SECTION 2.0
PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

This section describes the alternatives analyzed within this Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The alternatives include four development alternatives, a total parkland alternative with minimal developed infrastructure, as well as a No-Action/No-Project Alternative. Consistent with Council on Environmental Quality (CEQ) guidelines (Section 1502.14), the Bureau of Indian Affairs (BIA) National Environmental Policy Act (NEPA) Handbook (59 IAM 3), the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15121[a]), and the City of Richmond’s Guidelines and Procedures for the Implementation of CEQA (Resolution No. 125-03, adopted September 23, 2003), this section includes a description and comparison of the project alternatives. The alternatives are as follows:

- Alternative A – Mixed-Use Tribal Destination Resort and Casino;
- Alternative B – Mixed-Use Tribal Destination Resort and Casino with Residential Component;
- Alternative C – Reduced Intensity Mixed-Use Tribal Destination Resort and Casino;
- Alternative D – Non-Trust Acquisition with Non-Gaming Mixed-Use Development;
- Alternative E – Total Parkland; and
- Alternative F – No Action.

The four development alternatives (A – D) assume development on portions of the 413-acre property previously owned and occupied by the NFD Point Molate within the City of Richmond (City), Contra Costa County. Under three of the alternatives (Alternatives A, B, and C) approximately 266 acres formerly owned by the Navy and transferred to the City under the authorities of the Base Reorganization and Closure Act (BRAC) would be transferred back to the Federal Government to be held in trust for the benefit of the Guidiville Band of Pomo Indians of the Guidiville Rancheria (Tribe) prior to development. Under Alternatives A – D, the City would retain title to the Western Drive right-of-way through the project site, as well as a 50-foot wide strip (approximately 9.5 acres) along the shoreline that would be leased to the Tribe. Approximately 140 acres of the property are submerged within the San Francisco Bay (Bay) and would be retained by the City. The submerged lands would not be included in the developable acreage. Under Alternative B, approximately 35 acres located in the southern portion of the property would remain a fee-simple parcel owned by Upstream Point Molate LLC (Upstream) and the Tribe for residential development, while the balance would be taken into trust. Under Alternative D, the
Point Molate property would not be transferred into federal trust status for the Tribe, but upland portions of the property (excluding submerged lands, a 50-foot strip along the shoreline, and the Western Drive right-of-way) would be purchased by Upstream and the Tribe and be developed with residential and commercial (non-gaming) uses. Under Alternative E, the former NFD property would be retained by the City and opened to the public for use as a park. No new construction and minimal infrastructure improvements would occur under Alternative E. The historic buildings on-site would be stabilized, but would not be rehabilitated, reused, or made publicly accessible under Alternative E. Under Alternative F, no action would be taken and the project site would be kept in its current care-taker status with limited public access. Alternatives A – D would be constructed over a 36 month period, whereas Alternative E would be completed in roughly 12 months.

The purpose of the alternatives analysis is to describe a range of reasonable alternatives to the Proposed Action/Project that could, in varying degrees, meet the purpose and need described in Section 1.4, and to evaluate the comparative merits of the alternatives (NEPA, Section 102[2][c][iii] [42 USC Section 4332]; 40 CFR Section 1508.25). Section 15126.6 (b) of the CEQA Guidelines requires consideration of a reasonable range of alternatives that could reduce or eliminate significant adverse environmental impacts of the Proposed Project, including alternatives that may be more costly or could otherwise impede some of the Proposed Project’s objectives. Alternatives considered must include those that offer environmental advantages over the Proposed Project and that may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors.

2.1.1 GREEN BUILDING AND ENERGY EFFICIENT DESIGN COMPONENTS

Reuse alternatives for the NFD analyzed in this document are consistent with many sustainable and green building principles, including infill and mixed-use development on a brownfield site, rehabilitation and reuse of historic buildings, preservation of on-site open space, and the incorporation of an intermodal transit node into the Proposed Project. The numerous connections to regional public transportation, including on-site ferry and transit services, as well as planned bicycle and pedestrian accessibility via the Bay Trail, are cornerstones of the development.

Within the Bay Area, the Proposed Project would be a highly visible model of energy efficiency. The development alternatives incorporate a host of water and energy conservation measures that go beyond standard building practices typically used on mixed-use developments. Renewable energy sources such as photovoltaic panels are included in the project design that will significantly decrease the project site’s reliance on the off-site energy sources. Efficient Lennis lighting systems would be used for exterior lighting on the project site, and new construction will orient and design buildings to take advantage of natural light during the day to further reduce energy consumption. Other design components that emphasize energy efficiency include the use of solar hot water heaters and photovoltaic panels in residential units (Alternatives B and D), installation of a keycard system in all hotel rooms that permit the
use of electricity only when guests are present, and maintenance of a “performance dashboard” in the central operations facility to monitor energy demand on-site.

Water conservation measures of the Proposed Project include the use of low-flow bathroom fixtures, an on-site gray water recycling system, and use of native, drought-tolerant landscaping vegetation. A vegetation covered “living roof” above the conference center would significantly improve building insulation, improve stormwater management by reducing the coverage of impermeable surfaces, collect and store rainwater, and improve local air quality.

Other progressive design components of the Proposed Project include preservation of a large amount of open space, cultivation of an organic garden among the historic cottages, composting of food waste generated by the restaurant facilities on-site, and an aggressive recycling program to divert a significant portion of the solid waste generated on-site.

2.1.2 LAND DISPOSITION AND MUNICIPAL SERVICES AGREEMENTS

Following the closure of the Naval Fuel Depot (NFD) Point Molate in 1995, a 45-member Blue Ribbon Advisory Committee (Committee) was established for the purpose of developing a reuse plan for the former military installation. The Committee’s Point Molate Reuse Plan (Reuse Plan), approved by the Richmond City Council in 1997, and articulates a vision for future uses of the project site that balances economic benefits with the needs and objectives of the local community (Brady and Associates, 1997).

Following approval of the Reuse Plan, the City selected Upstream as the developer of the site through a competitive process in 2003. In 2004, the Richmond City Council approved a Land Disposition Agreement (LDA), which, subject to completion of CEQA compliance, authorized the sale of the former NFD to Upstream. As proposed, Upstream’s rights to the project site are assignable to the Tribe once the environmental review process is complete. The City would retain title of a 50-foot strip of land along the shoreline (henceforth referred to as a part of the Shoreline Park), which, along with the submerged lands within San Francisco Bay, the pier and associated amenities, would be leased to Upstream and the Tribe who would thereafter be responsible for maintenance and upkeep. The City would also retain the Western Drive right-of-way, which would remain a public street.

The Municipal Services Agreement (MSA), included as Exhibit E of the LDA (Appendix C), specifies services to be provided by the City as well as compensation for such services associated with three of the proposed alternatives (Alternatives A, B, and C). Table 2-1 summarizes key provisions of the MSA. Each of the three alternatives to which the MSA applies would include a mixed-use development with a destination resort amenities, casino, guest accommodations, restaurants, retail, conference facilities, a public park, cultural/religious facilities, public transportation facilities, parking, and an entertainment venue. Based on recent discussions between the City, Upstream, and the Tribe, it is expected that the MSA will be modified in the future to include additional provisions related to public services. Given that the MSA has not yet been modified, only the existing MSA provisions are assumed to be in place for the
### Table 2-1
SUMMARY OF THE MUNICIPAL SERVICES AGREEMENT BETWEEN THE TRIBE AND CITY OF RICHMOND

<table>
<thead>
<tr>
<th>Service</th>
<th>Agreement Terms</th>
<th>Location in MSA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Law Enforcement:</strong></td>
<td></td>
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<tr>
<td>Tribal police shall have primary responsibility for maintaining order and safety on lands and structures of the project.</td>
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<tr>
<td>City Police Department shall have authority to enforce all State criminal laws on the project site.</td>
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<tr>
<td>Upon or before the start of operation of the project, the City Police Department and the Tribe will enter into a mutually agreeable written protocol for transferring detainees, and other operational law enforcement actions.</td>
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<tr>
<td>For special events and functions, the City Police Department will bill the Tribe for the actual costs, based upon standard fees charged for extra services to other organizations and persons, which the Tribe will pay within 30 days of receipt. Tribe shall provide funds to the City for nine new full time officers, one full-time clerical position, equipment, and a substation on-site.</td>
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<tr>
<td><strong>Fire Protection:</strong></td>
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<td>The Tribe shall provide a fire station meeting the City’s reasonable requirements, including all of the necessary fire apparatus and equipment to address fire and emergency response needs on the project site. The fire station would be located on or near the existing fire station.</td>
<td>2.3-A</td>
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<td>The Tribe shall contract for emergency ambulance services with private companies.</td>
<td>2.3-B</td>
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<tr>
<td>The City shall provide one fire captain and three firefighter positions per shift on a 24-hour basis to meet the additional burdens undertaken by the Fire Department to serve the project site; such positions will be funded by the Tribe.</td>
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<td><strong>Sewer and Storm Drainage Fees:</strong></td>
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<tr>
<td>The Tribe shall provide for sewage disposal for the project site by connection to the City’s existing sewage collection system.</td>
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<tr>
<td>The Tribe will connect for sewer service and pay fees consistent with normal City connection and service fees.</td>
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<tr>
<td>No public use shall occur on-site until service is completed, inspected, and approved.</td>
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<td><strong>Water Supply:</strong></td>
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<tr>
<td>The Tribe shall use its best efforts to obtain water supply for the project site through an agreement with the East Bay Municipal Utility District (EBMUD) and shall conform to all standard requirements imposed by the water provider.</td>
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<tr>
<td>No public use shall occur on-site until service is completed, inspected, and approved.</td>
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<tr>
<td><strong>Electricity:</strong></td>
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<tr>
<td>The Tribe shall use its best efforts to obtain electric services for the project site and shall conform to all standard requirements imposed by any electricity provider.</td>
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<tr>
<td>The Tribe will connect for electricity and pay fees consistent with normal connection fees, obtain required easements for electricity infrastructure, and construct to electricity supply infrastructure standards.</td>
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<tr>
<td>No public use shall occur on-site until service is completed, inspected, and approved.</td>
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<tr>
<td><strong>Natural Gas:</strong></td>
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<tr>
<td>The Tribe shall use its best efforts to obtain natural gas through an agreement with the local provider and pay all fees consistent with normal gas connection fees, in addition to constructing infrastructure to company standards.</td>
<td>2.7</td>
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<tr>
<td>No public use shall occur on-site until service is completed, inspected, and approved.</td>
<td>2.7</td>
<td></td>
</tr>
<tr>
<td><strong>Telephone:</strong></td>
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<tr>
<td>The Tribe shall use its best efforts to obtain telephone services through an agreement with a local provider, paying fees consistent with normal telephone connection fees.</td>
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<tr>
<td>No public use shall occur on-site until service is completed, inspected, and approved.</td>
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<td></td>
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<tr>
<td><strong>Traffic:</strong></td>
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<tr>
<td>The Tribe will mitigate off-reservation traffic and circulation issues in conformity to City requirements.</td>
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</table>
The City will maintain Western Drive as a public road in accordance with normal City standards. 3.1

The Tribe will have the right to fund and construct improvements to Western Drive from I-580 to and through the project site, subject to review and approval of such improvements by the City. The City will change name to Winehaven Drive. 3.1

The Tribe will cooperate with Caltrans for any improvements to the I-580/Western Drive interchange. 3.1

A portion of the Services Fees (addressed below) paid to the City will be applied to the funding of a Roadway Maintenance and Enhancement Program. 3.1

### Service Fees – Police and Fire Protection

- **The Tribe agrees to pay to the City service fees of $8,000,000 per year for the first eight years beginning with the commencement of gaming operations.**

- **The Tribe agrees to pay to the City service fees of $10,000,000 per year thereafter during the term of this Agreement (MSA Agreement).**

- **The service fees shall be adjusted each year by changes in the Consumer Price Index beginning on the first anniversary of the Commencement Date.**

### Community Benefit Payments:

- **The Tribe shall make annual payments to the City at the times and in the amounts as specified below:**
  - For portions of the project site within the area operated by the Tribe and/or Casino Manager, the following shall be made:
    - $10 per constructed hotel room per day (provided that the City agrees that its transient occupancy will not apply to such property);
    - $5.25 per square foot of retail sales area per year if and to the extent normal local sales taxes are not remitted to the Franchise Tax Board; and
    - 0.285% of the construction costs of the facilities per year (exclusive of architectural, engineering, design, and other non-construction consulting costs not incurred by the general contractor or any subcontractors), such amount being increased by 2% per year.
  - For all other portions of the property:
    - $7 per constructed hotel room per day;
    - $7.50 per square foot of retail sales area per year;
    - If and to the extent normal leasehold improvement taxes are not collected by the County, 0.285% of the construction costs of the facilities per year.

- **The Tribe also agrees to pay an amount equal to 10% of the cost of utilities (electric, gas, telephone, and cable) that the Tribe uses each year.**

- **The Tribe and City Manager may agree on an alternative payment formula that produces a substantially equivalent economic return for the City.**

### Employment:

- **The Tribe shall work in good faith with the City to employ qualified City residents, Tribal members, and other Native Americans at the project site.**

- **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.

Notes: MSA- Municipal Services Agreement; City- City of Richmond.
Source: Exhibit E of Land Disposition Agreement included in Appendix C.
purposes of the impacts analysis in Section 4.0. Nonetheless, the anticipated additional public services provisions are included in Section 5.2.9 as fire protection and law enforcement improvement measures.

2.1.3 DEED RESTRICTIONS

In 2003, the Navy executed a quitclaim deed for the transfer of a portion (approximately 85 percent) of the project site from the Navy to the City (Appendix C). The deed identifies a variety of restrictions regarding utility easements, asbestos and asbestos containing materials, lead based paint, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) notices and covenants, soil and groundwater management, residential use, and restrictions regarding on-site underground storage tanks (USTs) (City of Richmond, 2003a). That same year, the San Francisco Regional Water Quality Control Board (SFRWQCB) and the Navy signed a covenant regarding proposed development on the project site that further restricts development within Disposal Areas 1, 2, 6, 11, and 12 (Figure 3.12-2) (SFRWQCB, 2003b; Appendix C).

The existing deed restrictions are being replaced by Interim Land Use Controls (LUC) codified in a Covenant and Agreement to reflect current conditions and cleanup status. The updated LUC provides a mechanism for the SFRWQCB to incrementally remove restrictions as part of the No Further Action (NFA) determination process as cleanup continues on each of the subject areas. These new restrictions, which will include many of the existing terms, will be in place prior to final transfer of the land from the Navy to the City, and well in advance of transfer of any land being taken into trust. The City will have primary deed restriction enforcement authority provided through an existing limited waiver of Tribal sovereign immunity, which is detailed in Section 11.3 of the MSA. The SFRWQCB will also have authority to enforce deed restrictions against the City, which can then turn to the Tribe through the MSA for subsequent enforcement.

In order for development of the Proposed Project 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. 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 within the above-mentioned Disposal Areas. 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. 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.
2.1.4 EARLY TRANSFER PROCESS

The project site is not listed on the U.S. Environmental Protection Agency’s (USEPA) National Priorities List of hazardous waste sites; therefore, Comprehensive Environmental Response Compensation Liability Act (CERCLA) Section 120(h)(3)(C), titled “Deferral,” allows the Governor of the state 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. This type of transfer is commonly referred to as an early transfer. There are two general types of early transfers: ones where the federal government retains supervision over the remaining environmental remediation activities; and ones where the subsequent property owner assumes the responsibility for supervising the remediation. The proposed transfer at the project site is in the second category, commonly referred to as an early transfer with privatized remediation. Pursuant to the legal documents prepared to implement the early transfer, the remaining remediation activities will be performed, on behalf of the City, by Upstream, the developer to which the City intends to transfer the property after it receives it from the Navy. Documents that have been prepared, or are under preparation, to be included in the Covenant Deferral Package that will go to the Governor include:

- A finding of suitability for early transfer (FOSET). This documents the Navy’s finding that the remaining U.S. Department of the Navy (Navy)-owned property at Naval Fuel Depot (NFD) Point Molate in Richmond, California, is suitable for early transfer pursuant to the deferral provisions of CERCLA. The FOSET was executed on September 8, 2008 and is included in Appendix X.

- An Early Transfer Cooperative Agreement (ETCA). The ETCA is 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 $28.5 million grant, along with an additional financial contribution from Upstream and the Tribe, 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. The draft ETCA was presented to the Richmond City Council on June 24, 2008. A final version of the ETCA was executed on September 9, 2008 and is included in Appendix X.

- New San Francisco Regional Water Quality Control Board (SFRWQCB) Order. 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. The Site Cleanup Order is included in Appendix X.
• Interim Land Use Controls (LUC). Interim 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. The Covenant and Agreement, which would supersede the existing deed restrictions, shall provide for release of specific LUCs as remediation activities progress.

The dischargers on the adopted 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 ETCA on behalf of the City. Additionally, compliance with the cleanup obligations stipulated in the SFRWQCB Order are mitigation measures in this EIS/EIR, and, as an addendum to the MSA, would be 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).

Due to efficiencies in combining remediation with development and other factors, the remediation plan anticipated under the early transfer process is more robust than would otherwise be implemented under the Navy process. In particular, the conceptual remediation plan used as the basis for the ETCA funding package includes aggressive removal of source soils containing mobile petroleum fractions in Site 3 (not included in the Navy plan), and removal of the volatile organic compound (VOC) source area in Site 4, Drum Lot 2 (Figure 3.12-1). 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, 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.

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.

As previously noted, the Navy has already transferred most of the project site to the City, and transfer of the remaining acreage from the Navy to the City is expected to occur in late-2009. Transfer of the site from the City to Upstream is expected to occur upon completion of the CEQA process. Transfer of the subject land into federal trust would occur upon approval by the Department of Interior, following completion of the NEPA process.

The existing ETCA between the Navy and the City requires that a cost-cap and pollution liability insurance policy be in-place at the time of transfer from the Navy to the City. The federal government,
City, Upstream, and the Tribe will all be protected from liabilities and cost overruns under this policy. This and the other agreements guarantee a smooth completion of cleanup activities regardless of ownership status of the land.

2.1.5 ENVIRONMENTAL REMEDIATION

A conceptual Remedial Plan (RP) was prepared in November 2008 by Upstream that describes the Environmental Services obligations of the Tribe and Upstream under the ETCA as described above (Appendix X). The RP includes an aggressive strategy to remove soils that have been affected from past Navy operations at the project site. 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. As previously mentioned, the Cleanup Order outlines the specific deliverables and schedule to complete the outstanding evaluations, remediation work, and monitoring and reporting for the 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.

In 1996, the Navy divided the project site into Baseline Survey Parcels during closure activities. Many of the parcels were made available for lease or transfer to the City while several parcels remained under Navy control in order to implement the requirements of the Base Realignment and Closure Act (BRAC) of 1988 and Defense Base Realignment and Closure Act (DBRAC) of 1990. The Baseline Survey Parcels were then subdivided and combined into several investigation areas in order to expedite cleanup activities. The areas where additional work is anticipated are as follows: (1) Installation Restoration (IR) Site 1: Former Waste Disposal Area, (2) IR Site 3: Treatment Pond Area, (3) IR Site 4: Drum Lot 1, Drum Lot 2, and Building 87 Area, and (4) Underground Storage Tank areas. A brief summary of the cleanup activities proposed for each of the four areas described in the RP is provided below. Refer to Section 3.12 for a description of the existing conditions related to hazardous materials on-site and maps depicting the location of each IR area.

**IR SITE 1: FORMER WASTE DISPOSAL AREA**

IR Site 1 is a former landfill that was used by the NFD facility. Implementation of requirements specified in the Navy Record of Decision (ROD) (US Navy, 2005) and IR Site 1 Postclosure Plans (US Navy, 2005) to the satisfaction of the SFRWQCB would occur during remediation. The IR Site 1 former waste
disposal area was consolidated and capped and is subject to closure described in the IR Site 1 ROD. Upstream and the Tribe will implement the provision in the ROD for maintenance and monitoring of IR Site 1. The maintenance and monitoring provisions are described in the “Final Postclosure Maintenance and Monitoring Plan, Site 1 Final Cover, Naval Fuel Depot Point Molate, Richmond, California,” dated August 30, 2002, and “Oil/Water Separator Post Closure Maintenance and Monitoring Plan, Revision 1 Final, Naval Fuel Depot Point Molate, Richmond, California” (IR Site 1 Postclosure Plans). A summary of cleanup activities that have occurred during Navy closure is included in Section 3.12.

IR SITE 3: TREATMENT POND AREA

Groundwater and soil at IR Site 3 are impacted by petroleum hydrocarbons derived from waste disposal at the former sump pond and operations of two former aboveground storage tanks (Tanks F & G [removed]), as well as former fuel pipelines and waste water treatment ponds. Smaller source areas of metals and VOCs have been identified during past site investigations. An aggressive source reduction plan includes removal of soil with concentrations exceeding the residential clean-up standards in the top three feet of the site and removal of soils with concentrations exceeding the commercial/industrial cleanup standards in the top 10 feet of the IR-03 Treatment Pond Area.

Based on the recent study results conducted by the Navy, dissolved-phase petroleum concentrations present at the IR Site 3 are below the Fuel Product Action Levels (FPAL) established for the site and likely present little or no risk to the environment and San Francisco Bay. However, the potential for migration of free-phase petroleum hydrocarbon to San Francisco Bay still exists. Currently, this migration pathway is interrupted by a groundwater containment system. Metals and semi-volatile organic compounds (SVOC) concentrations exceed residential and commercial/industrial criteria for soils in portions of IR Site 3. The RP proposes a remediation strategy that mitigates discharge of contaminated groundwater and light non-aqueous phase liquids (LNAPL) that could cause a petroleum sheen on San Francisco Bay. Remedial activities proposed for the IR Site 3 Treatment Pond Area include:

1. As necessary, removal of soil so that the upper three feet at IR Site 3 achieves residential standards and the upper ten feet achieves commercial/industrial standards prior to development (Figure 2-1).

2. Targeted removal of fuel-saturated soils (removal of soil between approximately 10 to 20 feet below ground surface [bgs]) in areas determined to show signs of potential mobile product and backfill. Impacted soils excavated from IR Site 3 would be transported to an appropriately licensed waste disposal facility.

3. Localized excavation for chlorinated VOCs and backfill.
Figure 2-1
Excavation Locations for Impacted Soil at IR-3
4. Installation of a contingency system in the event that there are some undetected areas of mobile free-phase petroleum that are not removed in the above excavation plan. This includes the removal of an approximately 100-foot wide area of near-shore soils up-gradient of an existing containment sheet-pile. This soil would be replaced with clean import material with higher absorptive capacity. Ripping or puncturing the existing sheet-pile wall below the groundwater table or removal of the sheet-pile wall and installation of a hanging containment wall to allow groundwater flow to migrate to San Francisco Bay.

5. As a further contingency, installation of a new gravel-filled trench and extraction locations for capture and removal of potential mobile free-phase hydrocarbon at the down-gradient end of remediation measure 4. This element would likely not be used, but is necessary to provide an easy-to-implement contingency measure without large-scale disturbance to proposed project components at this location.

6. Abandon existing monitoring network and install new long-term monitoring wells up-gradient and within the contingency product recovery trench.

7. Long-term monitoring to verify that free-phase petroleum is not migrating to San Francisco Bay and that groundwater concentrations remain below FPAL.

**IR SITE 4: DRUM LOT 1 AND DRUM LOT 2 / BUILDING 87**

Groundwater samples collected in 1999 and 2000 identified trichloroethylene (TCE) in a small area of groundwater emanating from the northwestern portion of Drum Lot 2 (*Figure 2-2*). Subsequent sampling has confirmed that the spatial extent of TCE is quite limited. TCE contamination in groundwater at Drum Lot 2 will be remediated through source removal (excavation and off-site disposal) and in-situ groundwater treatment.

**UNDERGROUND STORAGE TANKS**

Bulk fuel at the former NFD was stored in twenty 50,000-gallon barrels (bbl) (8-million-liter) underground storage tanks (USTs), all of which were connected through a system of underground pipelines. Structural closure of all of the on-site USTs and pipelines was completed and approved by Contra Costa County in 2005. The SFRWQCB has authorized regulatory closure of USTs 1, 7, 9, 10, 11, 16, 17, and 20. An aggressive closure strategy would be implemented to expedite issuance of “Conditional No Further Action” letters from the SFRWQCB for the remaining USTs that have yet to receive regulatory closure. In order to attain a no further action status, the “Post-Closure UST Maintenance and Monitoring Plan and Former Naval Fuel Depot Point Molate, Richmond, California” (ITSI 2005) would be implemented. A summary of cleanup activities related to the on-site USTs is included in *Section 3.12*. 
Figure 2-2
Excavation Locations for Impacted Soil at IR-4

LEGEND
- IR-4 Site Boundary
- Source Soil Excavation

SOURCE: Bechtel Environmental; LFR, 11/19/2007; AES, 2008
2.2 ALTERNATIVE A – MIXED-USE TRIBAL DESTINATION RESORT AND CASINO (PROPOSED ACTION/PROJECT)

2.2.1 DISCRETIONARY ACTIONS

The Tribe is seeking three federal discretionary approvals under the Proposed Action/Project:

1) Approval of the Tribe’s application for the fee-to-trust acquisition and corresponding reservation proclamation,
2) Approval of land leases by the BIA, and
3) Approval of a gaming management contract by the National Indian Gaming Commission (NIGC).

The Tribe has submitted a fee-to-trust application asking that the project site be taken into trust by the BIA for the purpose of gaming consistent with the Indian Gaming Regulatory Act (IGRA). IGRA prohibits gaming on lands that the Secretary of the Interior acquires in trust for an Indian tribe after October 17, 1988 unless the land qualifies under at least one of the exceptions contained under 25 U.S.C. Section 2719. If none of the exceptions in Section 2719 applies, Section 2719(b)(1)(A) of IGRA provides that gaming can still occur on the lands under the Secretarial two-part determination provision, whereby the Secretary may permit gaming after making specific findings and upon the concurrence of the state governor. The Tribe’s fee-to-trust application indicates that they are seeking to transfer the project site into trust through the IGRA restored lands exception, although the Tribe has reserved the right to seek a Secretarial two-part determination should the restored lands exception be inapplicable. In either case, the Proposed Project, as described below, would remain the same.

The above actions would take place in the same general time frame as approvals made by the City, including but not limited to:

1) All actions and approvals described within the November 9, 2004 Land Disposition Agreement (LDA) (Appendix C), to include but not be limited to:
   a. Sale of the Point Molate property to the Tribe;
   b. Approval of design concept documents for development of the Proposed Project;
   c. Approval of subdivision or parcel maps as necessary to create separate legal parcels for the shoreline property and to exclude the Western Drive right-of-way;
   d. Approval of planning, zoning, and environmental review documents related to the development of the Proposed Project, including discretionary approvals by the City and other entities for all required utilities and services to the project;
   e. Approval of right-of-way acquisition and improvement plans for the widening of Western Drive;
2.0 Proposed Action and Alternatives

f. Renaming of Western Drive to Winehaven Drive from the I-580 intersection to the northern terminus of the road;
g. Approval of the Tribe’s financing plan for purchase/lease and development of the property;
h. Approval or disapproval of any testing that may be deemed necessary on the property or of the buildings prior to the completion of the environmental documents or start of construction; and
i. Approval of a lease to the Tribe of lands adjacent to the San Francisco Bay.

2) Execution of the Municipal Services Agreement (MSA) (Exhibit E of LDA within Appendix C).

It is anticipated that this document will also be used by the State of California for possible future actions including a San Francisco Bay Conservation and Development consistency determination, approval of a state lands lease and permit for the proposed ferry terminal, and potentially as a basis for a Tribal Environmental Impact Report for compact compliance.

The foreseeable consequences of these discretionary local and federal actions would be the establishment of an Indian Reservation for the Tribe and the subsequent development and operation of the Proposed Project within the former federal lands comprising the Naval Fuel Depot Point Molate (Figures 1-1 and 1-2).

2.2.2 ALTERNATIVE A COMPONENTS

The Proposed Project would consist of a planned development incorporating historic preservation, parks and outdoor recreation, open space, cultural/religious facilities, retail, resort hotel amenities, ferry transportation facilities, parking, Tribal government buildings, Tribal cultural facilities, a police substation, fire station, and casino. Table 2-2 details the uses and approximate square footages for the components of Alternative A. Figure 2-3 shows the site plan for Alternative A. Architectural renderings for Alternative A are presented in Figures 2-4 and 2-5.

The Proposed Project would reuse and rehabilitate buildings within the existing Winehaven Historic District (National Register of Historic Places [NRHP] District #78000658) and construct several new buildings. The District includes 35 buildings that were constructed between 1907 and 1919 by the
### TABLE 2-2

**PROJECT COMPONENTS AND APPROXIMATE SQUARE FOOTAGES – ALTERNATIVES A, B, AND C**

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Alternative A</th>
<th>Alternative B</th>
<th>Alternative C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Winehaven Building</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Casino Gaming Floor</td>
<td>44,000 sf.</td>
<td>44,000 sf.</td>
<td>44,000 sf.</td>
</tr>
<tr>
<td>Restaurants</td>
<td>9,600 sf.</td>
<td>9,600 sf.</td>
<td>9,600 sf.</td>
</tr>
<tr>
<td>Wine Cellar</td>
<td>7,400 sf.</td>
<td>7,400 sf.</td>
<td>7,400 sf.</td>
</tr>
<tr>
<td>Public Space and Back of House Facilities</td>
<td>59,000 sf.</td>
<td>59,000 sf.</td>
<td>59,000 sf.</td>
</tr>
<tr>
<td><strong>New Construction - Casino, Entertainment &amp; Hotel Complex</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Level Entrance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Casino Gaming Floor</td>
<td>80,000 sf.</td>
<td>80,000 sf.</td>
<td>80,000 sf.</td>
</tr>
<tr>
<td>Hotel Registration &amp; Bell Desk</td>
<td>6,000 sf.</td>
<td>6,000 sf.</td>
<td>6,000 sf.</td>
</tr>
<tr>
<td>Bars, Entertainment, Retail, Dining, Food and Beverage Support</td>
<td>20,000 sf.</td>
<td>20,000 sf.</td>
<td>20,000 sf.</td>
</tr>
<tr>
<td>Casino Back-of-House</td>
<td>17,500 sf.</td>
<td>17,500 sf.</td>
<td>17,500 sf.</td>
</tr>
<tr>
<td>Public Space &amp; Circulation</td>
<td>18,500 sf.</td>
<td>18,500 sf.</td>
<td>3,350 sf.</td>
</tr>
<tr>
<td>Grade Level – Shoreline Park Entrance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td>30,000 sf.</td>
<td>30,000 sf.</td>
<td>30,000 sf.</td>
</tr>
<tr>
<td>Public Space</td>
<td>4,000 sf.</td>
<td>4,000 sf.</td>
<td>4,000 sf.</td>
</tr>
<tr>
<td>VIP Lounge</td>
<td>17,000 sf.</td>
<td>17,000 sf.</td>
<td>17,000 sf.</td>
</tr>
<tr>
<td>Hotel &amp; Casino Support Facilities</td>
<td>75,000 sf.</td>
<td>75,000 sf.</td>
<td>75,000 sf.</td>
</tr>
<tr>
<td>Hotel</td>
<td>400,000 sf. / 800 rooms</td>
<td>400,000 sf. / 800 rooms</td>
<td>200,000 sf. / 400 rooms</td>
</tr>
<tr>
<td>Conference Facility</td>
<td>122,000 sf.</td>
<td>122,000 sf.</td>
<td>50,000 sf.</td>
</tr>
<tr>
<td>Entertainment Facility</td>
<td>48,000 sf. / 2,500 seats</td>
<td>48,000 sf. / 2,500 seats</td>
<td>30,000 sf. / 1,000 seats</td>
</tr>
<tr>
<td><strong>Point Hotel</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Hotel</td>
<td>187,500 sf. / 275 rooms</td>
<td>187,500 sf. / 275 rooms</td>
<td>N/A</td>
</tr>
<tr>
<td>Casitas</td>
<td>20,000 sf. / 25 casitas</td>
<td>20,000 sf. / 25 casitas</td>
<td>N/A</td>
</tr>
<tr>
<td>Cottages</td>
<td>29,000 sf. / 29 cottages</td>
<td>29,000 sf. / 29 cottages</td>
<td>29,000 sf. / 29 cottages</td>
</tr>
</tbody>
</table>
### Project Component Alternative A Alternative B Alternative C

#### Proposed Project Resort & Residential Reduced Intensity

<table>
<thead>
<tr>
<th>Project Component</th>
<th>~Area / Units</th>
<th>~Area / Units</th>
<th>~Area / Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retail Village</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>300,000 sf. / 30-75 shops</td>
<td>300,000 sf. / 30-75 shops</td>
<td>20,000 sf. / 5-15 shops</td>
</tr>
<tr>
<td><strong>Tribal Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>7,100 sf.</td>
<td>7,100 sf.</td>
<td>7,100 sf.</td>
</tr>
<tr>
<td>Roundhouse</td>
<td>3,500 sf.</td>
<td>3,500 sf.</td>
<td>3,500 sf.</td>
</tr>
<tr>
<td>Dance Grounds</td>
<td>3 acres</td>
<td>3 acres</td>
<td>3 acres</td>
</tr>
<tr>
<td><strong>Parkland &amp; Recreation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hillside Open Space</td>
<td>145 acres</td>
<td>145 acres</td>
<td>191 acres</td>
</tr>
<tr>
<td>Shoreline Park</td>
<td>35 acres</td>
<td>35 acres</td>
<td>45 acres</td>
</tr>
<tr>
<td><strong>Ferry Terminal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferry Offices / Waiting Area</td>
<td>5,000 sf.</td>
<td>5,000 sf.</td>
<td>5,000 sf.</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structure - Casinos</td>
<td>5,000 spaces</td>
<td>5,000 spaces</td>
<td>5,000 spaces</td>
</tr>
<tr>
<td>Winehaven – Bus Parking</td>
<td>30 spaces</td>
<td>30 spaces</td>
<td>30 spaces</td>
</tr>
<tr>
<td>Parking Structure - Resort Hotel</td>
<td>2,500 spaces</td>
<td>2,500 spaces</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking Lot - Tribal Office</td>
<td>30 spaces</td>
<td>30 spaces</td>
<td>30 spaces</td>
</tr>
<tr>
<td><strong>Residential Development</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homes</td>
<td>N/A</td>
<td>32 acres / 340 homes</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Project Component Summary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Gaming Floor</td>
<td>124,000 sf.</td>
<td>124,000 sf.</td>
<td>124,000 sf.</td>
</tr>
<tr>
<td>Total Hotel Rooms</td>
<td>1,129 rooms</td>
<td>1,129 rooms</td>
<td>429 rooms</td>
</tr>
<tr>
<td>Total Parking</td>
<td>7,530 spaces</td>
<td>8,520 spaces</td>
<td>5,030 spaces</td>
</tr>
<tr>
<td>Total Residential</td>
<td>N/A</td>
<td>340 homes</td>
<td>N/A</td>
</tr>
</tbody>
</table>

A. Hillside Open Space
B. Cultural Dance House (Roundhouse)
C. Tribal Park Offices
D. Cultural (Ceremonial Dance Ground)
E. Historic Cottage Hotel Suites
F. Garage with Rooftop Photo-Voltaic Array
G. Transit Vehicle Parking Enclosure
H. Historic Winehaven Building (Casinos)
I. Conference Center over Garage
J. Pedestrian Bridge
K. Casino
L. Hotel
M. Recreation Terrace over Retail
N. Shoreline Park/Trail
O. Point Hotel
P. Point Hotel Porte-Cochere
Q. Parking Below
R. Point Hotel Casitas
S. Ferry Landing/Pier
T. Kayaking Center

PROPOSED OWNERSHIP STATUS

- Red: Tribal Trust Land
- Yellow: City of Richmond
- Grey: City of Richmond Submerged Lands
Architectural Rendering View to Southeast – Alternative A, Mixed-Use Tribal Destination Resort and Casino
Figure 2-5
Architectural Rendering View to South and From Pier – Alternative A, Mixed-Use Tribal Destination Resort and Casino

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
California Wine Association after their original facilities had been destroyed in the 1906 San Francisco Earthquake (Figure 3.6-6). The Winehaven building (Building No. 1) would be rehabilitated as part of an integrated resort and entertainment complex, with gaming, restaurants, and small retail shops. The historic Winehaven cottages would be rehabilitated and developed as luxury suites. Revenue from the Proposed Project would provide the funds necessary for the rehabilitation and continued preservation of the Winehaven building, cottages and ancillary structures. Building No. 6 would be demolished and Building No. 17 would be relocated on-site. As previously noted, approximately 140 acres of the property are submerged within the Bay and would not be included in the developable acreage due to restrictions of the Clean Water Act (CWA). Alternative A would be constructed over a 36-month period.

**WINEHAVEN BUILDING**

The Winehaven building would be rehabilitated and re-used, with approximately 44,000 square feet devoted to gaming. The Winehaven building would be rehabilitated in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR Part 68; Appendix E), and conditions of the LDA executed with the City (Appendix C). Other public areas within the restored Winehaven building would include approximately 9,600 square feet of restaurant space, and a 7,400 square foot wine cellar. The remaining ~59,000 square feet would be dedicated to back of house facilities, security, customer service, public space, and restrooms.

**CASINO, ENTERTAINMENT & RESORT HOTEL COMPLEX**

The proposed new casino-hotel would be separate from, but connected to, the Winehaven casino through a glass connection that would preserve the exterior of the Winehaven building. This facility would include a casino, hotel rooms, and an entertainment center. It is estimated that the complex would attract as many as 6.25 million patrons annually.

**Casino**

The gaming floor area at this location would be approximately 80,000 square feet, while 62,000 square feet would be divided between restaurants, retail, public space, circulation, and back-of-house uses as detailed in Table 2-2. The casino would be open 24 hours a day. The 80,000 square foot casino area would be connected to the Winehaven building by a mezzanine-level structure. The connecting space would house a coffee shop / restaurant, VIP areas, as well as public space and restrooms, as detailed in Table 2-2.

**Hotel**

The proposed casino-hotel would include a total of 800 rooms. The total height of the hotel is proposed to be 160 feet above existing grade (175 feet above mean sea level). Architectural renderings of the hotel are presented in Figures 2-4 and 2-5. This energy efficient design could potentially reduce hotel energy consumption by 30-40 percent. These technologies include an energy reducing key-card system found within individual rooms, and the reuse of onsite recycled gray water.
**Entertainment and Conference Center**

A 48,000 square-foot, entertainment center would be constructed as part of the casino-hotel complex. The entertainment center, at 48,000 square-feet, would provide a venue for musical and theatrical performances, as well as cultural, academic, community, and business events. It is expected that the entertainment facility would be used primarily for evening performances throughout the week. In addition, a 122,000 square-foot conference facility (Conference Center) would be constructed as part of the 5,000 car parking garage described below. The Conference Center could be used days and evenings, and would be available for community events, weddings, and conferences. Design of the Conference Center will include a living roof, composed of native vegetation. This incorporation of green architecture will create significant benefits in energy and cooling costs, deflect on-site sound waves, collect and retain stormwater, and reduce the carbon footprint of the project.

**The Point Hotel**

The Point Hotel would contain 275 rooms and 25 separate casitas. The hotel proper would be located on the western edge of the site, adjacent to the point, just east of the shoreline park. 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. The casitas would be located east of the hotel proper, and would be connected to the hotel by a paved access road leading from the hotel motor court, located on the eastside of the hotel. The Point Hotel and adjacent parking would be built into the existing topography to preserve the acreage planned for the shoreline park, by excavating a significant amount of material, to be reused on-site and exported off-site as fill. The incorporation of an energy efficient design, described for the casino-hotel, would be included in the Point Hotel.

**Winehaven Cottages**

Alternative A includes renovation of the 29 historic Winehaven cottages, located east of the Winehaven building, to be used as luxury hotel suites. Floor plans for each cottage would remain unchanged from present condition, with existing square footages ranging from 700 to 1,500 square feet. The rehabilitation of the cottages would be in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR Part 68) ([Appendix E](#)) as well as conditions of the LDA with the City ([Appendix C](#)), and would include asbestos and lead paint abatement.

**Retail Village**

A 300,000 square-foot retail pedestrian village is proposed parallel to the shoreline and adjacent to the resort hotel complex. Approximately 30 to 75 retail shops would be provided in this development. The retail village would be connected to the Point Hotel and casino and include restaurants and cafes, retail shopping, and public plazas with both luxury and convenience shopping to attract regional tourism and serve local residents.
TRIBAL FACILITIES

The proposed tribal facilities would be constructed as part of the site’s park and administrative offices, east of the proposed casino-hotel complex as shown in Figure 2-3. The facilities would consist of 7,100 square-feet of Tribal and park offices, a 3,500 square-foot, ecologically designed, Tribal roundhouse, and three acres dedicated to dance grounds and park facilities. Thirty parking spaces would be constructed adjacent to the office building for use by employees and visitors.

Both the dance grounds and roundhouse would be used by Tribal members throughout the year, as well as by visitors during intertribal gatherings. While public access to the Tribal government offices and roundhouse would be restricted, all other areas would be open to the public, except when reserved for scheduled events. Parking for intertribal events would be provided at the parking structure to be located adjacent to the casino-hotel complex. The Tribe would provide shuttle service from the parking structure to the dance grounds.

PARKLAND AND RECREATION

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.

A 35-acre shoreline park would provide 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. Appropriate, down-cast lighting would be used at the park during any hours of operation past dusk. The Tribe would construct a kayaking center similar to those found within regional parks located in Contra Costa and Alameda County. The kayaking center would be located on the southern portion of the project site, within the Shoreline Park. The Kayaking Center would provide launching and landing access for sailboards, kayaks, and car-top inflatables.
In accordance with conditions of the LDA (Appendix C), an approximate 50-foot wide shoreline strip of land within the shoreline park would be leased to the Tribe by the City, rather than placed in trust. The park would include a newly constructed segment of the San Francisco Bay Trail segment, funded by the Tribe, pursuant to the Bay Trail Plan design policies and guidelines as published by the Association of Bay Area Governments (ABAG) (1999) and in consultation with members of the Trails for Richmond Action Committee (TRAC) as specified in Exhibit H of the LDA (Appendix C). Connection of the Bay Trail from the Interstate 580 underpass to the southern end of the project site, which is beyond the scope of the Proposed Project, would likely be via a spur along Western/Winehaven Drive (Ciccarelli, 2007; Appendix S). The Tribe would adopt guidelines and standards for the operation and maintenance of the shoreline park substantially similar to the guidelines and standards of the Bay Trail Plan (ABAG, 1999).

**PARKING AND INTERNAL CIRCULATION**

Approximately 5,000 parking spaces would be provided in a partially subterranean parking structure located across (east) Western/Winehaven Drive from the casino-hotel complex. An additional 2,500 parking spaces would be provided in a seven-level garage, all of which would be below grade, hidden from view, and integrated into the Point Hotel. The main parking structure would have eight levels, four of which would be below ground level. Access points to this parking structure would be provided from Western/Winehaven Drive, with pedestrian access through a foot bridge (and/or tunnel) structure to the hotels, casino, and remainder of the site west of Western/Winehaven Drive. Both valet and employee parking would be contained within the parking structure. The seven-level parking structure that would be integrated into the Point Hotel would service the hotels, retail, restaurant, park, and ferry facilities near the shoreline. The incorporation of a photovoltaic array atop both parking structures will provide an on-site renewable energy source. Temporary event over-flow parking would be located in the southwestern portion of the property, on a paved lot formerly used for drum-storage by the Navy. As previously discussed, an additional 30 parking spaces for Tribal employees and visitors would be provided adjacent to the Tribal offices. Parking for police and emergency vehicles would be provided throughout the site. Covered parking for buses would be provided at the northern end of the Winehaven building.

Once on-site, patrons of the resort complex may move between the various amenities on foot, bicycle, or by internal shuttle. Adequate, secure bicycle parking would be provided throughout the development. For guests staying in the cottage suites or hillside casitas, electric vehicles, similar to golf carts, would be provided to move between the various components of the complex.

**WESTERN/WINEHAVEN DRIVE**

Pursuant to Section 3.1 of the MSA (Exhibit E of LDA within Appendix C), the Tribe would fund and construct improvements to Western/Winehaven Drive from its intersection with I-580 through the property. The road would remain a City right-of-way. As warranted by traffic volume, Western/Winehaven Drive would be widened to five lanes (two in each direction, plus a center lane/median). The alignment may be shifted laterally up to 50 feet, depending upon engineering needs of
the project and agreements that the City may enter with neighboring landowners. Figures 2-6a and 2-6b provide an illustration of the proposed improvements to Western/Winehaven Drive.

**PIER REUSE**

The existing fuel pier would be retrofitted for passenger use and a ferry terminal would be constructed. Retrofitting of the pier and utilization for ferry service would require a lease agreement from the California State Lands Commission.

**Reconfiguration**

The pier may be reconfigured by eliminating a portion of the southernmost end of the “T,” and adding square footage in an equal or lesser amount to what would be eliminated in other sections of the pier. **Figure 2-7** presents a conceptual plan-view of the reconfigured pier. Reconfiguration of the pier would not increase the square footage of water area covered by the pier. Reconfiguration would not require reinstallation and replacement of pilings, but would require some structural and cosmetic work, installation of utility lines along the underside of the decking, and covering of the pedestrian walkway similar to that found at other ferry stops along the Bay, among other upgrades. The covered walkway would incorporate photovoltaic panels to generate electricity. Reconfiguration would also likely include covering and/or removal of now-abandoned pipelines on the sides of the existing pier, and installation of new railings.

**Ferry Facilities**

Ferry facilities would include docking facilities for ferries and hovercraft and up to 5,000 square feet of covered space, including ferry offices, passenger waiting, small restaurant/food service, and retail areas of one to two stories. Ferries and hovercrafts would dock along both sides of the western terminus of the pier. It is anticipated that ferry / hovercraft service would accommodate up to 3,000 round-trip passengers per day, with up to 30 individual landings per day at the site. Since round-trip service to San Francisco is anticipated, some use of this service by commuters is expected. No dredging is anticipated for use of the pier by ferries, as there is sufficient natural water depth to accommodate their use.

**Public Walkways and Shuttle Service**

A covered, public walkway with seating areas would be provided to allow pedestrian use from the shoreline to the western end of the existing pier. It is expected that most passengers would walk to the shore, but small shuttles would be provided for those who prefer not to walk or need assistance.

**Shoreside Services**

Shoreside services adjacent to the pier, or linked to the ferry service, would include passenger shelter, seating, parking (in the Point Hotel garage, to be shared with the other project elements), retail, recreation, food service, and public restrooms (to be shared with and also support the shoreline park).
Figure 2-6b
Proposed Road Improvements – Western Drive, Eastern Segment


Legend

Scale

0 80'± 160'±
PASSENGER SHUTTLE ALONG CAUSEWAY

FERRY NAVIGATIONAL APPROACH

ALTERNATE PEDESTRIAN ROUTE

EXISTING OPERATIONS BUILDING TO BE RENOVATED FOR PASSENGER SERVICES

Figure 2-7

Pier Reconfiguration Alternatives

SOURCE: JWD Group, 2007; AES, 2008
ON-SITE QUARRYING

A significant amount of grading would be required for construction of Alternative A. Excavation related to the construction of the semi-subterranean parking structures and the Point Hotel Casitas would produce excess (net) fill material, on the order of 1.38 million cubic yards. The excess material is marketable and suitable for use as construction-grade aggregate, rip rap, and fill. In the course of grading and excavation, the material would be crushed on-site, sorted, and shipped directly to construction sites around the Bay and Delta region. Exportation of fill material would be primarily by barge, via the pier located on-site.

WATER SUPPLY

Pursuant to Section 2.5 of the MSA (Exhibit E of LDA within Appendix C), the Tribe would obtain municipal water for the Proposed Project through a service agreement with the East Bay Municipal Utility District (EBMUD), which would supply water from its existing 12-inch diameter main located along Western/Winehaven Drive. A water and wastewater feasibility study was prepared for all proposed alternatives and is provided as Appendix G of the EIS/EIR. Based on findings of the study, the average potable water demand for the facility is approximately 460 gallons per minute (gpm), with a peak demand during the irrigation season (April through October) of approximately 732 gpm, which includes 60 percent of the peak landscaping demand (Appendix G). Refer to the discussion of wastewater treatment and disposal regarding the remaining 40 percent of the irrigation water demands. The system will be designed to meet the average day demand, with storage provided to meet peak demands.

The Tribe would utilize existing service lines to serve project components. Existing service lines that would not be required to serve the project would be capped according to EBMUD standards. The Tribe would ensure existing service lines conform to all standard EBMUD requirements prior to pressurization of the lines. Peak water demand and fire flow requirements would be met through storage using the existing water storage tanks. A copy of the service agreement letter is included within Appendix C. As described in the MSA, the Tribe would pay fees consistent with normal water connection fees. Illustrations of the proposed water supply routing are provided in Appendix G.

WASTEWATER TREATMENT AND DISPOSAL

Average wastewater generation rates are estimated at 567,000 gpd, with a peak day-demand of 777,000 gpd (Appendix G). Pursuant to Section 2.4 of the MSA (Exhibit E of the LDA within Appendix C), the Tribe would provide for disposal for a majority of the wastewater generated by the Proposed Project by connecting to the Richmond Municipal Sewer District’s (RMSD) existing wastewater collection system. The Tribe would be responsible for connecting to existing wastewater infrastructure and paying fees consistent with normal City connection and service fees. Illustrations of the proposed sanitary sewer routing are provided in Appendix G. Wastewater line service to the project site would occur through a combination of 8-inch diameter gravity pipe and a minimum 6-inch diameter force main. Collected wastewater would flow through a series of pump stations and the 6-inch diameter force main along the
improved Western/Winehaven Drive. Two different alternative tie-in points with the City system are under consideration:

**Option 1**

Option 1 would require a Caltrans easement to cross Interstate 580, followed by an easement to cross through Chevron Texaco property to the south to Point Richmond. There is an existing City easement that traverses the Chevron Texaco property from the south side of Interstate 580 continuing south along Western Drive. The pipeline would follow the easement alignment and continue along Western Drive southeast to Marine Street, turn to the southwest and continue to Ocean Avenue where it would empty into a new wet well. From the wet well, sewage would be pumped from a new lift station located near the intersection of Marine Street and Ocean Avenue to the northeast along Marine Street to Tewksbury Avenue where it would discharge to a manhole located at the intersection of Tewksbury Avenue and Contra Costa Street. The connection to the manhole at that location was selected because the existing gravity sewer is 12-inches at that location. A detailed view of the option 1 routing is presented in Appendix G.

**Option 2**

This option also involves Caltrans and Chevron Texaco easements. The Chevron Texaco easement would be extended compared to Option 1. The pipeline, after crossing I-580, would traverse the Chevron Texaco property to the east, then north along the alignment of the product lines, finally turning east heading beyond the security gate to a 12-inch force main located along Chevron Way. A detailed view of the Option 2 routing is presented in Appendix G. The Tribe would increase the conveyance capacity of the pipeline through upsizing to accommodate flows from Alternative A.

**Gray Water System**

The Tribe would develop a gray water treatment plant (GWTP) to serve the Winehaven Building, casino and entertainment complex, Point Hotel, and retail village facilities. The Tribe would adopt development standards for the gray water system similar to the revised Gray Water Standards of the California Plumbing Code (Title 24, Part 5, Appendix G). Wastewater from the toilets, dishwashers, and kitchen sinks (collectively referred to as black water) would be diverted to the sewerage conveyance lines discussed under Option 1 and Option 2 above. Gray water from bathroom sinks, hotel sinks and showers, linen washing facilities, and other gray water sources would be conveyed to the GWTP through a separate drainage system that would be color coded to ensure cross-linking with the black water drainage does not occur during construction. The GWTP would be located in the main parking garage, occupying approximately 4,000 square feet. The GWTP would include bulk screening, a holding tank/settling basin, a treatment tank, sand filters, and ultra violet disinfection. The holding tank/settling basin of the GWTP would be fitted with an overflow valve that would divert excess gray water to the conveyance system leading to the off-site RMSD wastewater collection system. A backflow preventer would be installed at
the cross connection to ensure black water does not backflow into the gray water discharge lines towards the GWTP.

Treated gray water would be pumped to existing clean underground storage tanks located on the project site. The Tribe would develop a Gray Water Monitoring Plan, which would require quarterly gray water quality monitoring for E. coli/fecal coliform, nitrates, phosphates, and methylene blue active substances (surfactants), with provisions to reduce monitoring frequency if gray water quality objectives are met continuously for four consecutive quarters. Because neither federal, nor state gray water treatment or quality standards currently exist, monitoring results would be compared to USEPA water quality standards (Maximum Contaminant Levels or National Recommended Water Quality Criteria, whichever is more stringent). The monitoring plan shall also include inspections of landscaped areas to ensure daylighting of gray water does not occur at use sites and a contingency plan should water quality guidelines be exceeded. The contingency plan would include the option of diverting all gray water to the black water conveyance system until water quality guidelines can be met through source control or additional treatment added to the GWTP.

The treated gray water would be gravity fed from the storage tanks to sub-surface landscape drip irrigation systems located on trust lands to meet the irrigation demands for the above-mentioned facilities, which accounts for approximately 40 percent of the total irrigation requirements of Alternative A (refer to Appendix G). The GWTP would be sized to meet the irrigation demands (Table 2-3), taking into consideration availability of storage. Gray water that could not be re-used would be diverted to the conveyance system leading to the off-site RMSD wastewater collection system, using back flow restrictors to prevent contamination of the gray water storage tanks. The gray water system would reduce off-site wastewater disposal requirements according to the annual estimates presented in Table 2-3.

**SITE DRAINAGE**

Based on topography, the project site has been divided into seven watersheds. Each watershed will be developed in a manner to maintain off-site stormwater flows to rates consistent with the existing conditions. Stormwater would be collected within each watershed using a series of storm catchment basins and storm drains to be constructed and connected to outfalls previously constructed and operated by the Navy. Within watersheds 1 and 4-7, collected stormwater from each watershed would be diverted to bioretention basins, which would then discharge via the existing outfalls to the bay. Within watersheds 2 and 3, stormwater would be diverted to existing sub-surface concrete stormwater vaults (Appendix H). The system, which was installed in the 1940s and upgraded in 1983, would be upgraded to accommodate increased on-site development and to comply with current Regional Water Quality Control Board (RWQCB) rules and Best Management Practices. The storm water management plan (SWMP) is included in Appendix H. The Proposed Project would incorporate storm filter vaults, vegetated swales, and bioretention measures to reduce sediments and contaminants in runoff water. A design-grade Storm
Water Control Plan would be developed in accordance with Richmond Municipal Code 12.22.050 prior to the initiation of construction.

**TABLE 2-3**

**ALTERNATIVE A ANNUAL GRAY WATER IRRIGATION DEMANDS**

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<td>December</td>
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Note: GPM: gallons per minute

**Utilities**

Pursuant to Sections 2.6 through 2.8 of the MSA (Exhibit E of LDA within Appendix C), the Tribe would obtain electric, gas, and telephone service for the Proposed Project from private service providers. The Tribe would connect to and pay applicable fees for each of these services. Various methods of on-site renewable energy and co-generation have been incorporated into the Proposed Project design to reduce dependence on the local electrical grid.

**Public Health and Safety**

The Tribe would adopt a Tribal Ordinance that would be the functional equivalent to municipal public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing, and sanitation including annual inspections through a licensed health inspector. These include Article IX Health, Chapter 9.16 (Food Establishments) of the City’s Municipal Code.

**Law Enforcement**

Prior to the operation of the Proposed Project, a Tribal police force would be established. Resources required for the initial constitution of the police force would be provided by the Tribe’s financial partners.
2.0 Proposed Action and Alternatives

(Alternatives A – C). Pursuant to Section 2.1 of the MSA (Exhibit E of LDA within Appendix C), Tribal police would have primary responsibility for maintaining order and safety on trust lands within the project site, in full cooperation with Tribal security, the Tribal Gaming Commission, and the City Police Department. The Tribe would provide the Richmond Police Department with space and supplies to perform their duties on-site. Pursuant to the MSA, the Tribe would provide the City with the funds to provide a total of nine additional City police department staff to be used on the project site.

Fire and Emergency Medical Services

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 and equipment, sized to reasonably address fire and emergency response needs of the Proposed Project. The City would provide one fire captain and three firefighter positions per shift on a 24-hour basis to staff the station, funded by the Tribe, pursuant to Section 2.3 of the MSA (Exhibit E of LDA within Appendix C and Table 2-1).

In order to provide a redundant water delivery system for emergency fire protection, the Tribe would repair and utilize the existing fire suppression water tanks, in addition to obtaining EBMUD water service, as discussed above. The hillside tanks would be connected to hydrants located throughout the development area by new piping. Necessary flushing of the system would be recycled and used for landscape irrigation. The Tribe would contract with a private company for emergency medical services.

2.3 ALTERNATIVE B – MIXED-USE TRIBAL DESTINATION RESORT AND CASINO WITH RESIDENTIAL COMPONENT

2.3.1 DISCRETIONARY ACTIONS

The same federal and City discretionary approvals would be required for Alternative B as for Alternative A (see Section 2.2.1), except that Alternative B will also require additional City approvals for subdivision and rezoning for the private residential development discussed below.

2.3.2 ALTERNATIVE B COMPONENTS

Table 2-2 details the uses and square footages for the components of Alternative B. Figure 2-8 shows the site plan for Alternative B. Architectural renderings for Alternative B are presented in Figures 2-9 and 2-10. Alternative B differs from Alternative A in that 340 residential units would be developed on a 32-acre parcel in the southwestern portion of the property, east of Winehaven/Western Drive, in addition to all of the features and amenities described for Alternative A (Figure 2-8). The 32-acre residential parcel would not be taken into federal trust, but owned in fee simple status by the Tribe and Upstream. Alternative B would require City approvals for the proposed residential development, which is described below.
2.0 Proposed Action and Alternatives

CASINO, HOTEL, AND RETAIL COMPONENTS

Under Alternative B, the following project components would be developed identically to Alternative A: the Winehaven rehabilitation; the casino-hotel complex (24-hour operation), including the conference and entertainment centers; the Point Hotel; the Winehaven cottages; and the retail village.

TRIBAL FACILITIES

Under Alternative B, Tribal facilities including an office, on-site parking, a roundhouse, and dance grounds would be developed identically to Alternative A. Refer to Figure 2-8 for the location of the tribal facilities.

PARKLAND AND RECREATION

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 that 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.

As with Alternative A, a 35-acre shoreline park would provide public access to the Bay along the entire shoreline of the project site. The park would include a newly constructed segment of the San Francisco Bay Trail segment, funded by the Tribe, pursuant to the Bay Trail Plan design policies and guidelines. Hours of operation at the shoreline park would meet or exceed those of surrounding regional parks in Contra Costa and Alameda Counties. Appropriate, down-cast lighting would be used at the park during any hours of operation past dusk. The Tribe would adopt guidelines and standards for the operation and maintenance of the shoreline park substantially similar to the guidelines and standards of the Bay Trail Plan (ABAG, 1999).

RESIDENTIAL DEVELOPMENT

Under Alternative B, an area covering approximately 35 acres in the southwestern portion of the Pt. Molate property would not be taken into trust, but would remain a fee-simple parcel owned by Upstream
Figure 2-8
Site Plan – Alternative B, Mixed-Use Tribal Destination Resort and Casino with Residential Component

PROPOSED OWNERSHIP STATUS

- Tribal Trust Land
- Tribal Fee Land
- City of Richmond
- City of Richmond Submerged Lands
Figure 2-9

Architectural Rendering View to Southeast – Alternative B, Mixed-Use Tribal Destination Resort and Casino with Residential Component

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
Figure 2-10
Architectural Rendering View to South and From Pier – Alternative B, Mixed-Use Tribal Destination Resort and Casino with Residential Component

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
and the Tribe. The parcel would be developed with 340 housing units, with varying residential dwelling types including multi-unit buildings and attached townhomes with three to four bedrooms, ranging in size from 1,700 to 2,600 square feet. These dwelling types will be interspersed, rather than separated into individual neighborhoods. A portion of the homes may be used as housing for Guidiville Tribal members under a Tribal housing program developed by the Tribe.

Because of the sloped character of the site, the proposed residential development has been conceptually designed to take advantage of views of the San Francisco Bay. On three stepped terraces, the majority of the units would have their main living areas oriented towards the water and would have garage access off an alley. The design of the residential development contains numerous photovoltaic arrays, providing electrical generation and solar hot water. A small community recreation building is planned for the center of the neighborhood. A community garden is planned located near the cottages that would produce fresh fruits, herbs, and vegetables. This will serve local residents and restaurants, as well as providing an outdoor classroom for local schools and interested neighbors. Also, an ethno-botanical education garden will display traditional plants of cultural importance to local tribes.

**Parking and Internal Circulation**

Approximately 5,000 parking spaces would be provided in a parking structure located across Western/Winehaven Drive from the casino-hotel complex. Access points to this parking structure would be provided from Western/Winehaven Drive with pedestrian access through a foot bridge (and/or tunnel) structure to the main development area west of Western/Winehaven Drive. Both valet and employee parking would be contained within the parking structure. Another parking structure would be constructed with 2,500 spaces to service the Point Hotel, retail development, restaurants, park, and ferry facilities near the shoreline. An additional 30 parking spaces for Tribal employees and visitors would be provided adjacent to the Tribal offices. Parking for local residents would be provided within the individual housing units. As with Alternative A, covered parking for buses would be provided at the northern end of the Winehaven building.

Once on-site, patrons of the resort complex may move between the various amenities on foot, bicycle, or by internal shuttle. Adequate, secure bicycle parking would be provided throughout the development. For guests staying in the cottage suites or hillside casitas, electric vehicles, similar to golf carts, would be provided to move between the various components of the complex.

**Western/Winehaven Drive**

Improvements would be made to Western/Winehaven Drive from I-580 through the property in a manner consistent with that described for Alternative A. Further details on the planned improvements of Western/Winehaven Drive are discussed in Section 4.8.
PIER REUSE

The existing fuel pier would be retrofitted for passenger use and a ferry terminal would be constructed. Retrofitting of the pier and utilization for ferry service would require a lease agreement from the California State Lands Commission. Ferry service, public walkways, and shore-side services would be developed as described under Alternative A (Section 2.2.2).

ON-SITE QUARRYING

Mass grading during construction for Alternative B would be similar to that described for Alternative A. In the course of grading and excavation, the material would be crushed on-site, sorted, and shipped directly to construction sites around the Bay and Delta region. Exportation of fill material would be primarily by barge, via the pier located on-site.

WATER SUPPLY

Average domestic water demand (including landscape irrigation) for this alternative is estimated to be 600 gpm, and peak day-demand during the irrigation season is estimated to be 933 gpm, which includes water demand for the proposed residential area and 75 percent of the peak irrigation demand (Appendix G). Refer to the discussion of wastewater treatment and disposal regarding the remaining 25 percent of the irrigation water demands. To meet this demand the Tribe would connect to EBMUD’s existing 12-inch diameter main located along Western/Winehaven Drive. The Tribe would utilize existing service lines, and abandon existing lines that are not required to meet the demands of Alternative B. The water supply configuration for Alternative B would be nearly identical to that proposed for Alternative A. The Tribe would obtain water supply for the Proposed Project through a service agreement with the EBMUD. The Tribe would pay fees consistent with normal water connection fees. Refer to Appendix G for an illustration of the proposed water supply configuration.

WASTEWATER TREATMENT AND DISPOSAL

Wastewater generation for Alternative B is estimated at an average of 679,000 gpd, with a peak generation rate of 964,000 (Appendix G). As specified in the MSA, the Tribe would provide for a majority of the wastewater disposal for the Proposed Project by connection to the City’s existing wastewater collection system, and pay fees consistent with normal City connection and service fees. Illustrations of the proposed sanitary sewer routing are provided in Appendix G. Wastewater line service to the project site would occur through a combination of 10-inch diameter gravity pipe and 6-inch diameter force main. As with Alternative A, collected wastewater would flow to the City wastewater system. Two different alternative tie-in points with the City system are under consideration. Options 1 and 2 are discussed in Appendix G.
Gray Water System

The Tribe would develop a gray water treatment plant (GWTP) to serve the Winehaven Building, casino and entertainment complex, Point Hotel, and retail village facilities. The GWTP would be developed as described under Alternative A, as the Tribal Commercial Developments are identical. With the addition of the residential units under Alternative B, gray water use for landscape irrigation would account for approximately 25 percent of the total irrigation requirements (refer to Appendix G). The GWTP would be sized to meet the irrigation demands (Table 2-4), taking into consideration availability of storage. A Gray Water Monitoring Plan would be developed as described under Alternative A. Gray water that could not be re-used would be diverted to the conveyance system leading to the off-site RMSD wastewater collection system, using back flow restrictors to prevent contamination of the gray water storage tanks. The gray water system would reduce off-site wastewater disposal requirements according to the annual estimates presented in Table 2-4.

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Note: GPM: Gallons/per minute

Site Drainage

Stormwater would be managed similarly to that as discussed in Section 2.2.2 under Alternative A. The drainage scheme would be similar to Alternative A; however the bioretention basins would be sized accordingly to reduce off-site stormwater runoff rates to current conditions (Appendix H).
2.0 Proposed Action and Alternatives

Utilities
The Tribe would obtain electric, gas, and telephone service for the Proposed Project from private service providers. The Tribe would connect to and pay appropriate fees for each of these services. Various methods of on-site renewable energy and co-generation have been incorporated into the Proposed Project design to reduce dependence on the local electrical grid.

Public Health and Safety
As with Alternative A, the Tribe would adopt a Tribal Ordinance that would be the functional equivalent to municipal public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing, and sanitation including annual inspections through a licensed health inspector. These include Article IX Health, Chapter 9.16 (Food Establishments) of the City’s Municipal Code.

Law Enforcement
Tribal police would have primary responsibility for maintaining order and safety on trust land and within the structures of the Proposed Project, in full cooperation with Tribal Security, the Tribal Gaming Commission, and the Richmond Police Department. Pursuant to the MSA, the Tribe would provide the City with the funds to provide a total of nine additional City police department staff to be used on the project site. Within the security offices of the gaming facilities, the Tribe would provide the Richmond Police with space and supplies to perform their duties. The Richmond Police Department would retain jurisdiction over lands that would not be taken into trust.

Fire and Emergency Medical Services
The existing on-site fire station would be renovated to serve the needs of the Proposed Project. As with Alternative A, the Tribe would construct a fire station that would meet the City’s reasonable requirements and the City would be responsible for staffing and maintenance of the fire station. The Tribe would make the same contributions as identified under Alternative A. The on-site fire station would be operated by the City, pursuant to the terms of the LDA and MSA. As with Alternative A, a redundant water supply for emergency fire protection would be provided by upgrading and reusing existing fire suppression water tanks on-site, in combination with a connection to water supplied by EBMUD. The Tribe would contract with a private company for emergency medical services.

2.4 ALTERNATIVE C - REDUCED INTENSITY MIXED-USE TRIBAL DESTINATION RESORT AND CASINO

2.4.1 Discretionary Actions
The same federal and City discretionary approvals would be required for Alternative C as for Alternative A. Refer to Section 2.2.1 under Alternative A, above.
2.4.2 ALTERNATIVE C COMPONENTS

Alternative C differs from Alternative A in that the Point Hotel would not be constructed, the number of rooms in the casino hotel would be reduced to 400, parkland and open space would be increased to 236 acres, the conference and entertainment facilities would be reduced to 50,000 and 30,000 square feet, respectively, and the retail village would be reduced to 20,000 square feet. Table 2-2 details the uses and square footages for the components of Alternative C. Figure 2-11 shows the site plan for Alternative C. Architectural renderings for Alternative C are presented in Figures 2-12 and 2-13.

CASINO, HOTEL, AND RETAIL COMPONENTS

Under Alternative C, the Winehaven casino and the Winehaven cottages would be rehabilitated identically to Alternative A. The casino-hotel complex, including casino (24 hour operation), casino hotel, and conference and entertainment facilities would also be developed similarly to Alternative A, but with the following modifications: the hotel component would consist of only 400 rooms; the conference center would measure 50,000 square feet; the entertainment center would be reduced to 30,000 square feet with a 1,000-seat capacity; the Point Hotel proposed for Alternatives A and B would not be developed; and the retail village would be reduced to 20,000 square feet, with approximately 15-30 retail shops. The retail village would include restaurants and cafes, retail shopping, and public plazas with both luxury and convenience shopping to attract regional tourism and serve local residents.

TRIBAL FACILITIES

Under Alternative C, Tribal facilities including an office, a roundhouse, and dance grounds would be developed identically to Alternative A.

PARKLAND AND RECREATION

Approximately 191 acres of hillside land would be maintained as open space. Open space areas would be developed and managed as described under Alternative A. A 45-acre shoreline park with features similar to that described for Alternative A would provide public access to the Bay along the entire shoreline of the project site. The park would include a newly constructed segment of the San Francisco Bay Trail, funded by the Tribe, pursuant to the Bay Trail Plan design policies and guidelines. Hours of operation at the shoreline park would meet or exceed those of surrounding regional parks in Contra Costa and Alameda Counties. Appropriate, down-cast lighting would be used at the park during any hours of operation past dusk. The Tribe would adopt guidelines and standards for the operation and maintenance of the shoreline park substantially similar to the guidelines and standards of the Bay Trail Plan (ABAG, 1999).

PARKING AND INTERNAL CIRCULATION

Approximately 5,000 parking spaces would be provided in an 8-level parking structure located across Western/Winehaven Drive from the casino-hotel complex. Access points to this parking structure would
A  Hillside Open Space
B  Cultural Dance House (Roundhouse)
C  Tribal Park Offices
D  Cultural (Ceremonial Dance Ground)
E  Historic Cottage Hotel Suites
F  Garage with Rooftop Photo-Voltaic Array
G  Transit Vehicle Parking Enclosure
H  Historic Winehaven Building (Casino)
I  Conference Center over Garage
J  Pedestrian Bridge
K  Casino
L  Hotel
M  Recreation Terrace over Entertainment Venue
N  Shoreline Park/Trail
O  Ferry Landing/Pier
P  Kayaking Center

PROPOSED OWNERSHIP STATUS
- Tribal Trust Land
- City of Richmond
- City of Richmond Submerged Lands
Figure 2-12
Architectural Rendering View to Southeast – Alternative C, Reduced Intensity Mixed-Use Tribal Destination Resort and Casino

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
Figure 2-13

Architectural Rendering View to South and From Pier – Alternative C, Reduced Intensity Mixed-Use Tribal Destination Resort and Casino

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
be provided from Western/Winehaven Drive with pedestrian access through a foot bridge (and/or tunnel) to the hotels, casinos, and remainder of the site west of Western/Winehaven Drive. Both valet and employee parking would be contained within the parking structure. An additional 30 parking spaces for Tribal employees and visitors would be provided adjacent to the Tribal offices. Covered parking for buses would be provided at the northern end of the Winehaven building. Once on-site, patrons of the resort complex may move between the various amenities on foot, bicycle, or by internal shuttle.

Adequate, secure bicycle parking would be provided throughout the development. For guests staying in the cottage suites, electric vehicles, similar to golf carts, would be provided to move between the various components of the complex.

**WESTERN/WINEHAVEN DRIVE**

Improvements would be made to Western/Winehaven Drive from I-580 through the property in a manner consistent with that described for Alternative A. Further details on the planned improvements of Western Drive are discussed in Section 4.8, Transportation.

**PIER REUSE**

The existing fuel pier would be retrofitted for passenger use and a ferry terminal would be constructed. Retrofitting of the pier and utilization for ferry service would require a lease agreement from the California State Lands Commission. Ferry service, public walkways, and shoreside services would be developed as described under Alternative A (Section 2.2.2).

**WATER SUPPLY**

Average domestic water demand for this alternative is estimated to be 320 gpm, and peak demand during irrigation season is estimated to be 594 gpm (including 79 percent of the landscape irrigation demand) (Appendix G). Refer to the discussion of wastewater treatment and disposal regarding the remaining 21 percent of the irrigation water demands. To meet this demand the Tribe would connect to EBMUD’s existing 12-inch diameter main located along Western/Winehaven Drive. The Tribe would utilize existing service lines, and abandon existing lines that are not required to meet the demands of Alternative C. The water supply configuration for Alternative C would be nearly identical to that proposed for Alternative A. The Tribe would obtain municipal water for the Proposed Project through a service agreement with the EBMUD. The Tribe would pay fees consistent with normal water connection fees. Refer to Appendix G for an illustration of the proposed water supply configuration for Alternative C.

**WASTEWATER TREATMENT AND DISPOSAL**

Average wastewater generation for Alternative C is estimated at 361,000 gpd with a peak generation rate of 559,000 gpd (Appendix G). As described under Alternative A, the Tribe would provide for a majority of the wastewater disposal for the Proposed Project by connection to the City’s existing wastewater
collection system, and pay fees consistent with normal City connection and service fees. Sewer service to the project site would occur through a combination of a 6-inch diameter gravity pipe and a 6-inch diameter force main. As with Alternative A, collected wastewater would flow to the City wastewater system. Two different alternative tie-in points with the City system are under consideration. Options 1 and 2 are discussed in Section 2.2.2 under Alternative A. Appendix G provides an illustration of the proposed sanitary sewer configuration for Alternative C.

**Gray Water System**

The Tribe would develop a gray water treatment plant (GWTP) to serve the Winehaven Building, casino and entertainment complex, cottages, and retail village facilities. The GWTP would be developed as described under Alternative A. Gray water generated under Alternative C would account for approximately 21 percent of the total irrigation requirements (refer to Appendix G). The GWTP would be sized to meet the irrigation demands (Table 2-5), taking into consideration availability of storage, but would be reduced in size compared to Alternative A because the main hotel and casitas would not be developed under Alternative C. Gray water that could not be re-used would be diverted to the conveyance system leading to the off-site RMSD wastewater collection system, using back flow restrictors to prevent contamination of the gray water storage tanks. The gray water system would reduce off-site wastewater disposal requirements according to the annual estimates presented in Table 2-5.

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</table>

Note: GPM: gallons per minute
SITE DRAINAGE

Stormwater would be managed similarly to as discussed in Section 2.2.2 under Alternative A. The drainage scheme would be similar to Alternative A; however, the bioretention basins would be sized accordingly to reduce off-site stormwater runoff rates to pre-existing conditions (Appendix H).

UTILITIES

The Tribe would obtain electric, gas, and telephone service for the Proposed Project from private service providers. The Tribe would connect to and pay applicable fees for each of these services. Various methods of on-site renewable energy and co-generation have been incorporated into the Proposed Project design to reduce dependence on the local electrical grid.

PUBLIC HEALTH AND SAFETY

As with Alternative A, the Tribe would adopt a Tribal Ordinance that would be the functional equivalent to state public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing, and sanitation including annual inspections through a licensed health inspector. The Tribe would adopt public health and safety ordinances that are substantially similar to those of the local jurisdictions. These include Article IX Health, Chapter 9.16 (Food Establishments) of the City’s Municipal Code.

Law Enforcement

Tribal police would have primary responsibility for maintaining order and safety on Trust land, in full cooperation with the City Police Department. Pursuant to the MSA, the Tribe would provide the City with a total of nine additional police department staff. Within the security offices of the gaming facilities, the Tribe would provide the Richmond Police with space and supplies to perform their duties.

Fire and Emergency Medical Services

Under this alternative, the existing on-site fire station would be renovated to serve the needs of the project. As with Alternatives A and B, the Tribe would construct a new fire station that would meet the City’s reasonable requirements and the City would be responsible for staffing and maintenance of the fire station. The on-site fire station would be owned and operated by the City. As with Alternative A, a redundant water supply for emergency fire protection would be provided by upgrading and reusing existing fire suppression water tanks on-site, in combination with a connection to water supplied by EBMUD. The Tribe would contract with a private company for emergency medical services.
2.5 ALTERNATIVE D – NON-TRUST ACQUISITION WITH NON-GAMING MIXED-USE DEVELOPMENT

2.5.1 DISCRETIONARY ACTIONS

Under Alternative D, the land would not be deeded back to the United States to be held in trust for the Tribe, a reservation proclamation would not be requested, and a gaming management contract would not be needed. Under this alternative, the land, held in fee status, would be developed by the Tribe and Upstream with commercial mixed-use and market-rate housing for sale or lease to private individuals and families. Under Alternative D, federal discretionary approvals would be limited to permitting as required under sections of the Clean Water Act for renovation of the pier and construction of other facilities that may require Clean Water Act permits.

City discretionary decisions under Alternative D would include:

All actions and approvals described within the November 9, 2004 LDA (Appendix C), including:

a. Sale of the Point Molate property to the Tribe/Upstream;
b. Approval of subdivision or parcel maps necessary to create separate legal parcels for the shoreline property and to exclude the Western Drive right of way;
c. Approval of building, planning, zoning and environmental review documents related to the development of the Proposed Project;
d. Approval of improvement plans for the widening of Western Drive;
e. Renaming of Western Drive to Winehaven Drive from the intersection at I-580 to the northern terminus of the road;
f. Approval or disapproval of any testing that may be deemed necessary on the property or of the buildings prior to the completion of the environmental documents or start of construction.
g. Approval of a lease from the State Lands Commission for public trust lands under and adjacent to the pier.

The foreseeable consequences of these discretionary City actions would be the development of residential and commercial uses at the location of the former Point Molate Naval Fuel Depot, Richmond, California (Figures 1-1 and 1-2). As previously noted, approximately 140 acres of the 413 acres are submerged within the Bay and are not included in areas proposed for development.

Alternative D would include development of approximately 1,100 units of high-, medium-, and low-density housing, a hotel-conference center and small retail and professional center in the rehabilitated Winehaven building, and 29 small professional offices in the rehabilitated Winehaven cottages.
2.5.2 **ALTERNATIVE D COMPONENTS**

Table 2-6 details the uses and square footages for the components of Alternative D. Figure 2-14 depicts the site plan for Alternative D. Architectural renderings of Alternative D are presented in Figures 2-15 and 2-16.

**RESIDENTIAL**

Under Alternative D, six housing areas are proposed as detailed in Table 2-7. Figure 2-14 shows the location of Alternative D components. A total of 1,100 units are proposed in five locations: near the shoreline, on the hillside, along the bay, on the shoreline knoll, and in the southern area. Residential uses would occupy approximately 70.5 acres of the project site. Roughly two-thirds of the residential units would be medium or high density, with the balance proposed for low density units.

<table>
<thead>
<tr>
<th>TABLE 2-6</th>
<th>PROJECT COMPONENTS AND SQUARE FOOTAGES – ALTERNATIVE D</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Component</strong></td>
<td><strong>Area / Units</strong></td>
</tr>
<tr>
<td>Winehaven Building</td>
<td></td>
</tr>
<tr>
<td>Dining</td>
<td>40,000 sf.</td>
</tr>
<tr>
<td>Retail / Commercial</td>
<td>80,000 sf.</td>
</tr>
<tr>
<td>Hotel and Conference Center</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>100,000 sf. / 150 rooms</td>
</tr>
<tr>
<td>Conference Facility</td>
<td>150,000 sf.</td>
</tr>
<tr>
<td>Winehaven Offices</td>
<td></td>
</tr>
<tr>
<td>Suites</td>
<td>700 - 1,500 sf / 29 suites</td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
</tr>
<tr>
<td>High density homes</td>
<td>14.4 acres / 577 units</td>
</tr>
<tr>
<td>Medium density homes</td>
<td>6.2 acres / 157 units</td>
</tr>
<tr>
<td>Low density homes</td>
<td>49.9 acres / 366 units</td>
</tr>
<tr>
<td>Parkland &amp; Recreation</td>
<td></td>
</tr>
<tr>
<td>Hillside Open Space</td>
<td>145 acres</td>
</tr>
<tr>
<td>Shoreline Park</td>
<td>35 acres</td>
</tr>
<tr>
<td>Ferry Terminal</td>
<td></td>
</tr>
<tr>
<td>Ferry Offices / Waiting Area</td>
<td>5,000 sf.</td>
</tr>
</tbody>
</table>

TABLE 2-7
HOUSING COMPONENTS – ALTERNATIVE D

<table>
<thead>
<tr>
<th>No. Units</th>
<th>Density</th>
<th>Land Area (acres)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>62</td>
<td>High</td>
<td>1.7</td>
<td>Shoreline</td>
</tr>
<tr>
<td>160</td>
<td>High</td>
<td>5.2</td>
<td>Shoreline</td>
</tr>
<tr>
<td>40</td>
<td>Medium</td>
<td>1.7</td>
<td>Hillside</td>
</tr>
<tr>
<td>80</td>
<td>High</td>
<td>2.7</td>
<td>Bayside</td>
</tr>
<tr>
<td>275</td>
<td>High</td>
<td>4.8</td>
<td>Hillside</td>
</tr>
<tr>
<td>55</td>
<td>Medium</td>
<td>2.1</td>
<td>Hillside</td>
</tr>
<tr>
<td>62</td>
<td>Medium</td>
<td>2.4</td>
<td>Shoreline</td>
</tr>
<tr>
<td>26</td>
<td>Low</td>
<td>12</td>
<td>Shoreline knoll</td>
</tr>
<tr>
<td>340</td>
<td>Low</td>
<td>37.9</td>
<td>Southern</td>
</tr>
</tbody>
</table>

Total 1,100 Total 70.5


WINEHAVEN BUILDING

Under Alternative D, the Winehaven building would be rehabilitated and redeveloped with restaurants, cafes, and retail and small office establishments, totaling approximately 120,000 square feet on two levels.

HOTEL AND CONFERENCE CENTER

Hotel and conference facilities under Alternative D include a 150-room, 100,000-square foot hotel with five stories, and a 150,000 square-foot, two-story conference center. The hotel and conference center would be physically connected through the lobby of the hotel, and would be constructed adjacent to the Winehaven building. The conference center would provide facilities for typical business and educational conferences and conventions, with partitioning walls to create modular spaces of varying sizes. The center would also be available for community events, weddings, and other celebrations.

WINEHAVEN COTTAGE OFFICES

Alternative D includes the rehabilitation of the 29 historic Winehaven cottages to provide for professional office suites. Each two-story suite would vary between approximately 700 and 1,500 square feet.

PARKLAND AND RECREATION

Approximately 145 acres of hillside land would be maintained as open space. Open space areas would be maintained primarily in their natural state but would include pedestrian trails, picnic areas (both open and reserved), restrooms, and other amenities as are found in regional parks in Alameda and Contra Costa Counties.
A Hillside Open Space
B Historic Cottages—Adaptively Re-Used for Live/Work
C Historic Winehaven Building—Adaptively Re-Used as Conference Center and Offices
D Hotel
E Northern Residential Neighborhood
F Single Family Residential Neighborhood
G Shoreline Park and Trail
H Ferry Landing/Pier
I Southern Residential Neighborhood
J Kayaking Center

PROPOSED OWNERSHIP STATUS
- Tribal Fee Land
- City of Richmond
- City of Richmond Submerged Lands

0 500 1000 Feet

Architectural Rendering View to Southeast – Alternative D, Non-Trust Acquisition with Non-Gaming Mixed-Use Development
Figure 2-16

Architectural Rendering View to South and From Pier – Alternative D, Non-Trust Acquisition with Non-Gaming Mixed-Use Development

SOURCE: Upstream Point Molate LLC, 2007; AES, 2008
A 35-acre shoreline park would provide public access to the Bay along the entire shoreline of the project site, and would include a variety of park amenities such as vegetated areas, picnic sites, and recreational and restroom facilities. The park would include a newly constructed segment of the San Francisco Bay Trail segment, funded by the Tribe and Upstream, pursuant to the Bay Trail Plan design policies and guidelines. Hours of operation at the shoreline park would meet or exceed those of surrounding regional parks in Contra Costa and Alameda Counties. Appropriate, down-cast lighting would be used at the park during any hours of operation past dusk. The City would adopt guidelines and standards for the operation and maintenance of the shoreline park substantially similar to the guidelines and standards used for similar parks in the region. The City would construct a kayaking center similar to the one identified for Alternative B. The kayaking center would be located in the southern portion of the project site within the shoreline park.

**Parking**

Parking for the commercial uses of the project site would be provided by a subterranean structure located under the hotel and would provide up to 2,500 parking spaces. Additional surface parking would be available throughout the project site adjacent to the retail and commercial structures. As proposed for Alternative B, parking for local residents would be provided within the individual housing units. Adequate, secure bicycle parking would be provided throughout the development.

**Western/Winehaven Drive**

Improvements would be made to Western/Winehaven Drive from I-580 through the property in a manner consistent with that described for Alternative A. Further details on the planned improvements of Western Drive are discussed in Section 4.8, Transportation.

**Pier Reuse**

The existing fuel pier would be retrofitted for passenger use and a ferry terminal would be constructed. Retrofitting of the pier and utilization for ferry service would require a lease agreement from the California State Lands Commission. Ferry service, public walkways, and shore side services would be developed as described under Alternative A (Section 2.2.2). Under Alternative D, ferry/hovercraft service would primarily serve on-site residents, with an average passenger load of 300 to 500 per day. Ferry schedules and shore side services (including parking and retail services) would be significantly reduced compared to other alternatives; however, there would be up to 5,000 square feet of covered uses on the pier for ticketing, passenger waiting and retail.

**On-Site Quarrying**

Mass grading during construction for Alternative D would be similar to that described for Alternative A, but the net fill export (approximately 421,000 cubic yards) would be greatly reduced since the point bluff would not be significantly graded. In the course of grading and excavation, the material would be
crushed on-site, sorted, and shipped directly to construction sites around the Bay and Delta region. Exportation of fill material would be primarily by barge, via the pier located on-site.

**WATER SUPPLY**

Average domestic water demand for this alternative is estimated to be 540 gpm, with a peak demand of 880 gpm, which includes peak landscape irrigation demand (Appendix G). To meet this demand the Tribe and Upstream would connect to the EBMUD’s existing 12-inch diameter main located along Western/Winehaven Drive. The Tribe and Upstream would utilize existing service lines, and abandon existing lines that are not required to meet the demands of Alternative D. The water supply configuration for Alternative D would be nearly identical to that proposed for Alternative A. The Tribe and Upstream would obtain municipal water for the Proposed Project through a service agreement with the EBMUD. The Tribe would pay fees consistent with normal water connection fees. Appendix G provides an illustration of the proposed water supply configuration for Alternative D.

**WASTEWATER TREATMENT AND DISPOSAL**

As the MSA does not apply to Alternative D, the Tribe and Upstream would provide for wastewater disposal for the Proposed Project by connection to the City’s existing wastewater collection system, and pay fees consistent with normal City connection and service fees. If this alternative is selected, an agreement between the Tribe/Upstream and the City would be reached for sewer service. Appendix G provides an illustration of the proposed sanitary sewer configuration for Alternative D.

Estimated wastewater generation for Alternative D is estimated at 637,000 gpd with a peak generation rate of 796,000 gpd (Appendix G). Sewer service to the project site would be provided via a combination of a 6-inch diameter gravity pipe and a 6-inch diameter force main. Two different alternative tie-in points with the City system are under consideration. Options 1 and 2 are discussed in Section 2.2.2 under Alternative A.

**SITE DRAINAGE**

Stormwater would be managed similarly to as discussed in Section 2.2.2 under Alternative A. The drainage scheme would be similar to Alternative A; however, the bioretention basins would be sized accordingly to reduce off-site stormwater runoff rates to pre-construction conditions (Appendix H).

**UTILITIES**

Electric, gas, and telephone service would be provided by private service providers. Appropriate fees would be paid for each of these services consistent with normal connection rates.
PUBLIC HEALTH AND SAFETY

The proposed food-serving facilities under Alternative D would be subject to the standards and provisions of the City’s Municipal Code Article IX, Health, Chapter 9.16 (Food Establishments) and would be subject to annual inspection fees.

Law Enforcement

Under Alternative D, the project site would be owned in fee title, and would be under the jurisdiction of the City Police Department. The Tribe, Upstream, and the City would reach an agreement regarding the need for additional police department staff, as is normally done for new subdivision and high intensity developments.

Fire and Emergency Medical Services

Under this alternative, the existing on-site fire station would be renovated to serve the needs of the project. Under Alternative D, the Tribe, Upstream, and the City would reach an agreement regarding additional staffing and equipment. As with Alternative A, a redundant water supply for emergency fire protection would be provided by upgrading and reusing existing fire suppression water tanks on-site, in combination with a connection to water supplied by EBMUD.

2.6 ALTERNATIVE E – TOTAL PARKLAND

2.6.1 DISCRETIONARY ACTIONS

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. Under Alternative E, no federal discretionary approvals would be required. This potentially feasible alternative would require the following discretionary decisions by the City:

a. Resolving to dedicate the former Point Molate Naval Fuel Depot for use as a public park maintained by the City.

b. Acquisition of a lease from the State Lands Commission for public trust lands under and adjacent to the pier.
Figure 2-17

Site Plan – Alternative E, Total Parkland

2.6.2 ALTERNATIVE E COMPONENTS

Under Alternative E, the project site would be dedicated for use as parkland, in a manner consistent with Alternative A considered in the San Pablo Peninsula Open Space Study. A site plan of Alternative E is presented in Figure 2-17. The total parkland alternative would include minimal infrastructure improvements necessary to provide and maintain basic amenities such as public restrooms and would not include any major new construction within the project site. Unlike Alternatives A – D, Western Drive would not be widened or otherwise altered beyond what is required as a matter of routine maintenance.

TRAILS AND RECREATION

The park would include a newly constructed segment of the San Francisco Bay Trail, which would conform to the Bay Trail Plan design policies and guidelines as published by the Association of Bay Area Governments (ABAG) (1999). The Bay Trail segment would be designed in consultation with members of the Trails for Richmond Action Committee (TRAC). The City would adopt guidelines and standards for the operation and maintenance of the park substantially similar to the guidelines and standards of the Bay Trail Plan. Hours of operation at the shoreline park would meet or exceed those of surrounding regional parks in Contra Costa and Alameda Counties. Appropriate, down-cast lighting would be used at the park during any hours of operation past dusk. As depicted in Figure 2-17, the Bay Trail would be sited in a manner consistent with that of the development alternatives. As with Alternatives A – D, the Bay Trail would be situated along the western margin of the site, providing unobstructed views of San Francisco Bay.

A secondary trail system would be established east of Western Drive in the hillside area (Figure 3.8-2). The trail system would make use of the existing road network within the hillside area and would not require any new construction, with the exception of limited resurfacing within the trail right-of-way. Existing roads within the hillside areas that would not be incorporated into the trail system would be closed.

PIER REUSE

The existing fuel pier 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. The primary modifications to the pier from its current state would include removal or covering of the abandoned fuel lines and installation of a hand rail along the entire perimeter of the structure. Repurposing of the pier and above-water modifications would require a lease agreement from the California State Lands Commission.

HISTORIC PRESERVATION

Under the Total Parkland Alternative, the structures comprising the Winehaven Historic District would be stabilized to prevent additional deterioration, but would not be adaptively reused. Specifically, damage to
the structures incurred as a result of deferred maintenance, as detailed in the structural assessment included as Appendix E, would be addressed. Such repairs would conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and would likely be limited to re-installing failed portions of roofs and facades, correcting water damage, as well as reinforcement of structurally deficient framing. Interpretive kiosks would be provided at several strategic points within the historic district, but public access to the interiors of the buildings would not be provided.

**PARKING**

Parking for park visitors would be provided in the large paved lot known as Drum Lot 2, located in the southern portion of the project site. The lot is situated on the east-side of Western Drive, adjacent to the existing shoreline park. The lot is currently paved and would require minor upgrades such as striping and resurfacing as needed.

### 2.7 ALTERNATIVE F – NO ACTION

Under the No-Action Alternative, the BIA would not approve a trust acquisition or reservation proclamation, the NIGC would not approve a gaming management contract, and the City would not sell or lease land to the Tribe. For the purposes of the environmental analysis in this EIS/EIR, it is assumed that the project site would continue under current land uses since there currently are no foreseeable funding or agreements in place that provide for the redevelopment of the project site.

Due to the presence of a National Register Historic District, any future development would be required to provide for the appropriate treatment of the historic resources located within the project site. A recent structural analysis of six of the 35 historic buildings located within the Winehaven Historic District indicates that the buildings are in an advanced state of disrepair and a significant amount of financial resources are necessary to stabilize the structures (Appendix E). The analysis concluded that more than $20 million would be necessary to make buildings No.1, 6, 10, 13, 17, and 63 safe to occupy. At present, there are no other viable proposals with the funds necessary to reuse the project site.

It is recognized that, in the long term, one of the options to be presented in the City of Richmond’s Draft General Plan Update may be implemented. The Draft General Plan Update, scheduled for release to the public in 2009, identifies three options for the project site: total parkland and recreation (Option 1); the Preferred Alternative from the San Pablo Open Space Study (Appendix V) that includes the development of open space, a shoreline park, and mixed-use commercial components (Option 2); and a third option which corresponds to the Proposed Project (Option 3). If the No Action Alternative is selected, then Options 1 and 2 would be considered by the City.
2.8 ALTERNATIVES ELIMINATED FROM CONSIDERATION

NEPA Section 1502.14(a) requires a discussion of alternatives that were eliminated from further study, and the reasons for their having been eliminated. CEQA Guidelines Section 15126.6(c) states that the “EIR should …identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” This section of the Guidelines goes on to state, “among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.”

The alternatives discussed herein were considered and rejected from full EIS/EIR analysis because these alternatives would not fulfill the BIA’s stated Purpose and Need or meet the project objectives of the City of Richmond. These alternatives would not be feasible due to economic or environmental constraints, and would not result in significantly reduced impacts on the environment compared with the Proposed Project. The alternatives considered but rejected are briefly discussed below along with the reasons for rejection.

2.8.1 OFF-SITE LOCATIONS

Two off-site locations were initially considered by the Tribe for potential reestablishment of a restored lands base to be held in trust. The location of the Tribe’s former reservation land, a 244-acre parcel near Talmage, was liquidated by the federal government following termination of the Guidiville Band in 1963 in the City of Ukiah, Mendocino County (Figure 2-18). The 1992 judgment restoring the Tribe’s federal status contained stipulations specifically disallowing the reestablishment of the former Guidiville Rancheria as trust land. Although some Tribal members own individual parcels within the former Rancheria, the federal stipulations limiting the use of this land create an insurmountable obstacle as far as Tribal economic development activities are concerned.

In 1994, the Guidiville Band applied for and received an Indian Community Development Block Grant from the Department of Housing and Urban Development (HUD) to acquire a 44-acre parcel for Tribal housing (Figure 2-18). In 1999, title to this land was accepted by the United States to be held in trust for the benefit of the Tribe, and is the only current trust land for the Tribe. Tribal housing is currently located within an eight-acre portion on the southeast side of the parcel. The Tribe investigated the potential of the rest of the site for commercial development in order to provide a revenue source; however, an initial assessment of the environmental, regulatory, and accessibility constraints demonstrated that any sizable development within the non-housing portion of the parcel would not be feasible. As described in a geotechnical study completed in 2005, the major obstacles to development within the HUD site are: limited site access, steep topography, existing wetlands, streams, and oak woodlands, and active landslides (LFR, 2005). Access to the undeveloped portion of the 44-acre property is restricted to an
Figure 2-18
Location of Tribe’s Former Rancheria and Current Trust Land
existing road leading through a residential neighborhood, thus limiting development options for the remainder of property to uses compatible with existing residents. The topography of the 44-acre property is such that the undeveloped portions of the property consist of steep canyons (up to 70 feet deep) with slopes of up to 50 percent (LFR, 2005).

The site investigation determined that, at most, three or four acres of the parcel, located at the northwestern corner, would be suitable for small-scale development if access could be obtained through adjacent property (LFR, 2005). Large quantities of fill would have to be imported to create suitable building sites. The geotechnical study also found that documented Waters of the U.S. are located on the property, as well as other streams that may qualify. Active landslides on the property eliminate the possibility of developing the narrow plateau that bisects the two deepest canyons, as well as the limited developable acreage at the northwestern portion of the property. Removal of existing oak woodland habitats would require significant mitigation to compensate for the loss. Furthermore, the limited size of the available land could not support economic development sufficient to fulfill the Tribe’s needs and objectives. Moreover, use of the HUD site for gaming would violate the grant agreement.

After several failed efforts to acquire additional land in conjunction with various economic development proposals, the Tribal government concluded that a comprehensive mixed-use development, that included gaming on former federal land, located in a community that sought to work with the Tribe, was the most appropriate mechanism to reestablish an economically sustainable land base and to meet the goals and policies of the Tribe and the BIA. Several parcels of land were investigated, including property within or near the cities of Vallejo, Antioch, Fairfield, Hercules, and unincorporated lands in Sonoma and Solano Counties. Portions of the former Naval shipyard on Mare Island and former Naval lands near Concord were also considered. After an evaluation, each of these parcels was 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.

Because all the alternative sites suggested are not within the jurisdictional boundaries of the City, none would achieve the City’s objectives for the NFD property. None of the off-site locations meet the purposes of the City’s Base Reuse Plan and BRAC agreement with the US Navy, since they would not provide for productive reuse of the Point Molate property. Nor would they allow the City to fulfill its objectives of community economic development and creation of a long-term source of income for the City, while preserving historic and natural resources and promoting public access to shoreline and open space recreation areas. Therefore, all of the above-mentioned off-site alternatives were eliminated from further consideration.
2.9 COMPARISON OF ALTERNATIVES

CEQ Regulations (40 C.F.R. § 1502.14) state that an EIS should present environmental impacts of proposed alternatives in a comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Additionally, the purpose of the alternative analysis, according to CEQA Guidelines Section 15126.6(a), is to describe a range of reasonable alternative projects that could feasibly attain most of the objectives of the Proposed Project and to evaluate the comparative merits of each. CEQA Guidelines Section 15126.6(b) requires consideration of alternatives that could reduce to a less than significant level, or eliminate, any significant adverse environmental effects of the Proposed Project, including alternatives that may be more costly or could otherwise impede the Proposed Project’s objectives. The range of alternatives evaluated in an EIR is governed by a “rule of reason,” which requires the evaluation of alternatives “necessary to permit a reasoned choice.” Alternatives considered must include those that offer substantial environmental advantages over the Proposed Project and which may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors.

2.9.1 SUMMARY OF ALTERNATIVES

Alternatives A, B, and C are similar in that they include development of a mixed-use resort and Tribal facilities (offices, cultural center, and housing). For that reason, implementation of those alternatives would also involve: (1) the acceptance of land in trust by the BIA; (2) issuance of a reservation proclamation by the Department of the Interior; and (3) approval of a gaming development and management contract by the NIGC. Differences between Alternatives A, B, and C include the following:

- Alternative A, would consist of a planned development incorporating historic preservation, parks and outdoor recreation, open space, Tribal cultural/religious facilities, retail, resort hotel amenities, ferry transportation facilities, parking, Tribal government buildings, a police substation, fire station, and casino.
- Alternative B is substantially similar to Alternative A; however, it includes the development of 340 residential units on a 32-acre parcel in the southwestern portion of the project site, east of Winehaven/Western Drive. The 32-acre parcel would not be taken into federal trust, but owned in fee title by the Tribe and Upstream. Alternative B would require City approvals for the proposed residential development.
- Alternative C is the Reduced Intensity Alternative, wherein the intensity of uses and overall footprint would be reduced. The revenue generated by this alternative would be reduced, thereby reducing the number of programs and services the Tribal Government could offer Tribal members and neighboring communities.

Alternative D is a non-gaming, non-trust acquisition alternative where the land, held in fee title, would be developed by the Tribe and Upstream with commercial mixed-use and market-rate housing for sale or
lease to private individuals. Under Alternative D, federal discretionary approvals would be limited to permitting required under sections of the Clean Water Act for potential impacts to jurisdictional waters of the United States.

Alternative E is the Total Parkland Alternative. Under Alternative E, the project site would be dedicated for use as parkland in a manner consistent with Alternative A considered in the San Pablo Peninsula Open Space Study. The City would retain title to the property and the Tribe and Upstream would not have an interest in the subsequent reuse. The total parkland alternative would include minimal infrastructure improvements necessary to provide and maintain basic amenities and would not include any major new construction within the project site. Unlike Alternatives A – D, Western Drive would not be widened or otherwise altered beyond what is required as a matter of routine maintenance.

Alternative F is the No Action Alternative. Under Alternative F, the land would not be placed into trust, a gaming development and management contract would not be approved, and no development would take place on the project site. The project site would continue to be maintained in its current care-taker status with restricted public access.

### 2.9.2 COMPARISON OF ENVIRONMENTAL CONSEQUENCES

In accordance with the CEQA Guidelines and CEQ Regulations, the alternatives considered in this document include those which could accomplish most of the basic objectives of the project, and that could avoid or substantially lessen one or more of the significant effects of the project. A detailed description of each of the proposed alternatives, including the No Action alternative, is provided above. In accordance with CEQA Guidelines Section 15126.6(d), this document provides sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison. To facilitate a comparison of the environmental consequences of each alternative, the following summary matrix has been prepared which qualitatively compares the environmental impacts of each alternative relative to Alternative A. The matrix, presented below in Table 2-8, identifies whether each resource area/issue area considered would have greater, lesser, or similar impacts compared with Alternative A. In cases where impacts identified to specific resource areas/issue areas are less than significant, the qualitative assessment provided in the matrix reflects the varying degree of the environmental consequences that are below the established significance thresholds. Based on the considerations discussed below, the Total Parkland Alternative (Alternative E) is the environmentally superior alternative. For a detailed, quantitative discussion of potential environmental consequences associated with each of the alternatives, refer to Section 4.0. Measures to avoid, minimize, or mitigate adverse effects are provided in Section 5.0.
### TABLE 2-8
COMPARISON OF ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT WITH THOSE OF THE ALTERNATIVES

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Mixed-Use Tribal Destination Resort and Casino with Residential</td>
<td>Reduced Intensity Mixed-Use Tribal Destination Resort and Casino</td>
<td>Non-Trust Acquisition with Non-Gaming Mixed-Use Development</td>
<td>Total Parkland</td>
<td>No Action</td>
</tr>
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<td>Geology and Soils</td>
<td>Similar</td>
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<td>Similar</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
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<td>Lesser</td>
<td>Greater</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Greater</td>
<td>Lesser</td>
<td>Lesser</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Biological Resources</td>
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<td>Similar</td>
<td>Greater</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Cultural Resources</td>
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<td>Similar</td>
<td>Similar</td>
<td>Lesser</td>
<td>Greater</td>
</tr>
<tr>
<td>Socioeconomic Conditions and Environmental Justice</td>
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<td>Similar</td>
<td>Similar</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Transportation / Traffic</td>
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<td>Lesser</td>
<td>Lesser</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
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<td>Similar</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Utilities and Public Services</td>
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<td>Similar</td>
<td>Lesser</td>
<td>Lesser</td>
</tr>
<tr>
<td>Noise</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
</tr>
<tr>
<td>Hazards and Hazardous Materials</td>
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<td>Greater</td>
<td>Greater</td>
</tr>
<tr>
<td>Aesthetics</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
<td>Greater</td>
</tr>
</tbody>
</table>

Source: AES, 2009
2.0 Proposed Action and Alternatives

**GEOLOGY AND SOILS**

Under Alternatives B, C, and D, short-term construction impacts associated with the potential for erosion, accelerated runoff, and sedimentation are expected to be similar to those anticipated for Alternative A. Alternatives B and D have larger footprints that would be affected by grading activities during construction; Alternative C has a reduced footprint relative to Alternative A. Short-term construction impacts associated with Alternative E would be reduced relative to Alternative A, as the only grading proposed would be related to construction of a segment of the Bay Trail, a linear feature with a relatively small footprint. Effects associated with seismicity and soil stability for Alternatives B through D would be similar to Alternative A, while Alternative E would be reduced. The No Action Alternative (F) is not expected to result in any environmental impacts related to geology and soils. With mitigation, Alternatives A through E would have less than significant impacts related to geology and soils.

**HYDROLOGY AND WATER QUALITY**

Under Alternatives B, C, and D, short-term construction impacts to water quality associated with the potential for erosion and sediment discharge into the storm drainage system, and ultimately San Francisco Bay, would be similar to Alternative A, while Alternatives E and F would be reduced. Implementation of mitigation measure recommended for Alternatives A through D would reduce potential impacts associated with the alternatives to a less than significant level. The increase in impervious surfaces on the project site resulting from Alternatives B and D would be greater than Alternative A; Alternatives C and E would have less impervious surfaces compared to Alternative A. Alternative F would not result in any changes related to impervious surfaces on the project site. Thus, impacts associated with drainage and storm water run-off during operation would be greater for Alternatives B and D, and lesser for Alternatives C, E, and F compared to Alternative A. The potential for flooding and impacts to groundwater associated with Alternatives B through D would also be similar to Alternative A, whereas impacts associated with Alternatives E and F would be reduced. With mitigation, Alternatives A through E would have less than significant impacts related to hydrology and water quality.

**AIR QUALITY**

Construction emissions resulting from development of Alternatives B and D are expected to be greater than Alternative A; Alternatives C, E, and F would have a reduced environmental impact related to construction emissions compared to Alternative A. Implementation of mitigation recommended for all alternatives would reduce construction-related emissions to less than significant levels. Emission of airborne operational pollutants would be reduced relative to Alternative A for all alternatives except for Alternative B. Alternative B would result in somewhat greater mobile source emissions including particulate matter, ozone precursors, and greenhouse gasses (GHGs) due to the increased vehicle trip generation. There would be a negligible impact from Alternative E and no impact from Alternative F. Implementation of mitigation measures recommended for Alternatives A through D would reduce the level of air quality impacts to a less than significant level.
BIOLOGICAL RESOURCES

Alternatives A through E each have the potential to impact sensitive native habitats. Alternatives B and D would result in greater impacts to native habitats compared to Alternative A, while Alternatives C and E would have a reduced impact. The No Action Alternative would have no impact on native habitats. Alternatives B and D have a greater potential to impact wetlands and jurisdictional waters of the United States compared to Alternative A, whereas Alternative C would have a similar impact to Alternative A. Alternative E would have a greatly reduced potential impact to wetlands and Alternative F would have no impact whatsoever. All of the alternatives have the potential to impact special-status plant and animal species. Alternatives B and D would have a greater potential impact on special-status plants than Alternative A since they could disturb the Suisun Marsh aster, whereas the other alternatives would not have such an impact. Alternatives A through D have a similar potential to impact special-status animal species, such as bats and birds, whereas Alternatives E and F would not have an impact. Despite the range of potential impacts to biological resources from the alternatives under consideration, implementation of the recommended mitigation would reduce all such impacts to less than significant levels.

CULTURAL RESOURCES

Alternatives A through D would each result in two significant and unavoidable adverse impacts to the environment related to cultural resources, while Alternative F would result in one such impact. These impacts are related to the demolition of a contributing element of the Winehaven National Register Historic District (Alternatives A – D), introduction of incompatible new construction in the District (Alternatives A – D), and continuing neglect and deterioration of buildings in the District (Alternative F). Alternative E (Total Parkland) would preserve all known cultural resources and would not result in any impacts.

SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

Alternatives A, B, and C would each result in one significant and unavoidable impact related to socioeconomic conditions. Specifically, development of Alternatives A, B, and C would cause a portion of revenues to be diverted from existing tribal casinos. Alternatives B and C would have a similar impact compared to Alternative A with respect to diverting revenues. In all other respects, adverse impacts related to socioeconomic conditions and environmental justice would similar for Alternatives A through D and would be less than significant with implementation of the proposed mitigation. Alternatives E and F would not result in any adverse impacts related to socioeconomic conditions or environmental justice.

TRANSPORTATION AND TRAFFIC

Traffic generated by Alternative A would be greater than that which would result from Alternatives C, D, E, and F, but less than that which would be generated by Alternative B. However, operational traffic impacts in the build-out year would be less significant for all alternatives with implementation of the recommended mitigation. In the cumulative year (2025), Alternatives A through D would each result in
significant and unavoidable traffic-related impacts at specific roadway intersections, roadway segments, and the Richmond-San Rafael Toll Plaza. No impacts would occur in the cumulative year as a result of Alternatives E or F. Thus, all four development alternatives (A through D) would have a similar impact. Mitigation is proposed for these impacts that would reduce them to less than significant levels, yet the full suite of required improvements 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.

**LAND USE PLANNING**

Under Alternatives A, B, and C, the project site would be taken into federal trust; under Alternatives D, E, and F the project site would remain in fee title. Local land use plans and policies would no longer apply under Alternatives A, B, and C on those portions of the project site held in trust. Under Alternatives A through D, the City would retain title to the Western Drive right-of-way through the project site, as well as a 50-foot wide strip along the shoreline that would be leased to the Tribe. Approximately 140 acres of the property are submerged within the San Francisco Bay and would be retained by the City. The submerged lands would not be included in the developable acreage.

Alternatives A and C would develop the project site in a similar manner in that both alternatives propose a mixed-use Tribal destination resort complex, although Alternative C would be at a smaller overall scale. Alternative B is dissimilar to Alternative A given the inclusion of 340 residential units on the southern portion of the project site, which would be held in fee title by the Tribe, some of which would be sold to private individuals.

Under Alternative D, the project site would not be taken into federal trust and would be constructed as a mixed-use development with a variety of uses including residential (1,100 units), retail, and commercial. Proposed land uses under Alternative D would be the most intense in terms of the size of the footprint compared to Alternatives A, B, C, E, and F. Under Alternative E, the land would not be purchased by the Tribe or Upstream, and the project site would be minimally developed for use as a park. It is assumed that under Alternative F that the current land uses on the project site would remain and no development would occur. Unlike Alternative E, the project site would remain closed to the public, and access to the shoreline would remain prohibited under Alternative F. As such, Alternative F would have a lesser impact on land use and planning than Alternatives A through E. With mitigation, none of the project alternatives would result in significant impacts to land use compatibility and planning.

**UTILITIES AND PUBLIC SERVICES**

Using water demand rates calculated in the water and wastewater feasibility study ([Appendix G](#)), Alternatives B and D would require a greater supply of potable water than Alternative A; Alternative C would place a lower demand on potable water supplies than Alternative A. The project site is within the service area of East Bay Municipal Utility District (EBMUD), which verified its capacity to serve the...
project in a water supply assessment provided in Appendix Z. As such, none of the alternatives would exceed EBMUD’s water entitlements. Necessary improvements to water treatment and pumping facilities under Alternatives B, C, and D would be similar to Alternative A. With mitigation, all of the project alternatives would have less than significant impacts related to water supply.

The amount of wastewater generated by Alternatives B and D would be somewhat greater compared to Alternative A. Alternative C would generate significantly less wastewater than Alternative A, whereas Alternatives E and F would not generate any wastewater flows. Wastewater treatment for all of the alternatives would be provided by the Richmond Municipal Sewer District’s wastewater treatment plant. With mitigation, all impacts to the wastewater collection and treatment system would be less than significant under all project alternatives.

The volume of solid waste generated by the project alternatives is variable; Alternative B would generate solid waste volumes in excess of that generated by Alternative A, while Alternatives C and D would generate less. Alternative E would generate a negligible amount of solid waste and Alternative F would not generate any. None of the alternatives would exceed the capacity of the designated landfill and impacts related to solid waste would be less than significant.

Alternatives A through D would increase the number of people at the project site, which would result in the need for increased police, fire protection, and emergency medical services. The need would be greatest under Alternative B, which would attract the most people on a daily basis; Alternatives C and D would attract fewer people compared to Alternative A, thus reducing the relative need for services. For Alternatives A, B, and C, the Tribe would make semi-annual payments to the City to compensate for the costs that would be incurred for providing police and fire protective services to the project site, as specified in the Municipal Services Agreement (Appendix C) and recommended mitigation measures (Section 5.0). Additionally, the Tribe would provide a combined emergency services center (fire and police) for the City on-site, including all of the necessary apparatus and equipment. Under Alternative D, costs for fire and police service would be considered in the City’s review of the land use permit and project approval conditions would include reimbursements to the City to cover these costs. Alternative E would require limited police and fire service (far reduced relative to Alternative A), and Alternative F would not require any increase in service. With mitigation, all impacts related to increased police, fire, and emergency services would be less than significant under all project alternatives.

**NOISE**

Noise generated during construction of Alternatives A through D would be similar and would result largely from truck traffic associated with transport of heavy materials and equipment. Construction activities would be temporary in nature and would generally occur during daylight hours. Yet, despite the potential increase in ambient noise levels during construction, there are no sensitive receptors in the vicinity of the project site that may be affected. Construction of a segment of the Bay Trail under
Alternative E also has the potential to increase noise levels, yet at a much lower level and for a much shorter duration that Alternative A. Alternative F would not generate any additional noise. Operation of Alternatives A through D would all slightly increase noise levels to a similar extent, yet not to an extent that would be audibly noticeable outside the project site. Mitigation is recommended to reduce ambient noise levels on-site such that any noise-related impacts would be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Alternatives A through D would have similar impacts related to hazards and hazardous materials, all of which are less than significant with mitigation. Under these four alternatives, hazardous material remediation at the project site would occur at an accelerated pace and higher level compared with Alternatives E and F. For this reason, impacts associated with Alternatives E and F are considered marginally greater. In order for development of the project site to occur under Alternatives A through D, restrictions concerning development in proximity to the existing underground storage tanks would need to be amended upon completion of environmental remediation and regulatory closure of the tanks within the Disposal Areas. Other considerations, such as risk of wildfires, accidental release of hazardous materials from near-by industrial facilities, and use and disposal of hazardous materials would be similar for Alternatives A through D.

AESTHETICS

Alternatives A through D would result in new construction and limited demolition of existing buildings on the project site. One historic building (a contributing element of the Winehaven Historic District) would be demolished under Alternatives A through D. The remaining historic buildings would be rehabilitated in such a way as to not substantially alter their historic character, thus preventing a significant impact on any scenic vista. New construction associated with Alternatives A through D could affect the overall visual character of the site. Potential impacts to the aesthetic character of the project site and surrounding area would be similar for Alternatives A through D and would be less than significant with implementation of the recommended mitigation. Under Alternative E, no change in the physical character of the project site would occur.

Alternative F, the No Action Alternative, would result in two significant and unavoidable impacts related to the aesthetic character of the project site. As a result of neglect and deterioration of the historic buildings located on-site under the No Action Alternative, Alternative F would lead to degradation of the existing visual character of the site and impact a scenic vista. This impact is greater than that of the other alternatives.