**

**Mitigation Measure 3-18**, presented in the Draft EIS/EIR requires that the Tribe encourage the use of public transit systems by enhancing safety and cleanliness at transit stops.

**COMMENT I18**

**RESPONSE I18-1**

Construction traffic impacts are analyzed in **Section 4.8** in the Draft EIS/EIR. Impacts to the roadway network and intersections were determined to be less than significant; however, **Mitigation Measures 7-1** and **7-2** would be implemented to reduce traffic flow issues. **Mitigation Measure 7-2** in the Final EIR has been augmented to require that Western Drive remain passable to through traffic 24 hours a day, seven days a week, to provide access to and from other land uses located on the San Pablo Peninsula. In the event that portions of Western Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not restricted.

Operation traffic impacts are analyzed in **Sections 4.8** and **4.15** of the Draft EIS/EIR and in the TIA and supplemental TIA. Mitigation is recommended for all intersections and roadways that were found to have a significant impact due to project-related traffic. It should be noted that the Tribe does not have jurisdiction over off-reservation roadway or intersection facilities and therefore, some impacts are shown in **Section 4.15** as significant in the cumulative year.
RESPONSE I18-2

As stated in Section 2.2.2 of the Draft EIS/EIR, the Proposed Project shall includes the construction and operation of an on-site fire station fully staffed by City of Richmond Fire Department personnel. Provisions within the MSA between the Tribe and the City requires Tribal funding for these expanded City services. The MSA additionally states that the Tribe must provide a contractual agreement with a local Emergency Medical Service (EMS) provider to further assist in transportation of patients from the project site. However, based on Article 10A of the IGA, the Tribe agrees to contract with the County to provide emergency ambulance service to the project site. Section 2.0 of the Draft EIS/EIR provides a description of the on-site Fire Department facilities which shall be constructed under the Proposed Project. Furthermore, the IGA (Appendix BB) between Contra Costa County and the Tribe provides for reimbursement to the County for actual costs of uncompensated ambulance service provided to patrons or employees who are transported by the County’s designated ambulance provider from the project site to a County hospital.

COMMENT I19

RESPONSE I19-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I20

RESPONSE I20-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I20-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I21

RESPONSE I21-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I21-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.
RESPONSE I21-3

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I22

**RESPONSE I22-1**

Comment noted.

**RESPONSE I22-2**

Please see **General Response 3.4** and **Responses I4-2 and I4-3** regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I22-3**

Please see **General Response 3.17** and **Response I4-9** regarding analysis of aesthetic impacts.

COMMENT I23

**RESPONSE I23-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I23-2**

Sections 4.8 and 4.15 of the Draft EIS/EIR and the Supplemental TIA analyze potential impacts to the Richmond-San Rafael Bridge. It was determined that in the build-out year project-related traffic would have a less than significant impact on the level of service on the bridge. However, in the cumulative year there would be a significant impact and mitigation is provided in **Section 5.2.7** of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, it was concluded that the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there is currently no plan to fund or implement the improvements on the part of Caltrans.

Potential impacts to air quality are discussed in **Section 4.4** and 4.15 of the Draft EIS/EIR. With implementation of mitigation provided in **Section 5.2.3** of the Final EIR all air quality impacts were found to be less than significant.
4.0 Response to Individual Comments

RESPONSE I23-3
Please refer to General Responses 3.11.1 and 3.11.3 for more information on potential impacts to crime and employment opportunities, respectively.

RESPONSE I23-4
Refer to Response I23-2 regarding traffic and air quality impacts associated with the Proposed Project. As described in Section 2.2.2 of the Draft EIS/EIR, the Tribe would fund the construction and maintenance of a segment of the San Francisco Bay Trail along the entire length of the project site. Please refer to General Response 3.4 for additional information regarding the proposed Bay Trail at the project site.

COMMENT I24

RESPONSE I24-1
Please see General Response 3.4 and Responses I4-2 and I4-3 regarding construction of the Bay Trail within and adjacent to the project site.

COMMENT I25

RESPONSE I25-1
Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I25-2
Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I26

RESPONSE I26-1
As described in Section 2.2.2 of the Draft EIS/EIR, pedestrian and bicycle trails are components of the Proposed Project. Improvement Measure 7-20 provided in Section 5.2.7 of the Final EIR states that bicycle lanes along Western Drive shall be provided from the project site to the existing trail under I-580 if the Bay Trail segment between the Point Molate site and I-580 is not functional by the time the Proposed Project becomes operational. In addition, sidewalks will be provided along the same segment of Western Drive in the absence of the aforementioned Bay Trail segment (applicable to Alternatives A, B, C, and D).
4.0 Response to Individual Comments

COMMENT I27

RESPONSE I27-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I27-2

Please refer to General Response 3.11.1 for a discussion of crime. The commenter does not cite which research she is referring to. Based on studies by the NGISC (1999), NORC (1999), and NPSGSC (2000), there has been no causal link between casino-style gambling and crime.

Please refer to General Response 3.11.4 for a discussion of the economic viability of the Proposed Project. The commenter does not list which casinos have failed. According to the Economic Impact Study prepared by the Gaming Market Advisors, with development of the Proposed Project, the Richmond area gaming market is expected to grow by approximately 20 percent to $2.20 billion in 2012 (Appendix T).

Please refer to General Response 3.11.6 for a discussion of potential impacts to social services. The Draft EIS/EIR acknowledges that the Proposed Project may have a potentially significant impact to social services. Mitigation measures are outlined in Section 5.2.9 that would reduce such impacts to a less than significant level, as discussed in Section 4.7.5 of the Draft EIS/EIR. Please refer to General Response 3.11.5 for a discussion on the economic impact to immediate and surrounding communities. The Draft EIS/EIR assesses the potential impact on minority and low-income communities at-risk from the Proposed Project. Section 4.7 of the Draft EIS/EIR determined that no identified low-income or minority communities would be disproportionally adversely impacted by the Proposed Project.

RESPONSE I27-3

Comment noted.

COMMENT I28

RESPONSE I28-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I28-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.
4.0 Response to Individual Comments

COMMENT I29

RESPONSE I29-1

As described in Section 2.2.2 of the project description, the on-site ferry service, expanded transit service, and recreational trails are elements of the Proposed Project. Service letters from the proposed ferry and transits providers are included at the end of Appendix S of the Draft EIS/EIR. As elements of the Proposed Project, such amenities and services were factored into the analyses presented in the document. If the project proponents decided to remove the ferry service, expanded transit service, or recreational trails, the Draft EIS/EIR would no longer be adequate and, at a minimum, a supplemental analysis would be required. However, these project components are fundamental to the overall viability of the project and are not expected to be excluded.

RESPONSE I29-2

AC Transit was consulted in the course of completing the transportation studies for the Proposed Project. In June 2008, AC Transit provided a letter outlining several ways in which its routes could be expanded to provide regular service to and from the project site (Appendix S). The service would be funded through collection of fares, as well as supplemental funds contributed by the project proponent. To ensure viability of the expanded service, Mitigation Measure 3-22 requires that the project proponent “work with AC Transit to expand its current service and contribute funds and supplement operating expenses to implement the following: Bus and/or shuttle schedules tied to the timing of employee shifts; and new routes to serve employee population centers around the project site.” In addition, Mitigation Measure 3-18 has been supplemented to provide for shuttle service, funded by the project proponents, to run at least two times per hour to regional public transit stops that will mesh with the scheduling of AC Transit, BART, Golden Gate Transit, and other public transit providers.

RESPONSE I29-3

Please refer to Response I4-3.

RESPONSE I29-4

Please refer to General Response 3.8 and Response A14-1 regarding the analysis of greenhouse gas emissions in the Draft EIS/EIR and Final EIR.

With respect to application of a metric of sustainable design, Mitigation Measure 3-28 of the Final EIR (designated Mitigation Measure 3-30 in the Draft EIS/EIR) has been updated as follows: “The Tribe shall meet or exceed Green Building Council Standards for new and retrofit construction. Buildings shall be constructed and designed to meet Leadership in Energy and Environmental Design (LEED) or equivalent certification standard, except with respect to indoor smoking allowed in certain restricted areas.
RESPONSE I29-5

Please refer to Response I29-4 which details how the analysis is consistent with the adopted regulatory guidance provided to date.

RESPONSE I29-6

Please refer to General Response 3.8.2.

RESPONSE I29-7

The impacts to Point Richmond have been described in the Draft EIS/EIR. Please refer to General Response 3.11.5 for a discussion of impacts to the immediate and surrounding communities. In particular, Point Richmond has been included in the examination of potential impacts to land, water resources, air quality, problem gambling, and traffic, among others. Since it is in close proximity to the Proposed Project, several of the mitigation measures proposed would directly affect Point Richmond. As discussed in Section 4.7, the impacts of problem gambling take effect for residents within a 50 mile radius of a casino, and increase as the casino moves closer to the population. General Response 3.11.6 summarizes the potential impacts to social services on the surrounding communities, as well as proposed mitigation measures associated with the potential impacts.

RESPONSE I29-8

As stated in Section 1.1 of the Draft EIS/EIR, in the event that the City decides to approve one of the alternatives that include federal trust acquisition, the mitigation measures prescribed in the Draft EIS/EIR would become an attachment to the MSA prior to execution.

RESPONSE I29-9A

Because the legal and contractual questions posed by the commenter do not identify environmental impacts, they are beyond the scope of analysis required by CEQA.

RESPONSE I29-9B

The commenter is correct that under the terms of the settlement agreement in Citizens for East Shore Parks v. City of Richmond, the City’s discretion to approve or disapprove or pursue any alternative use is not limited by the LDA. While the LDA sets forth certain contractual obligations of the parties that are beyond the scope of this CEQA document, it does not limit the City’s discretion with respect to consideration of the Project or any alternative use or non-use.

The Draft EIS/EIR makes clear that the City retains the discretion to select any alternative use or non-use of the Point Molate site. As stated in Section 1.1 of the Draft EIS/EIR:
As the local Lead Agency for purposes of CEQA, the City has the responsibility for approving certain discretionary actions it may take including sale of the property, issuing a shoreline lease, and approval of design concept documents, which are further detailed in the … LDA… The City has drafted a Municipal Services Agreement (MSA), but has not yet executed the agreement. If the City decides to adopt one of the alternatives that includes federal trust acquisition (Alternatives A, B, or C), the mitigation measures prescribed in this Draft EIS/EIR would become an attachment to the MSA, which would then be executed (Draft EIS/EIR p. 1-6).

Please also refer to Section 2.2.1 which describes foreseeable consequences of “discretionary local and federal actions” under the LDA and MSA for Alternative A. The foreseeable consequences of the discretionary local and federal actions for Alternatives B through E and B1 are also described in Section 2.0 of Volume II of this Final EIR.

Thus, consistent with the settlement agreement in Citizens for East Shore Parks v. City of Richmond, the Draft EIS/EIR makes clear that the City retains discretion to approve any alternative evaluated in the Draft EIS/EIR, including the No Project Alternative. Further, if the City elects not to pursue or approve the Project or Alternative Proposal, as those terms are defined in the LDA, it may decide to either retain ownership of Point Molate or to transfer Point Molate to a third party. Final EIR Section 2.1.2 has been revised to clarify this issue.

**RESPONSE I29-9C**

The legal and contractual questions posed by the commenter are beyond the scope of analysis required by CEQA or NEPA.

**RESPONSE I29-9D**

There are provisions in the LDA compelling Upstream to develop the property in accordance with the Design Concept Documents. Under Section 2.1(b) of the LDA, Upstream “agrees to use commercially reasonable efforts to obtain all permits, approvals, consents and financing necessary to develop the Property with the improvements described in the Design Concept Documents.” Section 2.9 of the LDA requires, as a condition of closing, that the Developer submit a Financing Plan, reasonably acceptable to the City, “reflecting the availability of the necessary funds to complete the entitlement, acquisition, remediation, and construction of Phase I of the Project.”

These provisions clearly require Upstream to take the steps necessary to develop the property. However, the LDA does not specify any schedule or deadlines for development. Pursuant to direction provided by the City Council, City staff have asked Upstream to include development milestones and reporting requirements in the proposed final Design Concept Documents.
Payments to the City would commence following the start of operations at the facility. Section 4.1 of the MSA requires the Tribe to pay the City service fees of $8 million per year for the first eight years beginning on the commencement of gaming operations and $10 million per year thereafter. Section 4.2 of the MSA requires the Tribe to make Community Benefit Payments of $10 per constructed hotel room per day, $5.25 per square foot of retail sales area per year, and 0.285 percent of the construction costs of the facilities per year.

**RESPONSE I29-9E**

The site plan and scope of development in Exhibits G and H are characterized as the preliminary Design Concept Documents in Section 2.1 (a) of the LDA. There is no prohibition in the LDA against Upstream proposing, or the City approving modifications, even if such modifications are not directly related to the environmental review process. The City Council retains discretion to approve or disapprove the final Design Concept Documents, so if there was a change proposed “at the whim of Upstream” that the Council did not believe appropriate, the Council could disapprove the final documents.

The graphics presented in the Draft EIS/EIR are not intended to be Design Concept Documents. The final Design Concept Documents will be submitted as separate documents, independent of the EIR. Certification of the Final EIR would not constitute approval of the Proposed Project; separate approval by the Council will be required.

Regarding the detail of proposed components depicted in the Draft EIS/EIR; the Point Richmond Shores was a Planned Area development proposal seeking entitlements to build the project. The Point Molate project applicant is seeking certification of an EIR and approval of the Design Concept Documents. The Point Molate project is not subject to Design Review Board approval so detailed design plans are not required. However, depending on the alternative (e.g. Alternatives D and E) selected by the City Council, additional plans may be necessary to obtain City approval. The plans provided are sufficient to assess any potential impacts to the environment for the purpose of the EIR. If the final design plans include modifications to the project that would result in significant environmental impacts not analyzed and disclosed in the EIR, further CEQA review would be required.

**RESPONSE I29-10**

Refer to **General Response 3.6.2** regarding impacts to off-site municipal wastewater conveyance and treatment systems.

**RESPONSE I29-11**

CEQA requires the lead agency to consider

“a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen
any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” 14 C.C.R. § 15126.6(a).

Similarly, NEPA Section 1502.14(a) requires federal agencies to explore a reasonable range of alternatives, “and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” An agency’s range of alternatives is evaluated under a “rule of reason” standard, which requires an agency to set forth only those alternatives necessary to permit a reasoned choice. An agency’s consideration of alternatives is sufficient if it considers an appropriate range of alternatives, even if it does not consider every available alternative.

It is correct that Alternatives A, B, C and D contemplate the demolition of Building 6 as a necessary component of the actions they propose. With regard to each alternative, the Draft EIS/EIR discusses Building 6 (including the fact that Building 6 is significantly deteriorated with a partially collapsed roof and major water damage to the concrete walls), the potentially significant impact caused by its demolition, and potential mitigation measures (Section 3.6 page 3.6-12 through 3.6-16 and Section 4.6 page 4.6-1 through 4.6-24). However, neither Alternative E (Total Parkland) nor Alternative F (No Project) would require or result in the demolition of Building 6. Alternative E would allow for the stabilization of all cultural resources in the Winehaven Historic District, including Building 6. Alternative F would result in no action affecting Building 6.

In short, some of the alternatives in the Draft EIS/EIR would result in the demolition of Building 6; one would result in its stabilization; and one would leave it untouched. Between these six alternatives, the Draft EIS/EIR considers a “reasonable range” of alternatives under both CEQA and NEPA. The City’s discretionary approval of the Final EIR would consider the demolition of Building 6 and would therefore satisfy the requirements of the Richmond Municipal Code, Chapter 6.06, related to the approval of the demolition of a City-designated historic structure. Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

Regarding the comment that “no independent evaluation has been made of Building 6”, please refer to Appendix E to the Draft EIR, Historic Building Structural Condition Assessment. Based on the level of interest expressed during the public comment period concerning Building 6, more in depth structural analyses were performed and are described in detail under General Response 3.3.2. The technical assessment is provided as Appendix DD. Please also refer to General Response 3.3.2 for a discussion of the economic feasibility of reuse of Building 6, as well as the applicability of historic preservation tax credits.

Consideration of the reported “movement to apply for historic designation” for the Point San Pablo Yacht Harbor is beyond the scope of the Draft EIS/EIR. Moreover, the East Brother Light Station, which is more than one mile distant from the project site would not be impacted by the Proposed Project.
RESPONSE I29-12

Mitigation Measure 4-9 provides for a comprehensive Vegetation Management Plan (VMP) to be prepared for the project site. The VMP would be divided into five components: Open Space Habitat Preserves, Open Space Restoration Preserves, Invasive Plant Species Management, Parkland Management, and Wildfire Prevention. The Invasive Plant Species Management component would seek to eradicate noxious weeds and exotic species and replace them with native species. The adaptive management strategy would ensure the goals of mitigation are achieved in perpetuity.

Despite the commenter’s statement to the contrary, the fire hazard posed by the on-site eucalyptus woodland is discussed in Section 3.10.2 at page 3.10-13 and Section 3.12.2 at page 3.12-30 of the Draft EIS/EIR. Potential impacts associated with fuel loading related to the eucalyptus woodland is considered in Section 4.12.7.

RESPONSE I29-13A

The merge maneuver described by the commenter is both ill-advised and unlikely given the accessibility of a preferable route that does not require crossing two lanes of travel in a quarter mile. Where the Western Drive / eastbound I-580 on-ramp enters the freeway, it is initially separated by a concrete barrier. Beyond the barrier, the on-ramp lane is separated from the other lanes of traffic by a solid white line for over a quarter of a mile, which ends after the Marine Street off-ramp. It is anticipated that patrons and employees traveling to points east would access the Richmond Parkway via the first off-ramp after Marine Street, which is Canal Boulevard. Canal Boulevard provides a direct link to the Richmond Parkway, thus eliminating the need to perform the merge maneuver described by the commenter.

RESPONSE I29-13B

Please refer to General Response 3.4 as well as Individual Responses I4-2 and I4-3 regarding the San Francisco Bay Trail.

RESPONSE I29-14

Please refer to General Response 3.7.2 regarding indoor smoking.

RESPONSE I29-15

Please refer to General Response 3.7.2 regarding indoor smoking.

RESPONSE I29-16

The consideration of two alternatives in the Draft EIS/EIR which would not involve the demolition of Building 6 satisfies the requirements of CEQA and NEPA to consider a "reasonable range" of alternatives. With respect to the deterioration of Building 6, its current state is documented in detail at a number of places including: Table 3.6-1 and Section 4.2.1 (page 4.2-5) of the Draft EIS/EIR, in the Historic Building Structural Condition Assessment provided as Appendix E to the Draft EIS/EIR, and
within Volume I (Historic Built Environment) of the Cultural Resources Study provided as Appendix Y to the Draft EIS/EIR. Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

The commenter erroneously states that the Historic Building Structural Condition Assessment provided as Appendix E estimates a “rehabilitation cost of $84.50 per square foot, which is significantly below the cost of a new structure, and with Historic Preservation tax Credits, could be 20 percent less (Comment Letter 29-17; emphasis added).” What the above referenced report actually estimates is not the cost of “rehabilitation”, but rather the cost of repairing the damaged roof section in Building 6 and providing minimal upgrades and retrofitting to allow for reuse according to its original purpose as a warehouse. Thus, the reconnaissance-level structural assessment found that repairs required to return the building to its previous use, totaling $9.64 million, would not include the vast array of modifications and structural upgrades required to provide for a use consistent with the Proposed Project. Moreover, the tax credits cited by the commenter would not apply to Alternatives A, B, and C since the project site would be held in trust by the United States Government.

RESPONSE I29-17
Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

RESPONSE I29-18
Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

RESPONSE I29-19
Comment noted.

RESPONSE I29-20
Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

RESPONSE I29-21
Comment noted.

RESPONSE I29-22
The referenced portion of the LDA quoted in Comment I29-22 states that “All historic preservation activities shall follow the United States Secretary of the Interior’s Standards and Guidelines.” What the LDA does not say, but the commenter suggests, is that all historic buildings shall be preserved. Building
6 is one of 35 contributing structures within the Winehaven Historic District, the balance of which would be rehabilitated under the four redevelopment alternatives (A – D).

The fact that the Proposed Project calls for demolition of Building 6 was disclosed and discussed with members of the City’s Historic Preservation Advisory Committee (HPAC) as early as February 2008. During the February 12, 2008 HPAC meeting referenced in Comment I29-22, the Historic Building Structural Condition Assessment was presented, the deteriorated condition of Building 6 was discussed, and the approach to the analysis of related impacts in the Draft EIS/EIR, as well as in the context of Section 106 of the National Historic Preservation Act, was discussed. Specifically, the presentation noted that Building 6 would be demolished, constituting a significant impact, and that the proposed mitigation would lessen, yet not eliminate, this impact. Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

The commenter’s statement that the alternatives analyzed in the Draft EIS/EIR all include the “introduction of incompatible new construction” within the Winehaven Historic District is a statement of opinion and is unsupported by the facts. The SOI Standards and Guidelines provide guidelines for new construction within historic districts, which is relatively common (e.g., San Francisco Presidio, Mare Island, etc.). Please refer to General Response 3.17 and Mitigation Measure 5-2 for a discussion of the process by which the key design elements will be finalized to ensure the unique historic character of the Winehaven Historic District is preserved.

**RESPONSE I29-23**

Please refer to Response I29-11 and General Response 3.3.2 for an explanation of how the Draft EIS/EIR is consistent with the requirements of CEQA and NEPA.

**RESPONSE I29-24**

The Draft EIS/EIR states that Alternatives A – D would result in the demolition of Building 6 and that Alternatives E and F would not. Please refer to Draft EIS/EIR Sections 4.6.1, 4.6.2, 4.6.3, 4.6.4, 4.6.5, and 4.6.6 for further discussion. Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

**RESPONSE I29-25**

Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

**RESPONSE I29-26**

Please refer to General Response 3.3.2 for a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6. Virtually any building, regardless of its state of disrepair and damage, can be salvaged. The cost per square foot cited by the commenter has been misconstrued as the
full cost of rehabilitation. The cost cited in the comment reflects the bare minimum required to restore Building No. 6 for use as a warehouse. In fact, adaptive reuse of the structure is likely to cost well in excess of $30 million dollars as detailed in General Response 3.3.2 and Appendix DD. Moreover, for Alternatives A – C, the building would be located on tribal trust land and therefore, not eligible for federal tax credits contrary to the commenter’s assertion.

**RESPONSE I29-27**

Under Alternative E, the Total Parkland Alternative, the City would retain title to the property and would be responsible for funding the stabilization and maintenance of the buildings within the Winehaven Historic District. An estimate of probable cost for stabilizing the six largest structures within the District is provided within Appendix E of the Draft EIS/EIR.

**RESPONSE I29-28**

The Draft EIS/EIR states that the Winehaven buildings that would be kept under Alternatives A – D would be rehabilitated in accordance with the SOI Standards and Guidelines. Contrary to the comment, the Draft EIS/EIR and associated cultural resources study clearly state that demolition of Building No. 6 would be a significant impact in the context of NEPA and CEQA, and constitutes an adverse effect in the context of Section 106 of the National Historic Preservation Act.

The conjecture provided in the comment regarding the rationale for the demolition for Building No. 6 under the Proposed Project is misleading. Refer to General Response 3.3.2 for an in-depth discussion of the City’s objectives for reuse of Point Molate as it relates to the preservation of Building No. 6 and a discussion of the inclusion of development Alternative B1 in the Final EIR that preserves Building 6.

Refer to Response I29-27 above regarding funding of stabilization of the Winehaven buildings under Alternative E.

**RESPONSE I29-29**

Under Alternative F, the No Action Alternative, the Point Molate property would be maintained in the present manner, with no changes in land use. As the title of the alternative suggests, no renovation, restoration, or other activities would be undertaken under the No Action Alternative. Based on the rate of deterioration that the Winehaven Historic District has been subject to since being transferred out of Navy ownership, it is reasonable to expect such deterioration would continue at a similar or accelerated pace resulting in demolition by neglect.

**RESPONSE I29-30**

Comment noted.

**RESPONSE I29-31**

Comment noted.
COMMENT I30

RESPONSE I30-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I30-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

COMMENT I31

RESPONSE I31-1

Comment noted.

COMMENT I32

RESPONSE I32-1

Comment noted.

RESPONSE I32-2

Comment noted.

RESPONSE I32-3

Please refer to Table 2-2 of the Draft EIS/EIR for a description of the square footage (and acreage for parkland and open space) of each major component of Alternatives A through C. Please refer to Table 2-6 of the Draft EIS/EIR for a description of each major component proposed for Alternative D. On-site impacts to physical resources were analyzed by overlaying the footprints of the various project components atop resources mapped on site. For example, refer to Figure 4.6-1 in the Draft EIS/EIR, which depicts the existing historic district in relation to the components proposed under Alternative A.

Alternative B proposes up to 340 housing units in the southern residential area, not 430 as stated by the commenter.

RESPONSE I32-4

Please refer to General Response 3.3.2 for a discussion related to the demolition of Building No. 6 and relocation of Building No. 17.
Contrary to the commenter’s statement, the City of Richmond is a Certified Local Government (CLG) recognized by the California State Historic Preservation Office (SHPO). Refer to SHPO’s CLG roster provided at: http://ohp.parks.ca.gov/pages/1072/files/clg%20contact%20list.pdf.

The introduction of new construction within the Winehaven Historic District is addressed in Section 4.6 of the Draft EIS/EIR. Refer to Section 5.2.5 of the Draft EIS/EIR and General Response 3.17 for a discussion of the process for developing the final design guidelines for new development within the Historic District.

As described in Section 2.0 of the Draft EIS/EIR, historic preservation is a central component of the Proposed Project, resulting in the retention of 97 percent of the historic buildings within the District. As the site plans and renderings presented in Section 2.0 of the Draft EIS/EIR indicate, all of the historic buildings would be maintained with the exception of Building No. 6. Section 4.6 of the Draft EIS/EIR acknowledges that the Proposed Project would introduce visual elements in the form of new construction that would diminish the integrity of the District’s character defining features. Mitigation is provided in Section 5.2.5 of the Draft EIS/EIR that would lessen the severity of the impact.

The commenter is mistaken in the assertion that the Point Hotel is “deceptively illustrated as being much shorter than the casino hotel…” The Point Hotel would be constructed in a manner that would integrate it into the existing topography of the bluff above the point, with the effect of minimizing the extent to which it extends above the exiting topography of the ridge leading to the point. As stated in Section 2.2.2 of the Draft EIS/EIR, the “total height of this hotel would be 105 feet above existing grade (120 feet above mean sea level). The hotel would be built into the hill so the structure’s total height is similar to the existing point bluff.”

Please refer to General Response 3.17 for a discussion of off-site aesthetic impacts.

**RESPONSE I32-5**

The Programmatic Agreement proposed as mitigation is Section 5.2.5 provides for a procedural mitigation that would lessen the impact to the retained buildings in the context of NEPA and CEQA, and would likely resolve the adverse effect in the context of Section 106 of the National Historic Preservation Act. Mitigation is provided in Section 5.2.5 of the Draft EIS/EIR that would lessen the severity of the impact, but not to a level of insignificance.

**RESPONSE I32-6**

Please see General Response 3.4 regarding the Bay Trail. Development of the parkland, hillside open space, and segment of the Bay Trail are not mitigation measures, but rather components of the Proposed Project.
RESPONSE I32-7

Section 2.0, Table 2-2, page 2-19 provides an exact count of project parking spaces. As stated in the comment there would be 7,500 parking spaces in two parking garages. Table 2-2 of the Draft EIS/EIR shows that there would be an additional 30 bus parking spaces at the northern end of the Winehaven building and 30 parking spaces at the Tribal offices.

The number of people that would travel to and from the site each day varies with each alternative. The estimated number of people expected to visit the Proposed Project is provided in the Economic Impact & Growth Inducing Impact Study (Appendix T) as well as within the Traffic Impact Assessment (Appendix S).

Traffic analysis is provided in Sections 4.8 and 4.15 of the Draft EIS/EIR. Refer to General Response 3.12 regarding transportation and circulation issues addressed in the Draft EIS/EIR.

RESPONSE I32-8

The commenter fails to describe how the Proposed Project violates the Community Facility Area Specific Guidelines referenced in the comment. The Proposed Project would create 35-acres of Shoreline Parkland and maintain 145-acres of Hillside Open Space. As stated in Section 4.10.1, the Tribe would be responsible for the maintenance of the trail system throughout the Hillside Open Space area as well as the on-site Bay Trail. The Proposed Project would also expand public transit to accommodate the site and would have bicycle and pedestrian access from the transit stops to the Hillside Open Space trails and Shoreline Park. The Winehaven buildings will be restored and reused as the economic stimulus for maintaining the aforementioned parkland. Additionally, as described in Section 2.6 of the Draft EIS/EIR, a total parkland alternative was fully analyzed in the environmental document.

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I33

RESPONSE I33-1

The Draft EIS/EIR considers the impact of the Proposed Project with regard to both existing and proposed casinos in the vicinity. Please refer to Section 4.15 of the Draft EIS/EIR for a discussion of cumulative impacts of the Proposed Project. In addition, Section 4.7.7 provides a discussion of the potential impacts to minority and/or low-income communities within the vicinity of the Proposed Project. Minority or low-income communities were identified in Section 3.7.3. All census tracts identified surrounding the Proposed Project contain minority communities, except Census Tract 3780, which contains the project site. Impacts such as increased traffic and problem/pathological gambling would be considered less than significant with the implementation of Mitigation Measures 6-1 through 6-4, and 7-4 through 7-8. All communities would benefit from the Proposed Project’s generation of employment.
opportunities, which would demand a substantial portion of the local labor market. Minority and low-income communities would not be disproportionately adversely impacted.

**RESPONSE I33-2**

Please refer to General Response 3.3.2 and 3.17 concerning the Winehaven Historic District.

Please refer to General Response 3.13.2 regarding open space on the project site.

Please see General Response 3.4 regarding construction of the Bay Trail and the configuration of pedestrian and bicycle access on site.

**RESPONSE I33-3**

Please refer to General Response 3.11.5 regarding the impact to surrounding communities. Based on the information provided by Dr. Thompson, it is not possible to substantiate the findings of his report. While the Draft EIS/EIR is open to considering all information, the necessary documentation, support and explanations for Dr. Thompson’s assumptions and methodologies were not provided. There is no evidentiary support for the claim that the Proposed Project would result in net monetary loss for the Bay Area.

As discussed in Section 4.7.2, the Proposed Project would generate an estimated $903 million in wages during construction, and an estimated $481 million annually during operation. As the commenter points out, the Tribe is committed to hiring locally, and expects to hire roughly 40 percent of employees from Richmond. Additionally, as indicated through the Intergovernmental Agreement (IGA), the Tribe will collaborate with the County to develop a project-specific first-source hiring plan, with a goal to source a total of 70 percent, inclusive of the 40 percent from the City under the MSA, of non-management operational employees from within the County at opening of the gaming establishment (Appendix BB). The County agrees that the sourcing of jobs from within the County would have significant economic benefits for the County from the direct, indirect, and induced jobs created by the Project. The employees hired from outside of Richmond will be from the County and surrounding communities within the Bay Area. While an increase in employment wages will be one reason that Richmond and the Bay Area will observe a boost in the economy, it is not the only reason. The anticipated output generated by Proposed Project, including construction, furnishing, and operation, is expected to total approximately $767 million (in 2009 dollars) within the County (Table 4.7-2). Furthermore, the surrounding communities will continuously benefit from the Tribe’s expenditures on the goods and services necessary to maintain and operate a large-scale destination resort and casino. As stated in the Draft EIS/EIR, purchases would be made primarily from existing vendors located in Contra Costa County, the City of Richmond, and surrounding areas.

The Tribe will also compensate for the social services which may be impacted by the Proposed Project, including problem gambling counselors, emergency medical services, and law enforcement. As stated in
Section 2.1.2, as well as Appendix C, of the Draft EIS/EIR, the Tribe agrees to pay the City service fees of $8 million per year for the first eight years beginning with the commencement of gaming operations. The Tribe agrees to pay the City services fees of $10 million per year thereafter. The Tribe will pay the County the annual sum of $12 million for public safety, fire fighters and responders, health, and social services related costs, and community benefit payments, commencing with the project start date, and payable for as long as the IGA is in effect. These amounts have been determined to be sufficient to compensate for potential community impacts as a result of the Proposed Project. Fees shall be adjusted each year by changes in the Consumer Price Index, beginning after year one of the agreement. The fee shall be paid regardless of the amount of service provided.

**COMMENT I34**

**RESPONSE I34-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I34-2**

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

**COMMENT I35**

**RESPONSE I35-1**

The commenter is correct in noting that the historic Richmond – San Rafael Ferry System made use of Castro Point, not Point Molate. The Final EIR has been corrected at Section 3.6.2 in response to the comment.

**COMMENT I36**

**RESPONSE I36-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I36-2**

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.

**RESPONSE I36-3**

Comment noted.
COMMENT I37

RESPONSE I37-1

Please see General Response 3.11.3 regarding employment opportunities generated by the Proposed Project. It is important to note that the projected ~17,000 employment opportunities is the estimated number of jobs generated under the operational phase of the Proposed Project and includes not only direct, but indirect and induced employment as well (Table 4.5-5 of Section 4.7.2). All employees of the Proposed Project would be paid living wage, and will be subject to the City of Richmond’s Living Wage Ordinance. As stated in Section 2.1.2, as well as Appendix C of the Draft EIS/EIR, “wages shall be equivalent to the wage portions of the federal Davis-Bacon Act, the California Labor Code, the City’s Living Wage Ordinance, the City’s Business Opportunity Ordinance, and the City’s Local Employment Program Ordinance.” Under the Living Wage Ordinance, wages are paid at a rate higher than minimum wage, and shall be adjusted annually, effective January 1, by the City of Richmond to reflect the average percent of wage increases embodied within the City of Richmond’s employee labor agreements for the immediately preceding calendar year. Furthermore, the Employer must offer a medical benefit plan or compensate the employee with a higher wage if such a benefit plan is not offered.

RESPONSE I37-2

Please refer to General Response 3.13.2 regarding open space on the project site.

RESPONSE I37-3

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I38

RESPONSE I38-1

Please refer to General Responses 3.11.3 and 3.11.5 as well as Response I37-1 regarding employment opportunities generated by the Proposed Project, as well as potential impacts to the immediate and surrounding communities.

COMMENT I39

RESPONSE I39-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I39-2

Please see General Response 3.17 and Response I4-9 regarding analysis of aesthetic impacts.
RESPONSE I39-3

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I40

RESPONSE I40-1

Comment noted.

RESPONSE I40-2

While the Proposed Project would increase local traffic over existing conditions (described in Sections 4.8 and 4.15 of the Draft EIS/EIR), mitigation is provided in 5.2.7 of the Draft EIS/EIR to reduce impacts due to increased project-related traffic. As discussed in the context of each relevant impact statement, some transportation impacts in the cumulative year (2025) are considered significant because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements.

Please refer to General Response 3.7 regarding analysis of potential air quality impacts. The air quality analysis is presented in Sections 4.4 and 4.15 of the Draft EIS/EIR and all impacts were found to be less than significant with the implementation of mitigation measures provided in Section 5.2.3.

See General Response 3.14.5 regarding local utility providers.

Please see General Response 3.11.1 and 3.11.6 regarding potential impacts to crime and social services, and refer to Section 4.10.9 for a discussion of law enforcement services. Please see General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities, including low-income communities, surrounding the project site.

RESPONSE I40-3

Please see General Response 3.11.4 regarding the economic viability of the Proposed Project. The Draft EIS/EIR evaluates all potential impacts, including short-term and long-term impacts. Based upon the Economic Impact Study and the IMPLAN model, the Proposed Project is determined not only to be economically viable, but beneficial to the economy of Richmond.
4.0 Response to Individual Comments

RESPONSE I40-4

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

COMMENT I41

RESPONSE I41-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I42

RESPONSE I42-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I43

RESPONSE I43-1

Please refer to General Response 3.9.2 regarding the biological habitat assessment completed for the Draft EIS/EIR.

COMMENT I44

RESPONSE I44-1

Archaeological resources located on the project site are addressed in Section 3.6, 4.6, and 4.15 of the Draft EIS/EIR. Contrary to the commenter’s assertions, the project site has been subject to a comprehensive survey and focused archaeological excavations. The publicly-distributed environmental document summarizes the extensive archaeological investigations undertaken to define the spatial distribution of the sites, evaluate significance, and complete impact assessments. Mitigation Measures 5-1 and 5-2 in the Draft EIS/EIR provide for the protection of significant archaeological resources. The full archaeological analysis is provided in the confidential cultural resources report (Appendix Y).

RESPONSE I44-2

The source cited by the commenter was consulted. It was found that on the same page quoted by the commenter, the author notes that, while crime is known to rise in the vicinity of a casino, “this phenomenon may also occur in other attractions with cash-bearing participants.” The Draft EIS/EIR acknowledges that the Proposed Project may have a potentially significant impact on crime. However, there has been no causal link between casino-style gambling and crime – it is when the volume of people
introduced to an area increases that the volume of crime is also expected to increase. As supported by the article the commenter brings to our attention, this holds true for the introduction of any large-scale development with cash-bearing participants. The Tribe will compensate local law enforcement service providers for the potential impacts to crime so that these agencies have the capacity (i.e. employees or equipment) necessary to address any increase in demand for law enforcement services resulting from the Proposed Project. Please refer to General Response 3.11.1 for a full discussion of issues related to crime.

**RESPONSE I44-3**

The commenter does not provide rationale for the potential for the Chevron refinery to explode during an earthquake. Based on the nature of the industry, Chevron has various safety programs in place to reduce the impacts from catastrophic events such as a major earthquake along the Hayward fault, which is located a few miles east of the Chevron facility. Please refer to Sections 3.2 and 4.2 of the Draft EIS/EIR for a description of existing conditions and the analysis of geologic hazards at the project site.

**COMMENT I45**

**RESPONSE I45-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I45-2**

Please refer to General Response 3.11.3 regarding documentation for employment opportunities.

**RESPONSE I45-3**

Please refer to General Response 3.16.1 regarding clean up of hazardous materials conditions on site.

Please refer to General Response 3.17 regarding the aesthetic character of the project site.

“Green” and sustainable components of the Proposed Project are described in Section 2.1.1 of the Draft EIS/EIR. A wide variety of mitigation measures, designed to make the Project more ecologically sound, are provided in Section 5.0 of the Final EIR. Please refer to Section 2.2.2 of the Draft EIS/EIR for a description of the shoreline park, open space, and numerous recreational opportunities that would be created as part of the Proposed Project.

**COMMENT I46**

**RESPONSE I46-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
**COMMENT I47**

**RESPONSE I47**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I48**

**RESPONSE I48-1**

As discussed in Section 4.7.2, the Proposed Project would generate substantial employment opportunities, including an estimated 17,000 jobs during the Project’s operational phase from direct, indirect, and induced sources. Please refer to General Response 3.11.1 regarding potential impacts to crime.

**COMMENT I49**

**RESPONSE I49-1**

Contrary to the statement of the commenter, the Proposed Project would not result in 22,000 cars at the project site on a daily basis. The Proposed Project would increase traffic; however, as described in Sections 4.8, 4.15, and 5.2.7 of the Draft EIS/EIR, mitigation has been proposed to reduce impacts due to increased project-related traffic.

**COMMENT I50**

**RESPONSE I50-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I51**

**RESPONSE I51-1**

Refer to General Response 3.12 for a discussion of issues related to traffic and circulation, including trip generation. Refer to Sections 4.8 and 4.15 of the Final EIR and the Supplemental TIA (Appendix S) regarding the Richmond – San Rafael Bridge toll plaza analysis. A less than significant impact would occur in the near-term at the toll plaza. In the cumulative year a significant impact would occur with the inclusion of project traffic. Mitigation is provided in Section 5.2.7 of the Draft EIS/EIR which would reduce this impact to less than significant upon implementation of the full suite of recommended measures. As discussed in the context of each relevant impact statement, some transportation impacts are considered significant and unavoidable because the full suite of required improvements may not be
implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements.

The number of vehicles per lane per hour at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

Please refer to Response A15-3 regarding the use of Fastrak at the Richmond – San Rafael Bridge toll plaza. The commenter’s statement that Fastrak is ineffectual is not supported by documentation. Please refer to the STIA in Appendix S for a full discussion of the benefits of expanded Fastrak use.

Refer to General Response 3.12 for a discussion of trip reductions and ferry service. Special event traffic is analyzed in the TIA (Appendix S) and was found to be a less than significant impact (refer to Section 4.8 of the Draft EIS/EIR for a summary).

**COMMENT I52**

**RESPONSE I52-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I53**

**RESPONSE I53-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I54**

**RESPONSE I54-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I55**

**RESPONSE I55-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

COMMENT I56

RESPONSE I56-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I57

RESPONSE I57-1

The issue of whether or not the project site is within the Tribe’s “aboriginal territory” is beyond the scope of the Draft EIS/EIR, which is intended to analyze environmental impacts resulting from implementation of one of the proposed alternatives. The lengthy “Indian Lands Determination” process, which is addressed as part of the realty component of the fee-to-trust application, is separate from the environmental compliance requirements.

RESPONSE I57-2

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I58

RESPONSE I58-1

The traffic studies (Appendix S) prepared in the course of completing the environmental analysis for the Proposed Project address all of the issues required to accurately characterize potential traffic impacts associated with the alternatives, including a description of existing conditions, background conditions, background plus project conditions, and cumulative conditions. The commenter does not provide support for the assertion that the traffic impact analyses are “somewhat insufficient.”

Refer to General Response 3.12.2 and 3.12.4 regarding generation rates and trip reductions (including TDM measures), respectively. These issues are also addressed in Response A16-1. Considering that the ITE Manual does not provide a standard trip generation rate for Indian casinos, the commenter’s claim that the proposed TDM measures amount to “double counting” is without merit.

Diverted link trips (erroneously called pass-by trips in the Draft EIS/EIR) are addressed in Response A16-1. In summary, the highly visible nature of the project site, high profile in the media, proposed marketing campaign, and its close proximity to I-580 indicate that a significant number of existing automobile trips would be diverted to the project site. Historically, Indian casinos rely heavily on pass-by and/or diverted link traffic; for instance some northern California Indian casino traffic studies provide a 20 percent or greater pass-by/diverted link assumption. As such the 15 percent diverted link assumption used in the Draft EIS/EIR is conservative.
Refer to the discussion of Trip Generation within Response A16-1 regarding the use of square footage for determining the appropriate trip generation rate. The square footage of the casino component is segregated into gaming floor, public spaces, and back of house uses in the analysis.

The commenter’s assertion that “more gaming devices could be added at a later date that could substantially increase trips…” is highly speculative and not responsive the analysis presented in the Draft EIS/EIR.

The number of vehicles per lane per hour at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in Sections 4.8 and 4.15 of the Final EIR.

For each impact identified in the analysis, a corresponding mitigation measure is recommended that would address the impact. Section 5.2.7 of the Draft EIS/EIR uses Caltrans’ methodology for determining the portion of the improvement that the Project is responsible for contributing to, which is standard practice in traffic engineering and environmental analysis. As disclosed in the Draft EIS/EIR, some transportation impacts are considered significant and unavoidable because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements. For example, if an improvement is specifically referenced in an applicable Regional Transportation Plan, General Plan, or similar adopted document, and has designated funding, it is appropriate to consider that improvement in the development of mitigation.

**COMMENT I59**

**RESPONSE I59-1**

In compliance with the requirements of CEQA and NEPA, the public hearings held to collect comments on the Draft EIS/EIR were widely publicized including in local newspapers (West County Times - July 10 and 11, August 1, 2, 12, 16, and September 6, 7, and 17 2009), on the Planning Department’s website, on a website dedicated to the project (www.pointmolateeis-eir.com), and via mailings to all individuals on the EIS/EIR distribution list.

**COMMENT I60**

**RESPONSE I60-1**

Comment noted.

**RESPONSE I60-2**

The commenter incorrectly states that mitigation presented in the Draft EIS/EIR is “based on future activities such as creating a Design Review Committee that does not currently exist...” In fact, the City’s
Design Review Board presided over the public hearing held for receiving comments on the Draft EIS/EIR. Please refer to General Response 3.17 for an accurate description of the manner in which mitigation for impacts to the Winehaven Historic District would be implemented.

**RESPONSE I60-3**

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I61**

**RESPONSE I61-1**

Comment noted.

**RESPONSE I61-2**

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I62**

**RESPONSE I62-1**

Comment noted.

**RESPONSE I62-2**

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I63**

**RESPONSE I63-1**

Comment noted.

**RESPONSE I63-2**

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I64**

**RESPONSE I64-1**

Comment noted.
RESPONSE 164-2

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I65

RESPONSE I65-1

Comment noted.

RESPONSE I65-2

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I66

RESPONSE I66-1

Comment noted.

RESPONSE I66-2

Comment noted.

RESPONSE I66-3

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I67

RESPONSE I67-1

Comment noted.

RESPONSE I67-2

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I68

RESPONSE I68-1

Comment noted.
RESPONSE 168-2
Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I69

RESPONSE I69-1
Please refer to General Response 3.3.2 regarding preservation of Building No. 6.

RESPONSE I69-2
Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I70

RESPONSE I70-1
Comment noted.

RESPONSE I70-2
Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I71

RESPONSE I71-1
Comment noted.

RESPONSE I71-2
Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I72

RESPONSE I72-1
Comment noted.

RESPONSE I72-2
Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.
COMMENT I73
RESPONSE I73-1

Comment noted.

COMMENT I74
RESPONSE I74-1

The number of annual visitors to the Proposed Project referenced by the commenter is inflated by 30 percent or more. The TIA included as Appendix S to the Draft EIS/EIR estimates approximately 6.7 million visitors per year for Alternative A (refer to Table 5-5 of TIA), which includes employees.

Simply increasing the volume of vehicles on regional roadways does not constitute a significant impact in the context of CEQA or NEPA. Please refer to Section 4.8 of the Draft EIS/EIR for a discussion of the significance criteria used in evaluating impacts.

It should also be noted that bicycle and pedestrian facilities through the project site are an integral part of the Proposed Project. Please refer to Section 2.2.2 of the Draft EIS/EIR for a description of the proposed San Francisco Bay Trail and hillside open space trails through the project site. Refer to General Response 3.4 for additional information concerning the Bay Trail connections to the site from adjacent land uses.

RESPONSE I74-2

Sections 4.4 and 4.15 of the Draft EIS/EIR discuss air quality impacts, including greenhouse gas emissions. Mitigation measures have been proposed for all significant air quality impacts in Section 5.0 of the Final EIR, which would reduce impacts to a less than significant level. Mitigation Measures 3-17, 3-18, 3-20, and 7-20 provide mitigation that would encourage non-motorized modes of transportation and encourages use of public transportation.

RESPONSE I74-3

Please refer to General Response 3.12.6 regarding bicycles on the Richmond-San Rafael Bridge. Refer to General Response 3.12.1 regarding ferry service to the project site.

Transit service to the project site is a central component of the planned intermodal transportation hub and a number of mitigation measures have been identified to provide specificity regarding the proposed service. Relevant portions of the mitigation measures are summarized below.

Mitigation Measure 3-17 requires, among other things, that the Tribe provide and fully fund the following on-site transit use incentives for employees: construct transit facilities such as bus turnouts, bus bulbs, benches, bus shelters, and landscaping at transit stops. This measure also requires that the Tribe
provide and fully fund shuttle service to transit stations/multimodal centers. Project-operated shuttle buses will be required to run at least two times per hour and on-time. Because the resort is proposed to be open 24 hours per day, shuttle buses that provide service to public transit stops shall run at night and on weekends when those carriers provide service (e.g., shuttle buses shall serve the Richmond Intermodal Station when trains are running). Shuttle bus schedules will mesh with those of AC Transit, BART, Golden Gate Transit, and other public transit providers, who will be incentivized to provide safe, frequent, and reliable service on schedules and at locations compatible with the resort shuttle buses. The Tribe shall continue consultation and coordination with the regional public transit providers in the final planning and implementation phases of project development.

**Mitigation Measure 3-18** requires the Tribe to encourage the use of public transit systems by enhancing safety and cleanliness at transit stops.

**Mitigation Measure 3-20** requires: designation of an on-site TDM coordinator and that all TDM measures be integrated with AC Transit, BART, and Golden Gate Transit services; the Tribe must provide transit passes and transit schedule information to employees; buses serving the project site must be equipped with bicycle racks; the Tribe must provide and fund a shuttle between the project site and one or more transit hubs in the local area; and the Tribe will encourage patrons to use public transit by providing coupons (for food, beverage, entertainment, etc.) or other incentives to patrons who arrive via public transit.

**Mitigation Measure 3-22** requires that the Tribe work with AC Transit to expand its current service and contribute funds and supplement operating expenses to implement the following: Bus and/or shuttle schedules tied to the timing of employee shifts; and new routes to serve employee population centers around the project site.

**Mitigation Measure 3-23** requires that the Tribe provide funding for transit shelter benches, street lighting, route signs and display, and bus turnouts to support regularly-scheduled community transit or shuttle service to and from the nearest mutually-acceptable major transit node in coordination with the regional transportation agencies, such as AC Transit, Golden Gate Transit, and BART.

**Mitigation Measure 7-7** requires that the Tribe work with AC Transit and other regional transit providers to expand service, tie bus schedules to the timing of employee shifts, and provide new routes to serve employee population centers. The Tribe will contribute the necessary funds to supplement AC Transit operating expenses to achieve the expanded services.

Contrary to the assertion of the commenter, BART currently has a significant amount of excess capacity on the line serving the Richmond Intermodal Station. As established by WCCTAC in the comment letter (A16) dated September 18, 2009, “there exists significant capacity on the BART trains to the Richmond
station.” The Proposed Project would use some of the excess capacity and consequently increase revenues to BART generated by fares.

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**COMMENT I75**

**RESPONSE I75-1**

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I76**

**RESPONSE I76-1**

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I77**

**RESPONSE I77-1**

Please refer to General Response 3.3.2 regarding alternatives to demolition or relocation of historic buildings within the project site.

**RESPONSE I77-2**

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**RESPONSE I77-3**

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I78**

**RESPONSE I78-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
COMMENT I79

RESPONSE I79-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I79-2

Please refer to General Response 3.12 for a discussion of transportation and circulation issues. Sections 3.8, 4.8, and 4.15 of the Draft EIS/EIR provide a detailed analysis of existing, background, background plus-project, and cumulative traffic conditions. Mitigation for transportation-related impacts is provided in Section 5.2.7 of the Final EIR.

Please refer to General Response 3.7 for a discussion of the air quality analysis. Potential air quality impacts are analyzed in Sections 4.4 and 4.15 of the Draft EIS/EIR and mitigation is provided in Section 5.2.3.

Please refer to General Response 3.15 for a discussion of the noise analysis. Potential noise impacts are analyzed in Section 4.11 of the Draft EIS/EIR. All noise impacts are mitigated to less than significant levels (refer to Section 5.2.10 of the Draft EIS/EIR for specific mitigation measures).

RESPONSE I79-3

Please refer to General Response 3.11.6 regarding the potential impacts to social services and the Tribe’s associated compensation measures.

RESPONSE I79-4

Please refer to habitat impacts detailed in the Draft EIS/EIR within Tables 4.5-1, 4.5-2, 4.5-3, 4.5-4 of Section 4.5 and Table 5-3 and Mitigation Measures 4-1 to 4-14 of Section 5.2.4 which detail mitigation requirements for all documented habitat losses. These habitat mitigation ratios will actually increase the overall acreages of sensitive habitats on the project site and decrease the amount of overall non-native and invasive habitats on-site which threaten native species diversity and composition.

RESPONSE I79-5

Please refer to General Response 3.16.3 regarding security at the neighboring Chevron Refinery.

RESPONSE I79-6

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

**COMMENT I80**

*RESPONSE I80-1*

Comment noted.

*RESPONSE I80-2*

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I81**

*RESPONSE I81-1*

Comment noted.

*RESPONSE I81-2*

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I82**

*RESPONSE I82-1*

Comment noted.

**COMMENT I83**

*RESPONSE I83-1*

Comment noted.

*RESPONSE I83-2*

Please refer to Responses I29-18 through I29-29 regarding Councilmember Butt’s comment dated September 20, 2009.

**COMMENT I84**

*RESPONSE I84-1*

Please refer to General Response 3.12.1 regarding ferry service to the existing pier on-site. The current structural integrity of the pier, which was significantly upgraded by the Navy in 1992, will support the proposed modifications and would not warrant modification of the pier pilings or piling caps. All work to reconfigure the pier would be completed above the high water line.
COMMENT I85

RESPONSE I85-1

Comment noted.

RESPONSE I85-2

Please refer to Responses 129-18 through 129-29 regarding Councilmember Butt’s comment dated September 20, 2009.

COMMENT I86

RESPONSE I86-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis. Please see Section 2.6 of the Draft EIS/EIR for a description of the Total Parkland Alternative (E) analyzed in the document.

COMMENT I87

RESPONSE I87-1

Please refer to General Response 3.3.2.

COMMENT I88

RESPONSE I88-1

Please refer to General Response 3.3.2.

COMMENT I89

RESPONSE I89-1

The Proposed Project’s consistency with applicable planning documents is addressed in Section 4.9 of the Draft EIS/EIR.

As discussed in Response 14-5 above, the commenter misinterprets the General Plan Goal OSC-S to mean that new developments are required to acquire land and construct improvements on adjacent properties, which is incorrect.

RESPONSE I89-2

Improvement Measure 7-20 has been added to the Final EIR. It requires inclusion of bicycle lanes on Western Drive as part of the improvements associated with the Proposed Project if the Bay Trail segment between Point Molate and I-580 is not functional by the time the Proposed Project becomes operational.
In addition, sidewalks will be provided along the same segment of Western Drive in the absence of the aforementioned Bay Trail segment.

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I89-3**

The commenter’s mathematical exercise in proposing a “fair share” contribution of 98 percent of the costs to build off-site segments of the Bay Trail is purely academic, considering the absence of a significant impact that must be mitigated by the project proponent. Moreover, the commenter makes a number of factual errors in attempting to characterize the existing and projected operational traffic conditions at Point Molate that are addressed below.

First, the commenter interprets the number of individuals expected to be on site on a daily basis as representing an individual automobile trip. This misunderstanding significantly inflates the number of cars that are estimated to use Western Drive on a daily basis. In addition, the commenter fails to take into consideration the fact that the Entertainment Center would not host events daily, that the Entertainment Center only has 2,500 seats (commenter cites 3,188 daily trips to this component), and that at 85 percent capacity and 1.6 persons per vehicle, the resulting trip generation is far less than half of that presented by the commenter. The scenario presented above further assumes that no patrons would use transit, free shuttles, or ferry service to reach the site, which is not a reasonable assumption.

**RESPONSE I89-4**

Comment noted.

**COMMENT I90**

**RESPONSE I90-1**

Construction and operational impacts on the local transportation network in the near-term are analyzed in Section 4.8 of the Draft EIS/EIR, with supplemental information provided in the TIA and Supplemental TIA (Appendix S). All significant traffic impacts in the near-term are mitigated to less than significant levels (refer to mitigation provided in Section 5.2.7). In the cumulative year there would be a significant impact to traffic operations and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, it was concluded that the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there is currently no plan to fund or implement the improvements on the part of the jurisdictional agencies.
RESPONSE I90-2

Please refer to General Response 3.11.1 regarding the potential impacts to crime. The commenter provides no substantiated evidence of a causal link between casino-style gambling and crime when the number of people introduced to an area increases, the volume of crime is also expected to increase regardless of the reason for the increased population. Additionally, Contra Costa County Sheriff Warren E. Rupf has concluded in a letter to the County Administrator dated November 2, 2009 that he anticipates the Proposed Project to have a negligible impact on criminal activity (Appendix JJ). Sheriff Rupf noted that there has not been “any significant increase in criminal activity” as a result of the neighboring Casino San Pablo and he expects the same to remain true with the Proposed Project. Sheriff Rupf agrees that the provisions of the LDA and the MSA will adequately address any potential concerns and that they will provide the necessary funding to place more deputies in unincorporated west County so that a safer environment may be provided in that area.

RESPONSE I90-3

Point Molate has been the site of industrial uses for more than one hundred years and cannot be accurately characterized as “nearly undisturbed land.” In addition to the extensive grading and construction undertaken during the early 20th century during the construction and operation of Winehaven, the project site was radically altered during Naval occupation of the site which began in 1941. Please refer to Section 3.12 of the Draft EIS/EIR for a description of the existing conditions as it relates to the installation and remediation of Naval fueling infrastructure at the site, which includes more than nine miles of buried fueling pipelines, twenty underground storage tanks, and a host of associated features. The current degraded state of on-site biological habitats is described in Section 3.5 of the Draft EIS/EIR. Information provided in the above referenced sections of the Draft EIS/EIR makes it clear that the project site is more accurately characterized as a brownfield that has been subject to a high degree of disturbance.

Please refer to General Response 3.12.1 regarding the proposed ferry service at the site. A total parkland alternative is analyzed as Alternative E in the Draft EIS/EIR.

RESPONSE I90-4

Please refer to Response I90-2 above regarding potential crime impacts. With respect to alcohol availability and consumption, it is important to note that it will not be a policy of the Tribe to offer complimentary alcoholic beverages to customers. As stated under Mitigation Measure 6-2, “The Tribe shall provide training to all appropriate employees regarding the identification of intoxicated patrons gambling; shall adopt procedures to prohibit intoxicated persons from gambling at the gaming establishment; and shall provide information to intoxicated gambling patrons regarding the dangers of intoxicated gambling, and available counseling and treatment resources.” Furthermore, as outlined in Mitigation Measures 9-1 and 9-2, areas surrounding the gaming facilities will be well lit and patrolled regularly to aid in the prevention of illegal loitering that could potentially lead to other criminal acts. All security guards will carry two-way radios to respond to emergency related calls and to provide backup.
**COMMENT I91**

**RESPONSE I91-1**

Please refer to Response I90-1 regarding potential traffic impacts.

**RESPONSE I91-2**

Please refer to Response I90-2 regarding potential impacts to crime.

**RESPONSE I91-3**

Please refer to Response I90-3 regarding the highly degraded state of the project site in its current condition.

**RESPONSE I91-4**

Please refer to Response I90-4 regarding potential impacts to crime, the availability of alcohol, and security at the site.

**COMMENT I92**

**RESPONSE I92-1**

Please refer to General Response 3.7.2 regarding indoor air quality.

**RESPONSE I92-2**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I93**

**RESPONSE I93-1**

Please refer to General Response 3.11.1 and Response 90-2 above regarding potential impacts to crime. Also, refer to General Response 3.11.5 regarding the impact to immediate and surrounding communities, including the potential impact to the poor and minority communities surrounding the project site.

Please refer to Response 90-1 regarding potential traffic impacts associated with the Proposed Project.

**RESPONSE I93-2**

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project. The casino facility will be operated pursuant to the requirements of federal law, Tribal law, and a Tribal/State Compact that will be negotiated between the State of California and the Tribal Government.
It is the responsibility of the State of California and the Tribal Government to establish fair terms for the Tribal/State Compact.

Tribes do not pay corporate income taxes on revenue or property taxes on tribal land, since trust land is not subject to local jurisdiction. However, as stated in Section 2.1.2 and Appendix C of the Draft EIS/EIR, the Tribe agrees to pay the City service fees of $8 million per year for the first eight years beginning with the commencement of gaming operations. The Tribe agrees to pay the City service fees of $10 million per year thereafter. City service fees include fees for police and fire protection services. Fees shall be adjusted each year by changes in the Consumer Price Index, beginning after year one of the agreement. The fee shall be paid regardless of the amount of service provided. Additionally, as provided by the IGA entered into with Contra Costa County (Appendix BB), the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters and responders, health, and social services related costs, and community benefit payments, commencing with the project start date, and payable for as long as the IGA is in effect. Provisions of the MSA and the IGA would result in positive fiscal benefits for the City and the County.

The Tribe would be subject to all federal laws, including those related to employment and service in the National Guard and Reserve Service.

**RESPONSE I93-3**

Please refer to General Response 3.11.1 regarding the potential impacts to crime from the Proposed Project.

The issue as to whether or not ancestral ties exist and whether or not the Tribe is entitled to use this land is beyond the scope of the Draft EIS/EIR process. This issue is addressed as part of the realty component of the fee-to-trust process. It is during the realty process that the federal government will make an “Indian Lands Determination.” If made in the affirmative, the Tribe will be entitled to game on project site property subject to the rest of the application process, including NEPA compliance. If ruled negatively, the Tribe will be denied gaming development and operation privileges. This lengthy process is separate from the environmental compliance requirements.

**COMMENT I94**

**RESPONSE I94-1**

Please refer to General Response 3.12.9 regarding traffic on Western Drive. Refer to General Response 3.12.1 regarding ferry service to the project site. Greenhouse gases emissions, including those from the proposed ferry service, are analyzed in Section 4.15 of the Final EIR.

**Mitigation Measure 7-2** in the Final EIR has been augmented to require that Western Drive remain passable to through traffic 24 hours a day, seven days a week, to provide access to and from other land.
uses located on the San Pablo Peninsula. In the event that portions of Western Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not restricted. It should also be noted that Western Drive would be significantly upgraded during construction of the Proposed Project to provide improved access to and from I-580, which includes widening to five lanes.

**RESPONSE I94-2**

Please refer to Response I90-2 regarding potential impacts to crime and General Response 3.11 regarding potential impacts to socioeconomic conditions generally.

**COMMENT I95**

**RESPONSE I95-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I95-2**

Traffic impacts are discussed in Sections 4.8 and 4.15 of the Draft EIS/EIR and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR. Socioeconomic impacts are discussed in Section 4.7 and mitigation is provided in Section 5.2.6 of the Draft EIS/EIR. Air Quality impacts are discussed in Section 4.4 and 4.15 and mitigation is provided in Section 5.2.3 of the Draft EIS/EIR.

**COMMENT I96**

**RESPONSE I96-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I96-2**

Please see General Response 3.11.4 regarding the economic viability of the Proposed Project. The Draft EIS/EIR evaluates all potential impacts, including short-term and long-term impacts. Based upon the Economic Impact Study and the IMPLAN model, the Proposed Project is determined not only to be economically viable, but beneficial to the economy of Richmond.

Estimations of customer visits are based on local market gaming statistics as well as relative drive-time, and were adjusted to consider the quality and size of the proposed facility relative to the competition. After compiling these factors, it was estimated that the Proposed Project would capture 21 percent of the market, or about 6.7 million visitors per year and 18,400 visits per day on average. There will be an estimated 32 million gamer visits to casinos in the Bay Area in 2011, which equates to roughly 87,400
total visits per day on average. This estimate does not include the attraction of gamblers from outside of the Bay Area, as the comment implies.

**COMMENT I97**

**RESPONSE I97-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I98**

**RESPONSE I98-1**

Please refer to General Responses 3.11.1, 3.11.2, and 3.11.3 regarding crime, gambling addiction, and employment. Please refer to Response I93-3 regarding the Tribe’s right to use the projected project site. Refer to General Response 3.12 regarding transportation issues.

The existing conditions related to traffic and regional transportation infrastructure are discussed in Section 3.8 of the Draft EIS/EIR. Sections 4.8 and 4.15 of the Draft EIS/EIR analyze potential transportation impacts associated with implementation of the Proposed Project in the near-term and under cumulative conditions (year 2025). Mitigation for impacts identified in the analysis is presented in Section 5.2.7 of the Draft EIS/EIR.

The documentation for the projected economic output of the Proposed Project is provided in the Economic Impact Study as Appendix T of the Draft EIS/EIR. This study quantifies potential economic impacts of the Proposed Project in terms of employment, wages, and tax revenues. Economic effects in this analysis are quantified for Contra Costa County using the IMPLAN model. The IMPLAN model is commonly used to estimate economic impacts to communities and regions. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15 of the Draft EIS/EIR.

**RESPONSE I98-2**

Comment noted.

**COMMENT I99**

**RESPONSE I99-1**

Each of the issues raised by the commenter, including potential impacts to traffic, crime, wildlife and public health are addressed in the Draft EIS/EIR. Please refer to Sections 4.5, 4.8, and 4.15 of the Draft EIS/EIR for analysis of impacts to biological resources and traffic. Potential impacts to public health are analyzed throughout the Draft EIS/EIR, including Sections 4.3, 4.7, 4.10, 4.12, 4.14, and 4.15.
The impacts to regional businesses have been assessed in the Draft EIS/EIR. Please refer to **General Response 3.11.5** regarding potential impacts to the immediate and surrounding communities. Please refer to **General Response 3.11.3** regarding employment opportunities generated by the Proposed Project.

Please refer to **Response A28-1** regarding consideration of the Tribe’s historical connection to the project site.

**COMMENT I100**

**RESPONSE I100-1**

Please refer to **General Responses 3.11.1, 3.11.2, 3.11.5, and 3.11.6** regarding crime, gambling addiction, potential impacts to social services, and potential impacts to the immediate and surrounding communities, including poor and minority communities. These topics are also discussed throughout **Sections 3.7 and 4.7** of the Draft EIS/EIR. The commenter does not support the claim that casinos can no longer generate revenue. According to the Economic Impact Study, with development of the Proposed Project, the Richmond area gaming market is expected to grow by approximately 20 percent to $2.20 billion in 2012 (**Appendix T**).

**RESPONSE I100-2**

Comment noted.

**COMMENT I-101**

**RESPONSE 101-1**

Comment noted.

**RESPONSE 101-2**

Please refer to **General Response 3.9.1** concerning potential impacts to the eelgrass beds located on-site.

**COMMENT I102**

**RESPONSE I102-1**

The Tribe has submitted more than 5,000 pages of archival and ethnographic documentation that asserts a historical connection to the land (refer to comment letter A-28). **Section 3.6** of the Draft EIS/EIR provides an abbreviated cultural setting which is intended only to establish a context for interpreting extant historical/prehistoric resources that could be subject to impacts from the development of the Proposed Project, and therefore used readily available, standard reference materials. The cultural setting presented in the Draft EIS/EIR is in no way intended to serve as a definitive treatise on Native American occupation of the project site or vicinity. Moreover, the issue of ancestral ties to the project site is beyond
the scope of the Draft EIS/EIR, which is intended to analyze environmental impacts resulting from implementation of one of the proposed alternatives. Please note that Dr. Milliken is cited repeatedly in Section 3.6 of the Draft EIS/EIR. Refer to Section 8.0 of the Draft EIS/EIR for the bibliographic references used in the document.

Following standard professional practice in California, the California Native American Heritage Commission (NAHC) was contacted by letter on June 30, 2008, to request a list of Native American individuals and organizations for consultation on the Proposed Project. The NAHC responded by letter on July 10, 2008 and provided a list of six Native American individuals and organizations who have previously expressed an interest in participating in consultation pursuant to the requirements of Section 106 of the National Historic Preservation Act, NEPA, CEQA, and Senate Bill 18. Each of the individuals listed by the NAHC was contacted by letter as well as follow-up telephone calls. The commenter’s organization was not listed by the NAHC and thus was not contacted during the initial consultation phase. Nonetheless, the City of Richmond and Bureau of Indian Affairs (BIA) are in receipt of the comment letter and will take the comments into consideration for future consultation activities. Please refer to Appendix N of the Draft EIS/EIR, which provides documentation of the Native American consultation efforts.

The text provided in Section 3.6 of the Draft EIS/EIR mistakenly states that the list provided by the NAHC contained a list of seven individuals/organizations, when in fact the list contained only six individuals/organizations. This mistake has been corrected in the Final EIR in Section 3.6. Appendix N of the Draft EIS/EIR provides a copy of the response letter drafted by the NAHC. Additional consultation documentation may be found in the confidential cultural resources inventory and evaluation report within Appendix Y, which may be requested from the BIA. The commenter may contact the NAHC to request inclusion on the consultation list provided for Contra Costa County.

**COMMENT I103**

**RESPONSE I103-1**

Please refer to General Response 3.2.1 regarding expressions of opinion and other non-substantive comments.

**RESPONSE I103-2**

Section 1.4 of the Draft EIS/EIR discusses the approvals and permits required for operation of the Proposed Project, which includes approval of a State-Tribal Compact for Class III gaming.

**RESPONSE I103-3**

Please refer to General Response 3.11.3 regarding employment opportunities that would be generated by the Proposed Project.
**RESPONSE I103-4**

Cumulative effects are discussed in Section 4.15 of the Draft EIS/EIR. Contrary to the assertions of the commenter, foreseeable development projects, including existing and proposed tribal casinos in the greater East Bay Area, have been considered in combination with the Proposed Project to analyze cumulatively considerable environmental impacts. Mitigation for cumulative impacts is provided throughout Section 5.0 of the Draft EIS/EIR.

**RESPONSE I103-5**

The existing conditions related to traffic and regional transportation infrastructure are discussed in Section 3.8 of the Draft EIS/EIR. Sections 4.8 and 4.15 of the Draft EIS/EIR analyze potential transportation impacts associated with implementation of the Proposed Project in the near-term and under cumulative conditions (year 2025). Mitigation for impacts identified in the analysis is presented in Section 5.2.7 of the Draft EIS/EIR.

Refer to General Response 3.12.1 and 3.12.1 regarding the proposed ferry service and trip reductions, respectively. The analysis presented in the Draft EIS/EIR assumes that vehicle trips would be reduced by 15 percent with implementation of the ferry service.

Please refer to General Response 3.10 regarding enforcement of all mitigation measures specified in the Final EIR.

The “vehicles per lane” designation at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated as 4225 vehicles *per lane per hour* in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

**RESPONSE I103-6**

Please refer to General Responses 3.16.2 and 3.16.3 for a discussion of potential impacts associated with the project site’s proximity to the Chevron facility.

**RESPONSE I103-7**

The geographic scope of analysis within the Draft EIS/EIR was determined based on issues raised by the public during the scoping process and through consultation with Contra Costa County and the City of Richmond. The area considered extends beyond the immediate project site to analyze impacts on specific resources, ecosystems, and human communities that would result from implementation of the Proposed Project alternatives. Refer to Section 4.15 of the Draft EIS/EIR for a discussion of cumulative impacts to surrounding communities.
**COMMENT I104**

**RESPONSE I104-1**

Comment noted.

**RESPONSE I104-2**

Please refer to **General Response 3.1.2** concerning recirculation of the Draft EIS/EIR.

**RESPONSE I104-3**

Please refer to **General Response 3.16.1** regarding the analysis of potential impacts associated with the proposed environmental remediation at the project site.

**RESPONSE I104-4**

Interim Land Use Controls (LUCs), which will be codified in a Covenant and Agreement, are being prepared to restrict access to the affected portions of the property until the San Francisco Regional Water Quality Control Board (SFRWQCB) has approved the completion of cleanup activities on those areas. As stated in the 2008 Order, “Interim LUCs will be developed for areas of the [project site] undergoing remediation. The Interim LUCs will protect the public during the completion of site remediation activities and provide for the necessary access to complete those activities. In addition, the Interim LUCs will include provisions for their removal after completion of remediation measures for each affected area of the site. In some cases, the Interim LUCs may need to be replaced by Final LUCs as appropriate, depending on the scope of each proposed cleanup action for areas of the site that do not meet unrestricted use standards. The Discharger will propose such Final LUCs for Board review and approval after an acceptable remedy has been successfully completed pursuant to this Order (SFRWQCB, 2008; **Appendix X**).” Please refer to **Section 2.1.3** of the Final EIR for additional discussion of LUCs on the project site. As noted in **Section 2.1.3**, in order for development to occur under Alternatives A, B, C, D, and B1, some of the LUCs would have to be removed. Specifically, restrictions concerning development in proximity to the existing USTs would need to be amended upon completion of environmental remediation and regulatory closure of the tanks. It is anticipated that some land use restrictions will remain in place in perpetuity, such as in open space areas where residential development is precluded as a term of the LDA. Alternatively, some areas of the project site will meet unrestricted residential use standards after cleanup, and the SFRWQCB would issue, upon completion of remediation and associated documentation, NFA letters with no land use restrictions for those areas.

**RESPONSE I104-5**

A $28.5 million grant from the U.S. Navy, along with an additional financial contribution from Upstream and the Tribe (for Alternatives A – D), will fund rigorous cleanup program on-site and will be used to purchase environmental insurance to protect against cost overruns, new discoveries, regulatory changes, and third-party liabilities.
As summarized in Section 2.1.4 of the Draft EIS/EIR, the dischargers cited in the recently vacated SFRWQCB Order are the City and the Navy. The City has a remediation agreement with Upstream (Appendix C), which is assumable by the Tribe, to implement the cleanup obligations of the Order and the Early Transfer Cooperative Agreement (ETCA) on behalf of the City. Additionally, compliance with the cleanup obligations stipulated in SFRWQCB Orders are mitigation measures in the Final EIR, and, as an attachment to the MSA, would be legally enforceable. Furthermore, the Tribe has provided a limited waiver of sovereign immunity for enforcement of the MSA; the waiver is provided in Section 11.3 of the MSA (Appendix C).

RESPONSE I104-6

The commenter does not provide specific examples in regards to their claim of missing information, contradictory information, and inaccurate conclusions within the Draft EIS/EIR. Therefore, no specific response can be given.

RESPONSE I104-7

The Draft EIS/EIR initially used a cumulative temporal horizon that corresponded to the timeframe considered in the City’s General Plan for several of the resource/issue areas. The transportation and air quality analyses used a more distant future date to correspond with the temporal extent of the Contra Costa County Travel Demand Model in effect at the time of preparation of the Draft EIS/EIR. The cumulative analysis in the Final EIR has been revised to project further into the future for all resource areas. However, the exact year used in the analysis is not a significant factor given the approach used in the cumulative analysis, as discussed below.

As stated in Section 4.15.1 of the Draft EIS/EIR, growth and development trends drive the cumulative analysis and define the geographic borders and time frame of the analysis. Although the CEQA Guidelines require the use of only one method of cumulative analysis (i.e., the “list” or the “plan” approaches), the approach used in the Draft EIS/EIR uses both methodologies. A list of foreseeable projects (Section 4.15.2) was generated by consulting with staff of relevant agencies. In addition, planned development, infill, and other actions identified in regional governmental plans have been incorporated. As such, all reasonably foreseeable developments and trends were considered in the analysis. The Final EIR has been clarified in Section 4.15.1 to reflect this fact.

RESPONSE I104-8

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

RESPONSE I104-9

Comment noted.
**RESPONSE I104-10**

Environmental remediation is discussed in Section 2.1.5 of the Draft EIS/EIR. Soil and groundwater previously impacted by hazardous materials releases are described in Section 3.12 of the Draft EIS/EIR and Appendix P. Refer to Section 5.2.11 for mitigation measures related to remediation and monitoring activities.

**RESPONSE I104-11**

Refer to Section 2.1.3 of the Final EIR and Response 104-4 regarding LUCs on the project site. The commenter’s statement that the LUCs’ effects on the land use alternatives under consideration are “unknown” is misleading. The analysis provided in the Draft EIS/EIR considers environmental impacts in light of the current deed restrictions but identifies a mechanism for removing certain restrictions in the future. The SFRWQCB map impose a Final LUC, post-remediation, which would limit the uses available for Installation Restoration (IR) Site 3 (former Treatment Ponds). However, it is expected that the environmental remediation work would be thorough and complete at IR-3 such that potential future Final LUCs would not conflict with the final development plans for that location. LUCs do not typically contain cleanup goals or objectives, as the LUC is typically part of the final remedy.

**RESPONSE I104-12**

As summarized in Draft EIS/EIR Section 2.1.4, the early transfer of the property to the City took place on March 25, 2010 pursuant to the ETCA, which is included in Appendix X of the Draft EIS/EIR. The transfer of the property to Upstream would be in accordance with the provisions of the Land Disposition Agreement (LDA), provided as Appendix C of the Draft EIS/EIR. The timing of the remediation will be outlined in a Site Cleanup and Abatement Order issued by the SFRWQCB and would be completed prior to operation of the Proposed Project. The relationship of the remediation process to the NEPA/CEQA process and the Tribe’s request to take land into trust is summarized in Draft EIS/EIR Section 2.1.4.

**RESPONSE I104-13**

Please see Response I104-5 regarding the responsible parties for the site clean-up.

**RESPONSE I104-14**

As noted by the commenter under Comment 104-15, the Department of Interior’s Departmental Manual (Land Acquisition, Exchange, and Disposal) allows for the acquisition of real property that has been impacted by hazardous materials, provided that “the acquisition will result in insignificant or no increased cost to the United States.” As summarized in Section 2.1.4 of the Draft EIS/EIR, remediation at the project site and purchase of environmental insurance (in an amount that would cover a cleanup of twice the estimated cost) will be funded with a $28.5 million grant from the U.S. Navy along with an additional financial contribution from Upstream and the Tribe (for Alternatives A – D). As such, no increased cost would be borne by the United States, thus meeting the relevant title standard for acquisition of the project site as described in the Draft EIS/EIR.
RESPONSE I104-15
Comment noted.

RESPONSE I104-16
Comment noted.

RESPONSE I104-17
Comment noted.

RESPONSE I104-18
Comment noted.

RESPONSE I104-19
Comment noted. As summarized in Draft EIS/EIR Section 2.1.4, the early transfer of the property to the City and subsequent remediation took place on March 25, 2010 pursuant to the ETCA, which is included in Appendix X of the Draft EIS/EIR.

RESPONSE I104-20
Comment noted.

RESPONSE I104-21
Comment noted.

RESPONSE I104-22
Please refer to General Response 3.16.1 regarding the vacated SFRWQCB Order.

RESPONSE I104-23
Please refer to Response 104-11 regarding the LUCs at the project site.

RESPONSE I104-24
The Draft EIS/EIR correctly states in several locations, including Section 2.1.4, that the federal actions (including taking land into trust) cannot occur prior to the completion of the NEPA process. A requirement of the LDA is that Upstream “prepare and submit to the City such plans, specifications, drawings, and other information, as specified by the City, which are reasonably necessary for the City to perform any City, building, planning, zoning or environmental review process related to the development of the Property which the City determines are required or as provided in the Design Concept Documents.” Ultimately, the determination as to whether environmental remediation must be completed prior to
transferring the land into federal trust will be made by the Department of Interior (DOI) and will likely be clarified in the Record of Decision, concluding the NEPA process. However, a definitive answer on this point is not necessary to evaluate environmental impacts pursuant to the requirements of CEQA and NEPA.

**RESPONSE I104-25**

The viability of the proposed fee to trust transfer by the DOI is beyond the scope of the Draft EIS/EIR and Final EIR. The purpose of the environmental review process is to assess the environmental impacts of the Proposed Project and not to analyze the DOI realty process. Ultimately, DOI will make a determination, considering a host of factors, with respect to the eligibility of the site for transfer into Federal trust for the benefit of the Tribe. In regards to environmental cleanup responsibilities at the project site (as discussed in Section 2.1.4 of the Draft EIS/EIR), the City has a remediation agreement with Upstream (Appendix C of the Draft EIS/EIR), which is assumable by the Tribe, to implement the cleanup obligations of the SFRWQCB’s Site Cleanup Order and the Early Transfer Cooperative Agreement on behalf of the City. Additionally, compliance with the cleanup obligations stipulated in all future SFRWQCB Orders are mitigation measures in the Final EIR. Furthermore, the Tribe has provided a limited waiver of sovereign immunity for enforcement of the MSA; the waiver is provided in Section 11.3 of the MSA (Appendix C of the Draft EIS/EIR). As noted in Response I104-5, the project proponents are required to purchase environmental insurance to protect against cost overruns, new discoveries, regulatory changes, and third-party liabilities related to the environmental remediation of the project site.

**RESPONSE I104-26**

As addressed in Section 1.2 of this document, since the Draft EIS/EIR was completed and circulated for public review and comment, the City and BIA determined that due to their differing internal procedures and timelines, the environmental review process should be completed separately. As such, the Final EIR has been prepared and distributed, which will be followed by a Final EIS issued by the BIA. Interim LUCs will be in place prior to any development on the project site. Please refer to Response I104-4 for additional information concerning Interim and Final LUCs.

**RESPONSE I104-27**

The project proponent is in the process of securing cost-cap environmental insurance related to past hazardous materials releases at the site. Provision of such insurance is a requirement of the ETCA and has been obtained by the City.

**RESPONSE I104-28**

Please refer to General Response 4.16.1 regarding the vacated SFRWQCB Order.
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RESPONSE I104-29

Please refer to Response I-104-14 regarding the proposed fee to trust transfer in light of the ongoing and future hazardous materials remediation at the project site.

RESPONSE I104-30

Contrary to the assertions of the commenter, the Draft EIS/EIR addresses the potential for impacts to human health and the environment related to volatile organic compounds (VOCs) in the soil and groundwater at the project site. Existing conditions related to the presence of VOCs and concomitant hazards associated with vapor intrusion are discussed in Sections 2.1.4, 2.1.5, 3.4.1, 3.12.2, 4.12, and 5.2.11 of the Draft EIS/EIR. A groundwater extraction and treatment system is currently in place and operating, as described in Section 3.12.2 of the Draft EIS/EIR. As stated in Sections 2.1.4 and 2.1.5 of the Draft EIS/EIR, the Project proposes to remove the source VOCs that has previously impacted soil and groundwater at the project site. With the removal of impacted soils, and implementation of mitigation measures provided in Section 5.2.11, potential VOC and vapor intrusion impacts would be mitigated to a less than significant level.

As discussed in Section 3.12 of the Draft EIS/EIR, risk assessments at IR-04 have indicated no human health risks at the public beach area relative to recreational visitors and park maintenance employees and no risk to ecological resources from offshore sediments (Tetra Tech EMI, 2000). Based on a finding of no significant potential human health risk relative to future recreational user, future park maintenance worker, and hypothetical future residential scenarios, as well as no ecological risk, the Navy has recommended no further action (NFA) at the public beach area, north shoreline area, and Drum Lot 1. (Tetra Tech EMI, 2003a). A portion of the south shoreline area was recommended by the Navy to be included in future removal actions based on potential ecological risk from exposure to polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPH) in soil. Although the Navy determined no potential unacceptable risk to human health or to the environment from trichloroethylene (TCE) and its breakdown products in groundwater near building 87 exists, the Navy and SFRWQCB determined that additional data was necessary to further characterize the TCE plume. The Navy recommended additional groundwater investigation in the northwestern portion of Drum Lot 2 (Figure 3.12-3 of the Draft EIS/EIR). The SFRWQCB concurred with these findings in letters dated December 3, 2002 and March 25, 2003. Based on the Navy’s recommendations, groundwater at Drum Lot 2 was included in the base-wide groundwater monitoring program and is currently being sampled during all semiannual groundwater monitoring events (Appendix X).

The SFRWQCB requires a Remedial Action Plan (provided as Appendix II) upon the early transfer of the Point Molate NFD that proposes final cleanup criteria for IR-04. The Proposed Project includes excavation to remove the source of the TCE plume. The conceptual plan was summarized in Section 2.1.5 of the Draft EIS/EIR and is attached as Appendix II. Additionally, Section 2.1.5 of the Final EIR has been updated to clarify that excavation quantities were calculated for best, most likely, and worst case
scenarios for remediation. The analysis uses the worst case scenario in considering the volume of impacted soil to be excavated and disposed of from IR Site 4. The best case scenario states that 7,000 tons of impacts soil will be excavated and disposed of. The most likely scenario states that 13,000 tons of impacted soil will be excavated and disposed of. The worst case scenario states that 21,000 tons of impacted soil will be excavated and disposed of. As previously stated, removal of impacted soils would mitigate hazards related to VOC vapor intrusion.

**RESPONSE I104-31**

As stated in Mitigation Measure 11-3 of the Final EIR, clean up levels for the site will be such that potential significant risks to human health and the environment are not present. The clean up levels would be determined in coordination with the SFRWQCB. Site remediation would take into account the area-specific conditions, including areas of deep groundwater and areas planned for residential development.

**RESPONSE I104-32**

Please refer to Response I104-5 regarding the parties responsible for implementing the environmental remediation at the project site.

**RESPONSE I104-33**

Please refer to Response I104-5 regarding the parties responsible for implementing the environmental remediation at the project site. Furthermore, the Mitigation Monitoring and Reporting Plan will identify the parties responsible for implementing each measure included in the Final EIR.

**RESPONSE I104-34**

Comment noted.

**RESPONSE I104-35**

Comment noted.

**RESPONSE I104-36**

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

**RESPONSE I104-37**

Please refer to General Response 3.16.1 regarding the analysis of impacts associated with the proposed environmental site remediation.

Quarrying operations are a component of the construction activities analyzed in Sections 4.3, 4.4, 4.5 and 4.11 of the Draft EIS/EIR. The inclusion of the quarrying activities as a component of construction of the Project is stated in Section 2.2.2 of the Draft EIS/EIR. Relevant portions of Section 4 of the Final EIR
4.0 Response to Individual Comments

has been supplemented to reiterate that quarrying activities are included as part of the construction phase of project development. Refer to Responses A26-15, I140-50, and I104-58, which address potential impacts from quarrying on specific resources.

RESPONSE I104-38

The commenter does not provide specific examples in regards to their claim of missing information, contradictory information, and inaccurate conclusions within the Draft EIS/EIR.

RESPONSE I104-39

Please refer to Response I104-7 regarding the timeframe used in the cumulative analysis.

RESPONSE I104-40

Please refer to General Response 3.1.2 concerning recirculation of the Draft EIS/EIR.

RESPONSE I104-41

Comment noted.

RESPONSE I104-42

Please refer to General Response 3.16.1 regarding the analysis of impacts associated with the proposed environmental site remediation.

RESPONSE I104-43

The demographics of the Guidiville Band of Pomo Indians, including labor statistics, are described in Section 3.7.2 of the Draft EIS/EIR. The descriptive information presented is adequate for the purpose of evaluating environmental impacts associated with the Proposed Project. An expanded description of Tribal demographics would not change the analysis presented in the Draft EIS/EIR. Section 4.7.9 of the Draft EIS/EIR concludes that the Proposed Project would meet the socioeconomic needs of the Tribe through revenue generated at the gaming facility, new employment opportunities, increased wages, and a host of other benefits. The location of the project site would not hinder the ability of Tribal members to gain access to the employment opportunities generated by the Project. To help ensure the employment of Tribal members, and other Native Americans, the Tribe has committed, through the terms of the MSA, that it will employ qualified Tribal members and offer training programs to assist Tribal members and other Native Americans (Appendix C). Based on current labor statistics for the Tribe (Section 3.7.2), the Proposed Project is expected to employ previously unemployed Tribal members and significantly increase wages earned by Tribal members currently employed at other locations. The development of the Proposed Project would result in beneficial economic impacts to the Tribe and its members.
RESPONSE I104-44

As noted by the commenter, the USEPA is the jurisdictional agency with authority over the filling of wetlands and Clean Water Act Section 401 certifications on trust property. Table 1-1 in Section 1.6 of the Final EIR has been updated accordingly.

A Biological Opinion was issued by the U.S. Fish and Wildlife Service which concurred with the BIA’s finding that the Proposed Project is “not likely to adversely affect” federally listed or proposed species or their critical habitat (Appendix J). Since the release of the Draft EIS/EIR, the National Marine Fisheries Service (NMFS) have issued a letter concurring with the BIA’s finding that listed anadromous salmonids, green sturgeon, and critical habitat are not likely to be adversely affected by the project (Appendix FF).

All modifications to the pier for adaptive reuse as a passenger ferry terminal would be restricted to the existing structure and would not affect navigable waters of the Bay.

The Draft EIS/EIR acknowledges that the SFRWQCB has final approval authority for the remediation plans at the project site.

RESPONSE I104-45

Please refer to Response I104-46 below.

RESPONSE I104-46

Please refer to General Response 3.16.1 for a discussion of environmental remediation at the project site and the analysis of environmental impacts associated with these activities. The Remedial Plan developed for the site is presented in Appendix II of the Final EIR.

RESPONSE I104-47

Please refer to Response 104-4 regarding LUCs at the project site.

RESPONSE I104-48

Please refer to Section 2.1.4 of the Draft EIS/EIR, which describes the early transfer process applicable to all the alternatives, including release of LUCs.

RESPONSE I104-49

Section 2.2.2 of the Final EIR has been amended to clarify that the height of new construction on the pier would be limited to heights less than or equal to the existing buildings on the pier to ensure the new construction does not affect visibility on the Bay. Navigability in the Bay would be unaffected by the superficial modifications proposed for the pier.
**RESPONSE I104-50**

The URBEMIS air quality model used to determine construction air quality impacts considers quarrying activities in the construction module of the program under soil hauling and fugitive dust tabs. In response to the comment received, **Section 4.4** of the Final EIR has been updated to clarify that quarrying activities are included in the air quality analysis. Quarrying activities are included in the general noise analysis and in response to the comment received, **Section 4.11** of the Final EIR has been updated to clarify that quarrying activities are included in the noise analysis. Quarrying activities are included in the general water quality analysis and in response to the comment received, **Section 4.3** of the Final EIR has been updated to clarify that quarrying activities are included in the water quality analysis.

**RESPONSE I104-51**

As described in **Section 2.1.5** and subsequent sections of the Final EIR, the worst-case scenario for environmental remediation was used to analyze impacts for each alternative. As such, the analysis is quite conservative and errs on the side of assuming a greater amount of impacted soil removal than may actually be required. As such, no further revisions to the text of the Final EIR are warranted.

**RESPONSE I104-52**

Contrary to the contention of the commenter, the Draft EIS/EIR includes an analysis of the ability of mitigation measures to reduce significant impacts to a less than significant level. For instance, according to **Impact 4.2.1**, development of Alternative A has the potential to result in potentially significant soil erosion on the project site. As explained in **Sections 4.2.1** and **5.2.1** of the Draft EIS/EIR, mitigation measures would reduce the potential for erosion, resulting in a less than significant impact after mitigation. Specific concerns with the adequacy of the impact analysis and/or mitigation measures are addressed below.

**RESPONSE I104-53**

Please refer to **General Response 3.13.1** regarding the General Plan Update.

**RESPONSE I104-54**

Please refer to **General Response 3.5.1** regarding the analysis of unstable soils at the project site.

**RESPONSE I104-55**

Contrary to the assertion of the commenter, potential impacts to air quality, noise, water quality, traffic, biological resources, cultural resources, etc., that could be associated with remediation were considered in the Draft EIS/EIR. For example, all truck trips required to export impacted soils have been analyzed in both the traffic impact analysis as well as air quality modeling. All remedial activities involving major ground disturbance, such as removal of impacted soils, were analyzed as part of the construction phase of the Proposed Project. Text has been added to the Final EIR to highlight the ways in which remediation is
analyzed for in the impact analysis and mitigation measures. Please refer to General Response 3.16.1 for additional information concerning analysis of environmental impacts related to site remediation.

**RESPONSE II04-56**

Please refer to General Response 3.5.1 regarding the analysis of unstable soils at the project site. Section 4.2 of the Final EIR has been updated to clarify that the landslide potential at the project site will be reduced through the incorporation of Mitigation Measure 1-2.

**RESPONSES II04-57**

Section 3.2.1 of the Final EIR has been expanded to include a discussion of the dewatering provisions of the National Pollutant Discharge Elimination System (NPDES) Permit associated with construction activities.

Mitigation has been included that requires the Tribe to develop a design-grade Stormwater Control Plan that includes the provisions outlined within the most current version of Contra Costa County’s (CCC) Stormwater C.3 provisions. As discussed in Mitigation Measure 2-3 of the Draft EIS/EIR, the Stormwater Control Plan will include final design provisions as required that cannot be determined during the initial environmental review process and therefore will be developed prior to construction. The Stormwater Control Plan will include all the provisions of the most current C.3 Guidelines, which have been incorporated into the Preliminary Drainage and Grading Study included in Appendix H of the Draft EIS/EIR.

The detail within Section 3.3 and Appendix H of the Draft EIS/EIR are adequate to determine the potential impacts associated with development of the project alternatives. Based on the impact analysis, Mitigation Measures 1-1, 2-1, 2-2, and 2-3 were developed to reduce impacts to less than significant levels.

Refer to General Response 3.6.3 regarding stormwater.

As discussed in Section 3.3.2 of the Draft EIS/EIR, the eight distinct watersheds are defined by the topography of the project site. The watersheds were delineated during completion of the preliminary drainage plan. Refer to Appendix H for additional details regarding the eight on-site watersheds. The drainages are shown in Figure 3.5-2 and are addressed under the discussion of Waters of the U.S. in the biological resources sections of the Draft EIS/EIR (Sections 3.5 and 4.5).

The project site is located in the north-central portion of the Bay. As shown in Figure 3.2-2, the Hayward Fault is located to the east of the project site, entering the Bay to the northeast. An earthquake along the Hayward Fault of strong magnitude along the northern portion of the fault line extending into the Bay would result in wave motion that would impact the northeastern portion of the Bay near the delta,
resulting in seiche-like impacts. However, as shown in Figure 3.2-2, the wave energy would travel past the project site (projected by direct wave inundation from its location along the southeastern portion of the point) and would dissipate moving south towards Oakland and out of the Bay towards the Pacific Ocean. The San Andreas Fault is located west of the project site, outside of the Bay in the Pacific Ocean. Intense wave action would dissipate in a similar manner as described above.

Refer to General Response 3.8.2 regarding sea level rise at the project site.

The existing contamination of the project site and potential impacts associated with development of the project alternatives is addressed in Section 2.1.5, 3.12 and 4.12 of the Final EIR. Sections 3.3 and 4.3 of the Final EIR have been updated to reference Sections 3.12 and 4.12 regarding the pre-existing releases of hazardous materials on the project site and potential impacts associated with project development. References have been included in Section 4.3 for the mitigation of impacts identified in Section 4.12 that would also reduce impacts to water resources.

Groundwater aquifers and groundwater resources are described and addressed as necessary to assess potential impacts of the project alternatives in Section 4.3 of the Draft EIS/EIR. Due to the design of the Project (including connection to the municipal system to meet water demands) and inclusion of detention basins reducing stormwater flows to preexisting conditions, impacts to groundwater beneath the project site were determined to be negligible. Therefore, the level of detail in the existing setting description provided in Section 3.3 of the Draft EIS/EIR is adequate to analyze impacts in Section 4.3 of the Draft EIS/EIR. Soil conditions at the project site and associated impacts are addressed in Sections 3.2 and 4.3 of the Draft EIS/EIR, respectively. Existing groundwater contamination is addressed in Section 3.12 of the Draft EIS/EIR. As previously noted, remediation of hazardous materials conditions at the project site is an integral part of the Proposed Project. Sections 3.3 and 4.3 of the Final EIR have been expanded to reference the existing contamination as well as the design and mitigation provisions that would reduce impacts associated with the existing contamination on the project site.

**Response 1104-58**

The Preliminary Drainage and Grading Study, as well as the Stormwater Control Plan, are incorporated into the Draft EIS/EIR (Sections 3.3 and 4.3) as well as Appendix H. The drainage improvements, including locations of the bioswales, are shown in Appendix H. The drainage plan was developed for the planning stages of the Proposed Project and analyzes the feasibility of the bioswales. Based on the modeling of anticipated runoff using industry-standard methods and models, and the proposed design features were determined to feasibly mitigate impacts associated with the proposed development of additional impervious surfaces at the project site. Impacts of mitigation are analyzed in Section 4.14.8 of the Final EIR.

Page 4.3-1 of the Draft EIS/EIR summarizes the significance thresholds that were utilized to determine the potential for significant impacts to occur from the development of the Project alternatives (including
the No Action Alternative). The Project components outlined in Section 2.0 were compared to the existing conditions described in Section 3.0 of the Draft EIS/EIR using standard methodologies, such as the use of the Rational Method for the hydrologic calculations in accordance with Contra Cost County guidelines. The significance criteria on Page 4.3-1 of the Draft EIS/EIR were taken from Appendix G of the CEQA Guidelines. The significance criteria outlined within Section 4.3 of the Draft EIS/EIR provide adequate thresholds to identify potential impacts of the Project alternatives and satisfies the purpose and requirements of CEQA and NEPA.

Section 3.3 of the Final EIR has been updated to include a regulatory discussion of dewatering provisions of the NPDES general construction permits issued by the USEPA and the State of California Water Resources Control Board for which the project proponent would apply for coverage prior to the start of construction of the selected alternative. Section 4.3 of the Final EIR has been updated to include an analysis of the need for dewatering during construction of the project alternatives and references the recommended Best Management Practices (BMPs) and associated mitigation measures for treatment, disposal, and monitoring during dewater activities. Where applicable, Section 4.3 of the Final EIR has also been updated to reference the appropriate Project components and mitigation measures associated with the environmental remediation addressed under Hazardous Materials in Section 4.12 and the existing NPDES permit for groundwater remediation that has been incorporated into Section 3.3 of the Final EIR.

Please refer to General Response 3.16.1 for additional information concerning analysis of environmental impacts related to site remediation.

Impacts to groundwater quality are assessed in Section 4.3 of the Draft EIS/EIR. For Example, Section 4.3.6 of the Draft EIS/EIR specifically states that operation of Alternative A would introduce an additional source of pollutants to surface water and groundwater. The analysis indicates that development of the site would introduce new pollutants to the site. However, a combination of site planning, structural treatment BMPs, and non-structural source control BMPs have been incorporated into the development alternatives to reduce potential impacts. The discussion includes a quantitative analysis of the anticipated reduction of pollutant loads from the incorporation of the site planning components, structural treatment BMPs, and non-structural source control BMPs. The analysis adequately addresses impacts to surface water and groundwater. The impact analysis clearly states that there are no aquifers underlying the project site capable of providing potable water in quantities to meet the need of previous on-site development and references the appropriate U.S. Navy document. The analysis states that groundwater has historically not been used on the site as a potable water source and that there are no groundwater supply wells at the project site. Furthermore, with the incorporation of bioretention swales allowing for recharge of groundwater, impacts to the existing groundwater aquifer would be less than significant.

As noted in Section 4.3 of the Draft EIS/EIR, the complete Preliminary Drainage and Grading Study is included as Appendix H. The Preliminary Drainage and Grading Study details the methodology utilized to analyze the impacts associated with development of the Project alternatives. The hydrology method
clearly states that the analyses were performed utilizing Contra Costa County guidelines and that Contra Costa County information and standards were used (such as the Contra Costa County isohyetal map, Drawing B-166) to determine rainfall intensity. Additionally, Appendix H clearly states that each of the proposed drainage facilities are designed in accordance with the requirements of Contra Costa County. To mitigate impacts and to provide a regulatory provision for remediation, the Tribe is required to develop a design-grade Stormwater Control Plan in compliance with the City’s Municipal Code 12.22.050 for trust property. The Code requires the Stormwater Control Plan to include the provisions outlined within the most current version of Contra Costa County’s Stormwater Quality C.3 Guidelines. The Stormwater Control Plan shall include final design specifications as required and therefore will be developed at the time the application for development is made. The preliminary drainage plan incorporated into the Project description provides sufficient detail to assess potential impacts associated with the development alternatives.

Impact statement 4.3.6 in the Draft EIS/EIR provides referenced data regarding pollutant removal efficiencies of the water quality improvement components of the project alternatives. Refer to Table 4.3-1 for a summary of the pollutant reduction efficiencies.

Please refer to Response I104-57 regarding the analysis of hazards associated with tsunamis and seiches.

Section 4.3 of the Draft EIS/EIR clearly states in the introduction of each impact statement whether the analysis addresses construction (refer to Impact Statement 4.3.1) or operation (refer to Impact Statement 4.3.3) of the Project alternatives.

The water quality analysis for the operation of the Project alternatives has been expanded in Section 4.3 of the Final EIR to include the analysis of impacts associated with landscape irrigation with treated grey water.

Quarrying operations are a component of the construction activities analyzed in Sections 4.3 and 4.5 of the Final EIR. Mitigation includes the incorporation of BMPs for site control in accordance with the USEPA’s and SFRWQCB’s NPDES general construction permit. Aggregate materials are slated to be quarried and processed on-site and would be transferred from the designated processing locations to barges docked at the end of the pier using a fully enclosed conveyor belt system set up on the existing pier structure. Sufficient dust control of crushed materials would be accomplished prior to transport along the conveyor system. To assure a low risk that material transported along the conveyor will be discharged into the Bay by wind erosion or any other causes, the conveyor belt system will be completely enclosed and loose material will be watered as it enters the barges. This will prevent any loose sediment, soils or dust from entering the Bay during the transport operations (Mitigation Measure 4-8). Additionally, Section 4.3 of the Final EIR has been updated to clarify that Project construction would involve quarrying as well as the earth moving, grading, and excavation activities cited in the Draft EIS/EIR. However, the inclusion of the quarrying activities as a component of construction of the Project is clearly addressed in
Section 2.2.2 of the Draft EIS/EIR. As stated in Section 4.5 of the Draft EIS/EIR, pier reconfiguration and use requires consultation and approval from the San Francisco Bay Conservation and Development Commission (and the State Lands Commission). With implementation of the referenced mitigation, acquisition of the required Commission Permit(s) and compliance with all the conditions therein, no additional mitigation measures are required to mitigate impacts to the Bay’s open waters.

In light of the fact that none of the commenter’s criticisms raise substantive issues that are not properly addressed in the Draft EIS/EIR, no modifications to the cumulative impact analysis (Section 4.15 of the Final EIR) are warranted.

Response I104-59

Clean Water Act requirements, including the requirement to prepare a SWPPP, are in place to ensure that significant impacts to water quality do not occur during construction. Implementation of mitigation will be verified and monitored through the Mitigation Monitoring and Reporting Plan as well as separately through the requirements in the Clean Water Act and its implementing regulations.

Response I104-60

The Final EIR reflects the most recent updated 8-hour ozone National Air Quality Standard (NAAQS) of 0.075 parts per million (ppm).

Response I104-61

Regional conformity significance is determined by calculating the Project’s percentage of the emission inventory and comparing it to the regional significance threshold of 10 percent. However, given the volume of the San Francisco Bay Area Air Basin (SFBAAB) emissions inventory (refer to Table 4.15-2 of the Draft EIS/EIR), the Proposed Project would not emit 10 percent of the SFBAAB emissions. However, a worst case scenario has been calculated using Alternative B. Alternative B would emit approximately 72.93 tons per year (tpy) of NOx or 0.20 tons per day (tpd). The Contra Costa County emission inventory for NOx is 82.43 tpd. Thus the Project’s NOx emissions are 0.24 percent of Contra Costa County emissions and are not regionally significant.

Appropriate changes have been made to tables cited by the commenter in Section 4.4 of the Final EIR. Mitigation Measure 3-16 has been amended to require use of a diesel particulate matter filter and diesel oxidation catalyst for construction equipment.

All trips generated during construction of the Proposed Project are accounted for in the URBEMIS model, including daily worker trips. Furthermore, barge and truck trips used to export soil from the project site are also accounted for in the URBEMIS model. While the URBEMIS model conservatively assumed that 2.7 million cubic yards of soil would be exported from the site in the Draft EIS/EIR, the conceptual grading plan (Appendix H) and the Remedial Plan (Appendix II) indicate that the actual amount of soil
4.0 Response to Individual Comments

to be exported would be substantially lower. In fact, the grading plan estimates that only 1.58 million cubic yards of soil would be exported under Alternative B (the Draft EIS/EIR alternative with the greatest amount of earthwork), while the Remedial Plan estimates that less than 205,000 cubic yards of impacted soil would require export under the worst case scenario. Moreover, the excavations of impacted soil would have to be backfilled using clean fill derived from other locations on-site, which would completely off-set the volume of impacted soils to be exported. Thus, the Draft EIS/EIR air quality analysis overestimates the amount of fill to be exported by approximately 1.12 million cubic yards. The URBEMIS model runs in the Final EIR have been revised to account for the calculations estimated in the grading plan.

Mitigation measures are provided in Section 5.2.3 of the Final EIR, as well as Tables 5-1 and 5-2, which show the emission reductions achieved by the measures. The 0.43 percent reduction in the URBEMIS model taken for transit and shuttle service to and from the project site has been removed and the referenced tables in Section 4.4 and 4.15 have been updated to reflect the modest change in mitigated emissions. The two percent reduction for “Local Serving Retail” has been retained in the model since this reduction factor does not double count reductions already accounted for in the transportation analysis (Appendix S). The “Local Serving Retail” reduction reflects the fact that, as an infill project, the retail services offered by the Proposed Project would reduce overall vehicle miles traveled by local residents (San Pablo Yacht Harbor, Point Richmond, etc.) who would otherwise travel further to acquire the same goods and services. In contrast, the “internal capture” reduction taken in the transportation analysis reflects the interaction between patrons using the casino component and other amenities (including retail).

URBEMIS trips are a weighted average on a yearly basis; hence, five weekdays, one Saturday, and one Sunday average to produce a weighted average daily trip. The direct calculation that the commenter performed does not accurately account for the five weekdays, one Saturday, and one Sunday scenario.

Refer to General Response 3.12.2 regarding trip generation rates.

RESPONSE I104-62

As noted by the commenter, the current Clean Air Plan is the Bay Area 2005 Ozone Strategy (Clean Air Plan [CAP]). The City of Richmond’s adopted General Plan (1994) is not consistent with the BAAQMD CAP. The adopted BAAQMD CEQA Guidelines provide cumulative project-related NOx, ROG (ozone precursors), and PM10 thresholds for jurisdictions whose general plans are not consistent with the CAP. Project emissions are estimated in Sections 4.4 and 4.15 of the Final EIR and are found to be above the Guideline’s cumulative thresholds; however, with the implementation of mitigation measures quantified in Section 5.2.3 of the Final EIR, project-related emissions would be reduced below the cumulative thresholds provided in the Guidelines. Under the Guidelines, if a project’s NOx, ROG, and PM10 emissions are below the BAAQMD cumulative thresholds, the project is considered to have a less than significant impact.
4.0 Response to Individual Comments

RESPONSE I104-63

Please refer to Response A14-1 and General Response 3.8.1 which summarize the substantial revisions to the greenhouse gas impact analysis in the Final EIR, including a separate construction impact analysis and recalculated indirect emissions.

RESPONSE I104-64

No double counting of emissions reductions occurred. Trip generation rates used in the URBEMIS air quality model were raw numbers and did not include traffic related reductions such as Traffic Demand Management measures.

RESPONSE I104-65

The requirements described in Mitigation Measure 3-19 would not need to be renewed on an annual basis. For instance, paving unpaved roads would not need to occur on a yearly basis, nor would purchasing credits to offset emissions. Mitigation Measure 3-19 has been revised to clarify what qualifies as an emissions credit.

RESPONSE I104-66

Project site drainage is addressed in Section 2.2.2. Based on the impact analysis presented in Section 4.3 of the Draft EIS/EIR, Mitigation Measures 1-1, 2-1, 2-2, and 2-3 were developed to reduce impacts to less than significant levels. Moreover, as detailed in the above referenced section, an NPDES general construction permit will be acquired for the Project under regulation of CWA. A SWPPP will be prepared and implemented for construction-related storm water discharges. The SWPPP will detail erosion and sediment control BMPs for the construction phase. Additionally, a Stormwater Control Plan is included in Appendix H that details how stormwater flows, which may contain potentially turbid and/or contaminated waters, will be stored in temporary detention facilities where the water will be treated (or trucked from the site and treated) prior to surface water discharge into the Bay. In addition, all federally listed fish species are addressed in the Biological Assessment (BA) (Appendix J). All measures identified above would reduce potential impacts to water quality to less that significant levels, thus no significant impacts would occur to native fish species utilizing the Bay.

RESPONSE I104-67

Mitigation Measures 4-10 through 4-12 address potential impacts to wetlands. In addition, applicable Federal regulations under Section 404 and 404(b)(1) of the CWA for the fill of wetlands regulated by the USACE will assure, jointly with the USEPA, that mitigation ratios, mitigation locations, and monitoring requirements are suitable after avoidance and minimization measures have been fully exhausted for impacts to wetlands. While the general location of on-site mitigation is referenced in the Draft EIS/EIR,
specifying the exact location is not a necessary component of the required analysis of potential environmental impacts.

**RESPONSE I104-68**

As stated by the commenter, detailed habitat impact acreages are noted in Tables 4.5.1 through 4.5-5. Table 4.5.1 for Alternative A shows that no impacts to mixed riparian, eel grass, tidal marsh or beach strand habitats would occur under the Proposed Project. Thus, the statement “to the maximum extent feasible” means 100 percent avoidance under Alternative A. Additionally, beach strand habitat is completely avoided for all alternatives and the USFWS concurrence letter (Appendix J) specifically states that Western snowy plover in not likely to be affected by the Proposed Project.

**RESPONSE I104-69**

The USACE verified the wetland delineation for the project site in a letter dated March 16, 2009 (Appendix L). The verification is noted in the Draft EIS/EIR within Section 3.5.6.

**RESPONSE I104-70**

The Biological Assessment (BA) (Appendix J) covers all federal special status species with the potential to occur within the project site as well as a separate and detailed discussion on Essential Fish Habitat (EFH). A Section 7 Biological Opinion of “not likely to adversely affect” has been provided within the USFWS letter (Appendix J). Please see Response 104-44 regarding Section 7 consultation with NMFS. In addition to consultation with NMFS under Section 7 of the Endangered Species Act, NMFS was consulted pursuant to the EFH provisions of the Magnuson Stevens Fishery Conservation and Management Act (MSA). NMFS determined that the proposed avoidance and minimization measures may not completely compensate for the project’s adverse effects to EFH, specifically the potential for adverse effects to eelgrass resulting from the new ferry service. Therefore, NMFS offered specific conservation recommendations to ensure adverse effects to EFH do not occur. The BIA has agreed to require the implementation of the NMFS’ recommended measures (Appendix FF) and they have been added to Section 5.2.4 of the Final EIR.

**RESPONSE I104-71**

Mitigation Measure 5-1(l) of the Final EIR has been supplemented to require that Building No. 17 be relocated to an appropriate location within the Historic District in consultation with a qualified architectural historian.

Mitigation Measure 5-1(d) of the Draft EIS/EIR requires that the 1995 Historic American Building Survey (HABS) documentation be updated prior to the demolition or alteration of any contributing buildings within the Historic District.
Mitigation Measure 5-1 of the Draft EIS/EIR also requires development of a cultural interpretive center, to be housed within one of the historic buildings, which highlights the long and unique history of Point Molate and the surrounding community.

**RESPONSE I104-72**

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. The socioeconomic conditions at the project site and surrounding areas have been discussed in Section 3.7 of the Draft EIS/EIR. The discussion of existing socioeconomic conditions in Section 3.7 has been further expanded and updated to incorporate the most recently available data. Socioeconomic characteristics of the small communities immediately surrounding the project site have been identified in the Draft EIS/EIR using Census tract data. While it is true that Point Molate is physically isolated from the rest of the surrounding community, the developed portions of the City of Richmond are certainly the most proximate populated and commercial areas to the project site. As discussed in Section 4.7 of the Draft EIS/EIR, all of the potentially significant impacts associated with the Proposed Project would occur in close proximity to the project site. Additionally, as provided in the IGA, the Tribe will collaborate with the County to develop a project-specific first-source hiring plan, with a goal to source a total of 70 percent, inclusive of the 40 percent from the City under the MSA, of non-management operational employees from within the County at opening of the gaming establishment (Appendix BB). Therefore, the economic benefits of employment opportunities generated by the Proposed Project would be considered most significant in Contra Costa County. For these reasons, Contra Costa County is determined to be most impacted by the Proposed Project compared to surrounding counties.

Given the scale of the Proposed Project, the Draft EIS/EIR does not dismiss the potential for socioeconomic impacts to occur in communities outside of Contra Costa County. However, the City of Richmond and Contra Costa County are expected to be most directly and quantifiably impacted by the Proposed Project due to their close proximity to the project site. Therefore, the socioeconomic impact analysis provided in Sections 3.7 and 4.7 of the Draft EIS/EIR focuses on these locations. The analysis does not dismiss that surrounding areas would be impacted, but rather does not attempt to quantify impacts outside of Contra Costa County because these impacts would be diffused across a large area.

Potential impacts to environmental justice communities are discussed in Section 4.7 of the Draft EIS/EIR. Four potential minority and low-income communities have been identified in the environmental justice discussion (Sections 3.7 and 4.7). The typographical error identified by the commenter has been
corrected. Figure 3.7-1 has been revised to more clearly depict the environmental justice status, including minority and low-income communities, of the census tracts. Since all of the potentially significant socioeconomic impacts associated with the Proposed Project would occur in close proximity to the project site, it was determined that potential environmental justice communities are those located within the immediate vicinity of the project site (Section 3.7). As discussed in Section 4.7 of the Draft EIS/EIR, no low-income or minority communities would be disproportionately adversely affected by impacts of the Proposed Project. As such, additional discussion of the characteristics of potential environmental justice communities would not alter the conclusions of the Draft EIS/EIR and is not warranted.

Adding information on the availability of existing jobs in the region would not alter the discussion of potential impacts to employment. However, a list of major employers in Contra Costa County is provided in Table 3.7-4 of the Draft EIS/EIR to provide perspective on current industries/employment within the County. Employment and housing data provided in Section 3.7 of the Draft EIS/EIR has been updated where more current data is available.

The environmental justice discussion in Section 3.7 of the Draft EIS/EIR identifies Census 2000 data as the most current racial composition and median household income data available for census tracts. Affected communities are identified by the best available data. Normalizing the data presented in Section 3.7 of the Draft EIS/EIR would not change the identified communities or conclusions of the environmental justice discussion. The economic effects discussed in Section 4.7 of the Draft EIS/EIR are quantified for Contra Costa County using the IMPLAN model. The IMPLAN model adjusts for inflation and is commonly used to estimate economic impacts to communities and regions. As such, results of the socioeconomic study have been adjusted for inflation and are analyzed and discussed in Sections 4.7, 4.14 and 4.15 of the Draft EIS/EIR.

Please refer to General Response 3.11.5 for a thorough discussion of potential economic impacts to the immediate and surrounding communities.

RESPONSE I104-73

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. As discussed in Section 4.7 of the Draft EIS/EIR, data used to estimate economic impacts of the Proposed Project is limited to the County scale. However, due to the magnitude of economic activity associated with the Proposed Project, including new employment, and the location of the project site within the City of Richmond, the City has the potential to be affected the greatest by economic effects associated with the...
Proposed Project. Within Section 4.7 of the Draft EIS/EIR potential impacts to the City are compared to quantified impacts at the County level.

Effects to employment and wages from the Proposed Project were analyzed using the IMPLAN model. The IMPLAN model uses a complex set of coefficients and multipliers that are specific to each county to account for how each industry in the region interacts with one another. These multipliers come pre-programmed into the data for each County. Thus, the estimated employment and wages impacts, as well as all induced effects, are an estimate of how much new economic activity will be captured by Contra Costa County, regardless of where the employees’ personal residence is located. As discussed in Section 4.7 of the Draft EIS/EIR, new jobs filled by the local labor market would have the beneficial impact of reducing the unemployment rate in the County compared to the County labor market without development of the Proposed Project. The IMPLAN model estimates the anticipated impact solely for the Contra Costa County economy; it does not attempt to estimate the economic activity anticipated to be captured by neighboring counties. As such, the entire anticipated economic output impact as presented in Section 4.7 of the Draft EIS/EIR, including direct, indirect, and induced, is projected to be captured by Contra Costa County. Given the scale of the Proposed Project, the analysis presented in the Draft EIS/EIR does not dispute the point that an additional amount of output may also be captured by outside counties in addition to the output anticipated to be captured by Contra Costa County as described in Section 4.7.

Refer to Response I104-72 regarding the first source hiring agreements the Tribe has entered into. The commenter’s speculation that employees will spend a majority of their wages at their place of residence rather than at their place of work does not affect the analysis presented in the Draft EIS/EIR. As stated in the IGA, a minimum of 70 percent of initial hires will be sourced from within the County. An additional number of employees are expected to relocate to the County (Sections 4.7 and 4.14). As such, the vast majority of employees will reside within the County, and are therefore anticipated to spend their wages within the County.

The Gaming Market Analysis (Innovation Group, 2007) provides an estimate of visitation and projected revenues for the Proposed Project. The discussion of revenue in Section 4.7 of the Draft EIS/EIR has been updated to provide information on how revenues are used in the IMPLAN model to estimate potential impacts. As discussed, revenue under the Proposed Project is estimated to total $959 million annually. The economic impact is quantified using the IMPLAN model (Appendix T), which employs the time value of money for economic projections. That is, while the Proposed Project is anticipated to generate an estimated $959 million of gross revenue within 2012, the first year of operation, this amount is equal to approximately $767 million in 2009 dollars. Therefore, the time value of money accounts for the discrepancy between these two figures.

Substitution impacts would be diffused across the region because there are a large number of existing businesses that already operate in a competitive environment. As projected by the Economic Impact and
Growth Inducing Study (Appendix T), the greater San Francisco gaming market would be worth approximately $1.83 billion in 2012 without development of the Proposed Project. With development of the Proposed Project, the gaming market is projected to grow by roughly 20 percent to approximately $2.20 billion in 2012. As the facility would draw non-residents to the area, the associated increase in new visitor demand for off-site entertainment venues, restaurants, and other attractions would off-set some regional patrons choosing to visit the Proposed Project rather than other local establishments. Therefore, although a certain amount of cannibalization is expected, the development of the Proposed Project would result in a nearly 20 percent expansion of the San Francisco gaming market, which would significantly offset potential impacts due to cannibalization. Additionally, the amenities offered at the resort would target a different segment of the population than do the surrounding local business operations. As such, any potential cannibalization of regional businesses would be minimal, and would therefore be considered less than significant. Furthermore, quantifying the substitution effects of the casino would require knowledge of how residents spend their entertainment dollars, how patrons rank their preferences for different types of entertainment, and the distribution of where casino patrons originate. Given that most of the above variables for determining substitution effects are not known, an attempt to quantify substitution effects has not been made in the Draft EIS/EIR. Therefore, providing further detail regarding projected net revenue less anticipated cannibalization by the Proposed Project is not within the scope of the analysis presented in the Draft EIS/EIR. Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities, including regional businesses.

Section 4.7 of the Draft EIS/EIR concludes that the Proposed Project would result in substantial new construction and operational output into Contra Costa County, including indirect and induced output that would be dispersed and distributed among a variety of different industries and businesses. Section 4.14 of the Draft EIS/EIR discusses potential growth-inducing impacts associated with the Proposed Project and identifies that commercial growth would likely result from economic activity generated by the Proposed Project. Based on the inherent touristic value of the Proposed Project and new household spending that would result in the County, it is estimated that the Proposed Project would result in approximately nine new commercial developments, including three new gas stations, three new restaurants, and three new fast food (or similar) establishments. The commenter’s assertion that local businesses would not be capable of supporting the needs of the Proposed Project is speculative.

Response I104-74

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. The analysis presented in Section 4.15 of the EIS/EIR has been expanded to include the proposed Scotts Valley Casino. The commenter fails to identify any relevant studies which indicate that Class III gaming
facilities are more likely to result in problem gambling than Class II gaming facilities. Therefore, given the presence of an existing Class II casino approximately five miles east of the Proposed Project site, nearby residents, including low-income and minority communities are already exposed to gambling. Please refer to General Response 3.11.4 for a full discussion regarding potential impacts to problem and pathological gambling as a result of the Proposed Project.

**RESPONSE I104-75**

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes. As indicated in the IGA (Appendix BB), with operation of Class III gaming at the project site, the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters, first responders, health, as well as social services-related costs, and community benefit payments, payable for as long as the IGA is in effect. Additionally, as stated in the MSA (Appendix C), the Tribe agrees to pay the City service fee of $8 million per year for the first eight years beginning with the commencement of gaming operations. The Tribe agrees to pay the City services fee of $10 million per year thereafter. City service fees include fees for police and fire protection services. Fees shall be adjusted each year by changes in the Consumer Price Index, beginning one after the agreement is executed. The fee shall be paid regardless of the amount of service provided. These fees shall cover potential impacts to social services, including any potential impacts to mental health treatment. The Tribe, the City, and the County will further engage in consultation to determine if the fees assessed are appropriate. If it is determined that they are not, adjustments will be made accordingly.

The Draft EIS/EIR determined that, with mitigation, the potential impacts to problem gambling are less than significant. Refer to General Response 3.11.2 for a thorough discussion of problem gambling.

**RESPONSE 104-76**

In addition to the transportation analyses cited by the commenter, supplemental analyses were undertaken following release of the Draft EIS/EIR. Please refer to Appendix HH, which presents the supplementary analysis for State Route 4 (SR-4) and four intersections in the City of Larkspur along Sir Francis Drake Boulevard. The analysis of SR-4 was incorporated into the Final EIR in Sections 3.8, 4.8, and 4.15. This facility was analyzed following the agreement between Contra Costa County and the Tribe, which provides for a goal of sourcing 70 percent of initial hires from within the County. Based on this consideration, it was deemed reasonable to include this artery despite its significant distance from the project site.
There are slight differences between the TIA (AECom, 2008) and the STIA (Abrams Associates, 2009), which are noted in the latter. The modest differences are due to updated information available at the time the STIA was produced, a mistake in the TIA traffic counts, and a re-evaluation of assumptions, all of which are discussed in the STIA (Appendix S). The information presented in the Final EIR uses the most current information as derived from the transportation analyses. As stated in the introduction of the STIA, the supplemental analysis was undertaken to independently verify the findings of the TIA as well as to conduct analyses that were not included in the scope of the first study. The STIA added three intersections to the analysis, as well as analysis of the Richmond - San Rafael Bridge toll plaza. The supplemental traffic memorandum, provided as Appendix HH of the Final EIR, provides additional analysis that was requested by the Lead Agency following release of the Draft EIS/EIR.

**RESPONSE 104-77**

The reference to the release of a public draft of the updated Richmond General Plan has been updated in Section 3.8 of the Final EIR. The City’s updated General Plan will not be adopted prior to circulation of the Final EIR for the Proposed Project. As such, use of the adopted 1994 City of Richmond General Plan is appropriate and no changes to the regulatory setting are warranted.

**RESPONSE 104-78**

As stated in Section 2.1 of the STIA, a review of the existing traffic volumes reported in the TIA identified a mistake on the northbound through volume at Intersection #21 (Richmond Parkway at Gertrude Avenue). This volume was corrected based on traffic counts conducted in March of 2009 and the traffic data at the adjacent intersections. This resulted in improved level-of-service at this intersection reported in the STIA and Draft EIS/EIR.

Another error was identified in the TIA on the eastbound through volume at Intersection #24 (Richmond Parkway and Blume Drive) in the PM peak hour. In this case, the error was verified with several traffic counts from previous traffic studies conducted in the area. Instead of conducting new counts, the erroneous eastbound through volume at this intersection was adjusted based on the traffic counts for the adjacent intersections. The corrected volume resulted in LOS D operations under existing conditions, which are reported in the Draft EIS/EIR.

**RESPONSE 104-79**

The “vehicles per lane” designation at the Richmond San – Rafael Bridge toll plaza, which was incorrectly stated as 4225 vehicles per lane per hour in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

While it is acknowledged that queuing does occur on the approach to the Richmond – San Rafael Bridge toll plaza, field surveys indicate that delays of up to five minutes as cited by the commenter do not
occur on a regular basis. The queues approaching the toll plaza on westbound I-580 have been observed to have substantial seasonal fluctuations and the conditions referred to by the commenter may have been observed during the peak times of year. At certain times of year vacation travel traffic can increase the queues at the toll plaza due to the fact that Fastrak usage is lower for vacation-oriented traffic than it is for regular commute traffic.

It should also be noted that the queues approaching the toll plaza would only affect inbound traffic and that the only established measure of effectiveness for I-580 in Contra Costa County is LOS E for all segments. There are no established criteria of significance for freeway or toll plaza queuing impacts included in the analysis guidelines established by Contra Costa County or Caltrans. However, an analysis of toll plaza capacity was provided in the STIA and Draft EIS/EIR to address the potential for significant increases in congestion on westbound I-580 in this area. Significant impacts to the Richmond – San Rafael Bridge toll plaza operations were identified under cumulative conditions and mitigations were identified Section 5.2.7 of the Draft EIS/EIR.

RESPONSE 104-80

For the analysis presented in the Final EIR, construction truck trips have been converted into passenger car trips equivalents using a conversion factor provided in the 2003 Highway Capacity Manual. This conversion allows a more accurate correlation between construction traffic and operational traffic. Using this conversion it was determined that construction-related traffic would have a less than significant impact with implementation of mitigation provided in Section 5.2.7 of the Final EIR. The impact statements for Alternatives A through D have been updated to state that construction traffic poses a potentially significant impact, which is mitigated to a less than significant level with implementation of measures specified in Section 5.2.7 of the Final EIR.

RESPONSE 104-81

Please refer to General Responses 3.12.2 and 3.12.4 regarding trip generation rates and trip reductions, respectively.

RESPONSE 104-82

Please refer to Response A22-2 regarding transit service to the project site.

Please refer to General Response 3.12.4 regarding the use of TDM measures.

RESPONSE 104-83

It is acknowledged that the trips referred to in the Draft EIS/EIR as “pass-by” trips can more accurately be described as “diverted link” trips. Thus, Final EIR Section 4.8 has been revised to change references to “pass-by” trips to “diverted link” trips. The visible nature of the site, high profile in the media, proposed
marketing campaign, and its close proximity to I-580 indicate that a significant number of existing automobile trips would be diverted to the project site. Historically, Indian casinos rely heavily on pass-by and/or diverted link traffic. As such, the 15 percent diverted link assumption is considered conservative.

**Response 104-84**

Please refer to General Response 3.12.1 regarding ferry service to the project site. The vehicle trip reduction applied as a result of ferry service to the site in the Draft EIS/EIR is 15 percent, not 25 percent as stated by the commenter.

**Response 104-85**

The reason for the differences in LOS for the cumulative year cited by the commenter is that the STIA includes traffic from the proposed Sugar Bowl Casino in calculating intersection and roadway LOS, which was not factored into the cumulative analysis in the TIA. The cumulative analysis in the Draft EIS/EIR assumes that the Sugar Bowl Casino would be operating in the year 2025, despite the fact that the project has not been approved, which results in a more conservative analysis.

The year 2025 was selected for the cumulative analysis since that provided a 20 year horizon from the time when the Notice of Preparation and Notice of Intent were published in 2005. Based on consultations with the Lead Agencies, Cooperating Agencies, and other stakeholders, the year 2025 was deemed appropriate for the cumulative analysis. Additionally, at the time the transportation analyses were prepared, the Contra Costa Countywide Comprehensive Transportation Plan (CCCTP; adopted May 19, 2004) used 2025 as the horizon year.

The nature of casino traffic is such that it typically peaks in the evenings after 6:00 PM and therefore does not overlap with the primary peak hours of background traffic on Saturdays (which occur in the mid-afternoon). During the surveys conducted for the environmental review, the Saturday freeway volumes were determined to be substantially less than weekday volumes (ranging from 25 to 35 percent lower depending on the location).

**Response 104-86**

Section 1.1 of the STIA clearly states the purpose of the supplemental analysis. The introduction reads, in part:

The purpose of this study is to provide a supplemental analysis of the proposed project’s impacts on the Richmond-San Rafael Bridge and the U.S. 101/I-580 interchange. Furthermore, this study analyzes potential project impacts within the study area under both background and cumulative conditions with the inclusion of traffic from the proposed Scotts Valley Casino [Sugar Bowl] Project. It should be noted that two new
study intersections (Pittsburg Avenue and Goodrick Avenue at the Richmond Parkway) were added to the analysis based on the updated review of cumulative traffic operations. This supplemental analysis compliments the transportation impact analysis prepared by DMJM Harris (DMJM Harris Study) for the proposed project.

Where appropriate, the STIA notes discrepancies with the TIA as it relates to traffic counts (refer to Response I104-78), addition of transportation network facilities to the analysis, assumptions regarding trip reductions (see Section 2.1 of STIA), and other minor differences.

**RESPONSE I104-87**

Please refer to General Response 3.13.1 regarding the General Plan Update.

Cross references to the Hazardous Materials section of the document (Section 3.12) have been added to the Final EIR in Section 3.9 as suggested by the commenter.

**RESPONSE I104-88**

Please refer to General Response 3.13.1 regarding the General Plan Update and consistency with the General Plan.

**RESPONSE I104-89**

As discussed in Section 4.15 of the Draft EIS/EIR, Section 15130(b) of the CEQA Guidelines identifies two acceptable approaches for cumulative analysis: “Either a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those projects outside the control of the agency (i.e., the list approach); or a summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions (i.e., the plan approach).” Although the CEQA Guidelines only require the use of one method of cumulative analysis (i.e., the list or the plan approaches), the approach used in the Draft EIS/EIR uses both methodologies. A list of foreseeable projects (Section 4.15.2) was generated by consulting with staff of relevant agencies. In addition, planned development, infill, and other actions identified in regional governmental plans have been incorporated. Furthermore, revision of the land use analysis based on a draft document that has not been adopted by the City is unwarranted.

**RESPONSE I104-90**

The Proposed Project includes a number of progressive water conservation systems and measures, which are described in Section 2.1.1 of the Draft EIS/EIR. These design components include the use of low-flow bathroom fixtures, an on-site gray water recycling system, and use of native, drought-tolerant landscaping vegetation.

Moreover, the Tribe fully intends to implement the water conservation measures which are included within Final EIR Mitigation Measure 9-1. Mitigation Measure 9-1d and 9-1e have been added to the
Final EIR to further provide on-site methods of water conservation. Through these mitigation measures, and continued cooperation with East Bay Municipal Utility District (EBMUD), the Proposed Project is expected to meet or exceed some of the strictest adopted water efficiency standards in the West. Furthermore, all new on-site water infrastructure would be required to meet the most current EBMUD design standards which include various water efficiency measures (see Appendix D of Appendix G).

On-site replacement and installation of water and wastewater service lines are analyzed within Section 4.10 of the Draft EIS/EIR. Section 3.10 of the Draft EIS/EIR states that during EBMUD local system upgrades undertaken in 1997, a 12-inch diameter pipeline was installed along Western Drive. This 12-inch diameter pipeline was sized to meet demands of a similar nature as those proposed in the Final EIR. Furthermore, the City completed a Water Supply Assessment through EBMUD, and received a “Will-Serve” letter, which is included in Appendix G of the Draft EIS/EIR. The estimated demands for the Proposed Project are consistent with, and included in, the EBMUD Urban Water Master Plan (UWMP) future demand projections. As stated in Mitigation Measure 9-1, the Tribe shall comply with the EBMUD application process, including future cost estimating and engineering analysis. As part of the standard service process, EBMUD will perform a hydraulic analysis of the system and determine the cost implications associated with the development of the Proposed Project. The costs for upgrading any elements on the system will be borne by the project proponents.

All off-site impacts associated with utility infrastructure improvements necessary to serve the project site are analyzed in Section 4.14.8 of the Final EIR.

Please refer to General Response 3.6.2 regarding capacity of the Richmond Municipal Sewer District, infrastructure upgrades, and analysis of off-site impacts.

RESPONSE I104-91

As discussed in Section 4.10 of the Draft EIS/EIR, the Proposed Project would have a less than significant impact on utilities (electricity, natural gas, telecommunications, etc.). Nonetheless, the Draft EIS/EIR includes Mitigation Measure 9-22, which states “The Tribe shall purchase and install on-site fuel cells, providing a source of clean alternative energy to the Proposed Project.” While the above referenced mitigation measure may have been more accurately described as an “improvement measure” given the absence of a significant impact, the benefit of such a measure is not in dispute. Further analysis of an on-site clean alternative energy source is not warranted in this Final EIR, as implementation of the fuel cell would not cause any adverse environmental impacts. The fuel cell is, however, anticipated to decrease the Project’s demand of electrical loads drawn off the regional grid, creating a beneficial impact.

As stated in Section 2.2.2 of the Draft EIS/EIR, the Tribe would provide an on-site fire station, to be operated by the City, with all necessary fire apparatus and equipment, sized to reasonably address fire and emergency response needs of the Proposed Project, pursuant to Section 2.3 of the MSA (Exhibit E of the LDA within Appendix C). To supplement the provisions of the MSA, Mitigation Measure 9-13 of the
Final EIR requires the Tribe to “Provide for one (1) fire captain and three (3) firefighter positions per shift on a 24-hour per day basis to meet the burdens undertaken by the Fire Department to serve the project site.”

Contrary to the statements of the commenter, the MSA does address ambulance transportation (refer to Table 2-1 of the Draft EIS/EIR). However, based on Article 10A of the IGA, the Tribe agrees to contract with the County to provide emergency ambulance service to the project site. As described in Section 3.10 of the Final EIR, emergency medical services to the project site are coordinated by the Contra Costa County Health Services Department. Initial calls are received at a joint police/fire dispatcher and emergency medical calls are then transferred to American Medical Response (AMR) for ambulance service. AMR provides ambulance service through contract with the County. Air ambulance services are provided by a number of companies including, California Shock Trauma Air Rescue (CALSTAR), Redwood Empire Air Care Helicopter (REACH), and Stanford Life.

RESPONSE I104-92

The error in Section 3.11 on page 3.11-1 of the Draft EIS/EIR cited by the commenter has been corrected in the Final EIR.

Refer to General Response 3.15.2 regarding the methods used in measuring ambient noise at the project site.

Refer to General Response 3.15.2 regarding the measurement of ambient noise at the proposed southern residential area (Alternatives B and D).

RESPONSE I104-93

The nearest sensitive receptor of vibration is approximately 7,000 feet from the project site. As discussed in Section 4.11 of the Draft EIS/EIR, no impacts associated with project-related vibrations would occur due to the significant distance to sensitive receptors (more than 1.3 miles) and the rapid dissipation of vibration.

Refer to General Response 3.15.1 regarding residential occupation of the project site during construction.

Refer to General Response 3.12.2 regarding trip generation rates. No change in the noise analysis is warranted.

RESPONSE I104-94

Section 3.12 of the Final EIR has been updated to include a summary of the Contra Costa County Environmental Health Services Department in the regulatory setting.
4.0 Response to Individual Comments

RESPONSE I104-95

Every effort has been made to organize and clearly present the voluminous amount of information related
to past hazardous materials releases, site characterization, monitoring, and clean-up work in Section 3.12
of the Draft EIS/EIR. Supplementary technical information is provided in Appendices P, Q, and X of the
Draft EIS/EIR. Section 3.12 establishes the existing setting, which is organized by impact area. The
chronology of events regarding the transfer of lands from the Navy to the City is presented in Section
2.1.3 of the Draft EIS/EIR. A precise description of the chronology of the site investigation, remediation,
and transfer actions undertaken by the Navy for the property is presented in Section 2.1.4 of the Draft
EIS/EIR.

The background setting presented in Section 3.12.2 of the Draft EIS/EIR has been augmented to clarify
the difference between structural closure and regulatory closure of the underground storage tanks (UST).
As described in Section 3.12.2 of the Final EIR, structural closure of individual USTs requires removing
all standing liquids from the tank bottom, draining and removal of piping and valves, soil sampling within
the valve box and piping excavation areas, and installation of drainage systems that accelerate surface
water percolation and limit ponding of rain water around the UST perimeter. Regulatory closure of USTs
occurs when the SFRWQCB determines that individual USTs no longer present a health risk to the
environment according to thresholds established in the Final Corrective Action Plan. The SFRWQCB has
authorized regulatory closure of USTs 1, 7, 9, 10, 11, 16, 17, and 20.

RESPONSE I104-96

The text within Section 3.12.2 has been clarified to state that “an evaluation of the efficacy of previously
executed remediation resulting in regulatory closure was performed to develop a baseline for comparison
of each project alternative and potential impacts associated with development of the project site.”

RESPONSE I104-97

The discussion in Section 3.12 of the Final EIR referenced by the commenter has been updated to clarify
the difference between tank closure by the Navy and regulatory closure by the SFRWQCB.

RESPONSE I104-98

The discussion of Fuel Action Product Levels (FPAL) has been updated in Section 3.12 of the Final EIR.
The discussion identifies the responsible agency, enforceability, and regulatory action required should an
FPAL be exceeded.

RESPONSE I104-99

As discussed in Section 3.12.2 of the Draft EIS/EIR, a No Further Action Record of Decision for IR-2
was prepared in 1999 and approved by the SFRWQCB with the EPA concurring with the Navy findings.
No further action is planned for IR-02.
RESPONSE I104-100

A summary of human and ecological impacts from a release of anhydrous ammonia was added within the text of the Final EIR at Section 3.12.2.

RESPONSE I104-101

The correlation between the Project actions outlined in Section 2.1.5 of the Draft EIS/EIR and the proposed mitigation measures is explained in the second paragraph of Section 5.1 of the Draft EIS/EIR. As stated in the referenced section, where potential impacts to the environment were identified in the early stages of project design and Draft EIS/EIR preparation, the Project was appropriately modified to minimize or eliminate environmental impacts. Additional mitigation measures have been incorporated into the Draft EIS/EIR to supplement the remediation efforts. It is recognized that there is a degree of redundancy between some of the clean-up actions specified in Section 2.1.5 of the Draft EIS/EIR and the mitigation measures presented in Section 5.0, which results in a conservative analysis.

RESPONSE I104-102

Section 3.12.1 of the Final EIR has been supplemented to clarify what constitutes the Navy Compliance Program.

RESPONSE I104-103

Mitigation Measure 11-1 (operation) requires that landscaping chemicals such as pesticides and fertilizers would consistently be kept at the lowest volumes needed and in the least toxic amounts. In response to other comments received, this text has been expanded to include herbicides and details the manner of application.

RESPONSE I104-104

The text within Impact 4.12-2 of Section 4.12.1 of the Final EIR has been updated to reference the applicable mitigation measure.

RESPONSE I104-105

The IR-01 landfill has been closed under a Comprehensive Environmental Response Compensation Liability Act (CERCLA) Record of Decision (ROD) approved by the USEPA and the SFRWQCB. As discussed in Section 4.12 of the Final EIR, groundwater monitoring would continue under a facility-wide groundwater monitoring plan (GMP). Issues associated with free-phase hydrocarbon product on the groundwater table below IR-01 were addressed in the ROD would continue to be addressed in the GMP. Post-closure reviews under CERCLA would be conducted every five years to assure human health and environmental impacts remain less-than-significant until such time as the USEPA and the SFRWQCB
conclude that the landfill no longer poses a hazard to the environment. The SFRWQCB would continue to review and comment on the post-closure reviews.

**RESPONSE I104-106**

The text of the Draft EIS/EIR references a conclusion within the Site 1 Post Closure Maintenance and Monitoring Plan (PCMMP) stating that an adverse impact could occur should the soil cap and land use restrictions not be maintained. The analysis within **Section 4.12** of the Final EIR then states that, because no development would occur within IR-01, the soil cap integrity would be maintained thereby limiting potential impacts. However, because IR-01 is identified as a potential environmental issue, mitigation is provided to further reduce potential impacts from the implementation of Alternative A.

**RESPONSE I104-107**

Refer to **Mitigation Measure 11-1** presented in the Draft EIS/EIR, which adequately identifies performance standards related to the development of a Soil Management Plan (SMP) to mitigate impacts related to Areas A and B (Historic District). In addition, the SMP will be reviewed and commented on by the SFRWQCB which would only approve an SMP that is protective of human health and the environment.

**RESPONSE I104-108**

As stated by the commenter, the Phase I Environmental Site Assessment (ESA) states that additional analysis may be required if soil is excavated from Areas C, D, and E of IR-02. The analysis for each development alternative compares the area of impact to the findings of the Phase I ESA. For example, as discussed in **Impact 4.12.5** of Alternative A, Areas C, D, and E would remain in their current condition and would be used occasionally for event parking. No excavations are planned for this area and therefore the analysis complies with the findings of the Phase I ESA. Additionally, under the analysis of Alternative B (**Impact 4.12.12**), grading would occur and the analysis states that lead levels may result in adverse human health effects and such an impact is considered potentially significant. A SMP is required for mitigation as presented in **Section 5.2.11** of the Draft EIS/EIR.

**RESPONSE I104-109**

The Site Cleanup and Abatement Order to be issued by the SFRWQCB will direct implementation of the remedial action, which may include additional monitoring requirements such as new well installation. Mitigation is adequately identified in **Section 5.2.11** of the Final EIR.

**RESPONSE I104-110**

With the exception of USTs 1, 2, and 3 that are proposed to be removed as part of the construction of the Project, all other USTs would remain in place. Environmental impacts of excavation have been addressed in the appropriate sections of the Draft EIS/EIR. For example, excavation and hauling of impacted soils were included in the vehicle counts used to analyze air quality impacts of the project alternatives in
Section 4.4 of the Draft EIS/EIR. The Final EIR has been clarified to state that all remedial activities are analyzed as part of the construction phase of the Proposed Project.

“Regulatory closure” would occur when the SFRWQCB assesses the remediation performed at the tank sites and concludes that the clean-up is adequate to eliminate the potential for significant human health and environmental impacts. “Unrestricted use” refers to the ability to implement unrestricted land uses in the areas currently subject to deed restrictions. As stated in Section 2.1.3 of the Draft EIS/EIR, “It is anticipated that some land use restrictions will remain in place in perpetuity, such as in open space areas where residential development is precluded as a term of the LDA. Refer to Parkland and Recreation in Section 2.2.2 for a discussion of open space conservation easements.” Even with “unrestricted” reuse, development of portions of the fee lands would still require building, grading and demolition permits from the City of Richmond and the Bay Area Air Quality Management District.

RESPONSE I104-111

The analysis within Section 4.12 of the Final EIR adequately references the location of mitigation proposed to reduce identified environmental impacts.

RESPONSE I104-112

Mitigation Measure 11-1 has been revised to specify specific protocols that will be implemented, including the use of a confined space monitor or any other type of monitoring as deemed necessary by a registered professional engineer. Development of the SMP and implementation of the specific protocols identified in Mitigation Measure 11-1 would reduce potential impacts to a less than significant level.

Mitigation Measure 11-1(c) has been revised to remove the reference to previous mitigation and to include BMPs within the SWPPP specific to hazardous materials.

Mitigation Measure 11-1(d) of the Final EIR has been updated to require that landscaping chemicals such as pesticides, herbicides, and fertilizers be applied in a manner that prevents contact with groundwater, streams, domestic water supply, or wetlands. This shall be achieved in conjunction with mitigation providing for the planting of native vegetation that requires less, or no, pesticides or herbicides.

Mitigation Measure 11-2 describes the specific components of the emergency response plan (ERP) that would reduce impacts as a result of a natural disaster or other emergency during construction. The plan shall provide for emergency escape routes from the site and will includes integration with the Contra Costa Health Services (CCHS) Community Warning System (CWS).

Specific clean-up levels will be identified in the SFRWQCB’s Order and cannot be identified at this time. They will, however, be protective of human health and the environment in the judgment of the SFRWQCB.
RESPONSE I104-113

Please refer to General Response 3.17 concerning analysis of potential aesthetic impacts.

RESPONSE I104-114

The commenter’s assertion that less than 30 percent of employees from the Proposed Project will live in Contra Costa County is incorrect. Refer to Response I104-72 regarding local first source hiring agreements.

Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities, including regional businesses.

RESPONSE I104-115

Please see Response I104-7 regarding the temporal span and methodology of the cumulative analysis.

Please refer to General Response 3.13.1 regarding the General Plan update.

COMMENT I105

RESPONSE I105-1

The STIA addresses the approach to the Richmond – San Rafael Bridge in Section 1.6 (Appendix S). Please refer to Section 4.8 and 4.15 of the Draft EIS/EIR for an analysis of potential impacts to the Richmond – San Rafael Bridge as a result of the Proposed Project.

Actions, permits, and approvals related to the Proposed Project are listed in Table 1-1 of the Draft EIS/EIR. As stated in the above referenced table, the City would acquire additional right-of-way along Western Drive to complete the proposed roadway improvements.

COMMENT I106

RESPONSE I106-1

Comment noted.

RESPONSE I106-2

Please refer to Sections 4.8 and 4.15 of the Draft EIS/EIR for an analysis of the facilities referenced in the comment. The analysis presented in the TIA (Appendix S) concluded that a dedicated I-580 eastbound off-ramp to Western Drive would not be required for acceptable freeway and roadway operations.

RESPONSE I106-3

A number of mitigation and improvement measures are provided in Section 5.2.7 of the Final EIR that would address traffic operations at the locations specified by the commenter. Specifically, Mitigation
Measures 7-2, 7-3, 7-8, and 7-13 as well as Improvement Measures 7-19, 7-21, 7-22, and 7-23 included in the Final EIR would improve traffic operations in Point Richmond.

**RESPONSE I106-4**

Please refer to Response I106-3 above regarding the referenced intersection.

**RESPONSE I106-5**

Widening and other improvements to Western Drive are described in Section 2.2.2 of the Draft EIS/EIR, and the proposed alignment is presented in Figures 2-6a and 2-6b.

**RESPONSE I106-6**

Please refer to General Response 3.4 concerning the Bay Trail.

**RESPONSE I106-7**

Please refer to Response A22-2 regarding AC Transit service to the project site.

**RESPONSE I106-8**

Mitigation Measure 3-17(d) in the Final EIR requires shuttles to operate at least twice per hour to and from the project site to the Richmond Intermodal Station (served by BART and Amtrak). The Richmond Intermodal Station provides easy access to BART trains, Amtrak, and AC Transit. The far-reaching mitigation measures and progressive design components focused on alternative modes of transportation and ridesharing would reduce the number of vehicle trips by a significant margin, which in turn would address congestion at the intersection referenced by the commenter.

**RESPONSE I106-9**

Please refer to General Response 3.12.1 regarding ferry service to the project site.

**COMMENT I107**

**RESPONSE I107-1**

The Economic Impact Study is provided as Appendix T of the Draft EIS/EIR. This study quantifies potential economic impacts of the Proposed Project for economic output, employment, wages, and tax revenues. Economic effects in this analysis are quantified for Contra Costa County using the IMPLAN model. The IMPLAN model is used to estimate economic impacts to communities and regions. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15 of the Draft EIS/EIR. As determined in the Economic Impact Study, and discussed in Section 4.7 of the Draft EIS/EIR, the Proposed Project would result in beneficial impacts to the Contra Costa County labor and housing markets.
New jobs in Contra Costa County from the Proposed Project are quantified using the IMPLAN model. The IMPLAN model uses a complex set of coefficients and multipliers that are specific to each county to account for how each industry in the region interacts with one another. These multipliers come pre-programmed into the data for each county. Therefore, the number of jobs that would be generated in different industries is known but the specific salaries and benefits are unknown. Specific salaries and benefits for positions depend on the industries and companies or organizations that hire new employees. Due to the scope of this analysis, which is intended to address environmental impacts, attempting to speculate on the exact mix of salaries and benefits to be offered for each employment opportunity generated by the Project is not warranted. As discussed in Section 4.7 of the Draft EIS/EIR, new jobs in the County resulting from the Proposed Project would have a beneficial impact on the County labor market. In addition, Section 4.7 provides a breakdown of employment opportunities that are expected to occur at the project site.

The Final EIR evaluates all potential impacts, including short-term and long term impacts. Refer to Section 4.7 for a discussion of potential socioeconomic and social impacts resulting from the Proposed Project. The Proposed Project would result in a large amount of new economic activity in the City of Richmond and County, translating into a stronger economy. A stronger economy would be expected to translate into stronger property values, especially in close proximity to the project site. This would be a beneficial impact. However, based on available data of economic impacts, the magnitude of this effect cannot be quantified.

**RESPONSE II107-2**

**Figure 3.8-1** provides a map depicting roadways and intersections analyzed in the Draft EIS/EIR. Additional graphics related to transportation in the Draft EIS/EIR include Figures 3.8-2, 3.8-3, and 3.8-4. Section 5.2.7 of the Draft EIS/EIR clearly identifies the location of the proposed mitigation measures, and can be cross-referenced with the maps provided in Section 3.8. Additional illustrations may be found in Appendix S of the Draft EIS/EIR and Appendix HH of the Final EIR.

The quoted statement from the Draft EIS/EIR that reads, in part, “will approach or exceed unacceptable levels” refers to the existing condition in the study area not the impact of the project. Project-related noise impacts resulting from traffic are discussed in Section 4.11, most of which are found to be less than significant. The exception is along Western Drive where potential noise impacts were found to be potentially significant. Mitigation is provided in Section 5.2.10 which would reduce noise impacts along Western Drive to less than significant levels.

Please refer to Table 5-5 of the TIA (Appendix S) that details the trip generation for Alternative A. The trips identified in the above referenced table do not include any reductions for transit use, Traffic Demand Management (TDM), diverted-link reductions, or ferry use. Please refer to Section 4.8 and 4.15 of the Draft EIS/EIR for an analysis of the Richmond – San Rafael Bridge.
Please refer to **General Response 3.14.1** regarding emergency preparedness.

Please refer to **General Response 3.12.1** regarding ferry service to the project site.

**RESPONSE I107-3**

The Draft EIS/EIR analyzes the Proposed Project’s consistency with the City’s adopted General Plan. If an alternative were implemented that includes transferring the land into federal trust, the General Plan would no longer apply to Tribal lands. Please refer to **General Response 3.13.1** regarding the Project’s consistency with the General Plan.

**RESPONSE I107-4**

The East Bay Municipal Utility District (EBMUD) is the municipal water supplier for the region. As discussed in **Section 4.10** of the Draft EIS/EIR, in accordance with Urban Water Management Planning Act (SB 610), EBMUD prepared a Water Supply Assessment (WSA) to compare the water demand of the Proposed Project with the 2005 Urban Water Management Plan. The WSA is included in **Appendix C** of the Draft EIS/EIR. According to EBMUD, the water demands of the Proposed Project are accounted for in the 2005 Urban Water Management Plan. Based on the existing land use and the potential for redevelopment, EBMUD anticipates both the densification and land use class changes throughout the service area.

The water demand for the project is the anticipated rate of consumption that would be removed from the EBMUD’s existing capacity. For planning purposes, the water demand of the Proposed Project is compared to the capacity of the existing water supply system. The 460 to 740 gallons per minute water demand referenced in the Draft EIS/EIR is the water usage rate that would be removed from the existing municipal system. As discussed in **Section 5.2.9** of the Draft EIS/EIR, the Tribe will incorporate the provisions of EBMUD’s application process (which includes a determination of rate at the time of the request for service) and will pay its fair share of the necessary upgrades to the off-site EBMUD distribution system. These impact fees cannot be determined at this time as they depend on the circumstances at the time of application such as current fee rates and other proposed developments that may also have a fair share cost of the necessary upgrades.

Refer to **General Response 3.6.2** regarding impacts to off-site municipal wastewater conveyance and treatment systems.

**RESPONSE I107-5**

Please refer to **Section 4.10** for analysis of impacts associated with solid waste disposal generated at the project site. The significance of the impact is determined by calculating the waste generation rate of the Proposed Project in comparison to the capacity of local facilities that would receive such waste. As stated in the analysis, the Proposed Project’s solid waste is anticipated to account for 0.5 percent of the
remaining daily capacity. As stated in the Draft EIS/EIR, construction waste would be temporary in nature, and a large amount would be diverted through recycling. Please refer to Section 5.2.9 of the Final EIR for a description of the broad recycling and solid waste diversion measures required for implementation of the Project.

**Response I107-6**

Cumulative effects are discussed in Section 4.15 of the Draft EIS/EIR. Contrary to the assertions of the commenter, foreseeable development projects, including existing and proposed tribal casinos in the greater East Bay Area, have been considered in combination with the Proposed Project to analyze cumulatively considerable environmental impacts. Mitigation for cumulative impacts is provided throughout Section 5.0 of the Draft EIS/EIR.

**Response I107-7**

The Regulatory Setting subsections in Section 3.0 of the Draft EIS/EIR, Description of Affected Environment, define the goals and policies of the General Plan as they relate to the resource areas/issues. Impacts to each resource area/issue were measured against the environmental baseline presented in Section 3.0. The commenter does not specify how Alternatives A-D violate the goals of the General Plan. Please refer to Section 2.1.1 of the Draft EIS/EIR for a description of the progressive design components of the Proposed Project, which advance the City’s goals regarding sustainability and green redevelopment principals.

**Response I107-8**

Potential impacts to all of the issue areas cited by the commenter are analyzed throughout Section 4.0 of the Draft EIS/EIR.

**Response I107-9**

Under Alternative E the City would retain Point Molate and would be the entity responsible for implementing the reuse of the project site.

Alternative D is similar to the “preferred alternative” in the draft General Plan update to which the commenter refers. The draft General Plan update, which was circulated after the Draft EIS/EIR was released for public comment, has not been adopted by the City. Please refer to General Response 3.3.2 regarding analysis of an alternative that retains all of the historic buildings at Point Molate.

**Response I107-10**

Comment noted.
COMMENT I108

RESPONSE I108-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.11.3 regarding documentation for employment opportunities.

RESPONSE I108-2

Please refer to Section 2.1.1 of the Draft EIS/EIR for a description of the progressive design components of the Proposed Project, which advance the City’s goals regarding sustainability and green redevelopment principals.

RESPONSE I108-3

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I109

RESPONSE I109-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I109-2

The potential impact to social services is discussed in Section 4.10 of the Draft EIS/EIR. As described in the Municipal Services Agreement (MSA; Appendix C), the Tribe would provide compensation to local law enforcement, fire service, and emergency medical service providers so that these agencies have the capacity (i.e. employees or equipment) necessary to address any increase in demand resulting from the Proposed Project.

The Draft EIS/EIR provides an analysis of all reasonably foreseeable social impacts from gambling. Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project. Please refer to General Response 3.11.2 regarding problem gambling.

Please refer to General Response 3.11.5 regarding the impact to surrounding communities.
4.0 Response to Individual Comments

COMMENT I110

RESPONSE I110-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I111

RESPONSE I111-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I112

RESPONSE I112-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I113

RESPONSE I113-1

Please refer to General Responses 3.11.1 and 3.11.2 regarding crime and problem gambling. Section 4.7.6 and Appendix T of the Draft EIS/EIR analyze the impacts to crime and other social ailments. While the Draft EIS/EIR does not directly discuss impacts relating to domestic abuse, poverty or prostitution specifically, the analysis included a thorough review of literature covering crimes and social issues related to casinos. The literature review included an examination of potential ties between domestic abuse, poverty and prostitution. These social ailments are not discussed specifically in the Draft EIS/EIR because casino impact researchers have not found a specific relationship between casinos and these ailments such that they should be addressed separately from other types of crimes or social ailments.

COMMENT I114

RESPONSE I114-1

Comment noted.

COMMENT I115

RESPONSE I115-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
**4.0 Response to Individual Comments**

**COMMENT I116**

**RESPONSE I116-1**

Please refer to Table 2-2 of the Draft EIS/EIR for a description of the square footage (and acreage for parkland and open space) of each major component of Alternatives A through C. Please refer to Table 2-6 of the Draft EIS/EIR for a description of each major component proposed for Alternative D.

The economic analysis presented in the Draft EIS/EIR was conducted to gain an understanding of the potential aggregate effects of the Proposed Project as a whole on the local economy (Section 4.7). It was determined that performing the analysis at an aggregate level would yield the best estimate for potential impacts of the Proposed Project. To break down the impacts to wages according to different areas of the Proposed Project (i.e. gaming facility, hotel, retail, etc.) would not change the conclusions of the analysis presented in the Draft EIS/EIR.

**COMMENT I117**

**RESPONSE I117-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I118**

**RESPONSE I118-1**

Community benefit payments, as required by the MSA and IGA for Alternatives A through C, are detailed in Section 2.1.2 of the Final EIR.

**RESPONSE I118-2**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I118-3**

Please refer to General Response 3.7.2 regarding indoor smoking.

**COMMENT I119**

**RESPONSE I119-1**

Please refer to Response I113-1 regarding the socio-economic issues raised in the comment.

**RESPONSE I119-2**

Please refer to Response A28-1 regarding the Tribe’s historical connection to the project site.
RESPONSE I119-3

Please refer to General Response 3.17 for a discussion of aesthetics and preservation of natural vistas within the project site.

RESPONSE I119-4

Please refer to Response I44-1 regarding the analysis of impacts to archaeological resources at the project site.

COMMENT I120

RESPONSE I120-1

Mitigation Measure 7-2 in the Final EIR has been augmented to require that Western Drive remain passable to through traffic 24 hours a day, seven days a week, to provide access to and from other land uses located on the San Pablo Peninsula. In the event that portions of Western Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not curtailed.

RESPONSE I120-2

Potential impacts to public services are discussed in Section 4.10 of the Draft EIS/EIR. As described in the Municipal Services Agreement (MSA; Appendix C), the Tribe would provide compensation to local law enforcement, fire service, and emergency medical service providers so that these agencies have the capacity (i.e. employees and equipment) necessary to address any increase in demand resulting from the Proposed Project. Additionally, Alternatives A through C provide for the construction and staffing of a combined police and fire station on-site, which would provide for reduced response times throughout the San Pablo Peninsula. Under Alternative D the existing on-site fire station would be renovated to serve the needs of the project. Please refer to Section 2.1.2 of the Draft EIS/EIR for a description of the provisions of the MSA related to police and fire services.

RESPONSE I120-3

Mitigation Measure 7-1 in the Final EIR has been augmented to require a minimum two week notice to all residents of the San Pablo Peninsula regarding any blockage of Western Drive.

COMMENT I121

RESPONSE I121-1

Please refer to General Response 3.11.2 regarding problem gambling.
4.0 Response to Individual Comments

COMMENT I122

RESPONSE I122-1

Please refer to General Response 3.11.2 and 3.11.3 regarding problem gambling and employment opportunities. As stated in Section 5.2.6 of the Draft EIS/EIR, the Tribe will adopt a policy statement on problem gambling, as well as provide compensation to an organization that provides services to problem and pathological gamblers for two new licensed counselors. The Tribe and County will further engage in consultation every two years and assess the needs for counselors, based on the discussion of problem and pathological gambling treatment in Section 4.7 of the Final EIR.

COMMENT I123

RESPONSE I123-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I124

RESPONSE I124-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I125

RESPONSE I125-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I125-2

Comment noted.

COMMENT I126

RESPONSE I126-1

Please refer to General Response 3.3.2 regarding alternatives to demolition or relocation of historic buildings at Point Molate.

COMMENT I127

RESPONSE I127-1

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.
RESPONSE I127-2

Please refer to General Response 3.12.1 regarding ferry service to the project site. Contrary to the statement of the commenter, the transportation analysis presented in Sections 3.8, 4.8, and 4.15 of the Draft EIS/EIR assume 15 percent of patrons and employees would arrive via ferry.

COMMENT I128

RESPONSE I128-1

As discussed in Section 4.7.3, there would be an increase in demand for housing as a result of the Proposed Project due to the relocation of employees from outside the County to fill employment opportunities generated from the operation of the Project. The increase in the demand for existing housing is considered a beneficial impact. Increased demand results in increased value. As summarized in General Response 3.11.5, the Proposed Project is projected to boost the economy of Richmond and Contra Costa County substantially.

Please refer to General Response 3.11.1 regarding potential impacts to crime.

RESPONSE I128-2

The Warm Springs Reservation, located in central Oregon, is composed of people descended from the Warm Springs, Wasco, and Paiute tribes. The Guidiville Band of Pomo Indians is not affiliated with the Warm Springs Reservation.

RESPONSE I128-3

Harrah’s Operating Company is not currently a partner with the Guidiville Band of Pomo Indians and is no longer involved in the Proposed Project.

Potential impacts to all of the issue areas cited by the commenter are analyzed throughout Section 4.0 of the Draft EIS/EIR. Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project. Please refer to General Response 3.11.2 regarding problem gambling.

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

As stated in Section 2.1.2 and Appendix C of the Draft EIS/EIR, the Tribe agrees to pay the City a service fee of $8 million per year for the first eight years beginning with the commencement of gaming operations. The Tribe agrees to pay the City a service fee of $10 million per year thereafter. The fees compensate the City for police and fire protection services. Fees shall be adjusted each year by changes in the Consumer Price Index, beginning after year one of the agreement. The fee shall be paid regardless
of the amount of service provided. Additionally, as provided by the IGA entered into with Contra Costa County (Appendix BB), the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters and responders, health, and social services related costs, and community benefit payments, commencing with the project start date (the date that public use commences for the new casino gaming facilities), and payable for as long as the IGA is in effect. Provisions of the MSA and the IGA would result in positive fiscal benefits for the City and the County, and no reduction in public services.

**RESPONSE I128-4**

Comment noted.

**COMMENT I129**

**RESPONSE I129-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I129-2**

Please refer to General Response 3.11.1 and 3.11.2 regarding potential impacts to crime and problem gambling. Mitigation for the potential increase of problem and pathological gamblers within ten miles of the project site is provided in Section 5.2.6 of the Final EIR to reduce potential impacts to less than significant levels.

Please refer to General Response 3.11.6 regarding potential impacts to social services as a result of the Proposed Project.

**COMMENT I130**

**RESPONSE I130-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I130-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I131**

**RESPONSE I131-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE I131-2
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I132

RESPONSE I132-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I132-2
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I133

RESPONSE I133-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I133-2
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I134

RESPONSE I134-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I134-2
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I135

RESPONSE I135-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I136**

**RESPONSE I136-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I136-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I137**

**RESPONSE I137-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I137-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I138**

**RESPONSE I138-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I138-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I139**

**RESPONSE I139-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.10 regarding enforcement of all mitigation measures specified in the Final EIR.
**RESPONSE I139-2**

Refer to **General Response 3.12.1** and **3.12.4** regarding the proposed ferry service and trip reductions, respectively. The analysis presented in the Draft EIS/EIR assumes that vehicle trips would be reduced by 15 percent with implementation of the ferry service.

Potential air quality impacts are analyzed in **Sections 4.4** and **4.15**, the traffic impact analysis (including the Richmond – San Rafael Bridge) is provided in **Sections 4.8** and **4.15**, and analysis of potential noise impacts is provided in **Sections 4.11** and **4.15** of the Draft EIS/EIR. Mitigation is provided in **Sections 5.2.3, 5.2.7,** and **5.2.10** of the Final EIR to address all potential impacts to air quality, traffic, and noise.

**RESPONSE I139-3**

Please refer to **General Responses 3.14.1** and **3.16.2** regarding emergency preparedness and hazards associated with the storage of hazardous materials at the neighboring Chevron facility.

**RESPONSE I139-4**

Please refer to **General Response 3.6.3** regarding water quality and **General Responses 3.7.1** regarding air quality. The existing environment as it relates to hydrology and air quality are addressed in **Sections 3.3** and **3.4** of the Draft EIS/EIR, respectively. **Sections 4.3** and **4.4** of the Draft EIS/EIR provide an analysis of potential hydrological and air quality impacts associated with implementation of each of the proposed alternatives.

**RESPONSE I139-5**

Please refer to **General Response 3.11.3** regarding documentation for the projected employment numbers. Please refer to **General Response 3.11.5** regarding potential impacts to the immediate and surrounding communities, including minority and low-income populations.

**RESPONSE I139-6**

Please refer to **Response A28-1** regarding consideration of the Tribe’s historical connection to the project site.

**RESPONSE I139-7**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

COMMENT I140

RESPONSE I140-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I140-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I141

RESPONSE I141-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I141-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I142

RESPONSE I142-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I142-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I143

RESPONSE I143-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I143-2

The approval of the Proposed Action/Project would not result in changes to the Indian Gaming Regulatory Act (IGRA) or otherwise affect other Tribes’ abilities to conduct gaming. Thus, approval of the Proposed Project would not serve to create any precedent.
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I144**

**RESPONSE I144-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I144-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I145**

**RESPONSE I145-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I145-2**

Mitigation has been added to Final EIR Section 5.2.3 which requires new and redeveloped buildings to meet LEED building design certification standards, except with respect to indoor smoking allowed in certain areas of the proposed casino.

Please refer to General Response 3.10 regarding enforcement of all mitigation measures specified in the Final EIR.

**RESPONSE I145-3**

In 2009, Richmond had a 14.6 percent unemployment rate, which is the equivalent of roughly 7,869 unemployed persons for the population. During the operational phase, the Proposed Project is projected to generate a total of 16,771 employment opportunities (Section 4.7 of the Draft EIS/EIR). The Proposed Project stands to generate a significant number of jobs for the region.

The assertion that none of the Richmond residents would qualify for any of these 16,771 positions is speculative and not supported. Please refer to Response I33-3 regarding the Tribe’s commitment to source 70 percent of initial hires from within Contra Costa County, 40 percent of which would come from the City of Richmond.
**RESPONSE I145-4**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I146**

**RESPONSE I146-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I146-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I147**

**RESPONSE I147-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I147-2**

Comment noted.

**RESPONSE I147-3**

Comment noted.

**RESPONSE I147-4**

California has not passed legislation disallowing gaming in the state; neither has there been any referendum to this effect.

**COMMENT I148**

**RESPONSE I148-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I148-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.
COMMENT I149

RESPONSE I149-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I149-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I150

RESPONSE I150-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I150-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I151

RESPONSE I151-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I151-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I152

RESPONSE I152-1

There is no singular “compact with California tribes.” Instead there are individual compacts between the State and each Tribe that proposes to conduct Class III gaming, per the requirements of IGRA (25 U.S.C. § 2710). Several compacts are currently in place for casinos that some might consider as being in urban areas on land that was not previously a formal reservation. For responses to the comment letter from the Governor’s Office of Legal Affairs, please see Responses A-18-1 through A18-8.
4.0 Response to Individual Comments

RESPONSE 1152-2

Operational activities associated with the Proposed Project would generate an annual total of approximately 16,771 employment opportunities within the County including direct, indirect, and induced employment, as shown in Table 4.7-5 of Section 4.7.2 in the Draft EIS/EIR. The majority of these jobs would be located away from the project site and would be the result of indirect and induced employment effects. As such, there would not be 17,000 employees commuting to the project site on a daily basis as suggested by the commenter.

RESPONSE 1152-3

Please refer to General Response 3.11.1 regarding the potential impacts to crime. The commenter’s contention that crime increased up to 300 percent in San Pablo as a result of Casino San Pablo is not supported by the facts. This assertion is directly refuted by statements made by San Pablo Chief of Police, Joseph P. Aita, which are summarized in General Response 3.11.1.

Please refer to General Response 3.11.6 regarding potential impacts to social services, including emergency medical services, as a result of the Proposed Project.

With respect to alcohol availability and consumption, it is important to note that it will not be a policy of the Tribe to offer complimentary alcoholic beverages to its customers, as is the case with certain other casino establishments. As stated under Mitigation Measure 6-2, “The Tribe shall provide training to all appropriate employees regarding the identification of intoxicated patrons gambling; shall adopt procedures to prohibit intoxicated persons from gambling at the gaming establishment; and shall provide information to intoxicated gambling patrons regarding the dangers of intoxicated gambling, and available counseling and treatment resources.” Furthermore, as stated under Mitigation Measure 9-15, “the Tribe shall adopt a ‘Responsible Alcoholic Beverage Policy’ that would include, but not be limited to, requesting identification of patrons and refusing service to those who have had enough to drink. This policy shall be discussed with the Richmond Police Department.” Based on the analysis in the Draft EIS/EIR, the Proposed Project is not likely to significantly impact local drunk driving. It should be noted that since driving under the influence is illegal, any impacts to drunk driving would be included in the overall crime rate impacts and are addressed in crime-related mitigations.

RESPONSE 1152-4

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

RESPONSE 1152-5

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

RESPONSE I152-6
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I153
RESPONSE I153-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I153-2
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I154
RESPONSE I154-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I154-2
Please refer to Response A18-4 concerning the Governor’s Proclamation on Tribal Gaming.

RESPONSE I154-3
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I154-4
Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I155
RESPONSE I155-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to Response A18-4 concerning the Governor’s Proclamation on Tribal Gaming.
4.0 Response to Individual Comments

**RESPONSE I155-2**

Please refer to Response I1139-2 regarding traffic issues.

**RESPONSE I155-3**

Please refer to General Response 3.11.1 regarding crime.

**COMMENT I156**

**RESPONSE I156-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I156-2**

Please refer to Responses I129-30 and I129-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I157**

**RESPONSE I157-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I157-2**

Please refer to Responses I129-30 and I129-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I158**

**RESPONSE I158-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I158-2**

Please refer to Responses I129-30 and I129-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I159**

**RESPONSE I159-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
**RESPONSE I159-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I160**

**RESPONSE I160-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I160-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I161**

**RESPONSE I161-1**

The existing conditions related to traffic and regional transportation infrastructure are discussed in Section 3.8 of the Draft EIS/EIR. Sections 4.8 and 4.15 of the Draft EIS/EIR analyze potential transportation impacts associated with implementation of the Proposed Project in the near-term and under cumulative conditions (year 2025). Mitigation for impacts identified in the analysis is presented in Section 5.2.7 of the Draft EIS/EIR.

**RESPONSE I161-2**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I161-3**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I162**

**RESPONSE I162-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE I162-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I163

RESPONSE I163-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I163-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I164

RESPONSE I164-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I164-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I165

RESPONSE I165-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I165-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I166

RESPONSE I166-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
**Response I166-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**Comment I167**

**Response I167-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**Response I167-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**Comment I168**

**Response I168-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**Response I168-2**

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**Comment 169**

**Response I169-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

The Draft EIS/EIR analyzes environmental impacts associated with six different alternatives, including a Total Park Alternative (E). Alternative E includes preservation of all historic structures within the Winehaven Historic District, although adaptive reuse was found to be infeasible due to a lack of funding required to rehabilitate the structures to make them habitable.

Please refer to General Response 3.3.2 regarding alternatives to demolition or relocation of historic buildings.
RESPONSE I169-2

The commenter fails to acknowledge that the Proposed Project would be required to conform to the Secretary of the Interior’s (SOI) Standards and Guidelines for Rehabilitation (Mitigation Measure 5-1). The SOI Standards define rehabilitation as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." As such, adaptive reuse is permissible and does not conflict with historic preservation standards provided that modifications, new construction, and other on-site alterations are undertaken in a manner consistent with the SOI Standards and Guidelines. In fact, an adaptive reuse of the historic district provides the financial means to undertake the significant structural and environmental renovations required to allow human occupancy and would bring many more people to the site to enjoy and learn about the rich history of the site. Refer to Mitigation Measure 5-1 of the Draft EIS/EIR for a description of procedural approach for resolving adverse affects on the Winehaven Historic District associated with the Proposed Project. Nonetheless, Section 4.6 of the Draft EIS/EIR acknowledges that new construction in Alternatives A through D would have a significant and unavoidable impact on the integrity of the historic district.

RESPONSE I169-3

Please refer to General Response 3.17 that addresses redevelopment within the Historic District.

RESPONSE I169-4

Alternatives A through E and B1 all include construction of the Bay Trail through the project site, while Alternatives A through D and B1 include adaptive reuse of the former fueling pier.

COMMENT I170

RESPONSE I170-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project.

COMMENT I171

RESPONSE I171-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE II171-2

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

COMMENT I172

RESPONSE I172-1

Comment noted.

RESPONSE I172-2

Section 2.2.2 of the Final EIR has been corrected to note the wastewater collection line would connect to the existing system at the intersection of Tewksbury Avenue and Vaca Street. Text within Appendix G of this document has been updated to correctly state that the recommended wastewater alignment would be Option 1.

Please refer to General Response 3.6.2 for wastewater treatment issues.

Environmental impacts associated with off-site improvements to the proposed wastewater alignments are analyzed in Section 4.14.8 of the Final EIR.

While inflow and infiltration along existing collection lines is a significant problem with the existing system, the Proposed Project would likely serve as a catalyst to perform the long overdue upgrades to the system that have resulted in past discharges of untreated wastewater into the Bay.

The Remedial Plan detailing the approach to address the clean-up of hazardous materials on-site is provided as Appendix II to the Final EIR.

COMMENT I173

RESPONSE I173-1

Comment noted.

RESPONSE I173-2

The Chevron Refinery is separated from the project site by Potrero Ridge, which rises roughly 325 – 430 feet above sea level. Redevelopment of the project site largely focuses on the portions of the site previously developed, thus leaving a significant hillside open space buffer between habitable Project components and Chevron property to the east. Furthermore, there are no active industrial uses immediately adjacent to the project site, although such uses are found throughout the City of Richmond.
Please refer to **General Response 3.14.1** regarding emergency preparedness. Refer to **General Response 3.16.3** regarding security at the neighboring Chevron Refinery and **General Response 3.16.2** regarding proximity to the Chevron Refinery.

**RESPONSE I173-3**

The Draft EIS/EIR at **Section 4.15** discloses all significant impacts associated with the facilities studied.

As discussed in the context of each relevant impact statement, some impacts are considered significant because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements. Impact Statement 4.15.11 considers all intersections within the study area; impacts to several of the intersections can be reduced to less than significant levels with implementation of mitigation. However, the impact discussion goes on to say that the “full suite of required mitigation measures are considered infeasible at this time due to lack of funding and/or because the improvements fall within the responsibility and jurisdiction of a public agency other than the City of Richmond for which there is no existing plan to implement or fund (emphasis added).” In other words, only some of the mitigation measures are considered infeasible at this time resulting in a significant and unavoidable impact. As such, there is no inconsistency in the analysis and no changes to the text of the document are warranted.

**RESPONSE I173-4**

Operations on Western Drive following the proposed improvements and capacity upgrade are analyzed in **Sections 4.8** and **4.15** of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility. The total number of traffic trips on Western Drive during operation is provided in the TIA (**Appendix S**; refer to Table 5-5 for Alternative A) and was used to determine the project-related impacts to Western Drive. As shown in **Table 4.8-4** of the Draft EIS/EIR, the only Western Drive intersection between the project site and I-580 would operate at a Level of Service (LOS) A, which is the optimum level of operations under the City of Richmond’s significance standards provided in **Section 4.8** of the Draft EIS/EIR. LOS A is defined by Caltrans as free flowing. As such, emergency access would be unimpeded.

Please refer to **General Response 3.14.1** regarding emergency preparedness at the project site.

**COMMENT I174**

**RESPONSE I174-1**

Refer to **Response I32-3** regarding the scale of the proposed alternatives and the method of impact analysis
4.0 Response to Individual Comments

RESPONSE I174-2
Refer to Responses I32-4 and I32-5 regarding impacts to historic resources, the City’s status as a Certified Local Government, and other items already raised by the commenter in her previous comment letter (Comment I34).

RESPONSE I174-3
Refer to Response I32-6 regarding parkland.

RESPONSE I174-4
Refer to Response I32-7 regarding the traffic analysis.

RESPONSE I174-5
Please refer to Response I32-8.

COMMENT I175

RESPONSE I175-1
Please refer to General Responses 3.11.1, 3.11.2, 3.11.5 and 3.11.6 regarding potential impacts to crime, problem gambling, social services, and the surrounding communities as a result of the Proposed Project. Please refer to Response I44-2 regarding Gambling in the Golden State 1998 Forward. Statistics listed by the commenter could not be substantiated. While the Final EIR is open to considering all information, the necessary documentation, support and explanations for the assumptions and methodologies used by the commenter to calculate statistics were not provided.

COMMENT I176

RESPONSE I176-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I176-2
Comment noted.

RESPONSE I176-3
Comment noted.
4.0 Response to Individual Comments

**COMMENT I177**

*RESPONSE I177-1*

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

*RESPONSE I177-2*

Please refer to Responses I29-30 and I29-31 regarding Councilmember Butt’s comment dated October 17, 2009.

**COMMENT I178**

*RESPONSE I178-1*

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

*RESPONSE I178-2*

Please refer to General Response 3.13.2 concerning impacts to open space. Mitigation Measure 4-1 in Section 5.2.4 of the Draft EIS/EIR details the creation of open space preserves for impacted native habitats. These open space preserves would be established in areas currently supportive of non-native invasive habitats. This measure will increase the overall acreage of on-site native habitats and remove the invasive habitats currently on-site.

*RESPONSE I178-3*

Please refer to Response A14-1 and General Response 3.8.1 regarding the analysis of air quality and greenhouse gases.

*RESPONSE I178-4*

Refer to General Response 3.7.2 regarding indoor smoking at certain facilities within the project site.

*RESPONSE I178-5*

Refer to General Response 3.16.2 regarding the project site’s proximity to the Chevron facility.

*RESPONSE I178-6*

The commenter does not cite information to support the statistic, thus the information cannot be substantiated and no further response can be given. Please refer to General Response 3.11.1 regarding potential impacts to crime as a result of the Proposed Project.
4.0 Response to Individual Comments

RESPONSE II78-7

The existing conditions related to traffic and regional transportation infrastructure are discussed in Section 3.8 of the Draft EIS/EIR. Sections 4.8 and 4.15 of the Draft EIS/EIR analyze potential transportation impacts associated with implementation of the Proposed Project in the near-term and under cumulative conditions (year 2025). Mitigation for impacts identified in the analysis is presented in Section 5.2.7 of the Draft EIS/EIR. Specific technical details regarding the traffic analysis are provided in General Response 3.12.

Please refer to General Response 3.12.1 regarding ferry service to the project site. It should be noted that the vehicle trip reduction applied as a result of ferry service to the site in the Draft EIS/EIR is 15 percent, not 25 percent as stated by the commenter.

COMMENT I179

RESPONSE I179-1

Refer to Response I34-3 regarding the scale of the proposed alternatives and the method of impact analysis

COMMENT I180

RESPONSE I180-1

Comment noted.

Response I180-2

Impacts to mixed riparian habitat are listed in Tables 4.5-1 through 4.5-5 of the Draft EIS/EIR. Only Alternatives B and D would impact this habitat. Recommended mitigation in Section 5.2.4 would reduce potential impacts to this important native habitat to less than significant levels by compensating for the loss of mixed riparian habitat acreages resulting from the development of Alternatives B and D. Specifically, Mitigation Measure 4-4 states that if unavoidable impacts are to occur, the California Department of Fish and Game (DFG) would be consulted and a 3:1 ratio of replacement/creation would occur.

As discussed in Section 4.5 of the Draft EIS/EIR, impacts to beach strand habitat would be avoided under all alternatives. Setbacks for beach strand habitat (Mitigation Measure 4-6) will be approved through consultation with the San Francisco Bay Conservation and Development Commission (BCDC).

Mitigation Measure 4-6 has been supplemented in the Final EIR to state, in part, “Setback distances for areas of beach strand habitats shall be approved through consultation with BCDC taking into account the soils, slope, hydrology, vegetative cover and runoff potential of areas adjacent to beach strand habitat where construction will occur.”
The unidentified *Cirsium sp.* was noted during botanical surveys on April 14, 2008 and April 21, 2009. Late season rare plant surveys conducted on August 10, 2007 and June 19, 2008 documented only (*Cirsium vulgare*), and the unknown *Cirsium sp.* was not observed/documentated at that time. These observations support the conclusion that the common bull thistle (*Cirsium vulgare*) is the only thistle occurring within the project site and that when observed in April the *Cirsium sp.* was too small to identify as the common species. CNPS lists the rare Franciscan thistle (*Cirsium andrewsii*) as identifiable during a bloom period ranging from March-July. While this bloom period coincides with multiple botanical survey dates over a two-year period, the species was not observed to occur on-site. Please see General Response 3.9.2 regarding recent on-site botanical surveys.

*Symphyotrichum lentum* (Suisun Marsh Aster) is specifically addressed in Sections 4.5.3, 4.5.11, 4.5.19, 4.5.27, and 4.5.35 of the Draft EIS/EIR. Mitigation Measures 4-13 and 4-14 detail avoidance of impacts with adequate setbacks as well as other appropriate measures to offset any potential impacts.

The Draft EIS/EIR, complete with all appendices, has been available online (www.pointmolateeis-eir.com) since July 10, 2009. The online availability of the document was noted in the Notice of Availability, which was widely publicized.

**RESPONSE I180-3**

Please refer to General Response 3.4 and Responses I4-1 through I4-7 regarding access to Point Molate via the proposed segment of the Bay Trail.

**COMMENT I181**

**RESPONSE I181-1**

As detailed in Section 2.0 of the Draft EIS/EIR, a significant amount of parkland and open space is provided under all of the alternatives considered. Alternatives A – D contemplate between 180 and 236 acres of shoreline parks and hillside open space, which account for between 66 and 86 percent of the total upland acreage on site (approximately 273 acres). A 35-acre Shoreline Park is proposed under Alternatives A – D which would contain a variety of natural environments including tidal, near-shore wetlands, and upland areas. Upland areas would also be provided in the 145 to 190 acres of hillside open space provided by the project under Alternatives A – D. As described in Section 2.2.2, these areas would also provide a variety of recreational activities, including biking/hiking trails, picnic areas, a kayak center, and other park amenities consistent with those found in regional parks in Contra Costa and Alameda Counties.

Cumulative effects are discussed in Section 4.15 of the Draft EIS/EIR. Past, present, and foreseeable development projects, including the proposed casino in North Richmond and existing casino in San Pablo, have been considered in combination with the Proposed Project to evaluate cumulatively considerable environmental impacts. With mitigation, cumulative impacts to socioeconomic conditions...
are considered less than significant. Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities.

**COMMENT I182**

**RESPONSE I182-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT I183**

**RESPONSE I183-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**RESPONSE I183-2**

Please refer to General Response 3.11.3 regarding employment generated by the Proposed Project.

As discussed in Section 4.7 of the Draft EIS/EIR, no low-income or minority communities would be disproportionately adversely affected by impacts of the Proposed Project.

**RESPONSE I183-3**

Comment noted.

**COMMENT I184**

**RESPONSE I184-1**

Please refer to General Response 3.10 regarding enforcement of all mitigation measures specified in the Final EIR.

Please refer to Response A15-1, Eastbound I-580 Off-ramp to Western Drive, for a discussion of the need for a dedicated eastbound off-ramp from I-580.

Refer to General Response 3.12 for a discussion of issues related to traffic and circulation, including trip generation. Refer to Sections 4.8 and 4.15 of the Final EIR and the Supplemental TIA (Appendix S) regarding the Richmond – San Rafael Bridge toll plaza analysis. A less than significant impact would occur in the near-term at the toll plaza. In the cumulative year a significant impact would occur with the inclusion of project traffic. Mitigation is provided in Section 5.2.7 of the Draft EIS/EIR which would
reduce this impact to less than significant upon implementation of the full suite of recommended measures. As discussed in the context of each relevant impact statement, some transportation impacts are considered significant because the full suite of required improvements may not be implemented since the subject facilities lie outside of the jurisdiction of the City of Richmond and there is currently no published plan to help fund or implement the improvements.

The number of vehicles per lane per hour at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

Refer to General Response 3.12.1 regarding ferry service to the project site.

RESPONSE I184-2

Please see Response I104-70.

RESPONSE I184-3

Cumulative effects are discussed in Section 4.15 of the Draft EIS/EIR. Contrary to the assertions of the commenter, foreseeable development projects, including existing and proposed tribal casinos in the greater East Bay Area, have been considered in combination with the Proposed Project to analyze cumulatively considerable environmental impacts. Mitigation for cumulative impacts is provided throughout Section 5.0 of the Draft EIS/EIR.

RESPONSE I184-4

Please refer to General Responses 3.16.2 and 3.16.3 concerning hazards associated with the project site’s proximity to the Chevron facility.

RESPONSE I184-5

Comment noted.

COMMENT I185

RESPONSE I185-1

Section 4.7 of the Draft EIS/EIR examines the economic impacts from the Proposed Project, including casino and hotel development. Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

The article attached by the commenter was consulted. It was determined that the examination of the hotel industry described by the article did not include hotels associated with casino establishments. Furthermore, information presented in the article would not affect the conclusions of the analysis presented in the Draft EIS/EIR.
4.0 Response to Individual Comments

Response I185-2
Comment noted.

Comment I186

Response I186-1
Please refer to General Response to Comment 3.2.1 regarding the expression of opposition and comments unrelated to the content or scope of the Final EIR.

It is not clear to which State “public policy” the commenter refers, however similar comments referencing State public policy and the Governor’s Proclamation on Tribal Gaming can be found in Response A18-4.

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

Response I186-2
Please refer to General Response 3.11.3 regarding documentation for the estimated employment numbers, as well as information pertaining to the types of opportunities generated by the Proposed Project.

Statistics provided by the commenter cannot be substantiated. According to the Economic Impact Study summarized in the Draft EIS/EIR, with development of the Proposed Project, the Richmond area gaming market is expected to grow by approximately 20 percent to $2.20 billion in 2012 (Appendix T). Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

Response I186-3
Refer to General Response 3.12 for a discussion of issues related to traffic and circulation. Refer to Sections 4.8 and 4.15 of the Final EIR and the Supplemental TIA (Appendix S) regarding the Richmond – San Rafael Bridge toll plaza analysis. The number of vehicles per lane per hour at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in the text of the Final EIR.

Refer to General Response 3.12.1 regarding ferry service to the project site.

Response I186-4
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

COMMENT I187

RESPONSE I187-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I187-2

The City of Richmond’s adopted General Plan is discussed at length in Section 3.9 of the Draft EIS/EIR, and Section 4.9 provides an analysis of the Proposed Project’s consistency with relevant elements of the General Plan. In addition, each section of the Draft EIS/EIR addresses General Plan policies that are relevant to their respective issue areas. Policies regarding open space and historic sites are addressed in Section 3.10, Utilities and Public Services, and Section 3.6, Cultural Resources. Policies regarding preservation of natural sites are addressed in Section 3.5, Biological Resources.

RESPONSE I187-3

Please refer to General Response 3.8.2 regarding sea level rise at the project site.

RESPONSE I187-4

Please refer to General Response 3.8.1 regarding the analysis of greenhouse gas emissions. Neither CEQA nor NEPA require that environmental analyses to be consistent with un-adopted “climate change treaties” or “global grassroots movements.”

RESPONSE I187-5

Please refer to General Response 3.9.2 regarding habitat classification of the project site.

Please refer to General Response 3.9.1 regarding the analysis of impacts to the eelgrass beds located on site.

Please refer to General Response 3.6.2 regarding the analysis of impacts related to treatment and disposal of wastewater generated on-site.

RESPONSE I187-6

As stated in Section 4.3 and Appendix H of the Draft EIS/EIR, the project site currently drains to the Bay through an established drainage system. Implementation of the Proposed Project would result in additional flows that would be retained on-site through the use of bio-retention swales. The resulting flows into the Bay would be similar to those under existing conditions. The site is currently developed and the types of pollutants entering the Bay would be similar. However, based on the inclusion of water quality improvement features, stormwater quality of discharges to the Bay are expected to improve compared to existing conditions. Impacts to biological resources are addressed in Section 4.5 of the Draft EIS/EIR.
RESPONSE I187-7

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

The economic analysis summarized in Draft EIS/EIR relies on the IMPLAN model, which uses complex county-specific data to determine potential impacts of the Proposed Project on the regional economy. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15 of the Draft EIS/EIR.

Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

Please refer to General Responses 3.11.5 and 3.11.6 regarding potential impacts to the surrounding communities and social services.

RESPONSE I187-8

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I188

RESPONSE I188-1

Please refer to General Response 3.11.3 and Response I145-3 regarding employment opportunities generated by the Proposed Project. As stated in Appendix C, employment offered at the casino would be subject to the City of Richmond’s Living Wage Ordinance, which requires employers to pay at a rate higher than minimum wage as determined by the City. If employees are not offered medical benefits, they must be compensated accordingly by the employer.

Please refer to General Response 3.11.6 regarding the analysis of impacts to social services.

Please refer to General Response 3.11.1 regarding impacts to crime.

RESPONSE I188-2

Comment noted.

COMMENT I189

RESPONSE I189-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE I189-2

Comment noted.

COMMENT I190

RESPONSE I190-1

Comment noted.

RESPONSE I190-2

The Draft EIS/EIR assumes, for the purposes of completing the environmental impact analysis, that land can be taken into trust for the benefit of the Tribe, allowing for the operation of gaming on-site. There are many examples of land being taken into trust for tribes across the country, whereupon the land becomes “Indian” land that is generally not subject to state jurisdiction. The full effect of the Carcieri v. Salazar decision on this process is unknown. Other legal challenges to the land-into-trust process are possible in the future as well. However, neither NEPA nor CEQA require speculation on the outcome of future legal disputes. Therefore, the Draft EIS/EIR properly assumes that the process described for taking the land into trust will take place, should an alternative that includes a land-into-trust transfer be selected. Please note that the Draft EIS/EIR considers a conventional mixed-use redevelopment alternative (D), a total parkland alternative (E), and a no action alternative (F), none of which propose transferring the Point Molate property into trust.

The viability of the proposed fee to trust transfer by the Department of Interior (DOI) is beyond the scope of the Draft EIS/EIR. The purpose of the environmental review process is to assess the environmental impacts of the Proposed Project and not to analyze the DOI realty process. Ultimately, DOI will make a determination, considering a host of factors, with respect to the eligibility of the site for transfer into Federal trust for the benefit of the Tribe and the site’s eligibility for Class III gaming.

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

COMMENT I191

RESPONSE I191-1

Comment noted.

RESPONSE I191-2

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
Please refer to **General Response 3.4** and **Responses I4-1 through I4-7** regarding access to Point Molate via the proposed segment of the Bay Trail.

**RESPONSE I191-3**

Mitigation has been added to Final EIR **Section 5.2.3** which requires the Tribe to meet LEED building design certification standards, except with respect to indoor smoking allowed in certain areas.

**RESPONSE I191-4**

Refer to **Response A22-2** regarding transit service to the project site. Please refer to **General Response 3.12.1** regarding ferry service to the project site.

**RESPONSE I191-5**

Please refer to **Response A28-1** regarding consideration of the Tribe’s historical connection to the project site.

**RESPONSE I191-6**

Please refer to **General Response 3.11.3** regarding employment opportunities generated by the Proposed Project. Please refer to **General Response 3.11.5** regarding potential impacts to the immediate and surrounding communities, including potential impacts to low-income and minority populations, as well as economic impacts in the City of Richmond generated through the operation of the Proposed Project.

**COMMENT I192**

**RESPONSE I192-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

The commenter’s organization has been added to the mailing list maintained for the environmental analysis related to the Proposed Project.

**RESPONSE I192-2**

Please refer to **Section 3.5.4** of the Draft EIS/EIR which discusses the biological surveys conducted at the project site. AES biologists conducted preliminary biological assessments and wetland surveys in March and April of 2005. AES staff conducted thorough biological surveys, wetland reconnaissance, and focused floristic surveys of the project site on August 13, 14, and 30, 2007, January 18, April 14 and 15, and June 19 and 23, 2008. All visible plant and wildlife species, including birds, were noted and identified to the lowest possible taxonomic level. The habitat types within the project site were characterized and then further evaluated for their potential to support regionally occurring special-status
species taking into account blooming windows and suitable identification periods for plant as well as animal species noted with potential to occur on-site.

**RESPONSE II92-3**

Please refer to **General Response 3.9.1** regarding the analysis of impacts to the eelgrass habitat located on-site.

**RESPONSE II92-4**

CEQA requires the evaluation of individual species based upon their special status designations. The identification and evaluation of individual plant communities is a necessity for the impact analysis mandated by CEQA. Habitat diversity is established by the quantity of unique plant communities which is in turn based upon the density, composition and occurrence of component individual species. Therefore, when assessing a single special status species and the natural vegetative communities which may support that species on-site, overall habitat diversity is inherently evaluated. **Mitigation Measures 4-1 through 4-14** thoroughly detail the measures that will be implemented to reduce anticipated impacts to less than significant levels under both CEQA and NEPA. In addition, please refer to **Mitigation Measure 4-1** which details how any impacted coastal scrub or grassland habitat will be replaced at no less than a 2:1 ratio while preservation of addition acreage at a ratio no less than 1:1 will also occur. Created habitats will use existing eucalyptus woodlands or invasive scrub for conversion, thus overall native habitat diversity of the site will not be minimized, and overall acreages of native habitats will in fact be increased in size compared to the current condition.

**RESPONSE II92-5**

All impacts to Waters of the U.S. and wetlands are detailed in **Section 4.5** of the Draft EIS/EIR, within **Tables 4.5-1 through 4.5-5**. **Mitigation Measures 4-10, 4-11 and 4-12** outline the measures that would be implemented to reduce potential impacts to Waters of the U.S. to a less than significant level. No natural wetland features would be used for storm water detention or filtration of runoff.

**RESPONSE II92-6**

Please refer to **Response A1-5** regarding the analysis of impacts to avian species.

**RESPONSE II92-7**

The open waters of San Francisco Bay are currently open to the public for recreational use, such as kayaking, wind surfing, etc. As previously noted, the USFWS provided a Biological Opinion on the Proposed Project (**Appendix J**), which offers a “not likely to adversely affect” determination for all federally listed species with the potential to occur within the project site while specifically noting that the “project area contains a very small amount of low quality habitat that is isolated from other habitat areas known or likely to support these species.” This designation also includes a “not likely to adversely
affect” determination to federally listed birds that “may forage in offshore waters and eelgrass beds within
the project area.”

Point Molate is not located within the North Richmond Wetlands Important Bird Area (IBA), therefore no
impacts to the integrity if the IBA would occur.

**RESPONSE I192-8**

Please refer to General Response 3.12.1, which covers a range of issues associated with the proposed
ferry service. Also refer to General Response 3.9.1 for a thorough discussion of potential impacts to the
eelgrass beds located on site.

**RESPONSE I192-9**

Regarding evacuation routes and the potential for a chemical release from the Chevron facility, please
refer to General Responses 3.14.1 and 3.16.2.

**RESPONSE I192-10**

Refer to General Response 3.6.3 regarding stormwater quality, including the proper operation of
stormwater management systems.

**RESPONSE I192-11**

The Draft EIS/EIR provides an analysis of emissions from vehicle miles traveled for criteria pollutants in
Section 4.4 and 4.15. Greenhouse gas emissions are addressed in Section 4.15 of the Draft EIS/EIR.

The greenhouse gas analysis has been revised in the Final EIR to include a comprehensive estimate of
GHG emissions, an analysis of impacts, and consideration of mitigation measures consistent with
recommendations in the recently updated BAAQMD CEQA Air Quality Guidelines. Please refer to
Response A14-1 and General Response 3.8.1 which summarize the substantial revisions to the
greenhouse gas impact analysis in the Final EIR. Refer to Mitigation Measures 3-26 through 3-28 and
Improvement Measures 3-29 through 3-44 in the Final EIR, which would significantly reduce project-
related GHG emissions, resulting in a less than significant impact.

**RESPONSE I192-12**

Water and energy supply are included in the calculation of potential GHG emissions in Final EIR Section
4.15.

East Bay Municipal Utility District (EBMUD) prepared a Water Supply Assessment (WSA) to compare
the water demand of the Proposed Project with the 2005 Urban Water Management Plan. The WSA is
included in Appendix C. According to EBMUD, the water demands of the Proposed Project are
accounted for in the 2005 Urban Water Management Plan. Based on the existing land use and the
potential for redevelopment, EBMUD anticipates both the densification and land use class changes throughout the service area. As such, potential impacts to water supply have been adequately analyzed.

Pacific Gas and Electric (PG&E) has confirmed the availability of capacity to service the project site. A PG&E will-serve letter is included within Appendix C.

**Response I192-13**

Please refer to General Response 3.2.1, regarding expressions of opinion and other non-substantive comments.

**Comment I193**

**Response I193-1**

Comment noted.

**Response I193-2**

Please refer to General Response 3.14.1 regarding emergency preparedness and response.

**Response I193-3**

Please refer to General Response 3.16.3 regarding security at the neighboring Chevron facility.

**Comment I194**

**Response I194-1**

Comment noted.

**Response I194-2**

Table 2-8 in the Final EIR has been updated to indicate that there would be reduced on-site noise levels under the Total Parkland Alternative (E) compared to the Proposed Project. The table has also been updated to indicate that potential impacts to aesthetic resources would be qualitatively less under the Total Parkland Alternative (E) compared to the Proposed Project. Table 2-8 in the Draft EIS/EIR indicated these potential impacts would be similar between the Total Parkland Alternative (E) and the Proposed Project given that less than significant impacts would occur with mitigation under both alternatives. The description of hazardous materials within Table 2-8 was not changed in the Final EIR since the project site would be subject to a higher level of hazardous materials remediation under the Proposed Project compared to the Total Parkland Alternative (E).
RESPONSE II94-3

Please refer to General Response 3.12.1 regarding ferry service to the project site. Refer to General Response 3.4 regarding bicycle and pedestrian access to the project site via the proposed Bay Trail.

RESPONSE II94-4

The Total Parkland Alternative (E) is described in Section 2.6 of the Draft EIS/EIR and the No Action Alternative (F) is described in Section 2.7. Under Alternative E, the land would not be purchased by the Tribe or Upstream, and would not be held in federal trust, a reservation proclamation would not be requested, and a gaming management contract would not be needed. Under this alternative, the project site would be retained by the City and would be accessible by the public for use as a park. None of the buildings in the Winehaven Historic District would be demolished or relocated, and no new buildings would be constructed. The park would include a newly constructed segment of the San Francisco Bay Trail as well as a secondary trail system east of Western Drive in the hillside area. The hillside trail system would make use of the existing road network and would not require any new construction, with the exception of limited resurfacing within the trail right-of-way. The existing fueling pier located on-site would be improved and opened for use by the public. The pier would not be used for leisure boat or ferry mooring; rather, it would be retrofitted to allow for access via the Bay Trail for fishing or other activities. Hazardous materials remediation would completed, albeit at a slower pace and a lower level compared to Alternatives A – D, which include additional funding by the project proponent.

In contrast, under the No Action Alternative (F), the project site would continue under current land uses since there is no foreseeable funding or agreements in place that would provide for the redevelopment of the project site. The segment of the Bay Trail along the shoreline of Point Molate proposed under Alternative E would not be constructed and the hillside open space would remain restricted to the public. Hazardous materials remediation would occur in generally the same time and to the same level as described for Alternative E.

RESPONSE II94-5

Section 4.2 of the Draft EIS/EIR analyzes impacts associated with liquefaction at the site. The analysis determined that impacts associated with this geologic hazard are potentially significant. Mitigation has been incorporated into Section 5.2.1 of the Draft EIS/EIR that would reduce potential impacts to a less than significant level. Please refer to General Response 3.5.1 regarding the analysis of hazards associated with seismicity and liquefaction. It should be noted that the underlying geology of Richmond is radically different from that of the Point Molate and areas along the San Pablo Peninsula. While Richmond is largely built upon former tidelands that were filled during the historic period, the San Pablo Peninsula is largely composed of Franciscan basement rock which is not susceptible to liquefaction.

RESPONSE II94-6

Direct impacts to vegetative habitats are listed in Tables 4.5-1, 4.5-2, 4.5-3 and 4.5-4 in Section 4.5 of
the Draft EIS/EIR. **Mitigation Measures 4-1 through 4-9** have been developed to reduce these impacts to a less than significant level. Indirect impacts associated with implementation of mitigation are addressed in **Section 4.14.8** of the Final EIR.

Project site drainage is addressed in **Section 2.2.2**, which states that an NPDES general construction permit will be acquired for the project under regulation of CWA and a SWPPP will be prepared and implemented for construction-related storm water discharges. The SWPPP shall require erosion and sediment control BMPs for all construction activity. Additionally, a storm water management plan (SWMP) is included in **Appendix H** that details how storm water flows, which may contain potentially turbid and/or contaminated waters, will be stored in temporary detention facilities where the water will be treated (or trucked from the site and treated) prior to surface water discharge into the Bay. Please refer to **General Response 3.6.3** for a full discussion of the analysis of stormwater impacts.

**RESPONSE II94-7**

**Section 4.3** of the Draft EIS/EIR identifies the significance criteria that was utilized to identify impacts from the implementation of the project alternatives. The thresholds were derived from the significance criteria provided in Appendix G of the CEQA Guidelines. The significance criteria state that a water quality impact would be considered significant if the project substantially degrades water quality, which implies existing water quality for both surface and groundwater resources. The significance criteria used in the water quality analysis considers the potential for the redevelopment alternatives to degrade the existing surface and groundwater quality due to erosion and siltation. Considering the existing conditions at the project site described in **Sections 3.3** and 3.5 of the Draft EIS/EIR, implementation of the Proposed Project would have a beneficial impact on surface and groundwater within the project site.

The SWMP is provided in **Appendix H** of the Draft EIS/EIR. The SWPPP, which is required by **Mitigation Measures 1-1** and 2-1, is a routine document prepared for construction projects and is not required to complete the analysis of environmental impacts.

**RESPONSE II94-8**

Please refer to **General Response 3.6.1** regarding the provision of potable water to the project site.

**RESPONSE II94-9**

The suggested mitigation for pesticides and fertilizers was incorporated into the mitigation for hazardous materials (**Section 5.2.11**) in the Final EIR. Specifically, Mitigation Measure 11-1(d) was augmented to state, in part, “Landscaping chemicals such as pesticides, herbicides, and fertilizers would consistently be kept at the lowest volumes needed and in the least toxic amounts. Such products shall be applied in a manner that prevents contact with groundwater, streams, domestic water supply, or wetlands. This shall be achieved in conjunction with mitigation providing for the planting of native vegetation that requires less, or no, pesticides or herbicides.”
Stormwater maintenance will be conducted as required to maintain compliance with water quality standards and to prevent flooding on the project site. **Mitigation Measure 2-2** of the Final ERI specifies that “permanent erosion control and stormwater management features shall be consistent with relevant Bay Plan policies including, but not limited to, Policies 1 through 4 detailing design, construction, and long-term maintenance guidance.”

**RESPONSE I194-10**

The Final EIR in **Section 3.4** provides air quality baseline conditions and information on regional air quality. Under existing conditions, emissions at the project site are relatively low. Draft EIS/EIR acknowledges that emissions would increase as a result of implementation of the Proposed Project. The types of commercial and retail uses proposed at the project site would not emit toxic air contaminates (TACs) in an amount that would require risk screening. TACs (including diesel particulate matter [DPM]) are discussed in **Section 3.4** and **Section 4.4** of the Draft EIR/EIS. The Chevron Refinery, located on the east side of the San Pablo Peninsula, is the nearest emitter of TACs in the vicinity of the project site. The Chevron Refinery is separated from the project site by Potrero Ridge, which rises roughly 325 – 430 feet above sea level. The prevailing winds are from the west/southwest 86 percent of the time. The distance, natural barriers, and prevailing winds isolate the project site from the Chevron Refinery; as such, no direct or cumulative TAC impacts would occur.

The vast majority of emissions associated with the Proposed Project are from mobile sources (automobiles). Aggressive mitigation is presented in **Sections 5.2.3** and **5.2.7** that would substantially reduce emissions such that impacts to air quality would be less than significant.

Please refer to **General Response 3.8.1** for a discussion of the analysis of greenhouse gasses in the Final EIR. **Section 4.15** of the Final EIR related to greenhouse gases has been updated based on recent guidance issued by the Bay Area Air Quality Management District.

**RESPONSE I194-11**

Please refer to **Responses A14-1** and **I178-3**, and **General Response 3.8**.

**RESPONSE I194-12**

The Proposed Project is considered an infill project as defined by Senate Bill 375. Infill projects are recognized by the State of California to reduce vehicle miles traveled (VMT). Additionally, the Sacramento Area Council of Governments Blueprint (2004) provides modeling which demonstrates that infill projects significantly reduce VMT. The nearest Class III gaming facility to the Bay Area is located approximately 80 miles from Richmond in Yolo County. Capturing a small percentage of patrons that would otherwise patronize other regional facilities would reduce VMT. However, estimating the number
of diverted trips would be highly speculative and could result in an overstatement of the reductions in VMT anticipated.

The Draft EIS/EIR acknowledges that the regional gaming market is expected to grow modestly over the long term. Modeling of cumulative traffic and air quality impacts was achieved using industry standard software packages (Traffix and URBIMIS, respectively), which consider a variety of factors in determining future trends. The air quality and traffic modeling also consider vehicle trips by vendors, employees, and all individuals expected to travel to the project site, as discussed in Sections 4.4, 4.8, and 4.15 of the Draft EIS/EIR.

Please refer to General Response 3.12.2 regarding trips to the proposed conference center. Any attempt to quantify the number of patrons “flying…to the Project’s proposed conference center” would be highly speculative and not appropriate for the analysis of environmental impacts.

**RESPONSE I194-13**

Habitat classification is presented in Section 3.5.4 of the Draft EIS/EIR. Table 4.5-1 presented in Section 4.5 of the Draft EIS/EIR details the acreage and relative percentage of each habitat type that would be impacted by the Proposed Project. Impacts to biological resources are evaluated using significance criteria detailed on Page 4.5-1 of the Draft EIS/EIR. All identified impacts related to biological resources are disclosed in Section 4.5 and Mitigation Measures 4-1 through 4-21 are provided in Section 5.2.4 of the Draft EIS/EIR which, upon implementation, would reduce the identified impacts to less than significant levels.

Water and hydrology are discussed in Section 3.3 while significance criteria and the analyses of the identified potential impacts are discussed in Section 4.3. Evaluation of impacts associated with the use of pest/herbicides, cleaning solutions, and other chemicals is provided in Section 4.12.1 of the Draft EIS/EIR.

As discussed in Section 3.12.2 of the Draft EIS/EIR, the project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the City of Richmond Fire Department. Section 4.12 analyzes potential impacts associated with the project site’s location within a VHFHSZ. Potential impacts associated with fuel loading on the project site are considered in impact statement 4.12.7. A number of mitigation measures address the potential for fires to occur on-site. Mitigation Measure 4-9 provides for a comprehensive VMP to be prepared for the project site. The VMP would be divided into five components: Open Space Habitat Preserves, Open Space Restoration Preserves, Invasive Plant Species Management, Parkland Management, and Wildfire Prevention. The Invasive Plant Species Management component would seek to eradicate noxious weeds and exotic species and replace them with native species. The adaptive management strategy would ensure the goals of mitigation are achieved in perpetuity. The landscape management cited above, paved roads, sidewalks, and the presence of a fully
staffed fire station on-site will mitigate any increase in potential for fires that may affect biological resources.

Indirect impacts associated with implementation of mitigation (such as the VMP) are addressed in Section 4.14.8 of the Final EIR. As discussed in Mitigation Measure 4-9, the VMP will be developed prior to project implementation. Development of a VMP is not required to complete the analysis of environmental impacts.

As previously discussed, potential impacts associated with greenhouse gases are mitigated to a less than significant level (refer to Section 4.15 and Mitigation Measure 3-16(d), 3-18(e), 3-18(k), 3-19(h), and 3-27 through 3-32 in the Final EIR). As such, impacts to biotic resources as a result of project-related greenhouse gas emissions have been considered and found to be less than significant.

Please refer to General Response 3.9.1 for a thorough discussion of potential impacts to the eelgrass beds located on site.

As required under CEQA and NEPA all potential impacts to avian species (including migratory birds) are sufficiently addressed in Draft EIS/EIR Sections 3.5 and 4.5 using the significance criteria detailed in Section 3.5.7. Mitigation Measures 4-15 through 4-19 reduce potential impacts to potentially occurring avian species to less than significant. In addition, the USFWS Section 7 concurrence letter (Appendix J) offers a “not likely to adversely affect” determination for all federally listed avian species with the potential to occur within the project site while specifically noting that the “project area contains a very small amount of low quality habitat that is isolated from other habitat areas known or likely to support these species.” In additional to a host of measures referenced above, the Proposed Project would adhere to the Bird-Friendly Development Guidelines sponsored by the Fatal Light Awareness Program (FLAP, 2008).

Please refer to Section 5.2.4 of the Final EIR for the full text of the mitigation associated with identified impacts. The exact location of restored habitat and other on-site mitigation features will be determined in consultation with the applicable agencies prior to implementation.

RESPONSE I194-14

The methodology used to evaluate potential impacts to transportation facilities is summarized in Sections 3.8 and 4.8 of the Draft EIS/EIR. The full text of the technical studies is provided Appendix S of the Draft EIS/EIR, which includes the TIA and Supplemental TIA. Additional traffic analysis was completed subsequent to the release of the Draft EIS/EIR, and is provided in Sections 3.8, 4.8 and Appendix HH of the Final EIR. The transportation analysis included all of the roadways referenced by the commenter. Furthermore, all trip-generating components of the Proposed Project were considered in the analysis, including those referenced by the commenter.
Please refer to **General Response 3.12.1** regarding ferry service to the project site. Analysis of potential impacts to eelgrass habitat in San Francisco Bay associated with reuse of the pier is discussed in **General Response 3.9.1**.

Please see **General Response 3.4** regarding the proposed improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

Please see **Response A22-2** regarding transportation mitigation related to expansion of regional transit and shuttle service to serve the project site.

**RESPONSE I194-15**

Illustrations depicting the location of past hazardous materials releases as well as areas subject to ongoing and future environmental remediation are provided in **Figures 2-1, 2-2, 3.12-1, and 3.12-3** in the Draft EIS/EIR. Additional illustrations are provided in the Phase I Environmental Site Assessment included as **Appendix P** of the Draft EIS/EIR. A detailed narrative of the location of portions of the project site with documented hazardous materials releases is provided in **Section 3.12** of the Draft EIS/EIR. **Section 4.12** of the Draft EIS/EIR analyzes the location of past releases in relation to components of the Proposed Project.

**RESPONSE I194-16**

Please refer to **General Response 3.17** as well as **Response I4-8** through **I4-12** regarding the analysis of impacts to the aesthetic character of the project site. The East Brother Light Station is located more than 1.2 miles from the nearest component of the Proposed Project and would not be impacted by the redevelopment at Point Molate.

**RESPONSE I194-17**

Indirect and growth-inducing impacts are analyzed in **Section 4.14** of the Draft EIS/EIR. Analysis of the Proposed Project’s greenhouse gas emissions, in combination with other reasonably foreseeable emissions within the San Francisco Bay Air Quality Basin, is provided within the cumulative analysis in **Section 4.15** of the Draft EIS/EIR. The Final EIR incorporates standards and thresholds recently released by the Bay Area Air Quality Management District.

**RESPONSE I194-18**

**Section 4.15** of the Draft EIS/EIR analyzes impacts of the Proposed Project and alternatives in combination with other reasonably foreseeable projects in the region, including the proposed Sugar Bowl Casino. Please refer to **Table 4.15-1** of the Final EIR for a list of planning documents and proposed projects considered in the cumulative analysis.
**RESPONSE I194-19**

Section 4.15 contains a cumulative analysis of air quality impacts. Refer to Responses I194-17 and I194-18 above.

**RESPONSE I194-20**

Refer to General Response 3.8.2 regarding sea level rise.

**RESPONSE I194-21**

Significance criteria for the evaluation of impacts to biological resources are covered in Sections 4.5 and 4.15.1 of the Draft EIS/EIR.

**RESPONSE I194-22**

Section 4.15 provides an analysis of the cumulative noise condition including the increased traffic expected by the year 2025. The analysis considers the increase in the ambient noise level due to Project-related sources in combination with other reasonably foreseeable developments. With the implementation of mitigation provided in Section 5.2.10 of the Draft EIS/EIR, the cumulative noise environment would not be significantly impacted.

**RESPONSE I194-23**

Comment noted.

**COMMENT I195**

**RESPONSE I195-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I195-2**

The Draft EIS/EIR discusses the environmental remediation process in Sections 2.1.5, 3.12, and 4.12 as well as the Phase I Environmental Site Assessment (ESA) provided as Appendix P. The above referenced sections of the Draft EIS/EIR and ESA also address the previously executed remediation performed at the project site.

**RESPONSE I195-3**

Please refer to General Response 3.14.1 regarding emergency preparedness and response. Please refer to General Response 3.16.3 regarding security at the neighboring Chevron facility.
RESPONSE I195-4

Please refer to General Response 3.16.2 regarding anhydrous ammonia storage at the neighboring Chevron facility.

RESPONSE I195-5

Please refer to General Response 3.3.2.

RESPONSE I195-6

The statement in Section 2.5.2 of the Draft EIS/EIR indicating that the historic cottages are “two-story” has been corrected in the Final EIR. As noted in Sections 2.2.2 through 2.5.2 of the Draft EIS/EIR, the 29 cottages would be rehabilitated according the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Each cottage would require a significant investment to upgrade plumbing, wiring, and other systems.

RESPONSE I195-7

Please refer to General Response 3.17 for a discussion of aesthetics and preservation of natural vistas within the project site.

RESPONSE I195-8

Please refer to General Response 3.11.2 regarding potential impacts to problem gambling.

RESPONSE I195-9

Please refer to General Response 3.17 for a discussion of aesthetics and preservation of natural vistas within the project site.

RESPONSE I195-10

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

RESPONSE I195-11

The statement in Section 3.6 of the Draft EIS/EIR regarding the length of the former Winehaven Wharf, estimated to be 1,800 feet, is correct. Please refer to the aerial photograph (Figure 2b) provided in Appendix FF, which depicts what remained of the wharf in 1957.

RESPONSE I195-12

The distance between the anhydrous ammonia tanks at Chevron and the project site corresponds to the minimum distance between habitable structures and the tanks. Thus, the distance of 4,590 linear feet reflects the distance between the proposed southern residential area (Alternatives B, D, and B1) and the
ammonia tanks. Under Alternatives A and C, the nearest occupied buildings (with the exception of the Tribal offices in the hillside area) would be closer to the distance cited by the commenter (ranging from approximately 6,653 to 7,445 linear feet). The height of Potrero Ridge is somewhat variable, ranging between roughly 335 and 450 feet above mean sea level just southeast of the project site. However, an average height of the ridgeline was used to provide a more conservative analysis than would have been achieved by referencing the higher elevations of the ridgeline.

**RESPONSE I195-13**

Comments noted. Please refer to [General Responses 3.11.3 and 3.11.5](#) regarding employment generated by the Proposed Project and potential impacts to the immediate and surrounding communities.

**RESPONSE I195-14**

**Mitigation Measure 3-16** would provide a mechanism to encourage construction workers to carpool. During operation, shuttle and transit services would be provided from the Richmond BART station, as well as other points around Richmond, which would provide easy access to the project site from existing transit facilities. As outlined in [Response A22-2](#), the Tribe has committed to funding transit improvements, which would provide a safer and more convenient public transportation experience.

**RESPONSE I195-15**

Air quality is a regional problem. As such, actions that would contribute to reducing pollution within the regional air basin would also benefit the local area. Note that [Mitigation Measure 3-19](#) provides that the credits or improvements be made within the San Francisco Bay Area Air Basin.

**RESPONSE I195-16**

The Draft EIS/EIR provided a list of acronyms in [Section 7](#) and each of the technical studies define an acronym when it is first used. The Final EIR includes a list of acronyms in [Section 5](#).

**RESPONSE I195-17**

The MSA between the Tribe and the City of Richmond states, “the Tribe and the City Police Department shall develop a mutually agreeable written protocol for transferring detainees and for other operational matters.” Appropriate law enforcement standards shall be incorporated into the written agreement between law enforcement bodies prior to Project operation. This agreement shall be developed through consultation between the Tribal Police Department and the City Police Department.

**RESPONSE I195-18**

The Draft EIS/EIR concludes that all potential noise impacts are less than significant with mitigation. [Section 3.11, 4.11, and 4.15](#) of the Draft EIS/EIR contain a full analysis of the existing, with Project, and cumulative noise impacts. Where an impact has the potential to occur, the Final EIR provides mitigation...
(Section 5.2.10) that would reduce the potential impact to a less than significant level. A comprehensive noise study is provided in Appendix O of the Final EIR.

RESPONSE I195-19

Section 4.12.2 of the Draft EIS/EIR addresses a range of potentially hazardous materials, including fuels, oils, solvents, paint, anhydrous ammonia, etc. Please refer to the above referenced section of the Draft EIS/EIR for a full discussion of the materials addressed. Also refer to Section 3.12.2 which describes the specific hazardous materials located on the project site.

RESPONSE I195-20

Environmental database listings were reviewed for the project site to determine if it is listed for past hazardous materials release incidents, storage, or generation in government maintained databases (Table 3.12-2 of the Draft EIS/EIR). This type of database search is standard for all Phase I ESAs. The database search was performed using a geographical information system to plot locations of past and/or current hazardous materials involvement. A project area environmental database report (Appendix Q) was prepared for the project site, which lists the available records for hazardous materials involvement on and adjacent to the project site that was current as of 2007.

RESPONSE I195-21

Land use restrictions are in place to maintain the integrity of the soil cover cap and prohibit residential development at IR-01.

RESPONSE I195-22

Comments noted. Beneficial impacts to employment opportunities and economic output generated by the Proposed Project are discussed in Sections 4.7 and 4.15 of the Draft EIS/EIR.

RESPONSE I195-23

Comment noted.

RESPONSE I195-24

Comment noted.

COMMENT I196

RESPONSE I196-1

Comment noted.
4.0 Response to Individual Comments

**RESPONSE II96-2**

Please refer to General Response 3.9.1 regarding potential impacts to eelgrass.

Pacific herring is addressed on page 3.5-17 in Section 3.5.4 of the Draft EIS/EIR. Essential Fish Habitat (EFH) and impacts to special status fish are addressed throughout Section 4.5 of the Draft EIS/EIR.

**RESPONSE II96-3**

Solid waste impacts are discussed in Section 4.10 of the Draft EIR/EIS. The Draft EIR/EIS states that solid waste generation would be considered an insignificant contribution to the waste stream and is not expected to significantly decrease the life expectancy of the Solano Landfill. Mitigation Measures 9-4 through 9-6 are included to reduce both construction and operational solid waste production and disposal. Mitigation Measures 9-5 requires the development and implementation of a Solid Waste Management Plan (SWMP) that addresses recycling and solid waste reduction, and specifically calls for diverting 50 percent of the waste stream generated on-site.

Under existing conditions, there are extremely scarce resources available for maintenance of Point Molate. The resources that are available are directed at security, public safety, and fuels reduction at the project site. With development of the Proposed Project, open space areas would be managed in a manner similar to other East Bay parks, such that trash collection on the grounds would be conducted on a regular basis. Mitigation Measure 9-6 requires that trash be picked up from “parking lots, grassy swales, and the park area daily.” Furthermore, much of the trash that washes ashore at Point Molate has been deposited elsewhere and transported to the site via wind, waves, and currents. With development of Alternatives A through E, fugitive trash would be collected daily from the shore of Point Molate, whereas there currently is no funding for such maintenance.

**RESPONSE II96-4**

Please refer to General Response 3.6.2 regarding wastewater generated on-site.

**RESPONSE II96-5**

Estimates of customer visits are based on local market gaming statistics and relative drive-time. These calculations were forecasted for 2011 and were adjusted to consider the quality and size of the proposed facility relative to the competition. After compiling these factors, it was estimated that the Proposed Project would capture 21 percent of the market, or about 6.7 million visitors per year. There will be an estimated 32 million gamer visits to casinos in the Bay Area in 2011, which equates to roughly 87,400 total visits per day on average. Expanding the detail of the projected number of customers would not change the conclusions of the economic impact analysis.
4.0 Response to Individual Comments

RESPONSE I196-6

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I197

RESPONSE I197-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I197-2

Please refer to General Response 3.16.2 regarding the project site’s proximity to the neighboring Chevron facility.

RESPONSE I197-3

Please refer to General Response 3.16.1 regarding the environmental remediation proposed as part of the Project. The commenter mischaracterizes the information and analysis presented in the Draft EIS/EIR to suggest that the Project would rely exclusively on remediation already completed. To the contrary, environmental remediation of the project site is a central component of the Proposed Project as described in Section 2.1.5 of the Draft EIS/EIR. Furthermore, the commenter fails to acknowledge the additional funds that would be provided by the project proponent to fund remediation in excess of that contemplated by the Finding of Suitability for Early Transfer (FOSET).

RESPONSE I197-4

Please refer to General Response 3.13.1 regarding the General plan. Rezoning of the project site to allow the proposed uses of the various alternatives is a component of the Proposed Project, as noted in Table 1-1 and Sections 2.2.1, 2.3.1, and 2.5.1 of the Draft EIS/EIR. Nonetheless, the analysis presented in Section 4.9 of the Draft EIS/EIR considers the Project’s consistency with relevant portions of the adopted General Plan.

The City’s updated General Plan will not be adopted prior to circulation of the Final EIR for the Proposed Project. As such, use of the adopted 1994 City of Richmond General Plan is appropriate and no changes to the regulatory setting are warranted.

The draft General Plan Update that was recently circulated designates Point Molate as a Planned Area District. Planned Area Districts are areas where the City has determined that further analysis is needed to determine appropriate land use designations. Additionally, the entire San Pablo Peninsula Area has been designated as a Change Area. This designation refers to areas where “significant changes in land use and
development character are expected.” The draft General Plan Update states “land uses for [Point Molate] are those legally existing as of 2010 and/or permitted under the 1994 General Plan, as amended. If development or redevelopment is proposed within this area, it shall be analyzed under the ‘Planned Area District’ provisions of the Zoning Ordinance.” Section 3.9.1 of the Final EIR has been revised to reflect these changes.

**RESPONSE I197-5**

The commenter’s statement that the Draft EIS/EIR “does not even contain evaluations of traffic flow at the proposed site or within the I-580 and I-80 corridors” is incorrect. Refer to General Response 3.12.5 regarding the geographic scope of analysis for the transportation analysis, which includes all of the facilities cited by the commenter.

Operations on Western Drive following the proposed improvements and capacity upgrade (components of the Proposed Projects) are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility. The total number of traffic trips on Western Drive during operation is provided in the TIA (Appendix S; refer to Table 5-5 for Alternative A) and was used to determine the project-related impacts to Western Drive. As shown in Table 4.8-4 of the Draft EIS/EIR, the only Western Drive intersection between the project site and I-580 would operate at a Level of Service (LOS) A, which is the optimum level of operations under the City of Richmond’s significance standards provided in Section 4.8 of the Draft EIS/EIR. LOS A is defined by Caltrans as free flowing. As such, emergency access would be unimpeded.

Operations on I-580 and I-80 are also analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that all identified impacts in the build-out year can be mitigated (Section 5.2.7 of the Draft EIS/EIR) to less than significant. However, in the cumulative year there would be a significant impact to transportation facilities and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. In the cumulative year there would be a significant impact to traffic operations on certain facilities and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, it was concluded that the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there is currently no plan to fund or implement the improvements on the part of the jurisdictional agencies.

Refer to General Response 3.12.2 regarding trip generation rates used in the analysis.

Potential impacts associated with construction traffic are analyzed in Section 4.8 of the Draft EIS/EIR. Please refer to Responses A16, Construction Traffic, and I18-1 for additional information concerning the analysis of construction-related traffic.
Please refer to **General Response 3.12.1** regarding ferry service to the project site. It should be noted that the vehicle trip reduction applied as a result of ferry service to the site in the Draft EIS/EIR is 15 percent, not 25 percent as stated by the commenter. The modest alterations required to adaptively reuse the existing on-site pier for passenger ferry service is analyzed as part of the construction phase of the Proposed Project. Refer to **General Response 3.9.1** for additional discussion of the analysis of environmental impacts associated with the proposed ferry service.

The number of vehicles per lane per hour at the Richmond – San Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in the text of the Final EIR. The findings of the analysis remain unchanged.

Refer to **Response A22-2** regarding transit service at the project site.

The Economic Impact and Growth Inducing Study provided as **Appendix T** was used to estimate the trip distribution for guests patronizing the Proposed Project. The study uses sound economic principals and standard methodologies to estimate economic impacts and the geographic distribution of potential patrons. As such, it is wholly appropriate to use this source of information to model the trip distribution patterns used in the traffic analyses.

**RESPONSE I197-6**

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes.

Gaming Market Advisors employed an Input-Output / Social Accounting Matrix Model to determine economic impacts, as discussed on pages 6 and 90-93 of the Economic Impact and Growth Inducing Study (**Appendix T**). This study quantifies potential economic impacts of the Proposed Project for output, employment, wages, and tax revenues. Economic effects in this analysis are quantified for Contra Costa County using the Impact Analysis for Planning, (IMPLAN) model. The IMPLAN analysis was developed by the U.S. Department of Agriculture Forest Service. The Minnesota IMPLAN Group has maintained a database since 1987 at the University of Minnesota. The IMPLAN model is commonly used to estimate economic impacts to communities and regions. Results of this study are analyzed and discussed in **Sections 4.7, 4.14 and 4.15** of the Draft EIS/EIR. As determined in the Economic Impact and Growth Inducing Study, and discussed in **Section 4.7** of the Draft EIS/EIR, the Proposed Project would result in beneficial impacts to the Contra Costa County labor and housing markets.
New jobs in Contra Costa County from the Proposed Project are quantified using the IMPLAN model. The IMPLAN model uses a very complex set of coefficients and multipliers that are specific to each county to account for how each industry in the region interacts with one another. These multipliers come pre-programmed into the data for each County. Specific salaries and benefits for positions depend on the industries and companies or organizations that hire new employees. As discussed in Section 4.7 of the Draft EIS/EIR, new jobs in the County resulting from the Proposed Project would have a beneficial impact on the County labor market. In addition, Section 4.7 of the Draft EIS/EIR provides a breakdown of employment opportunities that are expected to occur at the project site.

Please refer to General Response 3.11.5 for further discussion of economic impacts, including the potential for urban decay.

The proposed Scotts Valley Sugar Bowl Casino (Richmond Parkway Casino), which has not been approved, is included in the analysis of cumulative impacts in Section 4.15 of the Draft EIS/EIR.

Based on the information provided by Dr. Thompson, it is not possible to substantiate the findings of his report. While the Final EIR is open to considering all information, the necessary documentation, support and explanations for Dr. Thompson’s assumptions and methodologies were not provided. As such, no changes in the analysis of the Final EIR are warranted.

RESPONSE I197-7

Pursuant to Section 2.3 of the MSA (Exhibit E of LDA within Appendix C), the Tribe would provide an on-site fire station, to be operated by the City, with all necessary fire apparatus, equipment, and staff, sized to reasonably address fire and emergency response needs of the Proposed Project. Contrary to the assertions of the commenter, the Draft EIS/EIR describes the location and size of the combined emergency services center (fire and police), and the facilities characteristics. Mitigation Measure 9-13, presented in Section 5.2.9 of the Draft EIS/EIR, states: “The Combined Emergency Service Center, which would be located on the ground floor of the primary parking garage and shared with the Richmond Police Department, shall be approximately 7,500 sq. ft. (including vehicle space) and would have the following amenities: Fire Department - 4 sleeping rooms, living room, showers, gym, restrooms, fueling station (diesel), double apparatus bay, and shall be first priority for back-up electrical generators.” The size, equipment, and staffing requirements were determined in consultation with the City’s Fire Chief and Chief of Police. Although it was not specifically called out, the fire/police station was included in the analysis of Alternatives A, B, C, and B1.

RESPONSE I197-8

Refer to Response I104-7 regarding the temporal extent of the cumulative analysis.
RESPONSE II97-9

Except for the limited circumstances outlined in the CEQA Guidelines (14 CCR 15131), CEQA does not require a discussion of socioeconomic impacts. CEQA addresses only environmental impacts, not social or economic impacts, so social or economical impacts are only relevant to the extent they cause an environmental impact (e.g., blight). The Draft EIR/EIS included extensive discussion of socioeconomic impacts to comply with NEPA requirements. Even though the document is no longer a joint NEPA / CEQA document, the City has retained the extensive socioeconomic analysis for informational purposes.

Under NEPA, “‘human environment’ shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment…When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment” (40 CFR §1508.14). It has been determined for the purposes of the Final EIR that socioeconomic effects are interrelated with the physical environmental effects associated with the Proposed Project. For this reason, socioeconomic impacts must be considered equally significant alongside physical environmental impacts. Therefore, socioeconomic impacts can be considered either beneficial, neutral, or adverse.

The impacts to regional businesses have been assessed in the Draft EIS/EIR. Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities, including the potential for urban decay.

RESPONSE II97-10

The text referenced by the commenter does not suggest that the Proposed Project would be the sole source of “increases in tourism” for the City. To the contrary, it states that “cumulative economic influences…in conjunction with the payments to the City…would likely result in further development in the City…” It is the increased development within the City that would “further increase the City of Richmond’s participation in and reliance on the travel, tourism, and leisure industry.” Therefore, the payments to the City per the MSA would compensate for the Proposed Project’s respective increase in the use of public services. Overall, the commenter fails to demonstrate how the cumulative land use planning analysis is flawed.

The arguments put forth by the commenter reflect a fundamental misreading of the Draft EIS/EIR. Increases in the amount of vehicle trips on regional transportation facilities (and concomitant impacts) are analyzed under the Transportation and Circulation section of the cumulative analysis in the Draft EIS/EIR (Sections 4.15.11 through 4.15.16 for Alternative A), not within the Land Use Planning section (Section 4.15.17 for Alternative A), as suggested by the commenter. Similarly, the cumulative analysis for public services is presented in Sections 4.15.18 through 4.15.25 of the Draft EIS/EIR, not within the Land Use Planning section.
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RESPONSE I197-11

The methodology used in the cumulative analysis for traffic impacts is presented on page 4.15-24 of the Draft EIS/EIR. In summary, traffic volumes in the cumulative year (2025) were estimated by considering traffic generated by projects that are anticipated to be constructed by 2025, and growth rate projections obtained from the Contra Costa County Travel Demand Model and applied to the existing intersection and freeway segment volumes. Using the projected intersection and freeway traffic volumes, an intersection and freeway LOS analysis was completed for 2025 cumulative conditions. As is standard practice in transportation engineering and analysis, the thresholds of significance do not vary between the near term and cumulative conditions. The primary variables subject to change between near term and cumulative conditions are the volume of traffic and projected infrastructure improvements that affect capacity and delay. As such, the methods used in the cumulative analysis of traffic conditions are appropriate and no changes to the Final EIR are warranted.

All of the required mitigation measures to address impacts in the near-term operational condition were found to be feasible and would be in place at the time of operation of the Proposed Project. The mitigation measures required to address impacts in the cumulative year are different than those in the near term, and some require improvements to facilities that are located outside the jurisdiction of the City of Richmond or Contra Costa County, for which there is currently no plan to implement or fund.

RESPONSE I197-12

Refer to Section 2.1.3 of the Final EIR and Response 104-4 regarding deed restrictions and Interim Land Use Controls (LUCs) controls on the project site.

In summary, the existing deed restrictions are being replaced by LUCs codified in a Covenant and Agreement to reflect current conditions and cleanup status. The updated LUCs provides a mechanism for the San Francisco Regional Water Quality Control Board (SFRWQCB) to incrementally remove restrictions as part of the No Further Action (NFA) determination process as cleanup continues on each of the subject areas. In order for development to occur under Alternatives A, B, C and D, some of the LUCs would have to be removed, in accordance with the process described above. It is anticipated that some land use restrictions will remain in place in perpetuity, such as in open space areas where residential development is precluded as a term of the Land Disposition Agreement.

Refer to General Response 4.16.1 regarding the vacated SFRWQCB Order.

RESPONSE I197-13

Please see Responses A28-1, I93-3, and I104-25 regarding the ability of the Tribe to take the project site into trust for the purposes of gaming, which is beyond the scope of analysis in an EIR.
Section 1.4 of the Draft EIS/EIR describes the purpose and need of both lead agencies with respect to the Proposed Project. Considering the Draft EIS/EIR was completed to address the requirements of NEPA and CEQA, the purpose and need of both lead agencies is relevant (they are both provided in the Final EIR as well for continuity and informational purposes, although the purpose and need of the BIA are not relevant to CEQA compliance).

The City’s objectives are to implement a productive reuse of the former Naval Fuel Depot Point Molate that includes economic development, job creation, establishment of a long-term revenue source for the City, preservation of historic and natural resources, and promotion of public access to the Richmond shoreline and open space recreation areas.

The purpose and need of the BIA in considering the Proposed Action is to strengthen the Guidiville Tribal Government and improve the socioeconomic status of the Tribe by providing land that can sustain a stable economic base. Strengthening tribal governments and promoting tribal self-determination is an essential trust responsibility of the federal government.

The approval of the Proposed Project would provide a Tribal land base for its members and establish a Tribal Headquarters from which its Tribal Government can operate to provide housing, health care and other governmental services, and from which it can conduct the economic development necessary to fund these Tribal Government services and provide employment opportunities for its members. The Proposed Action serves the needs of the BIA by advancing the agency’s “Self Determination” policy of promoting the Tribe’s self-governance capability. It serves the needs of the Tribe by promoting meaningful opportunities for economic development and self-sufficiency of the Tribe and its members, as well as satisfying some of the provisions of the Scotts Valley et al. v. United States decision. Approval and construction of the Proposed Project would assist the Tribe in meeting the following specific objectives:

- Replace wrongfully terminated reservation lands, pursuant to a court approved stipulation in the Scotts Valley et. al. v. United States decision of September 6, 1991 (NO. C-86-3660-VRW);
- Improve the socioeconomic status of the Tribe by providing a revenue source that would be used to: a) strengthen the Tribal Government, b) fund a variety of social, cultural, environmental, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members consistent with federal policy, and c) provide capital for future economic development and investment opportunities;
- Allow the Tribe to establish a foundation for economic self-sufficiency;
- Provide employment and business opportunities to the Tribal and non-Tribal community;
- Provide funding for local governmental agencies, programs, and services; and
- Make contributions to charitable organizations and governmental operations, including local educational institutions.
RESPONSE I197-14

Please refer to General Response 3.1.1 regarding extension of the comment period. The Final EIR considers and responds to all comments submitted during the extended comment period.

RESPONSE I197-15

As stated in Section 1.6 of the Draft EIS/EIR, various federal, state, and local approvals are required for implementation of the various Project alternatives. Table 1-1 of the Draft EIS/EIR identifies each responsible agency and the potential permit or approval required. The analysis presented in the Draft EIS/EIR is predicated on the assumption that all of the Project components described in Section 2.0 for each alternative would be in place at the commencement of operation. As such, the analysis presented in the Draft EIS/EIR considers the reasonably foreseeable impacts and benefits associated with implementation of the various alternatives under consideration.

In the event that all of the approvals required to conduct Class III gaming on the site are not received, or the project proponents fail to implement the primary components of an alternative approved by the lead agency, the need for supplemental environmental review may be triggered. Section 2.8 of the LDA sets forth a process whereby Upstream could still purchase the property and pursue an alternative development proposal if it is determined the development of Indian gaming uses is not legally permitted. Specifically, Section 2.8 provides that:

“Developer [Upstream] and the City shall negotiate exclusively in good faith for a period not to exceed one hundred twenty (120) days with respect to an alternative development proposal and, if such negotiations are successful, execute an amendment to this Agreement [the LDA] to reflect such alternative proposal; provided, that Developer will be required to submit land use and building plans for such alternative proposal to the City for its discretionary approval in accordance with all applicable federal, State and local laws, rules and regulations ….”

The above referenced section of the LDA provides a mechanism for triggering additional environmental review in the event that an alternative development proposal becomes necessary. However, to conclude at this early date that Class III gaming will not be approved at the project site is speculative.

RESPONSE I197-16

Refer to General Response 3.1.2 regarding recirculation of the Draft EIS/EIR.

RESPONSE I197-17

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
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**RESPONSE I197-18**

Refer to Response I-58 regarding the analysis of traffic impacts in the Draft EIS/EIR.

**RESPONSE I197-19**

Comment noted.

**RESPONSE I197-20**

Based on the information provided in Robert Goodman’s article, it is not possible to substantiate the findings of the report. While the Final EIR is open to considering all information, the necessary documentation, support, and explanations for Mr. Goodman’s assumptions and methodologies were not provided.

Please refer to General Response 3.11.2 regarding impacts to problem gambling.

**RESPONSE I197-21**

Based on the information provided by Dr. Thompson, it is not possible to substantiate the findings of the report. While the Final EIR is open to considering all information, the necessary documentation, support and explanations for Dr. Thompson’s assumptions and methodologies were not provided.

The documentation for the socioeconomic impact analysis, as discussed in Sections 3.7, 4.7, and 4.15 of the Final EIR, is provided in the Economic Impact and Growth Inducing Study as Appendix T. This study quantifies potential economic impacts of the Proposed Project for output, employment, wages, and tax revenues. Economic effects in this analysis are quantified for Contra Costa County using the Impact Analysis for Planning, (IMPLAN) model. The IMPLAN model uses a complex set of coefficients and multipliers that are specific to each county to account for how each industry in the region interacts with one another. These multipliers come pre-programmed into the data for each County. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15. As determined in the Economic Impact Study, and discussed in Section 4.7, the Proposed Project would result in beneficial impacts to Contra Costa County, including regional businesses.

**RESPONSE I197-22**

Please refer to Response I197-21 regarding economic impacts of the Proposed Project.

**RESPONSE I197-23**

Please refer to Response I197-21 regarding economic impacts of the Proposed Project.

**RESPONSE I197-24**

Please refer to Response I104-7 regarding the timeframe used in the cumulative analysis.
Refer to **General Response 3.1.2** regarding recirculation of the Draft EIS/EIR.

**RESPONSE I197-25**
Comment noted.

**RESPONSE I197-26**
Comment noted.

**RESPONSE I197-27**
Comment noted.

**RESPONSE I197-28**
Comment noted.

**RESPONSE I197-29**
Comment noted.

**COMMENT I198**

**RESPONSE I198-1**
Language is included within **Section 4.10** of the Final EIR noting Pacific Gas and Electric Company’s capacity to serve the Proposed Project and service requirements for utility connection.

**COMMENT I199**

**RESPONSE I199-1**
Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I199-2**
Please see **General Response 3.4** and **Responses I4-2 and I4-3** regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the site.

Refer to **Response I89-3** regarding the commenter’s proposed revisions to **Mitigation Measure 3-20h** provided in the Draft EIS/EIR.
COMMENT I200

RESPONSE I200-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I200-2

Comment noted.

RESPONSE I200-3

Please see Response I190-2 regarding the assumption that land can be taken into trust for the Tribe under some of the alternatives described in the Draft EIS/EIR. Furthermore, Draft EIS/EIR Section 2.2.1 summarizes the process under which the Tribe is proposing that land be taken into trust, clearly noting that while the Tribe is proposing that land be taken into trust pursuant to the restored lands exception, that it may seek trust lands pursuant to the two-part determination process as an alternative, which does not require any historical connection to the land. Finally, while the commenter cites a past conclusion of Contra Costa County that the Tribe has no historical connection, the County has recently come to a different conclusion, finding in a November 12, 2009 letter to the Secretary of the Interior that after reviewing approximately 5,000 pages of materials released to the County from the BIA, “We now have a greater understanding of the basis for the Guidiville Tribe to request taking the Pt. Molate Site into trust. Our previous submittals to the BIA questioning the historical nexus of the Guidiville Tribe to the Bay Area were drafted without the benefit of the review of the Guidiville submittals to the BIA, which have helped to change our opinion on the matter.”

RESPONSE I200-4

The LDA has not committed the City to a particular course of action. Note that the Draft EIS/EIR contains alternatives that do not involve the transfer of land as detailed in the LDA. Nonetheless, it is necessary to summarize the terms of the LDA in the Draft EIS/EIR for those alternatives that would involve the application of the agreement.

The commenter states that “the Draft EIS/EIR should be re-circulated with a new project description that includes a thorough discussion of whether it is appropriate for the City to convey the Point Molate parcel as a component of the overall CEQA/NEPA project.” To revise the project description in this way, however, would not comport with the CEQA/NEPA process. Under some of the alternatives, the conveyance is a part of the project. Thus, it must be disclosed as such in the document. Neither NEPA nor CEQA, however require the agency to, as part of the project description, discuss whether the project is “appropriate.” Instead agencies must identify a reasonable range of alternatives that are potentially feasible and meet the purpose and need. The alternatives are then described and disclosed to the public.
The public may then comment on the various alternatives and ultimately the implementing agency will decide whether to implement a particular alternative.

**RESPONSE I200-5**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I200-6**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I200-7**

Refer to Response I103-7 regarding the geographic scope of analysis.

**RESPONSE I200-8**

CEQA requires the lead agency to consider

> “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” 14 C.C.R. § 15126.6(a).

Similarly, NEPA Section 1502.14(a) requires federal agencies to explore a reasonable range of alternatives, “and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” An agency’s range of alternatives is evaluated under a “rule of reason” standard, which requires an agency to set forth only those alternatives necessary to permit a reasoned choice. An agency’s consideration of alternatives is sufficient if it considers an appropriate range of alternatives, even if it does not consider every available alternative.

It is true that Alternatives A, B, and C include a casino component of a broader destination resort and brownfield redevelopment. However, Alternative D contemplates a more conventional mixed use redevelopment and Alternative E envisions reuse of the project site as a park. Finally, the No Action alternative (F) considers the potential outcome of maintaining the project site in its current state. Between these six alternatives, the Draft EIS/EIR considers a “reasonable range” of alternatives under both CEQA and NEPA.

**RESPONSE I200-9**

Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities. Due to the large scale of the Proposed Project, specifically the potential for the project to
generate a substantially large magnitude of revenue, a very large area is expected to be required to meet the demands of economic activity. While economic activity from the Proposed Project would impact a large area, the advantageous geographic position of the City and remainder of the County results in the potential for these areas to be impacted the greatest; and therefore, the socioeconomic impact analysis provided in Sections 3.7 and 4.7 focuses on these geographies. Economic impacts would also diffuse across a variety of areas outside of the Contra Costa County, but to identify any outside areas where economic activity would be concentrated would be speculative. For these reasons potential impacts to Marin County were not quantified; however, the Draft EIS/EIR does not dismiss the fact that economic activity from the Proposed Project would occur within Marin County.

**RESPONSE I200-10**

All of the agreements referenced in the Draft EIS/EIR, including the LDA, are contingent upon approval of the development at the project site by the City following completion of environmental review. None of the agreements require that the project site be developed absent the necessary environmental review. Neither does the presence of the various agreements indicate that development must take place even in the absence of environmental review. Note that the Draft EIS/EIR contains a no action alternative which assumes that no on-site development would take place.

The amended LDA is provided in Appendix CC.

**RESPONSE I200-11**

All private discussions between the applicant and private citizens, environmental groups, and other organizations are beyond the scope of the environmental analysis presented in the Draft EIS/EIR. Nothing in the CEQA Guidelines, NEPA regulations, or established case law would abridge the First Amendment rights of the applicant to freely engage in discussions with whomever they wish.

**RESPONSE I200-12**

Please refer to Response I200-8 above regarding the range of alternatives considered.

**RESPONSE I200-13**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE I200-14**

Please refer to Response A24-8 regarding the Point Molate Reuse Plan.

**RESPONSE I200-15**

Please refer to Response I200-11 above.
RESPONSE I200-16

Regarding the Contra Costa County letters and the letter from four Senators in Appendices B and D to Comment Letter I200, please see Response I200-3. The letter in Appendix C to Comment Letter I200 is included as Comment Letter A18. For responses to this letter, please see Responses A18-1 through A18-8.

RESPONSE I200-17

Please refer to General Response 3.13.1 regarding the General plan Update and consistency with the General Plan.

RESPONSE I200-18

Mitigation measures within Section 5.2.9 of the Final EIR shall incorporate various water conservation methods into the Proposed Project. Connection to EBMUD water supply infrastructure additionally includes standards which shall further provide conservation requirements. These requirements are provided through agreements to be signed when the Tribe contracts with EBMUD for water service. Please refer to General Responses 3.6.1 for additional water supply related issues.

RESPONSE I200-19

Refer to Section 4.4 and 4.15 of the Final EIR; with the implementation of mitigation measures provided in Section 5.0 of the Final EIR all impacts would be considered less than significant; therefore the project complies with CN4.1 by minimizing disproportionate and adverse air quality impacts. The project provides a plethora of air quality mitigation measures which would reduce criteria pollutants, as well as greenhouse gases, thus adhering to CN4.B.

RESPONSE I200-20

The opinion of Contra Costa County in relation to the pending Indian Lands Determination is not germane to the environmental review of the Proposed Project. In addition, the opposition to the Project by Contra Costa County cited by the commenter has been withdrawn (Appendix BB).

RESPONSE I200-21

Please refer to General Response 3.16.1 for a discussion of early transfer with privatized remediation, which was approved by the Governor of California on September 1, 2009.

RESPONSE I200-22

The Draft EIS/EIR provides a thorough analysis of the reasonably foreseeable consequences of issuance of a reservation proclamation by the Department of the Interior (DOI), transfer of the property into federal trust status and approval of a gaming management contract by the National Indian Gaming Commission. These administrative approvals are discussed in Sections ES.3, 1.6, and 2.2.1 of the Draft EIS/EIR. The
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Analysis considers alternatives that include a fee-to-trust component (Alternatives A, B, and C) as well as two that do not (Alternatives D and E), as well as the No Action Alternative. Please refer to Section 1.1 of the Final EIR for a thorough discussion of: 1) the BIA’s responsibility for reviewing and approving tribal applications pursuant to 25 CFR Part 151 to take land into federal trust; 2) the Secretary of the Interior’s authority to proclaim lands acquired in trust as a new reservation for a tribe pursuant to Section 7 of the Indian Reorganization Act (25 USC 467); and 3) the Secretary of the Interior’s determination of whether the lands are eligible for gaming under Section 20 of the Indian Gaming Regulatory Act (IGRA; 25 USC 2719).

**RESPONSE I200-23**

Please refer to Responses A24-8 and A30-7 for a discussion of consistency with the San Francisco Bay Plan.

**RESPONSE I200-24**

Impacts related to BCDC jurisdiction of shoreline water resources are addressed in Sections 3.5 and 4.5 of the Draft EIS/EIR.

**RESPONSE I200-25**

Please refer to Response A24-8 and A30-7 regarding the San Francisco Bay Plan.

Please refer to General Response 3.9.1 for a discussion of potential impacts to the eelgrass beds located on-site.

**RESPONSE I200-26**

Contrary to the statements of the commenter, the Draft EIS/EIR in Section 3.6.2 provides a discussion of cultural uses of the region around the project site related to pre-contact Native American occupation, the Spanish colonial period, Mexican period, and historic American period. As such, the commenter’s statement that “no Native American uses of this landscape were discussed in the EIS/EIR” has no basis in fact. It is important to note that the cultural setting provided in the Draft EIS/EIR is intended only to establish a context for interpreting extant historical resources that could be subject to impacts from the development of the proposed project.

Native American occupation of the greater Bay Area extends back to the terminal Pleistocene (ca. 10,000 years before present). In the millennia between initial occupation and the modern era, the cultural and ethnic make-up of the region shifted numerous times, as indicated by the archaeological record and glottochronological analysis (Breschini and Haversat, 1997; Dixon and Kroeber, 1919; Fredrickson, 1973, 1974; Krantz, 1977; Levy, 1978; Moratto, 1984; etc.). Spanish occupation of northern California had a devastating effect on the native population, which reduced their numbers by 80 percent or more as a result of disease, hardship, and forced labor (Pritzker, 2000). Widespread disruption of native lifeways during
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the contact period, which reached a crescendo in the mid 19th century, resulted in a period of punctuated redistribution of native territories as aboriginal occupants fled from areas under Euro-American domination. Given this historic reality, the Draft EIS/EIR does not attempt to provide the last word on prehistoric tribal distributions. Moreover, when such attempts have been made in the past, the findings are qualified by acknowledging that the notion of a “tribe” in the traditional sense does not apply to California and that intermarriage, seasonal transhumance, and modern notions of ethnicity preclude the ability to definitively delineate “tribal” territories.

As described in the Draft EIS/EIR in Section 3.6.2, the open water adjacent to the project site was likely used by native peoples from all around the northern Bay Area. Remarking on the lack of defined territory within the waters near the project site, Barrett (1908:307) states that, “There is no definite knowledge obtainable concerning fishing and other rights on the waters of San Francisco and San Pablo Bays, but from all that can be gathered it seems probable that these were neutral grounds and that the Indians of the region all had equal rights in these waters off shore.”

Regarding the commenter’s statement concerning Contra Costa County’s “determination” of the original inhabitants of Point Molate, the County has recently come to a different conclusion, finding in a November 12, 2009 letter to the Secretary of the Interior that after reviewing approximately 5,000 pages of materials released to the County from the BIA, “We now have a greater understanding of the basis for the Guidiville Tribe to request taking the Pt. Molate Site into trust. Our previous submittals to the BIA questioning the historical nexus of the Guidiville Tribe to the Bay Area were drafted without the benefit of the review of the Guidiville submittals to the BIA, which have helped to change our opinion on the matter.”

Furthermore, the issue as to whether or not ancestral ties exist and whether or not the Tribe is entitled to use this land is beyond the scope of the Draft EIS/EIR. This issue is addressed as part of the realty component of the fee-to-trust process. It is during the realty process that the federal government will make an “Indian Lands Determination.” This lengthy process is separated from the environmental compliance requirements. It is worth noting, however, that the Tribe has submitted more than 5,000 pages of archival and ethnographic documentation that they assert demonstrates a historical connection to the land (refer to comment letter A-28).

**RESPONSE I200-27**

Potential impacts associated with the implementation of Mitigation Measure 4-9, related to the restoration of native habitats on-site and removal of exotic species, are analyzed in Section 4.14.8 of the Final EIR. Mitigation Measure 4-9 has been supplemented to address potential impacts associated with implementation of the proposed vegetation management plan. With implementation of the recommended measures, potential impacts associated with the removal of exotic species would be less than significant.
RESPONSE I200-28
Project site drainage is addressed is Section 2.2.2 of the Draft EIS/EIR. An NPDES general construction permit will be required for the project under regulation of Clean Water Act (CWA) and a Storm Water Pollution Prevention Plan (SWPPP) will be created for construction related storm water discharges which details erosion and sediment control BMPs for all phases of construction. Additionally, a storm water management plan (SWMP) is included in Appendix H that details how storm water flows which may contain potentially turbid and/or contaminated waters will be stored in temporary detention facilities where the water can be treated as needed (or trucked from the site and treated) prior to surface water discharge into the bay. Please refer to Section 4.3.6 of the Draft EIS/EIR where all anticipated water quality effects are analyzed in detail; Section 5.2.2 commits the Tribe to developing the design-grade Stormwater Control Plan in accordance with the Richmond Municipal Code Section 12.22.050. Furthermore, all State Basin Plan water quality objectives must be met as a requirement of the NPDES permit for all stormwater discharges entering State Waters. These combined measures and implementation strategies would reduce water quality effects to less than significant to eelgrass beds.

RESPONSE I200-29
Impacts associated with water runoff are assessed in Section 4.3 of the Draft EIS/EIR. As discussed there, a drainage plan was prepared and is incorporated into the project description as Appendix H of the document. The drainage plan includes identification of distinct runoff watersheds on the project site and associated provisions to reduce stormwater runoff to pre-existing rates reducing the impacts to the salinity features of the Bay mentioned by the commenter. The same dilution rate from surface water entering the Bay from the project site would continue with development of the project alternatives with the incorporation of the bioretention swales and vaults thereby preventing impacts to the off-shore eelgrass beds to increase above existing conditions. Water use is adequately addressed in Section 4.10 of the Draft EIS/EIR. As stated there within, water demands would be met through connection to the EBMUD municipal system and the demands of the development alternatives meet the anticipated densification and land use changes anticipated in EBMUD’s 2005 Urban Water Management Plan.

RESPONSE I200-30
Refer to General Response 3.6.3 regarding stormwater. As discussed in Section 4.3 of the Draft EIS/EIR, the Tribe would improve the existing stormwater drainage system to allow for on-site detention of stormwater. The detention has been sized to account for the increase in impervious surfaces proposed for development resulting in a discharge rate that would be equivalent to pre-project flow rates. Therefore, impacts to salinity would be less-than-significant.

RESPONSE I200-31
Sections 4.2, 4.3, and 4.15 of the Draft EIS/EIR address potential runoff, erosion, and water pollution impacts associated with grading and other construction activities. A host of mitigation measures have
been developed (Mitigation Measures 1-1, 2-1, 2-2, 3-13, etc.) which would, upon implementation, reduce all potential impacts to a less than significant level.

**RESPONSE I200-32**

The commenter states that clean-up of site often results in a measurable amount of pollutants to remain behind and that the Draft EIR/EIS does not address associated water quality impacts. Impacts associated with the development of the project alternatives are addressed in Sections 4.3 and 4.12, relating to the existing contamination on the project site. For example, Section 4.3 and 5.3 require the incorporation of best management practices to reduce the potential for the contamination of surface water resources during construction. Clean-up efforts are a component of the project description and approvals from the SFBRWQCB are required prior to construction. The SFBRWQCB is required to determine if clean-up efforts are consistent with water quality objectives. Approval of clean-up protocols for the project site by the SFBRWQCB will assure that water quality objectives will not be significantly impacted.

**RESPONSE I200-33**

Please see General Response 3.9.2 in reference to habitat classification on the project site.

**RESPONSE I200-34**

**COASTAL BLUFF AND COASTAL DUNE COMMUNITIES**

All of the areas classified as “beach strand” will be completely avoided. Mitigation for development is specified for coastal scrub and grassland habitats in Alternatives A through D at a 2:1 replacement/restoration ratio, where non-native habitats would be used for restoration. Mitigation Measure 4-5 in Section 5.0 does state that:

“The project proponent shall use a preponderance of drought resistant species native to the Richmond area in the selection of vegetation, plants, mulches, or other plant material used in site landscaping, with the exception of shoreline park areas, green walls and green roofs, and areas adjacent to the resort and residential buildings where non-native species may be utilized. These areas will use recycled, treated gray water as an irrigation sources.”

**SPECIAL STATUS SPECIES**

The commenter states that botanical surveys were inadequate, with specific reference to several CEQA-protected special status plants;

Baseline survey information was obtained through surveys that followed approved protocol methods. As stated in Section 3.5.4 of the Draft EIS/EIR, “AES biologists conducted preliminary biological assessments and wetland surveys in March and April of 2005. AES staff conducted thorough biological surveys, wetland reconnaissance, and focused floristic surveys of the project site on August 13, 14, and 30, 2007, January 18, April 14 and 15, and June 19 and 23, 2008. All of the field assessments were
performed by pedestrian survey. AES staff conducted an additional biological survey of the required off-site road improvement areas on September 3, 2008. This survey effort was primarily pedestrian, though a portion of the study area along Interstate 580 was surveyed by car because it was unsafe to survey on foot. All visible plant and wildlife species were noted and identified to the lowest possible taxonomic level. The habitat types within the project site were characterized and then further evaluated for their potential to support regionally occurring special-status species.” Supplementary research and field survey was conducted in the fall of 2009 by AES biological staff to supplement the analysis of off-site improvements associated with utility corridors and transportation mitigation sites. Figures 4.14-2 and 4.14-3 depict the location of off-site improvements that were examined by AES as part of the analysis.

**Fragrant Lily**

The commenter states that fragrant lily (*Fritillaria liliacea*) was not surveyed for at the proper time of year. The commenter states that the closest date to the appropriate period for identification was April 14-15, too early in the season. However, a review of all online records from the Jepson Interchange for California Floristics (a database containing herbarium record information for most of the larger herbaria in the region) reveals that 56 specimens throughout the range of this species from 1874 to 1992 were collected between the dates of February 15 through May 15 (and one was collected July 10, although the flowering period is generally considered to be February through April). This species is noted for having generally more than four alternate, linear to ovate (not sickle-shaped) leaves and obscure nectaries. The petals are characteristically white with faint green stripes. Fritillarias are distinguished in the lily family (Liliaceae) by having mostly cauline (along the stem, not basal) leaves. There were no plants observed in the lily family that had cauline leaves. Using the most current CNDDB data (CNDDB, 2009), the nearest documented occurrence of fragrant fritillary is located approximately two miles south of the project site, not on the site as referenced by the commenter, in low ground near Point Richmond (CNDDB Occurrence Record 52, March 24, 1900). For this CNDDB record, it is further noted that the occurrence is possibly extirpated and that: “This area is highly developed and it is unlikely that suitable habitat remains.” The next closest occurrence is approximately 4 miles east-southeast of the site, also possibly extirpated. Thus, the commenter is referring to a “historical” occurrence not on the project site that is over 100 years old which has not been validated since 1900.

The coastal scrub and annual grassland within the project site are suitable habitats for this species, but no plants in the lily family with the characteristic cauline leaves were observed during any of the field surveys.

**Locally Rare and Unusual Species**

The commenter states that several plant species officially designated as “locally rare” while having very limited ranges within Alameda and Contra Costa counties are protected under CEQA Guideline 15380 and were not addressed in the DEIS/DEIR. These species are documented in Lake, (2007), where *A1* and *A2* species are defined as rare at the federal, state and local level, A1x species are thought to have been extirpated from the local area, A1 species are currently known from two or fewer locations in the
local area, and A2 species are currently known from three to five locations in the local area. While these species may be considered “locally rare”, CEQA Guideline 15380 explicitly states that:

(b) A species of animal or plant is:

(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or

(2) Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).

While the species listed by the commenter may be “locally rare” they are not necessarily afforded protection under CEQA 15380 2(A), 2(B) or c(1) due to their common occurrence throughout other regions of the state. In DFG’s November 24, 2009 document entitled Protocols for Evaluating Impacts to Special Status Native Plant Populations and Natural Communities this rare designation can apply to include:

locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA
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Guidelines, Appendix G). Examples include a species at the outer limits of its known range or a species occurring on an uncommon soil type.

In addition, this DFG document also states that:

In general, CNPS List 3 plants (plants about which more information is needed) and List 4 plants (plants of limited distribution) may not warrant consideration under CEQA §15380. These plants may be included on special status plant lists such as those developed by counties where they would be addressed under CEQA §15380. List 3 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity vs. statewide rarity should be considered in determining whether cumulative impacts to a List 4 plant are significant even if individual project impacts are not.

Five of the species in the Lake (2007) CNPS publication were documented to occur on the project site as noted in Appendix K; beach bur (Ambrosia chamissonis), seaside golden yarrow (Eriophyllum staechadifolium), north coast dudleya (Dudleya farinosa), coastal bush lupine (Lupinus arboreus), and seaside plantain (Plantago maritime). It should be noted that these species are not listed for specific protection at the local scale in the City of Richmond General Plan nor are they offered protection at the regional scale in the Plant and Wildlife Species of Concern in Contra Costa County as part of the Conservation Element of the Contra Costa County General Plan. The following is a list of counties of common occurrence followed by the number of document occurrences in that county for the five species listed to occur on-site which are also listed in Lake, 2007.

Beach bur is found throughout all 15 of California’s coastal counties including Del Norte [3], Humboldt [7], Los Angeles [13], Mendocino [11], Monterey [14], Marin [17], Orange [9], Santa Barbara [32], Santa Cruz [4], San Diego [8], San Francisco [14], San Luis Obispo [15], San Mateo [9], Sonoma [11], Ventura [18] as well as Alameda [14], and Contra Costa [9].


Coastal bush lupine is found throughout Del Norte [1], Humboldt [5], Los Angeles [1], Mendocino [10], Monterey [23], Marin [25], Nevada [1], Orange [1], Sacramento [1], Santa Barbara [8], San


It is apparent that these species do not have a limited distribution, are not presently threatened with extinction, do not exist in such small numbers throughout all or a significant portion of their ranges that they may become endangered if their local environment worsens; are not likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges; they are not contained in Sections 670.2 or 670.5, Title 14, CCR, nor are they listed in an officially adopted local special status list, thus they do not warrant protection under CEQA. As mentioned above, all plant surveys were comprehensive, with all taxa encountered identified to the lowest possible taxon and all plant species in the existing vegetation were noted and identified, regardless of status. In addition, all plant surveys were conducted within the periods of identification for species in the area.

Regardless of any special status designation Mitigation Measures 4-1 through 4-9 commit to the replacement, preservation and management of all impacted habitats on-site using native species found on-site, to the extent feasible, which constitutes a less that significant impact to the plants listed above.

Grindelia hirsutula var. maritima
The commenter questions the identification of the common gumplant (Grindelia hirsutula var. hirsutula), stating that it may be the locally rare A2 variety of that species, San Francisco gum plant (G. hirsutula var. maritima; CNPS List 1B). Specimens of the plant in question were keyed to the common gumplant at the University of California Davis herbarium with the help of Herbarium Curator, Ellen Dean (personal communication, Kristie Haydu, AES Botanist, November 9, 2009).

Bryophytes and lichens
The commenter states that there is no indication that a survey for bryophytes was completed. Bryophytes and lichens were not included in the protocol-level botanical surveys conducted at the project site. Of the 31 mosses, spike mosses and club mosses listed by CNPS, only two appear to have the potential to occur on the project site: ephemeral or naked flag moss (Discelium nudum; CNPS List 2) and a selaginella with no common name (Selaginella cinerascens; CNPS List 4). Naked flag moss occurs in coastal bluff scrub on soil and clay banks at elevations of 10 to 50 meters above mean sea level (amsl). There are only two occurrences in the CNDDB database, one each in Del Norte and Humboldt counties. The selaginella is not tracked in the CNDDB, but occurs in chaparral and coastal scrub at elevations of 20 to 640 meters amsl.
Lichens are not currently tracked by CNPS or in the CNDDB, but two have been proposed for listing by the California Lichen Society. Neither species (*Usnea longissima* and *Solorina spongiosa*) is likely to occur on the project site.

**SPECIAL PLANT COMMUNITIES**

**Mixed Riparian Habitat**
The commenter states that all impacts to Mixed Riparian habitat should be fully avoided, and requests that any areas proposed for mitigation be mapped and that existing good quality habitat be avoided. Alternatives A, C and E avoid this habitat completely. The Alternative B and D footprints do include potential impacts to 1.8 and 1.9 acres of this sensitive habitat type, respectively. Alternatives B and D will be reconfigured to avoid this impact. Mitigation Measure 4-4 has been amended accordingly.

**Tidal Marsh**
The commenter states that resource agencies should determine the appropriate setback buffer, not the developer. The setback buffer shall be determined through consultation with the appropriate resource agencies. Mitigation Measure 4-7 has been amended accordingly.

**SPECIAL STATUS SPECIES**

*Symphiotrichum lentum.*
The commenter states that Suisan marsh aster (*Symphiotrichum lentum*; CNPS List 1B) should be avoided. Alternatives A, C and E avoid this species completely with a 50-foot buffer. Alternatives B and D include impacts to 0.86 acres (100 percent) of the existing Suisan marsh aster population. If avoidance is not feasible, relocation of the population to appropriate habitat, as detailed in Mitigation Measure 4-14, would be conducted only after approval and in consultation with CDFG.

**RESPONSE I200-35**
Please refer to General Response 3.9.1 regarding impacts to eelgrass.

**RESPONSE I200-36**
The Project has been designed to avoid impacts to seasonal wetlands. Additionally, applicable Federal regulations under Section 404 and 404(b)(1) of the CWA for the fill of wetlands as regulated by the USACE, will assure jointly with the USEPA, through the required alternatives analysis that maximum avoidance and minimization of impacts to wetlands has been achieved through project design.

**RESPONSE I200-37**
Please refer to Section 2.0 which states requirements pursuant to the LDA and the MSA. The Tribe would provide for permanent conservation easements, public access easements, or other enforceable mechanisms acceptable to the BIA and the City on hillside open space. Please refer to Mitigation
Measure 4-1; whereas “for every acre of habitat impacted (e.g., coastal scrub), an acre of equivalent habitat type (e.g., coastal scrub) on-site shall be placed into an open space preserve that includes a permanent conservation easement protecting the total area of open space in perpetuity.”

**RESPONSE I200-38**

Parkland and recreation components are fully detailed in Section 2.2.2 whereas “approximately 145 acres of hillside land would be maintained as open space. Pursuant to Section 2.6 of the LDA (Appendix C) and Section 5.7 of the MSA (Exhibit E of LDA within Appendix C), the Tribe would provide for permanent conservation easements, public access easements, or other enforceable mechanisms acceptable to the BIA and the City and would provide for and fund the maintenance and preservation of the hillside open space. The Tribe would adopt guidelines and standards for the operation and maintenance of the hillside open space substantially similar to the guidelines and standards of the State of California Department of Parks and Recreation Park Management Plan. Open space areas would be maintained primarily in their natural state but would include pedestrian trails, picnic areas (both open and reserved), restroom facilities, and park amenities consistent with those found in regional parks in Alameda and Contra Costa Counties. The restroom facilities would be designed to blend with the natural environment.” In addition, please refer to Response I200-37 with regards to open space and conservation easements. The DFG CNDDDB does not identify Coastal Prairie on the project site. Furthermore, Mitigation Measure 4-9 details how the VMP will be created to assure proper planning, implementation, management, maintenance, and monitoring is achieved for all preserve and mitigation sites.

**RESPONSE I200-39**

Comments noted. The Biological Assessment (BA) (Appendix J) covers all federal special status species with the potential to occur within the project site. A Section 7 concurrence of not likely to adversely affect has been attained from the USFWS (Appendix J); this includes reference to the California clapper rail and California least tern as noted by the commenter.

With regards to the Audubon Society’s designated Important Bird Area (IBA), the formal Audubon disclaimer for these IBA designated areas is stated as follows:

> “Comprehensive site specific surveys have not been conducted for each IBA, therefore, the data provided in this release cannot be relied on as a definitive statement of the presence or absence of all species at a given location. These data should not be considered a substitute for on-site surveys that may be required for an environmental assessment, environmental impact statement, or conservation planning (Audubon California. 2008. Important Bird Areas of California).”

The commenter’s assumptions for night lighting effects to wildlife are not validated by fact but rather assumed to be “likely”. Mitigation Measures 4-15 through 4-19 address all potential and mitigable
impacts to migratory birds. In addition, the following is referenced in Response A24-7 with regards to night lighting effects on local wildlife; “Since the Navy began fueling operations at the site in 1941, the Point Molate area has been highly impacted by the military/industrial uses of the site, which included significant night lighting. Since Naval operations ceased at the site the night-time lighting regime has changed, yet not to such an extent that the existing conditions reflect a pristine natural environment. In recognition of the potential impacts associated with the introduction of new light sources, Mitigation Measure 4-18 was included in the Draft EIS/EIR, which would inherently benefit all terrestrial and aquatic wildlife in the vicinity of the project site. Implementation of the recommended mitigation measure would reduce potential impacts associated with night lighting to a less than significant level.”

RESPONSE I200-40

Please refer to General Response 3.16.2 regarding potential impacts associated with a release of anhydrous ammonia.

RESPONSE I200-41

As stated in Section 4.10, Impact 4.10.8, the Proposed Project shall include the construction and operation of an on-site fire station fully staffed by City of Richmond Fire Department personnel. Provisions within the Municipal Services Agreement (MSA) between the Tribe and the City include guidelines for the operation of Fire Department personnel and equipment on the project site, as well as providing Tribal funding for these City services. The MSA additionally states that the Tribe must provide a contractual agreement with a local Emergency Medical Service (EMS) provider to further assist in transportation of patients from the project site. However, based on Article 10A of the IGA (Appendix BB), the Tribe agrees to contract with the County to provide emergency ambulance service to the project site. Section 2.0 of the Final EIR provides a description of the on-site Fire Department facilities which shall be constructed under the Proposed Project.

The commenter states that there is not sufficient detail provided about the fire station. Mitigation Measure 9-13 presented in the Final EIR has been updated to include the following language… “Provide for one (1) fire captain and three (3) firefighter positions per shift on a 24-hour per day basis to meet the burdens undertaken by the Fire Department to serve the Property”.

The commenter states concern for fire hazard posed by on-site eucalyptus. The fire hazard posed by the on-site eucalyptus woodland is discussed in Section 3.10.2 at page 3.10-13 and Section 3.12.2 at page 3.12-30. Potential impacts associated with fuel loading related to the eucalyptus woodland is considered in impact statement 4.12.7. Mitigation Measure 4-9 provides for a comprehensive Vegetation Management Plan (VMP) to be prepared for the project site. The VMP would be divided into five components: Open Space Habitat Preserves, Open Space Restoration Preserves, Invasive Plant Species Management, Parkland Management, and Wildfire Prevention. The Invasive Plant Species Management component would be seek to eradicate noxious weeds and exotic species and replace them with native
species. The adaptive management strategy would ensure the goals of mitigation are achieved in perpetuity.

The commenter states that the site must be considered to be located at a Wildland Urban Interface (WUI) and in a Very High Fire Hazard Severity Zone. Section 3.12.2 of the Draft EIS/EIR clearly states that the project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the City of Richmond Fire Department. Section 4.12 analyzes potential impacts associated with the project site’s location within a VHFHSZ. A number of mitigation measures address the potential for fires to occur on-site, including the VMP included as Mitigation Measure 4-9, and building code regulations described under Mitigation Measure 1-3, Mitigation Measures 11-13 and 11-14 which address the potential for increased fire risk during construction.

Smoking will be allowed at the project site, including within designated indoor smoking areas, such that smokers will not need to be outdoors to smoke. The landscape management cited above, paved roads, sidewalks, and the presence of a fully staffed fire station on-site will mitigate any increase in the number of people choosing to smoke outdoors at the project site. Please refer to General Response 3.14.1 regarding emergency preparedness.

Please refer to General Response 3.7.2 for a discussion of the indoor smoking on the project site. As discussed in the above referenced general response, the Draft EIS/EIR provides a broad range of mitigation measures that include, but are not limited to: smoke-free areas of the casino with separate HVAC systems; notification signage, readily available literature, and disclosure to all prospective employees concerning the presence and effects of second hand tobacco smoke; ventilation systems that are compliant with ASHRAE Standard 62-1999 requirements; and protection of fresh air sources from tobacco smoke or other pollutants of concern.

**RESPONSE I200-42**

Refer to General Response 3.8.2 regarding sea level rise.

**RESPONSE I200-43**

Please refer to General Responses 3.11.1 and 3.11.2 regarding potential impacts to crime and problem gambling. Cumulative effects are discussed in Section 4.15 of the FEIR. Foreseeable development projects have been considered in combination with the Proposed Project to assess whether the combined impacts of all the projects in the vicinity would result in cumulatively considerable environmental impacts. With mitigation, cumulative impacts are considered less than significant. Indirect and growth-inducing impacts have been discussed in Section 4.14 of the FEIR.
**RESPONSE I200-44**

With the incorporation of the drainage plan (Appendix H of the Draft EIS/EIR) impacts to the Bay would be less than significant as the rate of surface water discharge to the Bay would remain consistent with existing conditions. Therefore, changes to the freshwater inflow from the Delta to the Bay would not be compounded by development of the project alternatives. As discussed in Section 4.15.1, the cumulative analysis incorporates three elements from Section 15130(b) of the CEQA guidelines that are considered necessary for an adequate cumulative analysis. The three elements include a list of reasonably anticipated future projects. Table 4.15-1 identifies the reasonably anticipated future projects obtained from local jurisdictions. No shoreline development projects were identified.

**RESPONSE I200-45**

Cumulative impacts to the Richmond-San Rafael Bridge and the I-580 corridor are analyzed in the TIA, supplemental TIA and Sections 4.8 and 4.15 of the FEIR. With the implementation of mitigation measures provided in Section 5.0 there would be a less than significant impact on the I-580 freeway and the Richmond-San Rafael Bridge. It should be noted that the City and Tribe do not have jurisdiction over off-reservation or non-City roadway or intersection facilities and therefore, some impacts are shown in Section 4.15 as significant and unavoidable.

**RESPONSE I200-46**

Cumulative project related air quality emissions are analyzed in Section 4.15 of the FEIR. Project related emissions are compared to de minimus levels, 10 percent of Contra County emissions inventory, and cumulative BAAQMD thresholds. De minimus and cumulative BAAQMD threshold are predicated on cumulative emission inventories; therefore project emissions and emissions from other projects and sources were considered in the cumulative analysis.

**RESPONSE I200-47**

Please refer to General Response 3.2.1 regarding expressions of opinion and other non-substantive comments.

**RESPONSE I200-48**

The commenter fails to provide a reference for the list provided as Appendix A. Moreover, it is not clear what the geographic extent of the “Molate Region” is. As such, no specific response can be provided.

**RESPONSE I200-49**

Please see Response I200-16.

**RESPONSE I200-50**

Please see Response I200-16.
RESPONSE I200-51

Please see Response I200-16.

COMMENT I201

RESPONSE I201-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE I201-2

Please refer to General Response 3.8.2 regarding impacts of sea level rise at the project site. In summary, the project site would not be impacted by rising sea levels, even if a worst case scenario of a 55 inch increase in sea level over the next 100 years is assumed. The text of the Final EIR has been updated in Sections 3.4 and 4.15 to describe existing conditions, outline the most-likely and worst case scenarios for sea level rise, and address the potential for the project site to be impacted. Figure 3.4-1 was added to the Final EIR, which depicts shoreline areas vulnerable to sea level rise based on data provided by BCDC.

As highlighted in the Draft EIS/EIR, central components of the Project include development of a 35-acre shoreline park (including revitalization of the Point Molate Beach Park), development of a kayaking/non-motorized boat facility, between 145 and 191 acres of hill side open space with recreational trails (using already established service roads to minimize disturbance), and construction of a significant segment of the Bay Trail traversing the entire waterfront of the project site. As noted by the commenter, the 35-acre shoreline park would be situated primarily on property retained by the City of Richmond, which would also retain title to the submerged land within the Bay at Point Molate.

RESPONSE I201-3

In order to fulfill the water-oriented recreation use encouraged in the Bay Plan, the Proposed Project includes a kayaking center south of the pier that would provide safe launching and landing access for non-motorized recreational boats. As noted by the commenter, this facility would advance the Coastal Conservancy’s goal of establishing 100+ “backbone” launch sites for the phased development of the San Francisco Bay Area Water Trail.

RESPONSE I201-4

Please refer to Responses I180-2, I192-4, and A26-2 regarding impacts to riparian habitat, coastal scrub habitat, and wetlands, respectively.

RESPONSE I201-5

Please refer to General Response 3.9.1 for a discussion of potential impacts to the eelgrass beds located on site.
**COMMENT I202**

**RESPONSE I202-I**

Construction and operational impacts on the regional transportation network in the near-term are analyzed in Section 4.8 of the Draft EIS/EIR, with supporting information provided in the TIA and Supplemental TIA (Appendix S). All significant traffic impacts in the near-term are mitigated to less than significant levels (refer to mitigation provided in Section 5.2.7). In the cumulative year there would be a significant impact to traffic operations and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, it was concluded that the full suite of mitigation required for cumulative impacts is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there is currently no plan to fund or implement the improvements on the part of the jurisdictional agencies.

Section 4.15 of the Draft EIS/EIR analyzes impacts of the Proposed Project and alternatives in combination with other reasonably foreseeable projects in the region, including the proposed Sugar Bowl Casino. Please refer to Table 4.15-1 of the Final EIR for a list of planning documents and proposed projects considered in the cumulative analysis.

The Richmond Parkway arterial, as well as all of its intersections with the potential to be impacted, were analyzed in the Draft EIS/EIR. Please refer to Sections 4.8 and 4.15 of the Draft EIS/EIR for a discussion of potential operational impacts along the Richmond Parkway in the near-term and cumulative years. Mitigation for potential impacts to these facilities is provided in Section 5.2.7.

Please refer to General Response 3.14.1 that addresses emergency preparedness and evacuation.

Please refer to General Response 3.12.9 regarding traffic on Western Drive. Operations on Western Drive following the proposed improvements and capacity upgrade are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility.

Sections 4.8 and 4.15 of the Draft EIS/EIR and the STIA analyze potential impacts to the Richmond-San Rafael Bridge. It was determined that in the build-out year project-related traffic would have a less than significant impact on the level of service on the bridge. However, in the cumulative year there would be a significant impact and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there are currently no plans to fund or implement the improvements on the part of Caltrans.

Please refer to General Response 3.11.5 regarding potential impacts to local and regional businesses.
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**RESPONSE I202-2**

Residential units would be developed under Alternatives B, D, and B1. Potential impacts to schools as a result of the alternatives are discussed in Section 4.10 of the Draft EIS/EIR. New students resulting from the development of the Proposed Project would have a nominal effect on the ability of West Contra Costa Unified School District to provide services at current levels. Residential development under Alternatives B, D, and B1 would generate additional property tax revenues that would offset the addition of new students. Potential impacts are considered less than significant.

Impacts to taxes as a result of the Proposed Project are discussed in Section 4.7.4 of the Draft EIS/EIR. The Proposed Project would result in a variety of fiscal impacts, which collectively would result in substantial revenues for federal, state, and county governments. Creation of additional tax revenues generated by the Proposed Project were found to be a beneficial impact in the Draft EIS/EIR.

Please refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities. The amenities offered at the resort would target a different segment of the population than does the Richmond Auditorium. The hotel, restaurants, and other project components would make Point Molate an attractive venue for hosting functions that require all amenities to be provided in one location. Given its central location and low cost, the Richmond Auditorium would continue to be patronized by local groups that do not require overnight accommodations or other related services. For these reasons, any impacts to the Richmond Auditorium would be considered less than significant.

As stated in Section 2.1.2 of the Draft EIS/EIR, as well as Appendix C, the Tribe agrees to pay the City service fees of $8 million per year for the first eight years beginning with the commencement of gaming operations. The Tribe agrees to pay the City services fees of $10 million per year thereafter. City service fees include fees for police and fire protection services. Fees shall be adjusted each year by changes in the Consumer Price Index, beginning after year one of the agreement. The fee shall be paid regardless of the amount of service provided. Additionally, as indicated through the IGA (Appendix BB), with the operation of Class III gaming, the Tribe will pay the County the annual sum of $12 million for public safety, fire fighters, first responders, health and social services-related costs, and community benefit payments.

Regarding the lifespan of the Proposed Project, the Tribe intends to operate the casino/hotel resort in perpetuity to fund its Tribal government, cultural renewal, Tribal health, education, and other essential services and governmental functions. The Economic Impact and Growth Inducing Study (Appendix T) concluded that the Proposed Project would continue to operate profitably throughout the cumulative time period discussed in the Draft EIS/EIR, given the large San Francisco Bay Area market. Potential indirect and growth-inducing effects are discussed in Section 4.14 of the Draft EIS/EIR.
4.0 Response to Individual Comments

RESPONSE I202-3
Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

RESPONSE I202-4
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT I203

RESPONSE I203-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.12.6 regarding bicycles on the Richmond – San Rafael Bridge.

RESPONSE I203-2
Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I203-3
The Final EIR includes a host of mitigation and improvement measures that would significantly reduce the number of vehicle trips to the project site during construction and operation. In addition to the mitigation cited by the commenter, several more are provided in the Final EIR in Sections 5.2.3 and 5.2.7 that would reduce vehicle trips. Refer to General Response 3.12.4 regarding the aggressive traffic demand management measures that the Project would be required to comply with under Alternatives A through E and B1. Please also refer to Response A22-2 regarding mitigation in the Final EIR related to expanded use of public transit.

Refer to the response above (Response I203-2) regarding the off-site improvements to the Bay Trail.

RESPONSE I203-4
Bicycle lanes would be provided on Western Drive in conjunction with the widening and other improvements proposed as part of the project if the portion of the Bay Trail immediately south of the project site is not complete by the time the Project becomes operational. The bike lanes would then connect to the existing bicycle path that crosses under I-580 (refer to Improvement Measure 7-20 in the Final EIR).
**Response 1203-5**

*Mitigation Measure 4-6* has been supplemented in the Final EIR to state, in part, “Setback distances for areas of beach strand habitats shall be approved through consultation with BCDC taking into account the soils, slope, hydrology, vegetative cover and runoff potential of areas adjacent to beach strand habitat where construction will occur.” Similarly, *Mitigation Measure 4-7* has been revised to state, “tidal marsh habitat on-site shall be completely avoided. While the final amount of setback will be determined by the jurisdictional agency, a minimum setback of 50 feet is recommended around the tidal marsh habitat on-site as a means of preventing any impacts to it from development. The 50-foot setback buffer shall be approved by the BCDC through consultation taking into account the soils, slope, hydrology, vegetative cover and runoff potential of areas adjacent to beach strand habitat where construction will occur.”

**Response 1203-6**

*Figure 2-17* in the Draft EIS/EIR incorporates portions of Burma Road, which fronts on the Bay and adjacent sea wall, into the proposed segment of the Bay Trail for Alternative E. The figure is intended to indicate the extent to which existing ruderal habitat would be used to establish the trail, resulting in the least amount of impacts to sensitive biotic resources. Elsewhere, the alignment of the proposed trail segment within the project site has been routed around sensitive and non-renewable cultural resources, which are protected by state and federal law. Depicting the exact location of such resources has been avoided in the publically circulated documents to minimize the potential for vandalism and/or looting at the cultural sites.

**Response 1203-7**

Comment noted.

**Comment 1204**

**Response 1204-1**

Please refer to *General Response 3.16.1* regarding the 2008 Site Cleanup Order vacated by the San Francisco Regional Water Quality Control Board in September of 2009 following circulation of the Draft EIS/EIR.

**Response 1204-2**

The commenter is mistaken in his characterization of why certain transportation-related mitigation measures are infeasible. While mitigation is proposed in *Section 5.2.7* for specific cumulative (year 2025) traffic-related impacts that would reduce them to less than significant levels, the full suite of required improvements are considered infeasible at this time because the improvements fall within the responsibility and jurisdiction of a public agency other than the City of Richmond for which there is no existing plan to implement or fund. Please refer to *Sections 4.15.11, 4.15.45, 4.15.79,* and *4.15.113* of the Final EIR regarding the significant and unavoidable impacts to traffic in the cumulative year (2025).
**RESPONSE I204-3**

Please refer to **General Response 3.1.2** concerning recirculation of the Draft EIS/EIR.

**RESPONSE I204-4**

Comment noted.

**RESPONSE I204-5**

The commenter provides photocopied pages from a March 2008 Groundwater Monitoring Summary Report related to the on-going monitoring at the project site. On-going and future monitoring work at areas of the project site impacted by past hazardous materials releases is described within **Sections 2.14, 2.15, 3.12, and 4.12** of the Draft EIS/EIR, as well as **Appendices P, Q, X, and II**. Contrary to the assertions of the commenter, the Draft EIS/EIR and supporting documentation establish that the project site has been affected by past hazardous materials releases and will be subject to comprehensive environmental remediation as part of the Proposed Project (refer to **Section 2.1.5** of the Draft EIS/EIR).

The Draft EIS/EIR considered all potential environmental impacts stemming from remediation of hazardous material conditions on-site. The ultimate scope of analysis was developed based on the Remedial Plan (**Appendix II**), which provides a reasonable set of expectations for the extent, location and methods of site cleanup proposed under Alternatives A - D. Please refer to **General Response 3.16.1** for additional information regarding environmental remediation at the project site.

Finally, the commenter’s statement that groundwater monitoring has been discontinued at the project site is incorrect. Moreover, the monitoring report cited by the commenter was prepared for the U.S. Navy, who retains responsibility for monitoring prior to the final transfer of the property to the City of Richmond, as described in **Section 2.1.5** of the Draft EIS/EIR. As such, no changes to the analysis or discussion presented in the EIR are warranted.

**COMMENT I205**

**RESPONSE I205-1**

Please see **General Response 3.4** and **Responses I4-2 and I4-3** regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I205-2**

Please refer to **General Response 3.17** as well as **Response I4-8 through I4-12** regarding the analysis of impacts to the aesthetic character of the project site.
**COMMENT I206**

**RESPONSE I206-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I206-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I207**

**RESPONSE I207-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I207-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I208**

**RESPONSE I208-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I208-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I209**

**RESPONSE I209-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.
**RESPONSE I209-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I210**

**RESPONSE I210-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I210-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I211**

**RESPONSE I211-1**

Please see General Responses 3.11.1 through 3.11.5 regarding the analysis of socioeconomic conditions including crime, problem gambling, employment opportunities, economic viability of Proposed Project, and economic effects on the immediate and surrounding communities.

**COMMENT I212**

**RESPONSE I212-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I212-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I213**

**RESPONSE I213-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.
**RESPONSE I213-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I214**

**RESPONSE I214-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I214-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I215**

**RESPONSE I215-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I215-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I216**

**RESPONSE I216-1**

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I216-2**

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.
COMMENT I217

RESPONSE I217-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I217-2

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

COMMENT I218

RESPONSE I218-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I218-2

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

COMMENT I219

RESPONSE I219-1

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

RESPONSE I219-2

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.
**4.0 Response to Individual Comments**

**COMMENT I220**

**RESPONSE I220-1**

Please see *General Response 3.4* and *Responses I4-2* and *I4-3* regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I220-2**

Please refer to *General Response 3.17* as well as *Response I4-8* through *I4-12* regarding the analysis of impacts to the aesthetic character of the project site.

**COMMENT I221**

**RESPONSE I221-1**

Please see *General Response 3.4* and *Responses I4-2* and *I4-3* regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.

**RESPONSE I221-2**

Please refer to *General Response 3.17* as well as *Response I4-8* through *I4-12* regarding the analysis of impacts to the aesthetic character of the project site.

**4.3 RESPONSES TO PUBLIC HEARING COMMENTS**

**COMMENT PH1**

**RESPONSE PH1-1**

Please refer to *General Response 3.2.1* regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH1-2**

Please refer to *Response I90-1* regarding the analysis of traffic impacts associated with the Proposed Project.

**RESPONSE PH1-3**

Please refer to *General Response 3.13.2* regarding open space at the project site.

**RESPONSE PH1-4**

As discussed in *Section 4.7.4*, implementation of the Proposed Project would result in a variety of fiscal impacts, which collectively would result in substantial revenues for federal, state, and county.
governments. The federal, state, county, and local governments would receive substantial tax revenues from sources including taxes on employee compensation, household expenditures, corporate activities, and proprietary income (Table 4.7-8). Specific tax revenues for federal, state, and county governments were determined using 2002 industry data for Contra Costa County in the I-O/SAM model. Appendix D of Appendix T provides a description of these specific tax categories. Under the Proposed Project, gross revenue is projected to total $813 million, which would result in gaming taxes paid to the State of approximately $163 million (Table 4.7-9).

Tribes do not pay corporate income taxes on revenue or property taxes on tribal (trust) land, since trust land is not subject to local jurisdiction.

**RESPONSE PH1-5**

Refer to General Response 3.5.1 regarding the analysis of seismic impacts associated with development of the Project alternatives.

**RESPONSE PH1-6**

Comment noted.

**COMMENT PH2**

**RESPONSE PH2-1**

Please refer to General Response 3.16.1 regarding the analysis of potential impacts associated with the proposed environmental remediation at the project site.

**COMMENT PH3**

**RESPONSE PH3-1**

Please refer to Response I4-3 regarding the recently awarded contract to design, conduct necessary studies, and acquire permits to build a new segment of the Bay Trail from Point Richmond to the existing path under I-580. Please refer to General Response 3.4 regarding Chevron’s recent agreement to donate 1.5 miles of its property to the East Bay Regional Park District (EBRPD) for Bay Trail easements on the west side of the San Pablo Peninsula. Please refer to Response I4-6 regarding the proposed alignment of the Bay Trail on the San Pablo Peninsula.

The description in Mitigation Measure 3-23(h) of the Draft EIS/EIR referenced by the commenter refers to the gap in the Bay Trail between the existing path under I-580 and the proposed Bay Trail segment at the project site. Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail.
4.0 Response to Individual Comments

RESPONSE PH3-2

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

COMMENT PH4

RESPONSE PH4-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH5

RESPONSE PH5-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH6

RESPONSE PH6-1

Please refer to General Response 3.11.1 for a discussion of potential impacts to crime and mitigation proposed in the Draft EIS/EIR.

RESPONSE PH6-2

Please refer to General Response 3.16.1 regarding the proposed environmental remediation at the project site.

RESPONSE PH6-3

Please refer to Response A15-3, which address the need for an eastbound I-580 off-ramp to Western Drive.

RESPONSE PH6-4

Please refer to General Response 3.16.3 regarding security at the neighboring Chevron facility.

COMMENT PH7

RESPONSE PH7-1

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.
**COMMENT PH8**

*RESPONSE PH8-1*

Please refer to [General Response 3.11.3](#) for more information on employment opportunities generated by the Proposed Project.

**COMMENT PH9**

*RESPONSE PH9-1*

Please refer to [General Response 3.2.1](#) regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

*RESPONSE PH9-2*

Comment noted.

**COMMENT PH10**

*RESPONSE PH10-1*

Please refer to [General Response 3.2.1](#) regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH11**

*RESPONSE PH11-1*

Please refer to [General Response 3.2.1](#) regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH12**

*RESPONSE PH12-1*

**Mitigation Measure 7-2** in the Final EIR has been augmented to require that Western Drive remain passable to through traffic 24 hours a day, seven days a week, to provide access to and from other land uses located on the San Pablo Peninsula. In the event that portions of Western Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not restricted.

Alternatives A through C and B1 provide for the construction and staffing of a combined police and fire station on-site, which would provide for reduced response times throughout the San Pablo Peninsula. Under Alternative D the existing on-site fire station would be renovated to serve the needs of the Project. Please refer to [Section 2.1.2](#) of the Draft EIS/EIR for a description of the provisions of the MSA related to police and fire services.
COMMENT PH13

RESPONSE PH13-1

Please refer to General Response 3.11.1 for a discussion of potential impacts to crime.

COMMENT PH14

RESPONSE PH14-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH14-2

Please refer to Response PH12-1 above regarding traffic delays on Western Drive during construction, which is estimated to take 36 months to complete.

Operations on Western Drive following the proposed improvements and capacity upgrade are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility.

RESPONSE PH14-3

The Draft EIS/EIR concludes that all potential noise impacts are less than significant with mitigation. Section 3.11, 4.11, and 4.15 of the Draft EIS/EIR contain a full analysis of the existing, with Project, and cumulative noise impacts. Where an impact has the potential to occur, the Final EIR provides mitigation (Section 5.2.10) that would reduce the potential impact to a less than significant level. A comprehensive noise study is provided in Appendix O of the Final EIR.

COMMENT PH15

RESPONSE PH15-1

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.

COMMENT PH16

RESPONSE PH16-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
COMMENT PH17

RESPONSE PH17-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH18

RESPONSE PH18-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH19

RESPONSE PH19-1

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.

COMMENT PH20

RESPONSE PH20-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH21

RESPONSE PH21-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH22

RESPONSE PH22-1

Please refer to Responses PH12-1 and PH14-2 regarding construction traffic on Western Drive.

RESPONSE PH22-2

Comment noted.
**COMMENT PH23**

**RESPONSE PH23-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH24**

**RESPONSE PH24-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH24-2**

Please refer to Responses PH12-1 and PH14-2 regarding construction traffic on Western Drive.

**RESPONSE PH24-3**

Please refer to General Response 3.11.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH25**

**RESPONSE PH25-1**

Section 4.10.8 of the Draft EIS/EIR acknowledges the potential for impacts to social services, including emergency medical services as a result of the Proposed Project. Several mitigation measures have been proposed for this impact. With implementation of Mitigation Measures 9-7 through 9-12, impacts to fire protection and emergency medical services would be reduced to a less than significant level. Improvement Measure 9-13 would further reduce potential impacts to fire protection and emergency medical services. In accordance with Section 2.3 of the MSA (Appendix C), the Draft EIS/EIR states that the Tribe shall contract with a private company for emergency ambulance services, further reducing potential impacts to emergency medical services. However, based on Article 10A of the IGA, the Tribe agrees to contract with the County to provide emergency ambulance service to the project site.

Please refer to General Response 3.11.1 and 3.11.2 regarding potential impacts to crime and problem gambling as a result of the Proposed Project.

**RESPONSE PH25-2**

Please refer to General Response 3.14.1 that addresses emergency preparedness and evacuation.
RESPONSE PH25-3

The First Amendment to the LDA for the Proposed Project was entered executed on March 7, 2006. Under this Amendment, Section 5.4 of Exhibit E to the LDA is amended in its entirety (Appendix C). The Amendment states, “The Tribe will adopt a First Source Program substantially similar to the City’s First Source Program and prior to opening of the casino, will require its contractors and gaming manager to enter into an agreement similar to Exhibit F of the LDA…Notwithstanding the applicability of reasonable employment qualification standards, the Tribe hereby covenants and agrees that, for initial hires it will hire at least forty percent (40%) of its operational, non-management positions for the Casino and Casino Hotel from a pool of Richmond residence who otherwise meet the qualifications of employment… For the purpose of this program, ‘initial hires’ shall include hiring to fill newly created positions, and, thereafter, re-filling the aggregate number of positions that become vacant during subsequent years.” Therefore, the First Source Agreement has been amended to require the Tribe to maintain a workforce with Richmond residents. Additionally, as indicated through the IGA (Appendix BB), the Tribe will collaborate with the County to develop a project-specific first-source hiring plan, with a goal to source a total of 70 percent, inclusive of the 40 percent from the City under the City MSA, of non-management operational employees from within the County at opening of the gaming establishment. The County agrees that the sourcing of jobs from within the County would have significant economic benefits for the County from the direct, indirect, and induced jobs created by the Project.

RESPONSE PH25-4

Please refer to Response I44-2 regarding the article referenced by the commenter. Please refer to General Responses 3.11.1, 3.11.3, and 3.11.6 regarding potential impacts to crime and social services, as well as employment generated by the Proposed Project.

COMMENT PH26

RESPONSE PH26-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH26-2

The commenter provides numerous conclusory statements regarding the character of the gaming market, the residential location of the “casino owners”, money leaving the greater Bay Area as a result of the purchase of goods and services, as well as the capacity of the regional tourism market to support a destination resort. The generalized conclusions are made without providing supporting evidence. Based on the information provided by the commenter, it is not possible to substantiate the findings of his “report.” While the Final EIR is open to considering all information, the necessary documentation, support and explanations for the commenter’s assumptions and methodologies were not provided.
The documentation for the socioeconomic impact analysis, as discussed in Section 4.7 of the Draft EIS/EIR, is provided in the Economic Impact and Growth Inducing Study as Appendix T. This study quantifies potential economic impacts of the Proposed Project for output, employment, wages, and tax revenues. Economic effects in this analysis are quantified for Contra Costa County using the Impact Analysis for Planning, (IMPLAN) model. The IMPLAN model is commonly used to estimate economic impacts to communities and regions. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15. As determined in the Economic Impact Study, and discussed in Section 4.7, the Proposed Project would result in beneficial impacts to the Contra Costa County labor and housing markets.

**COMMENT PH27**

**RESPONSE PH27-1**

Please refer to General Response 3.11.3 and Response I145-3 regarding employment opportunities for the local community.

**RESPONSE PH27-2**

Please refer to Response I197-4 regarding the General Plan Update and the land use designation options. Between the six alternatives considered, the Draft EIS/EIR considers a “reasonable range” of alternatives under both CEQA and NEPA.

**RESPONSE PH27-3**

The casino facility will be operated pursuant to the requirements of federal law, Tribal law, and a Tribal-State Compact that will be negotiated between the State of California and the Tribal Government. It will be the responsibility of the State of California and the Tribal Government to establish fair terms for the Tribal-State Compact.

There has been no evidence that businesses have closed at the San Pablo Town Center as a result of the construction of Casino San Pablo. As discussed in Section 4.7 of the Draft EIS/EIR, the Proposed Project is projected to aid in Richmond’s ability to recover from the recession through by generating employment opportunities, associated wages, and overall economic output. Additionally, County Sheriff Warren E. Rupf, has concluded in a letter to the County Administrator, dated November 2, 2009 that he anticipates the Proposed Project to have a negligible impact on criminal activity (Appendix JJ). Sheriff Rupf noted that there has not been “any significant increase in criminal activity” as a result of the neighboring Casino San Pablo and he expects the same to remain true with the Proposed Project. Sheriff Rupf agrees that the provisions of the LDA and the MSA will adequately address any potential concerns and that they will provide the necessary funding to place more deputies in unincorporated West County so that a safer environment may be provided in that area.

The percentage of Chevron employees hired from Richmond does not have an effect on the percentage of employees the Proposed Project would hire from Richmond. As stated in the MSA (Appendix C), “the
Tribe agrees that with initial hires, it will hire at least 40 percent of its operational, non-management positions from a pool of City residents. Wages shall be equivalent to the wage portions of the federal Davis-Bacon Act, the California Labor Code, the City’s Living Wage Ordinance, the City’s Business Opportunity Ordinance, and the City’s Local Employment Program Ordinance.” Additionally, as provided by the IGA, the Tribe will collaborate with the County to develop a project-specific first-source hiring plan, with a goal to source a total of 70 percent, inclusive of the 40 percent from the City under the City MSA, of non-management operational employees from within the County at opening of the gaming establishment (Appendix BB). The County agrees that the sourcing of jobs from within the County would have significant economic benefits for the County from the direct, indirect, and induced jobs created by the project.

**COMMENT PH28**

**RESPONSE PH28-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH29**

**RESPONSE PH29-1**

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

**COMMENT PH30**

**RESPONSE PH30-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

**COMMENT PH31**

**RESPONSE PH31-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
COMMENT PH32

RESPONSE PH32-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH33

RESPONSE PH33-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

In accordance with NEPA and CEQA, the public has been afforded ample opportunities to comment on the environmental effects of the Project through the NEPA and CEQA scoping and public review process, including two public hearings for the Draft EIS/EIR. The issue of whether or not approval of the Proposed Project should be decided by popular vote is outside of the scope of analysis required by NEPA and CEQA.

RESPONSE PH33-2

Please refer to General Response 3.16.3 regarding security at the neighboring Chevron Refinery and General Response 3.16.2 regarding hazards at the Chevron Refinery.

COMMENT PH34

RESPONSE PH34-1

Refer to Response I32-3 regarding the scale of the proposed alternatives and the method of impact analysis

RESPONSE PH34-2

The Draft EIS/EIR presents adequate illustrated site plans and renderings to allow for a full aesthetic analysis. As illustrated in the site plans (Figures 2-3, 2-8, 2-11, 2-14, and 2-17) and architectural renderings (Figures 2-9, 2-10, 2-12, 2-13, 2-15, and 2-16) presented in the Draft EIS/EIR, all of the alternatives would preserve views of the Bay and regional landscape from the open spaces along the shoreline area.

RESPONSE PH34-3

Please refer to General Response 3.17 as well as Response 14-8 through 14-12 regarding the analysis of impacts to the aesthetic character of the project site.
COMMENT PH35

RESPONSE PH35-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH35-2

Refer to Response I90-1 regarding the analysis of traffic associated with the Proposed Project.

RESPONSE PH35-3

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

RESPONSE PH35-4

Potential impacts to wildlife are addressed in Sections 4.5, 4.8 and 4.15 of the Draft EIS/EIR. Please refer to Response A1-5 regarding the analysis of impacts to avian species. Mitigation Measures 4-15 through 4-19 in the Final EIR cover potential impacts to migratory birds.

RESPONSE PH35-5

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH36

RESPONSE PH36-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

COMMENT PH37

RESPONSE PH37-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
**COMMENT PH38**

**RESPONSE PH38-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH39**

**RESPONSE PH39-1**

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

**RESPONSE PH39-2**

Refer to Response PH39-1 above.

**COMMENT PH40**

**RESPONSE PH40-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH40-2**

Please refer to the MSA (Appendix B) and IGA (Appendix BB) regarding legally binding agreements between the Tribe and local governments.

**COMMENT PH41**

**RESPONSE PH41-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.16.1 regarding the proposed environmental remediation at the project site.

**COMMENT PH42**

**RESPONSE PH42-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
RESPONSE PH42-2

Refer to General Response 3.16.3 regarding security at the neighboring Chevron Refinery and General Response 3.16.2 regarding proximity to the Chevron Refinery.

RESPONSE PH42-3

Please refer to General Response 1.11.2 regarding potential impacts to problem gambling as a result of the Proposed Project. Mitigation for the potential impacts to problem gambling is proposed in Section 5.2.6 of the Final EIR. The commenter does not state why the mitigation is inadequate, or what mitigation measures would be more appropriate. The Final EIR determined that the proposed mitigation measures are sufficient, and that with mitigation the potential impacts to problem gambling are considered less than significant.

Please refer to General Response 3.11.1 regarding the potential impacts to crime.

Please refer to General Response 3.11.5 regarding potential impact to immediate and surrounding communities, including poor and minority communities.

COMMENT PH43

RESPONSE PH43-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH44

RESPONSE PH44-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

COMMENT PH45

RESPONSE PH45-1

All employees of the Proposed Project would be paid living wage and would be subject to the City of Richmond’s Living Wage Ordinance. As stated in Section 2.1.2 and Appendix C of the Draft EIS/EIR, “wages shall be equivalent to the wage portions of the federal Davis-Bacon Act, the California Labor Code, the City’s Living Wage Ordinance, the City’s Business Opportunity Ordinance, and the City’s Local Employment Program Ordinance.”
Employment opportunities would consist of primarily entry-level positions, but would also include mid-level and management positions. Please refer to Section 4.7.4 of the Draft EIS/EIR for a discussion of typical tribal casino and resort employment opportunities.

**RESPONSE PH45-2**

Please refer to Section 3.12 Table 3.12.1 titled *Representative Catalog of Environmental Studies of the Project Site*. An Offshore Ecological Risk Assessment was prepared in June 2, 2000 by Tetra Tech EM INC. and Entrix Inc. for the US Navy. The report presented results of the assessment of risk to ecological receptors associated with the offshore areas. Additional documentation of offshore studies is summarized in Appendix U of the Draft EIS/EIR.

Please refer to General Response 3.12.1, which covers a range of issues associated with the proposed ferry service. Also refer to General Response 3.9.1 for a thorough discussion of potential impacts to the eelgrass beds located on site.

**RESPONSE PH45-3**

Refer to General Response 3.12.5 regarding the geographic scope of analysis for the transportation analysis, which includes the I-580 / US-101 interchange referenced by the commenter.

Operations on Western Drive following the proposed improvements and capacity upgrade (components of the Proposed Project) are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility. Refer to Response I197-5 for additional information on the analysis of Western Drive. Contrary to the statement of the commenter, there currently is a westbound on-ramp from Western Drive to I-580.

Sections 4.8 and 4.15 of the Draft EIS/EIR and the STIA analyze potential impacts to the Richmond-San Rafael Bridge. Please refer to Response I202-1 for more information concerning analysis and mitigation for this transportation facility.

Planned bus parking at the project site is sized to accommodate the needs of the Project and would be located at the northern end of the Winehaven Building (refer to Section 2.2.2 and Table 2-2 of the Draft EIS/EIR).

**COMMENT PH46**

**RESPONSE PH46-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

Please refer to General Responses 3.11.3 regarding types of employment opportunities that would be generated by the Proposed Project.

COMMENT PH47

RESPONSE PH47-1

Comment noted.

COMMENT PH48

RESPONSE PH48-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH49

RESPONSE PH49-1

The Section 1.4 of the Draft EIS/EIR states that the “objectives of the local Lead Agency (City of Richmond), for purposes of CEQA requirements, are to implement a reuse for the project site that is consistent with the [Base Realignment and Closure] processes, as well as the applicable conveyance legislation, and Navy Record of Decision (ROD) for the transfer; promotes employment and long-term economic development within the City and creates business opportunities within the City and Contra Costa County.”

RESPONSE PH49-2

Please refer to Response A28-1 regarding the content and purpose of the cultural context presented in Section 3.6 of the Draft EIS/EIR.

COMMENT PH50

RESPONSE PH50-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

Please refer to General Response 3.16.1 regarding the analysis of potential impacts associated with the proposed environmental remediation at the project site.

COMMENT PH51

RESPONSE PH51-1

Please see General Response 3.11.4 for a discussion of the economic viability of the Proposed Project.
4.0 Response to Individual Comments

COMMENT PH52

RESPONSE PH52-1

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

RESPONSE PH52-2

The documentation for the socioeconomic analysis is provided in Appendix T of the Draft EIS/EIR. The Economic Impact and Growth Inducing Study quantifies potential economic impacts of the Proposed Project for output, employment, wages, and tax revenues. Economic effects in the analysis are quantified for Contra Costa County using the Impact Analysis for Planning, (IMPLAN) model. The IMPLAN model is commonly used to estimate economic impacts to communities and regions. Results of this study are analyzed and discussed in Sections 4.7, 4.14 and 4.15 of the Draft EIS/EIR. As determined in the Economic Impact and Growth Inducing Study, and discussed in Section 4.7 of the Draft EIS/EIR, the Proposed Project would result in beneficial impacts to the regional labor and housing markets.

RESPONSE PH52-3

Please refer to General Response 3.14.1 that addresses emergency preparedness and evacuation. Refer to General Response 3.16.3 regarding security at the neighboring Chevron facility.

RESPONSE PH52-4

The City has engaged in a multi-year effort to define a range of reasonable alternatives for the productive reuse of Point Molate, as required in the Dellums legislation that provided for the sale of the property to the City. This process included forming a Blue Ribbon Advisory Board, Restoration Advisory Committee, as well as holding a public scoping hearing and collecting a large number of comments on the range of alternatives to be considered (Appendix B).

COMMENT PH53

RESPONSE PH53-1

Please refer to General Response 3.3.2 for discussion of evaluation of impacts to Building No. 6 within Winehaven Historic District.

RESPONSE PH53-2

Please see General Response 3.4 and Responses I4-2 and I4-3 regarding the need for the Proposed Project to fully fund off-site improvements to the Bay Trail and the configuration of pedestrian and bicycle access to the project site.
4.0 Response to Individual Comments

COMMENT PH54

RESPONSE PH54-1

Please refer to General Response 3.11.4 regarding the economic viability of the Proposed Project.

RESPONSE PH54-2

Operations on Western Drive following the proposed improvements and capacity upgrade are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility.

Sections 4.8 and 4.15 of the Draft EIS/EIR and the STIA (Appendix S) analyze potential impacts to the Richmond-San Rafael Bridge. It was determined that in the build-out year project-related traffic would have a less than significant impact on the level of service on the bridge. However, in the cumulative year there would be a significant impact and mitigation is provided in Section 5.2.7 of the Draft EIS/EIR that would reduce this impact to a less than significant level. However, the required mitigation is infeasible at this time since the facilities requiring improvements are outside the jurisdiction of the City of Richmond and there are currently no plans to fund or implement the improvements on the part of Caltrans.

RESPONSE PH54-3

The quarry located on Chevron south of Point Molate has a driveway entering Western Drive approximately 0.75 miles south of the southern-most edge of the project site. The quarry is addressed throughout the Draft EIS/EIR in the context of mineral resources (Section 3.2), traffic (Sections 3.8 and 4.8), air quality (Section 4.4), and land use (Section 3.8). The primary consideration for operation of the Proposed Project and the off-site quarry is the reconfiguration of the quarry driveway on Western Drive, which is discussed in Appendix S and would be undertaken in conjunction with the proposed improvements to Western Drive.

RESPONSE PH54-4

Refer to General Response 3.5.1 regarding seismic impacts associated with development of the Project alternatives. Modern seismic engineering, as codified in the California Building Code, provides solutions to address risks associated with strong shaking, liquefaction, etc., which are routinely addressed throughout California’s major population centers. None of the site conditions identified in past geotechnical studies preclude the construction of safe habitable structures at the project site.

COMMENT PH55

RESPONSE PH55-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
4.0 Response to Individual Comments

COMMENT PH56

RESPONSE PH56-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH57

RESPONSE PH57-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH57-2

Please refer to General Response 3.17 which details the Section 106 consultation process, application of the Secretary of the Interior’s standards and guidelines, and development of design guidelines for the rehabilitation of Winehaven. In summary, the final design of new construction within the Winehaven Historic District would be subject to the Section 106 consultation process involving the public, City of Richmond, California State Historic Preservation Officer SHPO, the Tribe/Upstream Point Molate, Bureau of Indian Affairs (for Alternatives A – C and B1), and other invited signatories. During this consultation process the Tribe shall develop comprehensive Design Guidelines to comply with the Secretary of the Interior’s (SOI) Standards and Guidelines for the Treatment of Historic Properties that will govern the rehabilitation of all retained buildings within the Historic District as well as new construction near or within the historic core of the District. The final design, in order to comply with the SOI Standards and Guidelines, must retain the historic character, avoid a false sense of historical development, preserve distinctive materials, features, finishes, and construction techniques, and all new construction must be differentiated from the historic buildings, yet be compatible. All of these considerations, and a host of others provided in the SOI Standards and Guidelines, will be applied in the final design guidelines as required by Final EIR Mitigation Measure 5-2.

RESPONSE PH57-3

Comment noted.

COMMENT PH58

RESPONSE PH58-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH58-2

The viability of the proposed fee to trust transfer by the Department of Interior (DOI) is beyond the scope of the Draft EIS/EIR. The purpose of the environmental review process is to assess the environmental
impacts of the Proposed Project and not to analyze the DOI realty process. Ultimately, DOI will make a
determination, considering a host of factors, with respect to the eligibility of the site for transfer into
Federal trust for the benefit of the Tribe and the site’s eligibility for Class II gaming. To conclude at this
stage of the process that Class III gaming will not be approved at the project site is speculative.

**RESPONSE PH58-3**

Please refer to **General Response 3.11.3** for more information on employment opportunities generated by
the Proposed Project.

**RESPONSE PH58-4**

The proposed Scotts Valley Sugar Bowl Casino, which has not been approved, is included in the analysis
of cumulative impacts in **Section 4.15** of the Draft EIS/EIR.

**RESPONSE PH58-5**

Refer to **General Response 3.12** for a discussion of issues related to traffic and circulation. Refer to
Sections 4.8 and 4.15 of the Final EIR and the Supplemental TIA (**Appendix S**) regarding the Richmond
– San Rafael Bridge toll plaza analysis. The number of vehicles per lane per hour at the Richmond – San
Rafael Bridge toll plaza, which was incorrectly stated in the Draft EIS/EIR, has been corrected in the text
of the Final EIR.

Refer to **Response A22-2** regarding transit service to the project site. Please refer to **General Response 3.12.1**
regarding ferry service to the project site. It should be noted that the vehicle trip reduction applied
as a result of ferry service to the site in the Draft EIS/EIR is 15 percent, not 25 percent as stated by the
commenter.

**RESPONSE PH58-6**

Please refer to **General Response 3.14.1** that addresses emergency preparedness and evacuation. Refer
to **General Response 3.16.2** that addresses the Ammonia Consequence Modeling Analysis undertaken
for the Proposed Project (**Appendix M**).

**RESPONSE PH58-7**

Refer to **Response I103-7** regarding the geographic scope of analysis in the Draft EIS/EIR. Refer to
**Section 4.15** of the Draft EIS/EIR for a discussion of cumulative impacts to surrounding communities,
including the City of San Pablo and Contra Costa County.
COMMENT PH59

RESPONSE PH59-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH59-2

Comment noted.

COMMENT PH60

RESPONSE PH60-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH61

RESPONSE PH61-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH62

RESPONSE PH62-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH63

RESPONSE PH63-1

The City has engaged in a multi-year effort to define a range of reasonable alternatives for the productive reuse of Point Molate, as required in the Dellums legislation that provided for the sale of the property to the City. This process included forming a Blue Ribbon Advisory Board, Restoration Advisory Committee, as well as holding a public scoping hearing and collecting a large number of comments on the range of alternatives to be considered (Appendix B).

COMMENT PH64

RESPONSE PH64-1

Please refer to General Response 3.12.2 for a discussion of trip generation rates and trip reductions. Refer to the TIA, STIA (Appendix S), and supplemental transportation memorandum (Appendix HH), which provide a discussion of the methods and assumptions used in the transportation analysis.
Please refer to **General Response 3.12.1** regarding ferry service to the project site. It should be noted that the vehicle trip reduction applied as a result of ferry service to the site in the Draft EIS/EIR is 15 percent, not 25 percent as stated by the commenter.

Please refer to **General Response 3.12.2** regarding the analysis of traffic impacts associated with the proposed conference center.

**COMMENT PH65**

**RESPONSE PH65-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH65-2**

Please refer to **General Response 3.11.1** regarding potential impacts to crime.

**RESPONSE PH65-3**

Please refer to **Response A28-1** regarding consideration of the Tribe’s historical connection to the project site.

**RESPONSE PH65-4**

Comment noted.

**COMMENT PH66**

**RESPONSE PH66-1**

The Economic Impact and Growth Inducing Study (**Appendix T**) determined that the Proposed Project would draw patrons from a large geographic area and not just Contra Costa County and the City of Richmond. Given this fact, as well as the character of the other amenities offered (refer to **Section 2.2.2** of the Draft EIS/EIR), the Proposed Project is most accurately characterized as a destination resort that is expected to draw heavily from the more than 15 million annual tourists that visit San Francisco.

Potential impacts to surrounding communities are assessed in **Sections 3.7, 4.7, and 4.15** of the Draft EIS/EIR. Please refer to **General Response 3.11.5** regarding impacts to local and regional businesses.

**RESPONSE PH66-2**

Comments noted.
**COMMENT PH67**

**RESPONSE PH67-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH67-2**

Comment noted.

**RESPONSE PH67-3**

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

**COMMENT PH68**

**RESPONSE PH68-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH69**

**RESPONSE PH69-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH70**

**RESPONSE PH70-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH71**

**RESPONSE PH71-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH71-2**

Comment noted.
COMMENT PH72

RESPONSE PH72-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH72-2

Please refer to General Response 3.13.1 regarding consistency with the General plan.

RESPONSE PH72-3

Comment noted.

RESPONSE PH72-4

Please refer to General Responses 3.11.3 regarding types of employment opportunities that would be generated by the Proposed Project. Refer to General Response 3.11.1 regarding potential impacts to crime.

RESPONSE PH72-5

Comment noted.

COMMENT PH73

RESPONSE PH73-1

Please refer to Response A28-1 regarding consideration of the Tribe’s historical connection to the project site.

RESPONSE PH73-2

Comment noted.

RESPONSE PH73-3

Comment noted.

COMMENT PH74

RESPONSE PH74-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
COMMENT PH75

RESPONSE PH75-1

Please refer to General Response 3.9.2 which details the methodology for classifying annual grassland on-site. Per CEQA Guidelines Section 15065 (a)(1), impacts to grasslands on-site do not constitute a threat to eliminate a plant or animal community. It should be noted that only 0.637 acres of 39.461 acres (equaling 1.61 %) of total grassland habitat is impacted under Alternative A. Mitigation Measure 4-1 specifies a 2:1 replacement/restoration ratio for these impacts. This would include the conversion/restoration of a 1:1 ratio of non-native habitats on-site to grasslands as well as designating an additional 1:1 ratio of existing and equivalent habitat into an open space preserve with a conservation easement in perpetuity.

RESPONSE PH75-2

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH76

RESPONSE PH76-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH76-2

Please refer to Response PH25-3 regarding issues related to the local workforce and the Proposed Project.

RESPONSE PH76-3

Please refer to General Response 3.11.1 and 3.11.2 regarding potential impacts to crime and problem gambling as result of the Proposed Project.

COMMENT PH77

RESPONSE PH77-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH77-2

Please refer to General Response 3.12.2 for a discussion of trip generation rates and trip reductions. Refer to the TIA, STIA (Appendix S), and supplemental transportation memorandum (Appendix HH), which provide a discussion of the methods and assumptions used in the transportation analysis.
Air Quality is analyzed in Sections 4.4 and 4.15 of the Draft EIS/EIR. With implementation of mitigation specified in Section 5.2.3, all potential air quality impacts were found to be less than significant.

**Response PH77-3**

Please refer to General Response 3.11.3 regarding employment generated by the Proposed Project.

**Response PH77-4**

Please refer to Response A1-8 regarding the provision of potable water to the project site.

**Response PH77-5**

The commenter fails to define “collectors on the roof”, but it is assumed that he is referencing the proposed “living roof” described in Section 2.1.1 of the Draft EIS/EIR. As described therein, the proposed living roof offers a host of environmental benefits and no impacts. Such benefits include significantly improved building insulation, improved stormwater management by reducing the coverage of impermeable surfaces, collection and storage of rainwater, and improved local air quality.

**Response PH77-6**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**Response PH77-7**

Comment noted.

**Comment PH78**

**Response PH78-1**

Comment noted. Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**Response PH78-2**

Please refer to Section 2.1.1 of the Draft EIS/EIR which describes the sustainable design components of the Proposed Project.

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.
**COMMENT PH79**

**RESPONSE PH79-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

The City has engaged in a multi-year effort to define a range of reasonable alternatives for the productive reuse of Point Molate, as required in the Dellums legislation that provided for the sale of the property to the City. This process included forming a Blue Ribbon Advisory Board, Restoration Advisory Committee, as well as holding a public scoping hearing and collecting a large number of comments on the range of alternatives to be considered (Appendix B).

**RESPONSE PH79-2**

Please refer to General Response 3.9.2 which details the methodology for classifying annual grassland on-site. Per CEQA Guidelines Section 15065 (a)(1), impacts to grasslands on-site do not constitute a threat to eliminate a plant or animal community. It should be noted that regardless of the typological classification of on-site grassland habitats, only 0.637 acres of 39.461 acres (equaling 1.61 %) of total grassland habitat is impacted under Alternative A. Mitigation Measure 4-1 specifies a 2:1 replacement/restoration ratio for these impacts. This would include the conversion/restoration of a 1:1 ratio of non-native habitats on-site to grasslands as well as designating an additional 1:1 ratio of existing and equivalent habitat into an open space preserve with a conservation easement in perpetuity.

Please refer to General Response 3.9.1 and Response A24-5 for a discussion of potential impacts related to the eelgrass beds located on-site.

**RESPONSE PH79-3**

Comment noted.

**COMMENT PH80**

**RESPONSE PH80-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH80-2**

Comment noted.

**RESPONSE PH80-3**

Comment noted.
4.0 Response to Individual Comments

RESPONSE PH80-4
Comment noted.

COMMENT PH81

RESPONSE PH81-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH81-2
Please refer to General Response 3.8.2 regarding potential impacts related to projected sea level rise.

RESPONSE PH81-3
Please refer to Response I152-3 regarding alcohol availability and consumption. Please refer to General Response 3.11.1 regarding potential impacts to crime.

RESPONSE PH81-4
Comment noted.

RESPONSE PH81-5
Please refer to Response I103-7 regarding the geographic scope of analysis. Refer to General Response 3.11.5 regarding potential impacts to the immediate and surrounding communities.

COMMENT PH82

RESPONSE PH82-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH82-2
Comment noted.

RESPONSE PH82-3
Comment noted.

COMMENT PH83

RESPONSE PH83-1
Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.
COMMENT PH84

RESPONSE PH84-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

COMMENT PH85

RESPONSE PH85-1

Please refer to Response I44-2 regarding the article referenced by the commenter.

Please refer to General Response 3.11.1 and 3.11.2 regarding potential impacts to crime and problem gambling as a result of the Proposed Project.

RESPONSE PH85-2

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project.

RESPONSE PH85-3

Please refer to General Response 3.13.2 regarding open space at the project site.

RESPONSE PH85-4

Please refer to Response I44-1 regarding the analysis of impacts to archaeological resources on the project site.

COMMENT PH86

RESPONSE PH86-1

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

RESPONSE PH86-2

Section 4.15 of the Draft EIS/EIR analyzes impacts of the Proposed Project and alternatives in combination with other reasonably foreseeable projects in the region, including the proposed Sugar Bowl Casino. Please refer to Table 4.15-1 of the Final EIR for a list of planning documents and proposed projects considered in the cumulative analysis, including potential traffic impacts.

It is acknowledged that project traffic entering westbound I-580 from Western Drive may not be able to access the Fastrak lanes if the far right lanes remain as manual collection lanes. However, any queues or
slight delays that result would clearly be confined to Western Drive. Therefore, the lack of access from the Western Drive on-ramp to the proposed exclusive Fastrak lanes would not result in any significant impacts at the toll plaza. Because the Western Drive westbound on-ramp is controlled with a yield sign, the increased traffic using it would not have a significant effect on the mainline freeway operations.

Operations on Western Drive following the proposed improvements and capacity upgrade are analyzed in Sections 4.8 and 4.15 of the Draft EIS/EIR. The analysis concludes that the proposed improvements would allow for free flowing traffic on this facility. With a total of five lanes of travel (and the center lane employing a moveable barrier to accommodate peak flows in both directions), the capacity of Western Drive would be substantially increased. Please refer to General Response 3.14.1 that addresses emergency preparedness and evacuation.

**COMMENT PH87**

**RESPONSE PH87-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**COMMENT PH88**

**RESPONSE PH88-1**

Please refer to General Response 3.2.1 regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH88-2**

Comment noted.

**RESPONSE PH88-3**

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project.

**RESPONSE PH88-4**

Please refer to Response I202-1 regarding the analysis of traffic impacts.

**RESPONSE PH88-5**

Comment noted.
**COMMENT PH89**

**RESPONSE PH89-1**

Please refer to General Response 3.11.3 regarding employment opportunities generated by the Proposed Project. The Proposed Project will be in compliance with the City of Richmond’s Living Wage Ordinance. As stated in Section 2.1.2 of the Draft EIS/EIR, “the Tribe agrees that with initial hires, it will hire at least 40 percent of its operational, non-management positions from a pool of City residents. Wages shall be equivalent to the wage portions of the federal Davis-Bacon Act, the California Labor Code, the City’s Living Wage Ordinance, the City’s Business Opportunity Ordinance, and the City’s Local Employment Program Ordinance.”

As stated in Section 5.4 of Exhibit E of the LDA, “the Tribe will adopt a First Source Program substantially similar to the City’s First Source Program and will require its contractors and gaming manager to enter into an agreement similar to Exhibit F of the LDA (Appendix C).” Exhibit F of the LDA is not the final agreement between the City and the Tribe. It will be the responsibility of the City of Richmond and the Tribal Government to establish fair terms for the advance notice period as part of the agreement prior to operation of the Project.

**RESPONSE PH89-2**

Section 2.1.1 of the Draft EIS/EIR summarizes several of the sustainable and “green” components of the project, which include: infill and mixed-use development on a brownfield site; rehabilitation and reuse of historic buildings; preservation of on-site open space; incorporation of an intermodal transit hub; on-site energy production using photovoltaic panels; efficient Lemnis lighting systems; daylighting buildings; keycard energy management systems in all hotel room; low-flow bathroom fixtures; on-site gray water recycling system; use of native, drought-tolerant landscaping vegetation; a “living roof” above the conference center; preservation of a large amount of open space; composting of food waste; and an aggressive recycling program. Many of the design components are strengthened and clarified in the Final EIR’s mitigation in Sections 5.2.2, 5.2.3, 5.2.7, and 5.2.9.

Mitigation Measure 3-28 in the Final EIR has been supplemented to require that “Buildings shall be designed to meet Leadership in Energy and Environmental Design (LEED) or equivalent certification standards, except with respect to indoor smoking allowed in certain restricted areas.”

**RESPONSE PH89-3**

Please refer to Response A22-2 regarding transit service to the project site.

**RESPONSE PH89-4**

Please refer to General Response 3.7.2 regarding indoor smoking.
**RESPONSE PH89-5**

Refer to **General Response 3.8.2** regarding sea level rise.

**COMMENT PH90**

**RESPONSE PH90-1**

Please refer to **General Response 3.2.1** regarding comments that express an opinion without providing substantive information or data indicating a need for additional analysis.

**RESPONSE PH90-2**

Comment noted.

**RESPONSE PH90-3**

Please refer to **General Response 3.17** for a discussion of aesthetics at the project site.

**RESPONSE PH90-4**

Please refer to **General Response 3.3.2** for a discussion of reuse of historic buildings within the Winehaven Historic District.

**RESPONSE PH90-5**

Please refer to **General Response 3.16.2** that addresses the Ammonia Consequence Modeling Analysis undertaken for the Proposed Project.

**RESPONSE PH90-6**

Please refer to **General Responses 3.11.1** regarding potential impacts to crime.

**COMMENT PH91**

**RESPONSE PH91-1**

Please refer to **General Response 3.3.2** regarding preservation of Building No. 6, retention of Building No. 17 in its present location, and the suggestion of a development alternative that retains Building No. 6.

**RESPONSE PH91-2**

Please refer to **General Response 3.17** as well as **Response I4-8 through I4-12** regarding the analysis of impacts to the aesthetic character of the project site.

**RESPONSE PH91-3**

Proposed improvements to Western Drive to be completed prior to operation are described in **Section 2.2.1** and **Table 2-1** of the Draft EIS/EIR. An illustration of the proposed improvements, including the I-580 and Western Drive off-ramp, is provided in **Figure 2.6b** of the Draft EIS/EIR. Furthermore, as
provided in Article 3.1 on the MSA, the Tribe is required to coordinate with Caltrans for improvements to this facility.

Based on the traffic analysis completed, the Proposed Project (specifically improving Western Drive and the addition of new trips) would not cause any significant impacts to the access or traffic operations at this facility, but one minor operational issue was identified. Vehicles that arrive via the I-580 westbound off-ramp at Western Drive may experience delays waiting vehicles to turn left into the Caltrans maintenance station located between Western Drive and the Richmond – Rafael Bridge toll plaza. Since the traffic volume entering the maintenance station is quite low, the delays would not result in any significant impacts. However, since the roadway will be improved in this area as part of the Proposed Project, Mitigation Measure 7-25 has been added to the Final EIR to provide for a separate left-turn pocket for the maintenance station (for northbound Western Drive traffic) which would eliminate any intermittent and short term delays.

Response PH91-4

Refer to Response PH-91-2 above regarding Building No. 6.

Response PH91-5

The Bay Trail is discussed throughout the Draft EIS/EIR (i.e., Sections 2.1.1, 2.2.2, 3.8, 3.9, 3.10, etc.). Please refer to General Response 3.4 for further discussion of the Bay Trail as it relates to the Proposed Project.

Comment PH92

Response PH92-1

Please refer to General Response 3.11.3 for more information on employment opportunities generated by the Proposed Project as well as binding labor agreements.

Response PH92-2

Please refer to General Response 3.12.1 regarding ferry service to the project site. Refer to Response A22-2 regarding expansion of transit service to the project site.

Response PH92-3

Refer to General Response Section 3.8.2 regarding sea level rise.

Response PH92-4

Please refer to General Response 3.7.2 regarding indoor smoking.
**RESPONSE PH92-5**

Social impacts are discussed in [Section 4.7](#) of the Draft EIS/EIR. Please refer to [General Response 3.11.1](#) regarding potential impacts to crime from the Proposed Project.

**RESPONSE PH92-6**

Comment noted.

**COMMENT PH93**

**RESPONSE PH93-1**

Please refer to [General Response 3.11.3](#) and [Response I170-1](#) regarding employment opportunities generated by the Proposed Project. Social impacts are discussed in [Section 4.7](#). Please refer to [Response I202-2](#) regarding the lifespan of the Proposed Project.

**RESPONSE PH93-2**

[Figure 3.8-1](#) provides a map depicting roadways and intersections analyzed in the Draft EIS/EIR. Additional graphics related to transportation in the Draft EIS/EIR include [Figures 3.8-2](#), [3.8-3](#), and [3.8-4](#). [Section 5.2.7](#) of the Draft EIS/EIR clearly identifies the location of the proposed mitigation measures, and can be cross-referenced with the maps provided in [Section 3.8](#). Additional illustrations may be found in [Appendix S](#) of the Draft EIS/EIR and [Appendix HH](#) of the Final EIR.

**RESPONSE PH93-3**

The quoted statement from the Draft EIS/EIR that reads, in part, “will approach or exceed unacceptable levels” refers to the existing condition in the study area, not the impact of the project. Project-related noise impacts resulting from traffic are discussed in [Section 4.11](#), most of which are found to be less than significant. The exception is along Western Drive where potential noise impacts were found to be potentially significant. Mitigation Measures 10-1 through 10-5 detailed in [Section 5.2.10](#) of the Draft EIS/EIR would reduce noise impacts to less than significant levels.

**RESPONSE PH93-4**

Refer to [Volume I, Section 3.12](#) regarding trip generation and [Sections 4.8](#) and [4.15](#) regarding with-project traffic level of service. With the implementation of mitigation provided in [Section 5.0](#) all traffic impacts would be less than significant.

**RESPONSE PH93-5**


**RESPONSE PH93-6**

Please refer to [General Response 3.12.1](#) regarding ferry service to the project site.
RESPONSE PH93-7

Refer to Response 107-4 regarding the provision and use of potable water at the project site.

Refer to General Response 3.6.2 regarding impacts to off-site municipal wastewater conveyance and treatment systems.

RESPONSE PH93-8

Cumulative effects are discussed in Section 4.15 of the Draft EIS/EIR. Contrary to the assertions of the commenter, foreseeable development projects, including existing and proposed tribal casinos in the greater East Bay Area, have been considered in combination with the Proposed Project to analyze cumulatively considerable environmental impacts. Mitigation for cumulative impacts is provided throughout Section 5.0 of the Draft EIS/EIR.

RESPONSE PH93-9

The referenced General Plan Update has not been adopted by the City. Please refer to General Response 3.13.1 and Response I107-7 regarding the General Plan.

RESPONSE PH93-10

Please refer to General Response 3.17 as well as Response I4-8 through I4-12 regarding the analysis of impacts to the aesthetic character of the project site.

RESPONSE PH93-11

It is not clear from the commenter’s statements what “Option 2” is referring to. The Proposed Project is subject to the 1994 General Plan, as amended, since the General Plan Update has not been adopted. Please refer to Response I197-4 regarding the General Plan Update and the land use designation options.
SECTION 5.0

ACRONYMS

AB – Assembly Bill
ABAG – Association of Bay Area Governments
ACM – asbestos containing materials
AES – Analytical Environmental Services
AEP – Association of Environmental Professionals
AHERA – Asbestos Hazard Emergency Response Act
AMR-American Medical Response
APA-American Psychiatric Association
APCD-Air Pollution Control District
APGSA-Association of Problem Gambling Service Administrators
APN – assessor parcel number
ARS-alternative release scenario-
ASCE-American Society of Civil Engineers
AST – above ground storage tanks
ATSM-American Society of Testing and Materials
BAAQMD – Bay Area Air Quality Management District
BART – Bay Area Rapid Transit
Bay – San Francisco Bay
Bay Plan – San Francisco Bay Plan
BBA-Brown-Buntin Associates, Inc.-
BCDC – San Francisco Bay Conservation and Development Commission
bgs – below ground surface
BIA – Bureau of Indian Affairs
BMP – Best Management Practice
BO-Biological Opinion
B.P. – before present
BRAC – Base Realignment and Closure
BTEX – benzene, toluene, ethylbenzene, xylenes
BWMP- basewide monitoring programs
CAA – Federal Clean Air Act
CAAAQS – California ambient air quality standards
CA-FP - California floristic province
5.0 Acronyms

CalARP – California Accidental Release Program
CALFIRE-California Department of Forestry and Fire Protection
CAL-IPC - California Invasive Plant Council
Cal/EPA – California Environmental Protection Agency
CALSTAR-California Shock Trauma Air Rescue
Caltrans – California Department of Transportation
CAP-Final Corrective Action Plan
CAPs – criteria air pollutants
CARB – California Air Resources Board
CAT – Climate Action Team
CAWA-California Wine Association-
CBC – California Building Code
CCAA – California Clean Air Act
CCHS-Contra Costa Health Service
Cco – Central Coast
CCR – California Code of Regulations
CCTA – Contra Costa County Transportation Authority
CDFG – California Department of Fish and Game
CDPH-California Department of Public Health
CEDD – California Employment Development Department
Central HPA – San Francisco Bay Central hydrologic planning area
CEQA – California Environmental Quality Act
CEQ – Council on Environmental Quality
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
CESA – California Endangered Species Act
CFR – Code of Federal Regulations
CGS-California Geological Survey
CH4-methane
City – City of Richmond
CIWMB – California Integrated Waste Management Board
CMP – Congestion Management Program
CNNDDB – California Natural Diversity Database
CNEL – Community Noise Equivalent Level
CNPS – California Native Plant Society
CO – Carbon monoxide
COCs-Constituents of concern
County – Contra Costa County
CPSC - Consumer Product Safety Commission
CRHR – California Register of Historical Resources
5.0 Acronyms

CRR – Community and Regional Recreation District
CSC-California Species of Special Concern
CW – Central Western California
CWA – Clean Water Act
CWS-Community Warning System
CZMA – Coastal Zone Management Act
dB – decibel
DBRAC – Defense Base Realignment and Closure
DEIS/DEIR – Draft EIS/EIR
DERP-Defense Environmental Restoration Program
DoD-Department of Defense
DOI - U.S. Department of Interior
DOT - U.S. Department of Transportation
DPM-diesel particulate matter
DPR – Department of Pesticide Regulation
DTSC – Department of Toxic Substance Control
DVECC-Disease Vector Control and Ecology Control Center
EBMUD – East Bay Municipal Utility District
EBRPD – East Bay Regional Parks District
EBS-Environmental Baseline Study
ECP-Erosion Control Plan
EFH – essential fish habitat
EIS/EIR – Environmental Impact Statement/Environmental Impact Report
EMT – Emergency Medical Technician
ERP-emergency response plan
ERPG-emergency response planning guidelines
ESA-Environmental Site Assessment
ESCP-Erosion Sediment Control Plan
ESLs-Environmental Screening Levels
ESU – Central California Coast Evolutionary Stable Unit
F – Fahrenheit
F-76 – marine grade diesel fuel
FBI – Federal Bureau of Investigation
FDA - Food and Drug Administration
Fed-OSHA-Federal Occupational Safety and Hazard Administration
FEMA – Federal Emergency Management Agency
FESA – Federal Endangered Species Act
FF&E-furniture, fixture and equipment
FHWA – Federal Highway Administration
5.0 Acronyms

FICON – Federal Interagency Committee on Noise
FIFRA-Federal Insecticide, Fungicide, and Rodenticide Act
FIRM – Flood Insurance Rate Maps
FMP – fisheries management plan
FPAL-Fuel Product Action Levels
FPCMMP-Final Post Closure Maintenance and Monitoring Plan
FRF-fuel reclamation facility
FS-Feasibility Studies
Ft – Feet
GHG - Greenhouse Gas
Gpm-gallons per minute
Gpm-gallons per minute
Golden Gate – Golden Gate Ferry District
H2O-water vapor
HABS – Historic American Building Survey
HAP-hazardous air pollutant
HCP-Habitat Conservation Plan
HI - Heavy Industry
HMBP-Hazardous Materials Business Plan
HPAC-Historic Preservation Advisory Committee
HRHD – National Register Historic District
HSWA-Federal Hazardous and Solid Waste Amendments
HUD - Department of Housing and Urban Development
HVAC – Heating, Ventilation, and Air Conditioning
HWCA-Hazardous Waste Control Act of 1972
I-80 – Interstate 80
I-580 – Interstate 580
I&I – inflow and infiltration
ICBO – International Conference of Building Officials
IGA – Intergovernmental Agreement
IGRA – Indian Gaming Regulatory Act
IMPLAN-Impact Analysis for Planning
I-O/SAM-Input-Output/Social Accounting Matrix Model
IPCC – International Panel on Climate Change
IRP-Installation Restoration Program
ISO-Industrial Safety Ordinance
ITS – Intelligent Transportation System
ITE – Institution of Transportation Engineers
5.0 Acronyms

JP-5 – jet petroleum fuel
L_eq - sound level
LBP-lead based paint
LDA – Land Disposition Agreement
Ldn-day and night average levels
LOS – level of service
LPG-liquefied petroleum gas
LUSTS-leaking underground storage tanks
MBTA-Migratory Bird Treat Act
MeG-millsholm loam
MGD – million gallons per day
µm – micrometer
MCIs – Maximum Contaminant Levels
MMI – Modified Mercalli Intensity
MNA-monitored natural attenuation
MOA – Memorandum of Agreement
MRS-Marine Research Specialists
MRZ – Mineral Resource Zones
MSA – Municipal Services Agreement
MSA – Migratory Species Act
MSFA – Magnuson-Stevens Fishery Conservation and Management Act
msl – mean sea level
MUTCD- Manual of Uniform Traffic Control Devices
NAAQS – national ambient air quality standards
NAC – Noise Abatement Criteria
NAHC-Native American Heritage Commission
NCCP-Natural Community Conservation Plan
NEHRP – National Earthquake Hazards Reduction Program
NEPA – National Environmental Policy Act
NESHAP – National Emissions Standards for Hazardous Air Pollutants
NFA-no further action
NFD – Naval Fuel Depot
NFIP – National Flood Insurance Program
NFPA-National Fire Protection Association
NGISC – National Gambling Impact Study Commission
NH3-anhydrous ammonia
NHPA – National Historic Preservation Act
NIGC – National Indian Gaming Commission
NMFS – National Marine Fisheries Service
5.0 Acronyms

NO₂ – nitrogen dioxide
NOA – Notice of Availability
NOAA – National Oceanic and Atmospheric Administration
NOI – Notice of Intent
NOP – Notice of Preparation
NOS – National Ocean Service
NOx – oxides of nitrogen
NPDES – National Pollution and Discharge Elimination System
NPL – National Priority List
NPPA – Native Plant Protection Act
NPSGSC – National Public Sector Gaming Study Commission
NRHP – National Register of Historic Places
NWIC – Northwest Information Center
O&M – Operations and Maintenance Phase
O₃ – Ozone
OCRM – Ocean and Coastal Resource Management
OES – Office of Emergency Services
OHWM – ordinary high water mark
OPR – Office of Planning and Research
OSHA – Occupational Safety and Health Administration
OT – Open Space
OWS – oil water separator
OWTP – Orinda Water Treatment Plant
PA – Programmatic Agreement
PAH’s – polynuclear aromatic hydrocarbons
Pb – lead
PCBs – possible polychlorinated biphenyls
PCMMP – Post Closure Maintenance and Monitoring Plan
PG&E – Pacific Gas and Electric Company
PID – photo ionization detector
PM – Port/Marine Terminal/Ship Repair
PM10 & PM25 – particulate matter
PRC – Public Resource Code
PRGs – Primary Remediation Goals
PWC – Navy Public Works Center
RAB – Restoration Advisory Board
RACM – regulated asbestos containing materials
RCRA – Resource Conservation and Recovery Act
REACH – Redwood Empire Air Care Helicopter
5.0 Acronyms

RHA-Rivers and Harbors Act of 1899
RI-Remedial Investigations
Rip rap – bank stabilizing material
RL – Recreation Lands/Subcategory Community Open Space
RMP – Risk Management Plan
RMS-root mean square
RMSD – Richmond Municipal Sewer District
ROD – Record of Decision
ROG – reactive organic gases
RSA – resource study area
RTV – Richmond Transit Village
RWD – report of waste discharge
RWQCB – Regional Water Quality Control Boards
SARA-Superfund Amendments and Reauthorization Act of 1986
SB – Senate Bill
SECP – Sediment and Erosion Control Plan
SFBAAB – San Francisco Bay Area Air Basin
SFBRWQCB – San Francisco Bay Regional Water Quality Control Board
SFHA-special flood hazard areas
SHPO – State Historic Preservation Officer
SIPs – state implementation plans
SLC – California State Lands Commission
SMAQMD-Sacramento Municipal Air Quality Management District
SMARA – California Surface Reclamation Act
SMP-Soil Management Plan
SO₂ – sulfur dioxide
SRRE-Source Reduction and Recycling Element
State – State of California
STIA-Supplemental Traffic Impact Analysis
SVOC’s – semi-volatile organic compounds
SVP-Society of Vertebrate Paleontology
SWMP –storm water management plan
SWPPP – Storm Water Pollution Prevention Plan
SWRCB – State Water Resources Control Board
SWQCB – State Water Quality Control Board
TACs – toxic air contaminants
TCE-trichloroethylene
TDM-Travel Demand Management
TENS-Telephone Emergency Notification System
5.0 Acronyms

TEPH - Total Extractable Petroleum Hydrocarbons
TIA - Traffic Impact Analysis
TMDLs - Total Maximum Daily Loads
TPH - total petroleum hydrocarbons
Typ - tons per year
TRAC - Trails for Richmond Action Committee
TRB - Transportation Research Board
Tribe - Guidiville Band of Pomo Indians
TRU - Transportation Refrigeration Units
TSO - Traffic Service Objective
TSS - total suspended solids
Ub - Urban Land
UBC - Uniform Building Code
UCMP - University of California Paleontology Museum
URBEMIS - Urban Emissions
US-101 - United States Route 101
USACE - U.S. Army Corps of Engineers
USEPA - United States Environmental Protection Agency
USFWS - U.S. Fish and Wildlife Service
USGS - United States Geological Survey
UST - underground storage tanks
UWMP - Urban Water Management Plan
VCP - vitrified clay pipe
Vdb - decibel notation commonly used to measure RMS
VMP - Vegetation Management Plan
VOC - volatile organic compounds
WCCUSD - West Contra Costa County Unified School District
WCCIWMA - West Contra Costa Integrated Waste Management Authority
WCS - worst case scenario
WCSD - West County Sanitation District
WDRs - waste discharge requirements
WTA - San Francisco Water Transportation Authority
WWR - Wetlands and Water Resources, Inc
WWTP - wastewater treatment plant
SECTION 6.0

REFERENCES


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City of Richmond. 2009. Request for Proposals: San Francisco Bay Trail – Castro Street to the Richmond – San Rafael Bridge Project Study Report and Potential PA & ED and PS & E Services. Issued by the City of Richmond Engineering Services Department.


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