

CEQA TECHNICAL MEMORANDUM

NORTH FORK RANCHERIA OF MONO INDIANS NORTH FORK CASINO PROJECT OFF-SITE IMPROVEMENTS

JUNE 2021

PREPARED FOR:

City of Madera 205 W 4th Street Madera, CA 93637



PREPARED BY:

Analytical Environmental Services 1801 7th Street, Suite 100 Sacramento, CA 95811



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TABLE OF CONTENTS

TABLE OF CONTENTSI					
P	PREFACE				
1	IN	1-1			
0	1.1 1.2 1.3 1.4	NORTH FORK CASINO PROJECT BACKGROUND AND NEPA OVERVIEW SECRETARIAL PROCEDURES FOR GAMING LOCAL AGREEMENTS CEQA PROVISIONS REGARDING USE OF A PRIOR EIS	1-1 1-5 1-5 1-8		
2	2.1 2.2 2.3 2.4	NORTH FORK CASINO PROJECT NORTH FORK CASINO OFF-SITE UTILITY IMPROVEMENTS NORTH FORK CASINO ACCESS IMPROVEMENTS NORTH FORK CASINO PROJECT TRAFFIC MITIGATION	2-1 2-1 2-6 2-9 2-9		
3	С	EQA COMPLIANCE REVIEW	3-1		
	3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.10 3.11	Overview Land Resources. Water Resources. Air Quality and Climate Change. Biological Resources. Cultural and Paleontological Resources. Socioeconomic conditions and environmental Justice. Resource Use Patterns. Public Services. Other Values. Cumulative Effects	3-1 3-3 3-6 3-12 3-20 3-24 3-29 3-34 3-34 3-41 3-49 3-59		
4	C	ONCLUSION	4-1		
5	R	EFERENCES	5-1		

List of Figures

Figure 1. Regional Location	1-2
Figure 2. Site and Vicinity	1-3
Figure 3. Proposed Project Site Plan	2-3
Figure 4. Proposed Project Casino and Access Improvements	2-4
Figure 5. Comparison of Approved Project and Proposed Project	2-5
Figure 6. Comparison of Off-Site Water/Sewer Infrastructure Improvements	2-7
Figure 7a. Comparison of Off-Site Traffic Mitigation Improvements	2-11
Figure 7b. Proposed Project Traffic Mitigation Aerials	2-12
Figure 8. Crosswalk of CEQA Environmental Issue Areas to NEPA Environmental Issue Areas	3-2

List of Tables

Table 2-1. Comparison of the Approved Project and the Proposed Project	2-2
Table 2-2. Comparison of the Approved Project and the Proposed Project	2-13
Table 3-1. Off-Site Improvements - Construction Emissions	3-18
Table 3-2. Madera Site Habitat Types Identified nn FEIS	3-20
Table 3-3. Existing Regional Population	3-32
Table 3-4. FEIS Compared to Existing Regional Housing Estimates	3-32
Table 3-5. Cumulative Setting of 2012 Approved Project	3-60
Table 3-6. Cumulative Setting of the Proposed Project	3-61

List of Attachments

- Attachment A Traffic Impact Study
- Attachment B Off-Site Improvements Mitigation, Monitoring, and Reporting Program
- Attachment C Air Quality Emissions Modeling
- Attachment D Biological Memorandum Attachment E Cultural Resources Study
- Attachment F Drainage Study

PREFACE

The North Fork Rancheria of Mono Indians (Tribe) intends to proceed with the development of a casino (North Fork Casino Project or Proposed Project) on land held in trust for the Tribe in Madera County (County), California (Madera Site), just north of the City of Madera (City) and adjacent to State Route 99 (SR-99). The Tribe's Proposed Project has received several federal discretionary approvals, including the issuance of a two-part determination under the Indian Gaming Regulatory Act (IGRA; 25 CFR Part 292) and the trust acquisition of the approximately 306-acre Madera Site by the Bureau of Indian Affairs (BIA). Prior to the issuance of these federal discretionary approvals, the Tribe's project underwent a thorough Environmental Impact Statement (EIS) process in accordance with the National Environmental Policy Act (NEPA). Pursuant to NEPA, the Final EIS (FEIS) included a detailed analysis of impacts resulting from necessary infrastructure improvements associated with the project, including both on- and off-site utilities, access, and road improvements.

The implementation of the off-site improvements will occur on off-Reservation lands, and thus, may require discretionary approvals from the City, County, Local Area Formation Commission (LAFCO), and/or California Department of Transportation (Caltrans). Issuance of discretionary approvals and permits by such other local and State agencies would require compliance with the California Environmental Quality Act (CEQA; Public Resources Code §§ 21000 et. seg.; 14 CCR §§15000 et. seg.). CEQA encourages agencies to avoid duplication of environmental documents and provides that when a project will require compliance with both NEPA and CEQA, and the NEPA document is prepared first, state or local agencies should use the EIS or Finding of No Significant Impact rather than preparing an EIR or negative declaration provided certain criteria are met. The Tribe has prepared this Technical Memorandum to assist the local agencies with their review of the off-Reservation improvements under CEQA. This Technical Memorandum describes the proposed off-site (off-Reservation) improvements, summarizes the analysis and findings of the associated NEPA review, and documents the significance conclusions contained in the BIA FEIS and Record of Decision (ROD). This Technical Memorandum is based upon, and prepared pursuant to, Public Resources Code §§ 21083.5 - 21083.7 and the provisions of Article 14 of the CEQA Guidelines § 15221 related to the use of NEPA documents in support of the local agencies' CEQA documentation.

1 INTRODUCTION

1.1 NORTH FORK CASINO PROJECT BACKGROUND AND NEPA OVERVIEW

The Bureau of Indian Affairs (BIA) approved the Tribe's proposal to develop a casino project on land currently held in trust for the Tribe in Madera County (County), California (Madera Site), just north of the City of Madera (City) and adjacent to State Route 99 (SR-99; **Figure 1** and **Figure 2**). The BIA's North Fork Rancheria of Mono Indians Fee-to-Trust and Casino/Hotel Project Final Environmental Impact Statement (FEIS) evaluated the development and operation of a casino and hotel at this site. The BIA's Records of Decision (ROD) for the two-part determination under the Indian Gaming Regulatory Act (IGRA; 25 CFR Part 292) and trust acquisition under the Indian Reorganization Act (25 USC Section 5108; 25 CFR Part 151) evaluated the Preferred Alternative (analyzed in the FEIS as Alternative A). The FEIS analyzed five alternatives including the Proposed Project (Alternative A), a reduced intensity project (Alternative B), a non-gaming project (Alternative C), a casino project on an alternative site (Alternative D), and a no action alternative (Alternative E). Pursuant to the National Environmental Policy Act (NEPA), the FEIS included an analysis of impacts that may occur from the implementation of off-site improvements for each alternative, including utility and road improvements identified to mitigate traffic impacts caused, in part, by the Tribe's Proposed Project.

The BIA served as the Lead Agency for preparation of the Environmental Impact Statement (EIS). The Tribe, the National Indian Gaming Commission (NIGC), the California Department of Transportation (Caltrans), the Madera Irrigation District (MID), the U.S. Environmental Protection Agency (USEPA), and the City of Madera served as Cooperating Agencies.

1.1.1 EIS NOTIFICATION AND PUBLIC REVIEW PROCESS

The NEPA environmental review process for the North Fork Casino Project included a "scoping" process to determine the range of issues to be addressed during the environmental review of a proposed action (40 CFR § 1501.7). The scoping process identified key issues by soliciting comments from agencies, organizations and individuals. Although NEPA only requires a 30-day comment period during the scoping process, the BIA granted several extensions resulting in an approximately 190-day comment period during the scoping process. A Notice of Intent to prepare the EIS and subsequent notices of extension were published in the Federal Register and local newspapers (The Fresno Bee and the Madera Tribune). During the comment period, the BIA held a public scoping meeting to provide a forum for the public to personally address the members of the BIA regarding the scope of the EIS. The BIA published a scoping report that summarized comments that were received during the public comment period and outlined the scope of the EIS (BIA, 2005). The publication of notices regarding the intent to prepare an EIS and subsequent scoping of the EIS under NEPA is generally consistent with the California Environmental Quality Act (CEQA) requirements regarding the process to initiate and scope an EIR in Sections 15082 (Notice of Preparation and Determination of Scope of EIR) and 15083 (Early Public Consultation) of the





North Fork Technical Memorandum / 204502

Figure 2 Site and Vicinity

CEQA Guidelines.

The BIA circulated the Draft EIS to federal, tribal, state, and local agencies and other interested parties for a 45-day public review and comment period. The CEQ Regulations (40 CFR § 1506.10(c)) require that agencies provide at least 45 days for comments on a Draft EIS, subject to the provisions of 40. CFR § 1506.10(d). The review and comment period began after the Notice of Filing with the USEPA in the Federal Register. The Notice of Availability (NOA) published by the BIA in the Federal Register on February 15, 2008, identified the time and location of the public hearing held on March 12, 2008 to present the proposed project with alternatives to the public, and accept comments. Public notice was also published in The Fresno Bee and the Madera Tribune. The preparation of the Draft EIS and publication of the Draft EIS for public review and comment under NEPA is generally consistent with CEQA requirements regarding the process to circulate a Draft EIR in Sections 15085 (Notice of Completion), 15087 (Public Review of Draft EIR), and 15105 (Public Review Period for a Draft EIR) of the CEQA Guidelines.

The BIA received a total of 331 comment letters and public hearing statements on the Draft EIS. 40 CFR § 1503.4 requires that, "All substantive comments, or summaries thereof where the response has been exceptionally voluminous, should be attached to the final statement whether or not the comment is thought to merit individual discussion from the agency in the text of the statement." Therefore, all substantive comments or representations thereof, where identical comments have been submitted by multiple parties, were included in the FEIS along with responses to such comments. The FEIS also included textual changes that address the comments on the Draft EIS, to the extent warranted. The NOA for the FEIS was published in the Federal Register and local newspapers on August 6, 2010. The preparation of the FEIS and response to comments under NEPA is generally consistent with CEQA requirements for the preparation of a Final EIR and response to comments in Sections 15088 (Evaluation of and Response to Comments), 15089 (Preparation of Final EIR), and 15132 (Contents of Final Environmental Impact Report) of the CEQA Guidelines.

On September 1, 2011, the Assistant Secretary of Indian Affairs issued a ROD which determined that gaming on the Madera site would be in the best interest of the Tribe and would not be detrimental to the surrounding community with inclusion of mitigation recommended in the FEIS. The Governor of California concurred in a letter dated August 30, 2012. A second ROD for the trust acquisition of the Madera Site was issued on November 26, 2012 (BIA, 2012). The RODs were subsequently challenged in the District Court for the District of Columbia for alleged violations of NEPA, the Clean Air Act, and other federal laws. In a 170-page opinion, the District Court upheld the RODs, and the D.C. Circuit affirmed. See Stand Up for California! v. United States Department of Interior, 204 F. Supp. 3d 212 (D.D.C. 2016); 879 F.3d 1177, 1187 (D.C. Cir. 2018) (cert. denied, 139 S. Ct. 786, 202 L. Ed 629 (2019)).

Both of the BIA RODs identified Alternative A of the FEIS as the "Preferred Alternative" and included responses to the 19 comment letters received on the FEIS. The FEIS and subsequently approved RODs contain a list of mitigation measures with which the Tribe must comply on federal trust property but only to the extent that the Tribe has jurisdiction over the measure or can secure the support of the entity with jurisdiction over implementation of the measure. The RODs also required the Tribe to fiscally contribute to the appropriate jurisdictional agency (City, County, or Caltrans) that has the ability to implement off-site mitigation measures, including the majority of the traffic impacts, to ensure that the mitigation occurs. The preparation of the RODs is generally consistent with CEQA requirements regarding preparation of a

Notice of Determination in Section 15094 (Notice of Determination) of the CEQA Guidelines.

1.1.2 PROPOSED PROJECT

Based on the findings in the RODs, the Madera Site was acquired in trust by the federal government in February 2013. The Secretary of the Interior issued Secretarial Procedures for the conduct of Class III gaming on the Madera Site in July 2016. The Tribe is now proceeding with the construction of a casino on the Trust Lands that is smaller than the Preferred Alternative identified in the RODs (Approved Project). As described further in Section 2.0 of this Technical Memorandum, the square footage of the current project design (Proposed Project) is approximately 53 percent smaller than the Approved Project. Additionally, the Approved Project included several options for utility service connections which were analyzed fully in the FEIS, including on-site infrastructure and off-site connections to public infrastructure located on off-Reservation Lands. Through continued coordination with the City since the issuance of the RODs, the Tribe has determined that the City will provide water and wastewater services, and has confirmed the alignments for the necessary infrastructure improvements to serve the Proposed Project. The Tribe has coordinated with PG&E to confirm the extent of the off-Reservation improvements that may be needed to provide electricity and gas services to the Madera Site. The Tribe prepared an updated Traffic Impact Study (TIS) to confirm which mitigation measures identified in the RODs for the Approved Project would be necessary to mitigate traffic impacts caused, in part, by the Tribe's Proposed Project. The implementation of these off-site improvements will occur on off-Reservation lands, and thus, require discretionary approvals from the City, County, and/or California Department of Transportation (Caltrans) and, therefore, will require compliance with CEQA.

1.2 SECRETARIAL PROCEDURES FOR GAMING

On July 29, 2016, the Secretary of the Interior issued procedures under which the Tribe may conduct Class III gaming consistent with IGRA at the Madera Site (Secretarial Procedures). The Secretarial Procedures set forth terms and conditions for conducting gaming including, but not limited to, the number and types of gaming devices, payments to the State, inspections, operation of the facility, and analysis of off-reservation environmental and economic impacts. The Secretarial Procedures require that a Tribal Environmental Impact Report (TEIR) be prepared before the commencement of any project, defined therein as any activity on the reservation directly related to the operation of Gaming Activities or the Gaming Operation that may cause a Significant Effect on the Off-Reservation Environment, other than the Approved Project for which a comprehensive environmental review has already been prepared. Because the Proposed Project is within the scope of the Approved Project, a TEIR is not required for the Proposed Project pursuant to Section 11 of the Secretarial Procedures.

1.3 LOCAL AGREEMENTS

The Tribe has entered into several agreements and Memoranda of Understanding (MOU) regarding the Proposed Project. Below is a brief summary of the various agreements the Tribe entered into that were included in Appendix C of the FEIS. Section 11.7(e) of the Secretarial Procedures states that, to the extent that development on the Madera Site remains within the scope of the Approved Project, the MOUs the Tribe entered into with the County, City, and MID, as each of those agreements may be amended from time to time, satisfy the requirements for an intergovernmental agreement with the County under the

Secretarial Procedures and the Tribe accepts its obligation to implement the applicable off-reservation mitigation measures as prescribed in the FEIS and RODs. Because the Proposed Project is within the scope of the Approved Project, new agreements with the County or other agencies are not required for the construction and operation of the Proposed Project.

1.3.1 MOU wITH MADERA COUNTY

The Tribe entered into an MOU with County on August 16, 2004 (see FEIS, Appendix C). This MOU was amended on December 20, 2016, in part, to restructure the timing of certain payments in light of the smaller casino project to be constructed by the Tribe. According to the MOU with the County, the provisions in the MOU were sufficient to mitigate potential non-reoccurring and recurring impacts from the larger Approved Project, including those impacts which are not specifically identified in the MOU. Payments identified in the MOU with the County were in 2005 dollars and are subject to Consumer Price Index (CPI) adjustment. The following summarizes the agreements made by the Tribe in the MOU with the County:

- Non-recurring payments to the County for public safety infrastructure, impacts to transportation networks, expenses related to the Courthouse Park and the Ahwahnee property, impacts to the Madera Unified School District, and reimbursement for legal fees involved in the MOU.
- Recurring payments for charitable contributions (such as non-profit youth programs, parks, and senior centers), a general economic fund for mitigating project impacts, educational outreach (such as supporting local school districts and supplying local workers with career development training), and a general fund specifically to benefit unincorporated areas of the County.
- Specific recurring contributions to the County include payments for neighborhood housing and workforce programs, County law enforcement, County fire protection services, County services provided by the Department of Behavioral Health Services for alcohol and gambling disorders, preservation of open space within the Courthouse Park and the Ahwahnee property, and expenses incurred by public safety administrative personnel.
- Recurring general fund contributions to the County, City of Madera, and City of Chowchilla.

1.3.2 MOU WITH CITY OF MADERA

The Tribe entered into an MOU with the City for development of the Approved Project on October 18, 2006 (see FEIS, Appendix C). This MOU was amended on December 21, 2016 to address, in part, the smaller casino project proposed by the Tribe. According to the MOU, the provisions agreed to in the MOU are sufficient to mitigate possible non-recurring and recurring impacts from the larger Approved Project on the City of Madera, including those impacts which are not specifically identified in the MOU. Payments identified in the MOU with the City were in 2008 dollars and are subject to CPI adjustment. As part of the Tribe's MOU with the City the Tribe agreed to the following:

- Non-recurring payments to the City for law enforcement, development of a Specific Plan to address
 development near the Casino, impacts to City water and recreational opportunities, development
 of youth and City citizen recreational institutions, and training of law enforcement and fire response
 personnel.
- Non-recurring payments to the City for the Tribe's proportionate (i.e. fair) share of transportation

improvements which the City requires to be completed on the basis of the final traffic analysis for the EIS and ROD, or such later-prepared traffic or engineering studies, analysis, or reports as mutually agreed upon by the Tribe and City.

- Recurring payments for ongoing expenses related to law enforcement, development of the City's downtown area, and expansion of the City's bus lines.
- Project activities would occur pursuant to requirements set forth under NEPA, CEQA, and other regulations, as applicable.
- Fifty percent of new hires should reside in the County as possible with a minimum thirty-three percent of hires from the County residing in the City, consistent with applicable laws regarding employment.

The Tribe's MOU with the City also acknowledged that, at the time of its execution, the Tribe had not determined how water and wastewater services would be provided to the Madera Site; but notes that any such arrangements for City water or wastewater services shall be made solely by and between the Tribe and the City, shall be addressed by separate arrangements, and shall not entitle the Tribe to any deduction of, or offset against, contributions required by the MOU. Through continued coordination with the City since the issuance of the RODs, the Tribe has determined that water and wastewater services will likely be provided by City and has entered into negotiations with the City to establish an agreement for those services pursuant to Section 6(b) of the MOU.

1.3.3 MOU WITH MADERA IRRIGATION DISTRICT

The Tribe entered into an MOU with the MID approved on December 19, 2006 (see FEIS, Appendix C) and amended on May 7, 2015. Dollar amounts were identified using 2006 dollars and are subject to CPI adjustment. As part of this amended MOU, the Tribe agreed to the following obligations:

- Recurring payments to the MID in lieu of payment of fees, assessments, or taxes to the MID.
- Recurring payments to MID to fund groundwater preservation and recharge efforts for the use of up to 450 acre-feet (af) of water for development on the Madera Site.
- Compliance with any generally applicable measures developed by any Groundwater sustainability Agency with respect to the sustainable management of groundwater supplies, to the extent required by law, including those measures adopted or implemented pursuant to the Sustainable Groundwater Management Act.
- Allow MID the opportunity to purchase any treated wastewater.
- Acknowledgement of right to farm and MID's existing easements and rights-of-way.
- Establishing sale and purchase of local produce on the Madera site and agricultural educational demonstrations.
- Establishing a committee to assist in actions to promote local agriculture.

1.3.4 LABOR AGREEMENT

The Tribe entered into a Labor Agreement with the Fresno, Madera, Kings, and Tulare Counties Building and Construction Trades Council (Trades Council) on September 6, 2005 (see FEIS, Appendix C). As part of this agreement, the Tribe agreed to the following commitments:

- Wages paid to employees for travel, subsistence, show up and shift premium pay, and contributions to trust funds.
- Unions of individual agencies employed to perform craft work under the Labor Agreement will continue to be represented by their respective union.
- Strikes and lockouts are prohibited.
- Procedures involving the steps to resolve employee grievances and jurisdictional disputes.
- A limited waiver of tribal sovereign rights for enforcement of payment of money damages or injunctive relief determined through arbitration against the Casino.

1.4 CEQA PROVISIONS REGARDING USE OF A PRIOR EIS

1.4.1 USE OF AN EIS AS AN EIR

CEQA encourages agencies to avoid duplication of environmental documents and requires that a local agency, "shall whenever possible, use the environmental impact statement as such environmental impact report," if the EIS satisfies CEQA for purposes of an EIR (Public Resources Code §§ 21083.5, 21083.7) and meets two conditions. First, the EIS must be prepared before the CEQA document, and the EIS must comply with CEQA (14 Cal. Code Regs. § 15221). As long as the public agency issues a notice that it intends to use the EIS as the CEQA document, a second round of public review is not required if CEQA circulation standards were met during the NEPA process.

As discussed above, in addition to addressing and evaluating the on-site development of the casino, the FEIS included an evaluation of impacts that may occur from the implementation of off-site improvements for each alternative, including utility and road improvements identified to mitigate traffic impacts caused, in part, by the Tribe's project. Section 4.1.1 of the FEIS provides a general discussion of Determination of Significance under NEPA. This Technical Memorandum describes, for each environmental topic, the significance thresholds used in the FEIS and compares them to the significance thresholds that would apply under CEQA.

1.4.2 CEQA GUIDELINES REGARDING PREPARATION OF SUBSEQUENT ENVIRONMENTAL REVIEW

In addition to describing the environmental effects evaluated in the FEIS, this Technical Memorandum evaluates whether altered conditions, changes, or additions to the project or the circumstances in which the project will be undertaken occurred *after* the FEIS to determine if the local agencies involved in the project may rely on the FEIS as its EIR for purposes of its decisions related to off-site improvements within their jurisdiction. As stated above, CEQA Guidelines Section 15221 provides that the EIS must comply with CEQA in order for a public agency to rely on an EIS as its CEQA document. Since the FEIS was prepared prior to the subsequent CEQA evaluation of a specific project, this Technical Memorandum also evaluates if CEQA's provisions for subsequent environmental review would apply following the BIA's preparation of the FEIS and adoption of the RODs.

Specifically, when a public agency uses a prior EIR, CEQA provides four mechanisms to address changes in a project or circumstances in which the project is undertaken: a Subsequent EIR ("SEIR"), a supplement to an EIR, an addendum to an EIR, and a subsequent mitigated negative declaration.

Section 15162 of the State CEQA Guidelines describes the conditions under which an SEIR would be prepared. In summary, when an EIR has been certified for a project, no SEIR shall be prepared for that project unless the CEQA lead agency determines for the discretionary approval at issue, on the basis of substantial evidence in light of the whole record, one or more of the following:

- substantial changes are proposed in the project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- (2) substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR.
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.
 - (D) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines states that a CEQA lead or responsible agency may choose to prepare a supplement to an EIR rather than a Subsequent EIR if:

- any of the conditions described above for Section 15162 would require the preparation of an SEIR, and;
- (2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

Section 15164 of the State CEQA Guidelines states that a CEQA lead agency may prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described above for Section 15162 calling for preparation of an SEIR have occurred.

Because the FEIS previously evaluated off-site improvements for each alternative, including utility and road improvements identified to mitigate traffic impacts caused, in part, by the Tribe's project, this Technical Memorandum includes a review of CEQA Guidelines §§ 15162-15164 related to the requirements for subsequent environmental review (when a prior EIR/EIS has been prepared) in order to evaluate whether any of the conditions requiring a subsequent EIR exist, and/or whether there are any minor clarifications or revisions to the EIS that would be needed in order for local agencies to be able to reuse the EIS as its EIR for discretionary approvals related to off-site improvements within their respective

jurisdiction.

The following sections of this Technical Memorandum document the information and analysis contained in the FEIS and relevant information that has become available since the FEIS was prepared. **Section 5**, Conclusion, summarizes the findings of this Technical Memorandum with respect to a local agency's decision to rely on the FEIS for CEQA compliance in support of approvals related to off-site improvements within their jurisdiction, as well as whether a subsequent supplemental environmental analysis is required under CEQA.

2 PROPOSED PROJECT AND OFF-SITE IMPROVEMENTS

2.1 NORTH FORK CASINO PROJECT

The approved North Fork Casino Project was described in detail as Alternative A in sections 1.0 and 2.0 of the FEIS. FEIS Alternative A, which was identified as the Preferred Alternative in the RODs (also referred to herein as the Approved Project), anticipated the development of a 493,000 square-foot casino and hotel resort and associated facilities on the Madera Site. Alternative A included a main gaming hall, food and beverage services, retail space, banquet/meeting space, administrative space, multi-story hotel with 200 rooms, a pool area, and a spa. Approximately 4,500 parking spaces would be provided for the casino/hotel resort, with 2,000 of those spaces within a multi-level parking structure. Several on-site and off-site options for water supply and wastewater treatment were fully analyzed in the FEIS. Additionally, the FEIS evaluated a proposed connection to nearby PG&E natural gas and electrical lines.

The Tribe now intends to move forward with the construction of a casino on the Madera Site that is smaller than the Approved Project. **Table 2-1** provides a detailed breakdown and comparison of the various components of Alternative A evaluated in the EIS and the current North Fork Casino development plan (Proposed Project). As shown in the table, the current Proposed Project is approximately 260,000 square feet smaller (approximately 53 percent) than Alternative A and does not include a hotel, spa, pool, buffet, or parking structure. As described further in **Section 2.2**, the Tribe and City have determined that water and wastewater services will be provided by the City; therefore, the optional on-site water supply and wastewater treatment facilities evaluated in the EIS are no longer proposed. Additionally, the Tribe has coordinated with PG&E to confirm the extent of the off-Reservation improvements that may be needed to provide electricity and gas services to the Madera Site. The Tribe is also evaluating on-site alternative energy options (i.e., solar, Bloom energy, micro-turbine cogeneration) to use in combination with or in lieu of connection to PG&E. The site plan for the Proposed Project is shown in **Figures 3** and **4**. A comparison of the overall development footprint of the Approved Project and Proposed Project is provided as **Figure 5**.

TABLE 2-1. COMPARISON OF THE APPROVED PROJECT AND THE PROPOSED PROJECT

	APPROVED PROJECT ¹		PROPOSED PROJECT ²		DIFFERENCE		
COMPONENT	# OF UNITS	APPROXIMATE SF	# OF UNITS	APPROXIMATE SF	# OF UNITS	APPROXIMATE SF	% SF CHANGE
Casino							
Gaming	60 tables	93,835	40 tables	89,491	-20 tables	-4,344	-4.63%
Bingo/Multi-Purpose Room		10,990		10,370		-620	-5.64%
Entry Vestibules	7 vestibules	3,945	8 vestibules	2,359	1 vestibule	-1,589	-40.20%
Restrooms	4 restrooms	6,085	6 restrooms ³	8,218	2 restrooms	2,133	35.05%
Cage/Rewards Center		6,775		4,869		-1,906	-28.13%
Back of House		50,000		69,680		19,680	39.36%
Retail		1,185		2,167		982	82.87%
Food, Beverage, and Entertainment							
Buffet	500 seats	23,500	NA	NA	-500 seats	-23,500	-100.00%
Bars	2 bars	4,050	2 bars	3,791		-259	-6.40%
Service Bars	3 bars	2,650	4 bars	2,268	1 bar	-382	-14.42%
Lease Restaurant	200 seats	8,000	240 seats	7,458	40 seats	-542	-6.78%
Coffee Shop	225 seats	8,800	225 seats	7,604		-1,196	-13.59%
Steakhouse	180 seats	10,000	NA	NA	-180 seats	-10,000	-100.00%
Food Court	175 seats/5 tenants	10,365	350 seats/7 tenants	16,802	175 seats/2 tenants	6,437	62.10%
Lounge/Banquet		7,000		NA		-7,000	-100.00%
Hotel, Spa, and Pool							
Lodging Area and Lobby	200 rooms	205,800	NA	NA	-200 rooms	-205,800	-100.00%
Spa		6,000	NA	NA		-6,000	-100.00%
Pool and Associated Amenities	2 bars	10,850	NA	NA	- 2 bars	-10,850	-100.00%
Total Interior Square Footage		493,010		233,350		-259,660	-52.67%

NOTES: "NA," or Not Applicable, indicates that the component is not included in the Proposed Project.

¹ Information on components of the Approved Project were described in the FEIS.

² Information on components of the Proposed Project were derived from the site plan and program square footage received from the Tribe and engineering design plans.

³ Includes 4 public restrooms with a men's restroom, women's restroom, and family restroom. Also includes BOH restroom and high limit gaming restroom.



North Fork Technical Memorandum / 204502 ■ Figure 3 Proposed Project Site Plan





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Figure 4
Proposed Project Casino and Access Improvements



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Figure 5 Comparison of Construction Footprint of Approved Project and Proposed Project

2.2 NORTH FORK CASINO OFF-SITE UTILITY IMPROVEMENTS

2.2.1 OFF-SITE UTILITY IMPROVEMENTS EVALUATED IN FEIS

Sections 2.2.7 and 2.2.8 of the FEIS describe the wastewater treatment and water supply options analyzed for the Approved Project. As stated in Sections 2.2.7 and 2.2.8, the FEIS considered treatment of wastewater through the City with either pre-treatment of wastewater via an on-site wastewater treatment plant (WWTP) or an agreement with the City to make fee payments for untreated wastewater exceeding certain quality thresholds; as well as an on-site WWTP option with treated water being recycled, discharged into a canal flowing into Dry Creek, applied to sprayfields, used for irrigation of the City's golf course, treated in leachfields, or some combination thereof. The FEIS considered water supply from an on-site groundwater well or municipal connections with the City, which would require a looped pipeline system and a new well to be developed on or near the Madera Site. Section 3.9.4 of the FEIS described the proposed electricity and natural gas services for the Approved Project. The FEIS considered a connection with PG&E electrical services existing along Avenue 17, as well as a connection to PG&E natural gas existing along Golden State Blvd. Figure 6 shows the off-site infrastructure alignment options that were evaluated in the FEIS for electrical, natural gas, wastewater, water, and recycled water services. The FEIS analyzed potential effects from the construction of on-site infrastructure for each of the categories of environmental effects (Sections 4.2 through 4.11), while the potential effects of off-site pipeline construction is included in Section 4.12.3 of the FEIS.

2.2.2 CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

Through continued coordination since the issuance of the RODs, the Tribe and the City have determined that the preferred option for water and wastewater services would be through connection to City infrastructure (versus development of on-site systems). The Tribe and City are proposing to enter into an agreement for the provision of extra-territorial services pursuant to Section 6(b) of the MOU with the City (see **Section 1.3.2**). The provision of services to the Madera Site by the City would require approval from Local Area Formation Commission (LAFCO), for out of boundary services or potential annexation. Additionally, the Tribe has coordinated with PG&E to confirm the extent of the off-Reservation improvements that may be needed to provide electricity and gas services to the Madera Site. The necessary improvements to serve the Proposed Project are identified in **Figure 6**. This Technical Memorandum refers to the off-site improvements described below as "Currently Proposed Off-site Utility Improvements."

With connection to the City's system, an on-site WWTP would not be developed and, therefore, disposal of treated wastewater via use as recycled water, surface water discharge, sprayfields, irrigation, or leachfields would not occur. Currently proposed wastewater infrastructure improvements include the development of an on-site lift station and approximately 3,760 feet of 6-inch sewer forcemain along Golden State Boulevard. The Tribe also plans to extend a 6-inch forcemain to the western property boundary along Road 23 which will be capped off until it connects to the anticipated future City expansion of pipeline infrastructure. Wastewater pipelines would be sized to accommodate the Proposed Project and would not be designed or utilized to facilitate or service future growth within the region. Therefore, growth-inducing impacts, as it relates to the construction and operation of the wastewater conveyance system, is not discussed further within this report. The proposed alignment of the wastewater conveyance



SOURCE: Friedmutter Group, 1/2021; USDA NAIP Aerial Photograph, 6/16/2020; AES, 3/15/2021

North Fork Technical Memorandum / 204502

Figure 6

Comparison of Off-Site Utility Improvements

pipeline is shown on **Figure 6** and generally follows the Off-Site City Sewer Connection "Airport Drive Option" analyzed in the FEIS.

As anticipated in the FEIS, a new well is needed to provide primary water supply for the North Fork Casino Project and to connect to a new looped water connection to the City's existing infrastructure; however, the new well is proposed to be located near the intersection of Avenue 17 and Road 23, rather than on the Madera Site. The location of the groundwater well and water pipeline routes are shown on **Figure 6** and generally follow the water supply alignment and recycled water line alignment analyzed in the FEIS, with the exception of a new 24-inch pipeline within Avenue 17. The remainder of water pipelines would be between 12 and 14 inches. Proposed pipelines not connecting to an existing City pipeline will be capped off and are oriented to connect with anticipated future City expansion of pipeline infrastructure.

Proposed pipelines would be sized greater than what is necessary to service the Proposed Project in order to meet City infrastructure plans as identified in the City's Water System Master Plan (City of Madera, 2014). As shown on Figure ES 3 and described within the Water System Master Plan text, the City proposed the extension of water conveyance pipeline of 12 inches along the Proposed Project's proposed pipeline route. The anticipated pipeline expansion identified in the Water System Master Plan is based on the City's infrastructure capacity evaluation based on anticipated regional growth and incorporated as part of the City's Capital Improvement Program (see Section ES.7, ES.8, and ES.11 of the Water System Master Plan; City of Madera, 2014). As stated within the Water System Master Plan, "The Planning Area and horizon for the master plan is stipulated in the City's General Plan." The Water System Master Plan was developed consistent with the City's General Plan, and the General Plan's identified anticipated growth in the region (see ES.2 and 1.5 of the Water System Master Plan). Therefore, while the pipeline included as part of the Proposed Project would exceed the size necessary to serve the Proposed Project, the pipeline has been sized to serve the regional growth anticipated in the General Plan and further analyzed in the Water System Master Plan. The anticipated growth and planned development was evaluated in the Environmental Impact Report prepared for the City's General Plan (City of Madera, 2009a). Therefore, the proposed water conveyance pipelines included as a component of the Proposed Project is consistent with anticipated growth identified in the City's General Plan and the necessary infrastructure improvements to accommodate that growth, as identified in the City's Water System Master Plan. Therefore, construction and operation of the proposed water conveyance system would not result in unanticipated growth not already evaluated in the City's planning documents, but rather would serve to accommodate existing planned growth and previously-identified infrastructure improvement needs to accommodate such growth. Because growth-inducing impacts would not occur as a result of the proposed water conveyance system, these impacts are not discussed further within this report.

To provide sufficient electricity to the Madera Site to serve the Proposed Project, the Tribe proposes to extend an electrical line from the existing above-ground, high-capacity distribution lines along Avenue 17. The proposed electrical line would be installed below ground along Golden State Boulevard from Avenue 17 to the project site. Natural Gas for the Proposed Project is proposed to be serviced by extending a natural gas line along Golden State Boulevard from an existing 3-inch line in Avenue 17. The alignments for the proposed electrical and gas lines are shown on **Figure 3**.

Similar to the pipelines analyzed in the FEIS, the construction of the Current Off-site Utility Improvements would occur primarily along existing roadways and would require trenching and backfilling/re-paving in order to install the pipelines within the roadway.

2.3 NORTH FORK CASINO ACCESS IMPROVEMENTS

2.3.1 ACCESS IMPROVEMENTS EVALUATED IN FEIS

The Approved Project (Alternative A of FEIS) proposed five driveways to provide ingress and egress to the Madera Site including three driveways along Golden State Boulevard, one driveway to Avenue 18, and one driveway on Road 23 (see FEIS, Figure 2-1). The FEIS includes an analysis of potential effects from the construction of driveways on-site in Sections 4.2 through 4.11 of the FEIS.

2.3.2 CURRENTLY PROPOSED ACCESS IMPROVEMENTS

Similar to the Approved Project, the Proposed Project includes three driveways along Golden State Boulevard and one access driveway to Road 23. Avenue 18 may also be utilized to access the Madera Site throughout construction, but would not be developed with a permanent driveway (see **Figure 3**). The northernmost and southernmost driveways along Golden State Boulevard would be unsignalized and have turn pockets established, while the center driveway would have a signalized intersection into the Madera Site. As part of the access improvements, the Tribe proposes to widen Golden State Boulevard from the intersection at Avenue 17 north along the eastern border of the Madera Site, continuing the widening as Golden State Boulevard transitions to Avenue 18 along the northern boundary of the Madera Site, and ending the widening at the intersection of Avenue 18 and Road 23 at the northwest corner of the Madera Site (see **Figures 3** and **4**). The new design contemplates that the existing two-lane road will be removed and replaced with new asphalt and stripping to accommodate a four-lane road. The road widening would be developed primarily within the current right of way boundaries. Similar to the road improvements analyzed in the FEIS, the development of the access driveways and widening of Golden State Boulevard would require grading and the introduction of fill material to extend the existing shoulders and roadbed.

2.4 NORTH FORK CASINO PROJECT TRAFFIC MITIGATION

2.4.1 TRAFFIC MITIGATION EVALUATED IN FEIS

The FEIS estimated that the Approved Project (analyzed as Alternative A in the traffic study) would generate approximately 674 new trips in the morning (AM) peak hour and approximately 1,099 new trips in the evening (PM) peak hour (FEIS, Section 4.8.2). The FEIS traffic analysis and North Fork Casino Project Traffic Study (see FEIS, Appendix M) identified measures to mitigate traffic impacts caused, in part, by the North Fork Casino Project. The intersections and roadway segments identified for mitigation are listed in Section 5.2.7 of the FEIS and shown on **Figures 7a** and **7b**. The analysis of potential effects from the construction of off-site traffic mitigation is included in Section 4.12.2 of the FEIS.

2.4.2 CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

In light of the Proposed Project being considerably smaller than the Approved Project, a traffic impact

study was conducted to analyze the Proposed Project and to identify which of the mitigation measures identified for the Approved Project, if any, would be warranted with the smaller Proposed Project (**Attachment A**). This evaluation is consistent with the Tribe's MOU with the City, which requires non-recurring payments to the City for the Tribe's proportionate (i.e., fair) share of transportation improvements which the City requires to be completed on the basis of the final traffic analysis for the EIS and ROD, or such later-prepared traffic or engineering studies, analysis, or reports as mutually agreed upon by the Tribe and City.

Attachment A estimated that the Proposed Project would generate approximately 551 new trips in the AM peak hour (approximately 18 percent less than the Approved Project) and approximately 917 new trips in the PM peak hour (approximately 17 percent less than the Approved Project) using the same trip generation methodology as the methodology described in Appendix M of the FEIS. Based on this trip generation, **Attachment A** includes analysis of the intersections listed below for the AM and PM peak hours during the following scenarios: existing conditions (based on 2019 traffic counts), existing plus Proposed Project, and near-term with Proposed Project (includes pending projects).

- State Route (SR) 99 Southbound (SB) Ramps and Avenue 17
- SR 99 Northbound (NB) Ramps and Avenue 17
- Golden State Boulevard-Airport Drive and Avenue 17
- Road 23 and Avenue 17
- SR 99 SB Ramps-Road 23 and Avenue 18¹/₂
- SR 99 NB Ramps and Avenue 18¹/₂
- SR 99 SB Off Ramp and Olive Avenue
- SR 99 SB On Ramp-Olive Avenue and SR 145

In addition to the analyses described above, a trip trace (estimate of number of the Proposed Project) was provided for:

- SR 99 / Cleveland Avenue interchange
- SR 99 / Avenue 16 interchange

Attachment A also includes analysis of the following road segments:

- Avenue 17 between SR 99 and Road 26 (County of Madera)
- Avenue 17 between Road 26 and Road 27 (City of Madera/County of Madera)

Attachment A found that the Proposed Project will cause certain significant impacts that were previously identified in the FEIS, while other significant impacts identified in the FEIS will not occur with the Proposed Project. The significant impacts that would be caused by the Proposed Project can be mitigated to acceptable levels with an expected operational design life of 10 years as requested by Caltrans, and 20 years as requested by the City. The intersections and roadway segments identified for mitigation under the Proposed Project shown on **Figures 7a** and **7b**.



North Fork Technical Memorandum / 204502









Intersection #1

Intersection #2

Intersection #3

Intersection #4



Intersection #5



Ave 17 between Rd 26 and Rd 27

SOURCE: AirPhoto USA Aerial Photographs, 12/1/2004; Vivid/Maxar Aerial Photograph, 7/24/2019; AES, 2/19/2021

– North Fork Technical Memorandum / 204502 🔳

Figure 7b Proposed Project Traffic Mitigation Aerials **Table 2-2** provides a comparison of the mitigation measures identified for the Proposed Project in **Attachment A** to those recommended for the Approved Project in the FEIS. As shown therein, a roundabout option has been added for intersections where signals are recommended. Ultimately, the design and construction of any improvements will be up to the local or state agency with jurisdiction over the roadway; for example, it is expected that an Intersection Control Evaluation (ICE) report in accordance with Caltrans criteria will be required to determine the exact intersection control and lane configurations of intersections under Caltrans' jurisdiction prior to obtaining an encroachment permit. Regardless, the traffic mitigation improvements would require grading and the introduction of fill material to extend the existing shoulders and roadbed, as needed, similar to the traffic mitigation improvements analyzed in the FEIS.

INTERSECTION	MITIGATION MEASURE FOR APPROVED PROJECT	RECOMMENDED MEASURES FOR PROPOSED PROJECT	
SR 99 SB-Road 23 / Ave 18½	Traffic signals	Traffic signals with geometry modifications or roundabout	
SR 99 NB / Ave 18½	Traffic signals	Traffic signals with geometry modifications or roundabout	
Road 23 / Ave 17	Traffic signals	None required	
Golden State-Airport / Ave 17	Traffic signals and intersection widening	Traffic signals with geometry modifications or roundabout	
SR 99 SB / Ave 17	Traffic signals and intersection widening	Traffic signals with geometry modifications or roundabout	
SR 99 NB / Ave 17	Traffic signals and intersection widening	Traffic signals with geometry modifications or roundabout	
SR 99 SB off ramp / Olive	Widen north leg	None required	
SR 99 SB on ramp-Olive / SR 145	Widen west leg	None required	
Avenue 17 – SR 99 to Road 26	Widen to four lanes	None required	
Avenue 17 – Road 26 to Road 27	Widen to four lanes	The impact only occurs in the near- term condition, while the road segment is expected to continue to operate at LOS A in the existing-plus-Proposed Project condition. Therefore, the road segment improvements may be deferred to other pending projects identified in the near-term scenario. Regardless, the widening of this road segment is included in the analysis of current traffic mitigation.	

TABLE 2-2. COMPARISON OF THE APPROVED PROJECT AND THE PROPOSED PROJECT

3.1 OVERVIEW

Due to the nature of the development proposed on the alternative sites considered in the FEIS, the FEIS provided a thorough analysis of NEPA-required environmental impact topics, including the potential impacts of off-site water and wastewater infrastructure (see FEIS, Section 4.12.3 - Indirect Effects from Off-site Pipeline Construction) and off-site transportation improvements required as FEIS mitigation (see FEIS, Section 4.11.2 –Indirect Effects from Off-site Traffic Mitigation) for each of the alternatives. The environmental topics included in the FEIS are similar to those required for analysis under CEQA. A crosswalk depicting environmental issue areas evaluated under CEQA and NEPA, and how these issue areas relate to one another, is depicted in Figure 8 and described under each issue area below. The FEIS contained an expanded analysis of environmental impacts which included some issues addressed by state and local agency requirements. Although the requirements of state and local agencies are not always addressed in NEPA documents, these additional analyses were included in the FEIS in response to agency and public comments. While the FEIS analyzed all of the environmental issues that must be addressed under CEQA, the terminology and section headings in the FEIS do not always match those specified in the CEQA Guidelines. Specifically, the issue areas of Energy, Recreation, and Wildfire specified in the CEQA Guidelines are not explicitly referenced in the FEIS and were not specifically identified as potential areas of impact during the scoping process under NEPA. However, a discussion is included below under Public Services, Socioeconomic Conditions and Environmental Justice, and Hazards and Hazardous Materials, respectively.

The Appendix G CEQA environmental checklist has been revised over time to include new environmental issue areas, and to modify and organize the checklist questions contained within each environmental issue area. Since publication of the FEIS (2010), the CEQA checklist has been revised to include an analysis of forestry resources, tribal cultural resources, and wildfire. The question of whether a project is required to provide additional analysis on CEQA checklist items added following certification of a previous environmental review was heard by the Court of Appeal of California, in Citizens for Responsible Equitable Environmental Development v. City of San Diego (2011). This case explored whether additions to the CEQA checklist, specifically greenhouse gas emissions (GHG) analysis constituted "new information of substantial importance." As GHGs were not a new issue prior to the incorporation of GHG significance criteria within the CEQA Guidelines and the statute of limitations for challenging a certified CEQA document prevents requiring supplemental analysis of a previously certified CEQA document solely on the basis of this current addition to the CEQA Guidelines. Therefore, the new regulations do not constitute "new information" as defined in CEQA Guidelines Section 15162. As with GHG impacts, forestry, tribal cultural resources, and wildfire impacts are not new. However, an analysis is presented herein to evaluate the Proposed Project's potential to result in impacts related to GHG, forestry, tribal cultural resources, and wildfire in the context of the current regulatory environment.



* These issue areas were added to the CEQA Checklist following publication of the FEIS and are therefore not required to be analyzed. However, this Technical Memorandum provides a discussion on these topics for the purpose of transparency

North Fork Technical Memorandum / 204502

Figure 8 Crosswalk of CEQA Environmental Issue Areas to NEPA Environmental Issue Areas

SOURCE: AES 4/14/2021

The EIS included a discussion of the existing environmental setting (FEIS Section 3.0 –Affected Environment), an analysis of potential project-related environmental impacts (FEIS Section 4.0 – Environmental Consequences), an analysis of indirect off-site impacts (FEIS – Section 4.12 – Indirect and Growth Inducing Effects), and a list of mitigation measures to reduce or eliminate project environmental impacts (FEIS Section 5.0 – Mitigation Measures). A Mitigation Monitoring and Enforcement Plan ("MMEP") was included as part of the RODs that described the implementation and enforcement procedures associated with each of the mitigation measures. An MMEP that contains mitigation that applies only to the off-site utility improvements, access improvements, and traffic mitigation improvements is included as **Attachment B**. The mitigation measures applicable to the project will be implemented by the Tribe with oversight by the BIA or other federal/state/local agencies, as appropriate.

The following is a brief discussion of the environmental impact topics included in the FEIS with a focus on the off-site utilities and off-site transportation improvements.

3.2 LAND RESOURCES

The "Land Resources" section of the FEIS addresses similar issues included in the "Geology and Soils" and "Mineral Resources" sections of the 2021 CEQA Guidelines, with the exception of paleontological resources which is addressed in the "Cultural and Paleontological Resources" section (see **Section 3.5** of this Technical Memorandum).

3.2.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

As described in Section 3.2.2 of the FEIS, the Madera Site is relatively level with elevations ranging from approximately 250 feet to 265 feet above mean sea level. The nearest seismic hazard is the San Andreas Fault, located approximately 40 miles southwest. No known or recorded mineral resources occur on site. According to the U.S. Geological Survey (USGS), the Madera Site is located within an area subject to 0.2g to 0.3g maximum peak acceleration, with a 2 percent chance of exceedance in 50 years.

3.2.2 SUMMARY OF FEIS IMPACT ANALYSIS

Land resource impacts analyzed in the FEIS were determined to be potentially significant in cases where conditions could expose people or structures to adverse effects from seismic activities (FEIS, Section 4.2, page 4.2-2), changes in topography, including subsidence (FEIS, Section 4.2, page 4.2-1), landslides (FEIS, Section 4.2, page 4.2-2), and/or erosion (FEIS, Section 4.2, page 4.2-2). Additionally, impacts to mineral resources would be potentially significant if the action caused the loss of economically viable aggregate rock or diminished the extraction of important ores or minerals (FEIS, Section 4.2, page 4.2-2). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of geology and soils conditions and mineral resources (2021 CEQA Guidelines -Appendix G, VII and XII).

Section 4.2 of the FEIS identifies potential land resource impacts during construction and operation of the 2012 Approved Project related to topography (less-than-significant), soil erosion and landslides (less-than-significant), seismicity (potentially significant), and mineral resources (less-than-significant). Topographic impacts were less-than-significant because the project area is essentially flat and

construction and grading activities would not significantly alter this characteristic. Additionally, significant ground subsidence is not anticipated given the relative resistance to subsidence of the nearby Madera Ranch area and the fact that the Madera site is underlain by an unconfined aquifer system, which is less susceptible to pumping induced subsidence. Impacts to mineral resources would be less-than-significant because there are no known or mapped mineral resources within the project area and the development and use of the land would not affect or be affected by such resources. The potentially significant impact related to seismicity would be reduced with the mitigation recommended in the FEIS (Section 5.2.1, Mitigation Measure A).

Land resources impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-16) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-6) were determined to be less than significant. Improvements would be developed in accordance with the California Building Code (CBC), as applicable, and local jurisdictions (Caltrans, Madera County, or City of Madera, depending on the location of the improvement) would require the use of stable fill material, engineered embankments, and erosion control features to reduce the potential for slope instability, subsidence, and erosion. In accordance with the Federal Clean Water Act, construction of roadway improvements over one acre in area would be required to comply with the NPDES Construction General Permit Program. To comply with the program, a Stormwater Pollution Prevention Plan (SWPPP) would be developed that would include soil erosion and sediment control practices to reduce the amount of exposed soil, prevent runoff from flowing across disturbed areas, slow runoff from the site, and remove sediment from the runoff. These improvements would not significantly affect the ability to extract minerals.

3.2.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

There have been no significant changes to the regulatory setting related to mineral resources and geology/soils since the issuance of the FEIS. The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.2.2 of the FEIS, and summarized in **Section 3.2.1** of this Technical Memorandum, is also applicable to the off-site improvements.

3.2.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

Similar to the off-site improvements evaluated in the FEIS, the currently proposed off-site utility improvements would occur within existing rights-of-way or previously developed/disturbed areas directly adjacent to existing roadways. As described in the FEIS, these improvements would be constructed in accordance with CBC and applicable requirements of local jurisdictions, including use of stable fill material, engineered embankments, and erosion control features to reduce the potential for slope instability, subsidence, and erosion. Additionally, construction of improvements over one acre in area would be required to comply with the NPDES Construction General Permit Program with the implementation of a SWPPP. Due to development within existing rights-of-way, the currently proposed utility improvements would not significantly affect the ability to extract minerals. Therefore, the less-than-significant land resources impacts from the Approved Project described in the FEIS would remain less-than-significant for the currently proposed off-site utility improvements for CEQA purposes.

3.2.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

The portion of the currently proposed access improvements that would be developed on the Madera Site would be constructed using construction methods consistent with the rest of the development on the Madera Site. Because the currently proposed access improvements would be constructed on the same site, in the same manner, and at the same time as the rest of the Approved Project, the less-than-significant impacts from the Approved Project described in the FEIS regarding topography, soil erosion, landslides, and mineral resources would remain less-than-significant for the currently proposed access improvements for CEQA purposes. The potentially significant impact related to seismicity would be reduced with the mitigation to construct facilities to meet the Uniform Building Code recommended in the FEIS (Section 5.2.1, Mitigation Measure A) and included in **Attachment B** under land resources.

The portion of the currently proposed access improvements that would be developed off-site would be similar to those described in the FEIS for traffic mitigation improvements because the proposed access improvements would occur within existing rights-of-way or previously developed/disturbed areas directly adjacent to existing roadways and would be developed using similar construction methods. Similar to the traffic mitigation improvements analyzed in the FEIS, the currently proposed access improvements would be constructed in accordance with CBC and applicable requirements of local jurisdictions, including use of stable fill material, engineered embankments, and erosion control features to reduce the potential for slope instability, subsidence, and erosion. Further, construction of improvements over one acre in area would be required to comply with the NPDES Construction General Permit Program with the implementation of a SWPPP. Therefore, the less-than-significant land resources impacts from the off-site road improvements associated with the Approved Project described in the FEIS would remain less-than-significant for the currently proposed access improvements for CEQA Purposes.

3.2.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

As with the traffic mitigation improvements evaluated in the FEIS, the currently proposed traffic mitigation improvements would occur within existing rights-of-way or previously developed/disturbed areas directly adjacent to existing roadways and would be constructed in accordance with CBC and applicable requirements of local jurisdictions, including use of stable fill material, engineered embankments, and erosion control features to reduce the potential for slope instability, subsidence, and erosion. Further, construction of improvements over one acre in area would be required to comply with the NPDES Construction General Permit Program with the implementation of a SWPPP. Therefore, the less-than-significant land resources impacts from the off-site road improvements associated with the Approved Project described in the FEIS for land resources would remain less-than-significant for the currently proposed traffic mitigation improvements for CEQA Purposes.

3.2.7 FINDINGS

The analysis of effects associated with off-site improvements to land resources in the FEIS complies with CEQA requirements for the analysis of geology, soils, and mineral resources impacts. The Proposed Project and the circumstances in which the Proposed Project would be undertaken would not result in new significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the Proposed Project would result in new significant or

substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to land resources for CEQA purposes.

3.3 WATER RESOURCES

The "Water Resources" section of the FEIS addresses similar issues included in the "Hydrology and Water Quality" section of the 2021 CEQA Guidelines.

3.3.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

The regulatory and environmental setting for water resources is discussed in Section 3.3 of the FEIS. The following regulations and plans were included in the discussion of water resources: federal Clean Water Act (CWA); federal Safe Drinking Water Act; State Water Quality Control Plan; and Executive Order 11988.

The environmental setting discussed in Section 3.3 of the FEIS included a description of associated watersheds, existing runoff, the potential for flooding, surface and groundwater features and quality, and water resources on the Madera Site and in the project vicinity. A summary of this information is presented below.

3.3.1.1 SURFACE WATER, DRAINAGE, AND FLOODING

The FEIS described the Madera Site as occurring within the Middle San Joaquin-Lower Chowchilla Watershed Basin, which includes the lower portions of the Chowchilla and Fresno Rivers. The Madera Site is approximately 2.25 miles north of the Fresno River, and less than 0.25 miles south of Dry Creek. Schmidt Creek was identified in the FEIS as an ephemeral stream flowing onto the Madera Site along its eastern boundary, and a drainage ditch (called Airport Ditch in the FEIS) was observed along the western boundary of the Madera Site. Water flows from Schmidt Creek into Dry Creek, and from there into the Fresno River. Regarding water quality, Schmidt Creek and Fresno River were not designated as part of the Regional Water Quality Control Board (RWQCB) 303(d) listing of impaired water bodies; however, the Fresno River drains into the San Joaquin River, which was listed as an impaired water body.

At the time the FEIS was prepared, the topography of the Madera Site was relatively flat, and storm runoff sheet flowed into tributary ditches of Schmidt Creek then to Dry Creek. Schmidt Creek was the nearest water body that had the potential to cause potential flooding problems on the Madera Site. The Madera Site is situated within the boundaries of a delineated special flood hazard inundation zone as shown on the FEMA Flood Insurance Rate Maps (FIRM), panel numbers 0601700605B and 0601700600B. The specific inundation zone was "Zone AO," which represents an area of 100-year shallow flooding where average depths are between 1 and 3 feet. A small linear area along the eastern edge of the property boundary adjacent to Highway 99 was designated as Zone X, which was determined to be outside the 100-year and 500-year floodplains. Hydraulic analyses estimated that the average flood depths for the Madera Site are approximately one foot (see Appendix A of the Site Grading and Storm Drainage Study in Appendix K of the FEIS).

3.3.1.2 GROUNDWATER SUPPLY AND QUALITY

The FEIS described the Madera Site as occurring within the Madera Sub-basin of the San Joaquin Valley Groundwater Basin. Groundwater levels in the vicinity of the Madera Site have declined over time with accelerated declines occurring in recent years. Causes of these declines were not thoroughly understood, though it may have been due to local increases in pumping and statewide drought. Near the Madera Site, California Department of Water Resources well records indicated an overall decline in groundwater levels of approximately 115 feet between 1958 and 2006, with the groundwater level interpolated to be about 195 feet below ground surface (bgs).

When the FEIS was prepared, there was one active agriculture well on the Madera Site, one inactive well near the abandoned residence, and no municipal water supply existed on site. The City's Public Works Department monitored the nearby municipal supply and the City relied on groundwater. There were two municipal wells within 1.5 miles of the Madera Site, ranging from 500–600 feet bgs with a pumping capacity ranging from 1,300 to 2,200 gallons per minute (gpm). Despite a decrease in groundwater regionally, the City had not experienced any significant problems with supply or quality and planned to use groundwater to serve future development. According to the Madera County General Plan and Madera Public Works Department, there was adequate groundwater in the County to sustain growth in the near term. Unincorporated areas generally relied on individual wells.

The Madera Site is located within the MID. A MID water supply ditch is located along the western border of the Madera Site, but the site utilized the on-site private groundwater well for water supply and was not under contract to receive MID water.

Groundwater quality was generally good. Manganese levels tended to increase with depth north of the City and nitrogen concentrations were the dominant water quality issue. Sources of groundwater nitrogen pollution included fertilizers, animal manure, treated wastewater from percolation ponds or land disposal, septic systems, natural geologic sources, and plant residues from cropland and native vegetation.

3.3.2 SUMMARY OF FEIS IMPACT ANALYSIS

The FEIS concluded water resources impacts would be potentially significant in cases where the Approved Project could adversely affect floodplain capacity and severity (FEIS, Section 4.3, page 4.3-1), surface water and groundwater quality (FEIS, Section 4.3, page 4.3-4 and 4.3-6), and groundwater supply (FEIS, Section 4.3, page 4.3-2). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of hydrology and water quality impacts (2021 CEQA Guidelines -Appendix G, X).

Section 4.3 of the FEIS identified potential water resource impacts during construction and operation of the 2012 Approved Project related to floodplain capacity and severity (less than significant), surface water and groundwater quality (less than significant), and groundwater supply (less than significant). While the Madera Site is located within a 100-year floodplain and implementation of the Approved Project would alter the floodplain capacity and severity through lost storage and increased runoff, the construction of detentions basins and associated stormwater features as part of the Approved Project would reduce this impact to less than significant.

Both construction and operation of the Approved Project could introduce pollutants into the environmental via runoff that could significantly affect surface and groundwater quality. However, discharges of stormwater from construction activities on the Madera Site would be regulated by the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) stormwater program and would require coverage under the Phase II General Permit for Stormwater Discharges from Construction Activities (Construction General Permit). Compliance with USEPA requirements would ensure that impacts to water quality during construction would be less than significant. In addition, mitigation measures in Section 5.2.2 of the FEIS includes provisions to further reduce the potential impacts, such as creating an erosion control plan, reducing the use of impervious surfaces, complying with policies the in the CWA, and minimizing fertilizer usage onsite. The impact to groundwater would be less than significant if an on-site well is used for the casino water supply because the Tribe has agreed in the MOU with the MID to recharge at least as much water that would be pumped under the Approved Project in nearby MID recharge areas. Alternatively, the Tribe may receive a water connection to the City of Madera municipal water supply, thereby obviating the need for an on-site well to supply water for casino operations. Furthermore, mitigation measures specified in Section 5.2.2 of the FEIS would further reduce the impact to groundwater supply and neighboring wells because they include measures to reduce groundwater usage and implement a groundwater monitoring plan during construction. The potentially significant impacts related to surface water and groundwater quality would be reduced with mitigation measures recommended in the FEIS (Section 5.2.2, Mitigation Measures A through E, G, L, N, and P)¹.

Water resource impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-15) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-11) were determined to be less than significant. A SWPPP would be developed to comply with the NPDES Construction General Permit Program, which includes soil erosion and sediment control practices. The effects to runoff volumes resulting from the increase in impervious surface are expected to be minimal due to the limited extent of the improvements in comparison to the existing roadways, and the underground pipelines would add no new impervious surfaces. Some existing curb and gutters and stormwater drain inlets would be removed and relocated along portions of the roadways to provide space for improvements. Curb and gutters, inlets, and other drainage facilities would be reconstructed to provide adequate facilities to direct stormwater runoff. With incorporation of these drainage features and compliance with the soil erosion and sediment control practices identified in the SWPPP for construction projects resulting in over one acre of disturbance, no mitigation measures were recommended. Therefore, the effects to water resources would be less than significant for CEQA purposes.

3.3.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.3 of the FEIS, and summarized in **Section 3.3.1** of this Technical Memorandum, is also applicable to the off-site improvements. Since the publication of the FEIS, several regulatory changes have occurred and are detailed below:

¹ The letter "O" was skipped in the mitigation numbering in the FEIS.
- RWQCB 303(d): The list that assigns water quality designations to California water bodies has been revised as of 2016. On the 2016 list, no changes have occurred in the surface water features examined in the FEIS with the exception of Dry Creek, which is now listed on the 303(d) list with the pollutant category label "Toxic."
- Sustainable Groundwater Management Act: Signed on September 16, 2014, this act requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. These basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basin, sustainability should be achieved by 2040. The Madera Subbasin is still considered critically overdraft by the California Department of Water Resources (DWR). For the remaining high and medium priority basins, sustainability should be achieved by 2042. As a response to this act, Groundwater Sustainability Agencies (GSA) were formed in the Madera Sub-basin. In January 2020, a collaboration of these GSAs and other water agencies developed the Joint Groundwater Sustainability Plan for the Madera Sub-basin (Madera Sub-basin Coordination Committee, 2020) in order to comply with the 2040 mandate for groundwater sustainability set forth in the Sustainable Groundwater Management Act.
- Madera Regional Groundwater Management Plan: Published in December 2014, this plan provides the framework and technical data to allow for effective groundwater management in order to restore and maintain a high quality and dependable groundwater resource. The City of Chowchilla, Chowchilla Water District, City of Madera, County, Madera Irrigation District and South-East Madera County United collaborated on the preparation of the document. Each participant maintains sovereign groundwater management over their respective service areas.
- City of Madera Urban Water Management Plan: Updated in March 2017, this plan describes current and future water uses, reliability of water sources, and existing and planned water conservation measures for the City of Madera. Furthermore, the plan addresses water emergencies, should they arise, with four different emergency levels that establish unique emergency response protocols relevant to current water conditions.
- City of Madera Master Plans: The City of Madera has updated a number of plans concerning storm drainage, water, and wastewater. The updated plans related to water resources include Water System Master Plan, Sanitary Sewer System Master Plan, and Storm Drainage System Master Plan. These documents summarize the current systems, establish goals, and assess the future needs of the City of Madera.

There have been no significant changes to the environmental setting related to water resources. Minor changes are discussed below. Surface water features, drainage patterns, and flooding risk on and in the vicinity of the Madera Site have remained relatively unchanged (**Attachment F**). With regards to flooding, the majority of the Madera Site is still located within a Federal Emergency Management Agency (FEMA) 100-year floodplain. The site is located in Zone AO with an average flood depth of 1 foot (FEMA, 2020). Zone AO is designated as a flood insurance rate zone that corresponds to areas of 100-year shallow flooding; usually sheet flow on sloping terrain, where average depths are between 1 and 3 feet. No noticeable changes in surface water features or drainage patterns have occurred. Surface water quality has remained relatively the same, with the exception of the change in RWQCB 303(d) described above. Groundwater supply has remained relatively consistent since the FEIS was published. As specified above, the Madera Sub-basin is still considered critically overdraft and it is projected that from 2040–

2090, the average annual groundwater extraction will be 545,200 AF, which is 165,900 AF greater than the recharge. In response to the critically overdraft designation, the Joint Groundwater Sustainability Plan was prepared to manage this issue (Madera Sub-basin Coordination Committee, 2020). The City of Madera relies entirely on groundwater for its water supply. The City of Madera has a water supply system that now consists of 19 wells with a new well soon to be constructed, a 1-million gallon water storage tower, and over 200 miles of water distribution pipelines (City of Madera, 2020a). The well system capacity is approximately 33.53 million gallons per day (MGD) with the highest capacity well at 1.400 gpm (approximately 1 MGD). This well system capacity was calculated as the well system's water production capabilities in the event that the most productive system well is inoperable. Actual demand of the well system ranged from approximately 4,631 to 11,037 gpm (approximately 3.3 MGD to 7.9 MGD). Average water demand over the course of a day is 9.8 MGD (approximately 13.611 gpm), while the maximum day and peak hour demand is approximately 22.4 MGD and 33.5 MGD, respectively (approximately 31,111 gpm and 46,528 gpm) (City of Madera, 2014). Since the publication of the FEIS, average water per person in the City of Madera has decreased from approximately 197 gallons per capita day (GPCD) in 2009 to 124 GPCD in 2018 (Akel Engineering, 2018). Despite the decrease in GPCD, future demand for water is expected to increase in the City of Madera. In 2025, the maximum day and peak hour is expected to increase to 83.3 MGD and 125 MGD, respectively (City of Madera, 2014). Additionally, no new wells in the vicinity of the Madera Site have been constructed since the publication of the FEIS (California Water Boards, 2021).

The groundwater quality in the Madera Regional Groundwater Management Plan area, which includes the Madera Subbasin, is still normally acceptable for domestic and agricultural uses, with treatment required in certain areas (City of Chowchilla et al, 2014). In the City of Madera, there are local areas of groundwater contamination from nitrate, brine, and dibromochloropropane (used as a nematicide). Other areas have high levels of manganese, arsenic, and uranium. However, the City of Madera water system satisfies State and federal guidelines for the regulation of contaminant and monitoring requirements for groundwater usage. Furthermore, none of the identified areas of contamination are in the immediate vicinity of the Madera Site (City of Madera, 2014).

3.3.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

The FEIS determined that construction of the off-site utility improvements of the Approved Project would not generate impacts that would require mitigation (FEIS page 4.12-16). The currently proposed off-site utility improvements do not include any new construction methods that would result in any additional water resource impacts when compared to the impacts analyzed in the FEIS. Potential impacts from the construction of the utility alignments would be similar to those analyzed in the FEIS because all improvements would occur within existing rights-of-way or previously developed/disturbed areas directly adjacent to existing roadways as examined in the FEIS. As described in the FEIS, a SWPPP would be developed to comply with the NPDES Construction General Permit Program and would prevent water quality effects during construction. Therefore, the less-than-significant impacts to water resources from the Approved Project described in the FEIS would remain less-than-significant for construction of the currently proposed off-site utility improvements under CEQA.

The currently proposed off-site infrastructure improvements do not include any new operational activities not previously analyzed in the FEIS that would generate new environmental impacts. All off-site

infrastructure improvements would serve a similar purpose as those proposed in the FEIS and would function similarly. In addition, the Proposed Project would not result in operational effects to runoff volumes resulting from the increase in impervious surface because the underground pipelines would not add to existing impervious surfaces. Therefore, the less-than-significant impacts described in the FEIS for the Approved Project related water quality would remain less-than-significant under CEQA for the currently proposed off-site utility improvements.

As part of the water infrastructure improvements, the Tribe would construct an off-site well that would be managed by the City. While the FEIS examined the construction of a new well (Section 4.3.1, page 4.3-3), the well component for the Proposed Project would be located approximately 0.62 miles southwest of the original location and offsite. Since the proposed well would be constructed in a different location, its drawdown effects on neighboring wells when operational would change in relation to the change in proximity (i.e. moving the proposed well closer to an existing well may result in an increase in drawdown at the existing well). For the original well location onsite, the FEIS determined that because the neighboring wells were not at the Project Site boundary, the predicted drawdown effect was estimated to be 1.5 feet to 7.2 feet for neighboring wells. If neighboring wells were located near the Project Site boundary, the drawdown effect would be approximately 9.3 feet. The nearest neighboring well to the Proposed Project's off-site well (Figure 3) is approximately 0.2 miles northeast (FEIS, Appendix L, Figure 9). FEIS Appendix L, Figure 11 illustrates the estimated drawdown effects to neighboring wells depending on their distance to the Approved Project's well. At approximately 0.2 miles, the drawdown effect is estimated to be 9.3 feet, which is the same drawdown number examined in the FEIS for the worst-case scenario. Similar to the impact evaluated in the FEIS, this impact would be less-than-significant and the impact would be further reduced with the Tribe's MOU with MID (Section 1.3.3). Therefore, the less-thansignificant impacts described in the FEIS for the Approved Project related to impact to groundwater and neighboring wells would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.3.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

The currently proposed access improvements would be constructed and operated similar to the traffic mitigation improvements analyzed in the FEIS. Therefore, impacts to water resources resulting from the currently proposed access improvements would be similar to the analysis in the FEIS of the Approved Project's traffic improvement mitigation impacts to water resources. This is because the Approved Project's traffic mitigation and the currently proposed access improvements both involve modifications and expansion along existing roadways. The FEIS determined that, with adherence to the SWPPP Best Management Practices (BMP) and other regulatory requirements, construction and operation of the traffic mitigation improvements of the Approved Project would not generate impacts that would require mitigation (FEIS page 4.12-12). Examples of these BMPs include reducing impervious areas where possible to reduce flooding impacts, complying with policies within the CWA to maintain surface water quality, and reducing water usage to converse groundwater. The SWPPP would be developed to comply with the NPDES Construction General Permit Program. During operation, the effects to runoff volumes resulting from the increase in impervious surface would be minimal because off-site improvements would only slightly increase the existing pervious surface. Furthermore, some existing curb and gutters and stormwater drain inlets would be removed and relocated while curb and gutters, inlets, and other drainage facilities would be reconstructed to provide adequate facilities to direct stormwater runoff. Therefore, the

less-than-significant impacts to water resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed off-site access improvements.

3.3.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

The FEIS determined that, with adherence to the SWPPP BMPs and other regulatory requirements, construction and operation of the traffic mitigation improvements of the Approved Project would not generate impacts that would require mitigation (FEIS page 4.12-12). There are no new traffic mitigation locations when compared to the Approved Project. The currently proposed traffic mitigation improvements would be constructed in a similar way as the FEIS analyzed for the Approved Project and would not include new construction methods. Similarly, operation of the currently proposed traffic mitigation improvements would involve ongoing use by motorists and ongoing maintenance similar to the traffic mitigation for the Approved Project. The overall extent of the currently proposed traffic mitigation improvements would be less than the Approved Project as many of the Approved Project's traffic improvement requirements do not apply to the Proposed Project. As described in the FEIS, a SWPPP would be developed to comply with the NPDES Construction General Permit Program and this would reduce the potential impacts water quality and runoff. During operation, the effects to runoff volumes resulting from the increase in impervious surface are expected to be minimal because the increase in impervious surfaces is not substantial. Some existing curb and gutters and stormwater drain inlets would be removed and relocated while curb and gutters, inlets, and other drainage facilities would be reconstructed to provide adequate facilities to direct stormwater runoff. Therefore, the less-thansignificant impacts to water resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the off-site road improvements.

3.3.7 FINDINGS

The analysis of effects associated with off-site improvements to water resources in the FEIS complies with CEQA requirements for the analysis of hydrology and water quality impacts. The Proposed Project and the circumstances in which the Proposed Project would be undertaken would not result in new significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the Proposed Project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to water resources for CEQA purposes.

3.4 AIR QUALITY AND CLIMATE CHANGE

The "Air Quality" section of the FEIS addresses similar issues included in the "Air Quality" and "Greenhouse Gas Emissions" sections of the 2021 CEQA Guidelines.

3.4.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

As described in Section 3.4 of the FEIS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has local jurisdiction over the San Joaquin Valley Air Basin (SJVAB), where the Approved Project would be located. At the time of evaluation of the FEIS for the Approved Project, the SJVAB was in "serious" nonattainment for ozone (precursors include reactive organic gases (ROG) and nitrous oxides (NOx),

"serious" nonattainment for particulate matter 10 micrometers in size or less (PM₁₀), and nonattainment for PM_{2.5} under USEPA federal criteria pollutant standards. As noted in Section 4.4.2 of the FEIS, the Approved Project was evaluated in comparison with SJVAPCD criteria pollutant conformity thresholds noted in its Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). These included operational emissions of 10 tpy each of ROG and NOx.

The Approved Project was also evaluated for conformance with the applicable State Implementation Plan (SIP) following the General Conformity Rule (40 CFR § 93.158) of the federal Clean Air Act (CAA). The Approved Project was also evaluated for any potential impacts related to:

- carbon monoxide (CO) concentrations;
- exposure of sensitive receptors to objectionable odors;
- generation of toxic air contaminants (TAC);
- asbestos restrictions;
- Federal Class I Areas;
- indoor air quality (IAQ);
- individual or cumulative effects on climate change.

3.4.2 SUMMARY OF FEIS IMPACT ANALYSIS

Air quality impacts analyzed in the FEIS were determined to be potentially significant in cases where: construction activities exceed federal conformity thresholds or do not implement SJVAPCD control measures (FEIS, Section 4.4, page 4.4-8); operational emissions exceed federal conformity or SJVAPCD thresholds (FEIS, Section 4.4, page 4.4-10); CO concentrations exceed State or federal standards (FEIS, Section 4.4, page 4.4-11); odors represent a nuisance to nearby sensitive receptors (FEIS, Section 4.4, page 4.4-11); operations contribute to or generate toxic air contaminants (FEIS, Section 4.4, page 4.4-12); construction activities release airborne asbestos (FEIS, Section 4.4, page 4.4-12); operational emissions impact Federal Class I areas (FEIS, Section 4.4, page 4.4-13); and/or customers or employees are exposed to indoor air pollutants (FEIS, Section 4.4, page 4.4-13). Additionally, impacts to greenhouse gas emissions would be potentially significant if cumulative contributions to statewide GHG emissions associated with the development alternative would not be in compliance with applicable state climate change strategies (FEIS, Section 4.11, page 4.11-21). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of air quality and greenhouse gas emissions (2021 CEQA Guidelines -Appendix G, III and VIII).

Section 4.4 of the FEIS identifies potential air quality impacts of the 2012 Approved Project related to construction emissions (potentially significant), operational emissions (potentially significant), CO hotspots (potentially significant), odors (potentially significant), toxic air contaminants (potentially significant), airborne asbestos (less than significant), Federal Class I areas (less than significant), and indoor air quality (potentially significant). Additionally, Section 4.11 of the FEIS identifies potential impacts of the 2012 Approved Project related to climate change and GHG emissions (potentially significant).

Construction of the Approved Project was expected to be below both the federal conformity thresholds and SJVAPCD emissions thresholds; however, construction-related mitigation measures were included to comply with SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)*. Operation of the Approved Project was expected to exceed SJVAPCD operational emissions thresholds for ROG and NOx without mitigation. However, the potentially significant impact related to operational emissions would be reduced with the mitigation measures recommended in the FEIS (Section 5.2.3 Mitigation Measures M through DD). The Approved Project was also expected to produce operational emissions below the applicable General Conformity thresholds. Therefore, it was determined that a General Conformity Determination was not applicable (40 CFR § 93.153). However, as described in **Section 3.4.3**, the General Conformity Rule thresholds of significance for NOx and ROG were reduced from 50 tpy of ozone precursors (NOx and ROG) to 10 tpy. As noted in Section 2.2.4 of the FEIS, the Approved Project would generate annual ROG and NOx emissions in excess of the 10 tpy threshold. Therefore, reclassification of the SJVAB in May 2010 generated a need for a General Conformity Determination. A Draft Conformity Determination (DCD) was prepared and issued for public review on May 6, 2011 in accordance with 40 CFR § 93.155 (a). The Final Conformity Determination (FCD) was signed by the BIA on November 26, 2012 in accordance with 40 CFR § 93.150 (b) and added as Attachment IV of the 2012 ROD. The mitigation measures recommended in the DCD and FCD were incorporated into the RODs.

The FEIS examined existing transportation network operating conditions and potential impacts of the project based on Level of Service (LOS). The FEIS noted that intersections operating at LOS of D or better, as expected under the Approved Project, typically do not result in CO concentrations that exceed State or federal standards. The potentially significant impacts related to CO concentrations would be reduced with the traffic mitigation recommended in the FEIS (Section 5.2.7 of the FEIS). With inclusion of these mitigation measures, LOS would be expected to remain at LOS D or better at nearby intersections and, therefore, CO concentrations would remain at a less-than-significant level.

The FEIS also discussed impacts to TACs, asbestos, odors, IAQ, and Federal Class I Areas. In regards to TACs, the FEIS noted in Section 4.4.2 that demolition activities would be subject to the requirements of the Asbestos NESHAP regulations, 40 CFR §§ 61.140-61.157, and compliance with these regulations would result in a less than significant impact related to the production of airborne asbestos. The Approved Project included use of a wastewater treatment plant which, if not properly operated, had the potential to be a source of odors. The potentially significant impact related to odors and IAQ would be reduced with the mitigation recommended in the FEIS (Section 5.2.3, Mitigation Measures EE through HH and LL through CCC). The Approved Project was not determined to be a "major source" under the PSD program and would have resulted in a less-than-significant impact to Federal Class I Areas.

Based on the Approved Project's estimated GHG emissions (discussed in Section 4.11 of the FEIS), it was determined that specific climate change impacts could not be attributed to the proposed development. Rather, project impacts were determined to be most appropriately addressed in terms of the incremental contribution to a global cumulative impact. The FEIS noted in Section 4.4.2 that this approach is consistent with the view articulated in the Intergovernmental Panel on Climate (IPCC) Change Fourth Assessment Report. The FEIS noted in Section 4.11 that cumulative contributions associated with development would be less than significant if the project were to comply with the applicable strategies identified by CARB or the Climate Action Team (CAT), provided in Appendix W of the FEIS. Strategies identified as applicable to the Approved Project were provided in Table 4.11-10 of the FEIS. The potentially significant impact related to global cumulative emissions reductions and climate change would be reduced with the mitigation recommended in the FEIS (Section 5.2.3, Mitigation Measures DDD through KKK).

Air quality impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-17) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-12) were determined to be less than significant. Development of the improvements would result in short-term construction-related air pollution emissions. The construction phase would produce two types of air contaminants: exhaust emissions from construction and fugitive dust generated as a result of demolition and soil movement. Exhaust emissions from construction activities include those associated with the transport of workers and machinery to the site, as well as those produced on site as the equipment is used. Construction of improvements would be limited in scope and duration. Thus, a less-than-significant effect would result for CEQA purposes.

3.4.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.4 of the FEIS, and summarized in **Section 3.4.1** of this Technical Memorandum, is also applicable to the off-site improvements.

3.4.3.1 Criteria Air Pollutants

Since the analysis presented in the FEIS, the USEPA has lowered federal air quality conformity *de minimis* levels over time to better protect public health. As noted above, when the FEIS for the Approved Project was being prepared, it was in "serious" nonattainment for ozone precursors ROG and NO_x, and PM₁₀. On May 5, 2010 the USEPA reclassified the SJVAB as "extreme" nonattainment for the federal 8-hour ozone standard. This designation and classification became effective on June 4, 2010. With adoption of revised federal standards, it remained in "serious" nonattainment for particulate matter 2.5 micrometers in size or less (PM_{2.5}) under the 2007 federal standard, and in "extreme" nonattainment for 8-hour ozone under the 2015 and 2008 federal standards, as of December 2020 (USEPA, 2020a, 2020b, 2020c).

Since the publication of the FEIS, the SJVAPCD has adopted updated plans for criteria air pollutants. On March 23, 2017, the California Air Resources Board (CARB) adopted the SJVAPCD's *2016 Valley State Implementation Policy (SIP) Strategy* to commit to a timeline for achievement of PM_{2.5}, NOx, and ozone reductions within the Valley to meet federal standards (SJVAPCD, 2018). The Valley State SIP Strategy includes emissions control measures for an array of mobile sources, as described in Chapter 2 of the *2016 Valley SIP Strategy* (SJVAPCD, 2018). These were further delineated in the *2018 Plan for the 1997, 2006, and 2012 PM_{2.5} Standards* adopted by the SJVAPCD in November 2018 (SJVAPCD, 2018). In June 2016, the SJVAPCD also adopted the *2016 Plan for the 2008 8-Hour Ozone Standard*, which sets out the strategy to attain the federal 2008 8-hour ozone standard no later than December 2031 (SJVAPCD, 2016).

The USEPA issued a final revised General Conformity Rule on April 5, 2010. Changes to the General Conformity Rule included allowing states and tribes to develop their own "presumed to conform" list for actions covered by the state's SIP (40 CFR § 51.851) and providing for the use of early emissions reduction credits (ERC) to mitigate potential impacts of criteria pollutant emissions (40 CFR § 93.165). As noted above, the classifications of the SJVAB for criteria air pollutants changed since the FEIS was

prepared. General Conformity Rule thresholds of significance differ by classification; therefore, the General Conformity Rule thresholds of significance were lowered in reflection of SJVAB's "extreme" nonattainment for ozone precursors ROG and NOx. Due to the reclassification of the SJVAB to "extreme" nonattainment, the applicable conformity thresholds for NOx and ROG were reduced from 50 tpy of ozone precursors (NOx and ROG) to 10 tpy. For "serious" nonattainment of PM_{2.5}, the threshold remained at 70 tpy (40 CFR § 93.158). As noted in Section 2.2.4 of the FEIS, the Approved Project would generate annual ROG and NOx emissions in excess of the 10 tpy threshold. Therefore, reclassification of the SJVAB in May 2010 generated a need for a General Conformity Determination. As described in **Section 3.4.2**, a FCD was signed by the BIA on November 26, 2012 in accordance with 40 CFR § 93.150 (b).

3.4.3.2 Tribal New Source Review

Since the analysis presented in the FEIS, the USEPA promulgated the *Review of New Sources and Modifications in Indian Country*, the final rule that outlines pre-construction permitting requirements for stationary sources located in Indian Country. The final rule includes two New Source Review (NSR) rules for the protection of air quality in Indian Country. One of those rules, known as the Tribal Minor NSR Rule, applies to new stationary sources or modifications at existing stationary sources with projected emissions that are more than the minor NSR thresholds but less than the major NSR thresholds, which are generally 100 to 250 tons per year (tpy). The final rule allows the USEPA to review applications for and issue minor NSR permits to stationary source facilities within the federally-recognized external boundaries of Reservations.

3.4.3.3 Greenhouse Gas Emissions

Since the 2008 guidance on climate change was issue by the OPR, the State has developed additional building regulations to reduce GHG emissions. These include the Title 20 Appliance Efficiency Regulations, the newest of which were adopted by the California Energy Commission in 2019 and went into effect January 1, 2020; and the Title 24 California Building Standards Code, including the Green Building Code (Part 11) and the Energy Code (Part 6), the most recent of which also went into effect January 1, 2020 (DGS, 2020). The Energy Code was designed to support California's goal of net zero energy use for new buildings by 2030. The Green Building Code was developed to improve public health through building designs that have a positive environmental impact and promote sustainable practices. Title 24 standards have been incorporated in the Proposed Project building plans. Additionally, mitigation in the FEIS included use of energy-efficient appliances as a mitigation measure (FEIS Section 5.2.3, Mitigation Measure GGG).

In August 2016, the White House Council on Environmental Quality (CEQ) issued final guidance for federal agencies to assist in reviewing the impacts of climate change under NEPA (CEQ, 2016). The guidance does not delineate emissions thresholds or require implementation measures for a proposed action; however, it directs agencies to attempt to quantify estimated direct and indirect GHG emissions resulting from a proposed action when the amount of emissions is substantial enough to warrant quantification, and when it is practicable to quantify using available data and tools (CEQ, 2016). The guidance encourages agencies to use existing information and science in their assessments and to consider alternatives that would make the action and affected communities more resilient to the effects of a changing climate.

Lastly, the City of Madera adopted a Climate Action Plan in 2015, which evaluated annual community and municipal-wide GHG emissions generation, and set targets to meet its fair share contribution toward statewide emissions reduction goals in line with Assembly Bill (AB) 32, Executive Orders S-3-05 and B-30-15, and the State Climate Change Scoping Plan (City of Madera, 2015). The plan included GHG emissions inventories based on 2007 operational data, projected baseline emissions and set emissions targets for 2020 and 2030. The 2020 emissions target was set at 15 percent below the 2007 level, in line with both AB 32 and the City's 2009 General Plan Action Item CON-36.2 (City of Madera, 2015). The 2030 target was set at 20 percent below the 2007 level. The greatest emissions reductions were expected from Transportation and Land Use measures. The Climate Action Plan did not identify project-level emissions thresholds for evaluating proposed developments under CEQA and deferred to SJVAPCD, statewide, or other regional guidance (City of Madera, 2015).

3.4.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

The off-site utility improvements would result in short term construction emissions of both criteria air pollutants and GHGs. The Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model, Version 9.0.0. (RCEM) was used to estimate the construction emissions for the off-site infrastructure improvements. RCEM is approved for use by the SJVAPCD for linear projects.

Unmitigated construction-related emissions for the off-site infrastructure improvements are shown in **Table 3-1**. Based on the updated air quality analysis for the currently proposed off-site infrastructure improvements, unmitigated construction emissions would not exceed the SJVAPCD construction emissions thresholds.

As noted in the SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) (SJVAPCD, 2015), "although the impacts from construction-related air pollutant emissions are temporary in duration, such emissions can still represent a significant air quality impact. In some cases, construction impacts may represent the largest air quality impact associated with a proposed project. Construction activities such as grading, excavation and travel on unpaved surfaces can generate substantial amounts of dust, and can lead to elevated concentrations of PM₁₀."

According to the GAMAQI, the SJVAPCD emphasizes the implementation of measures to control construction-related emissions, rather than the preparation of detailed quantification of construction-related emissions. Thus, consistent with the approach presented in the GAMAQI document, all off-Reservation construction is required to comply with SJVAPCD's Regulation VIII (Fugitive Dust Rules) and Rule 8021 (Construction Activities). Therefore, because construction methods and activities are comparable to those included in the FEIS, the off-site infrastructure improvements would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The impacts from construction emissions would be less than significant.

SJVAPCD currently does not provide thresholds for GHG emissions during construction activities. Due to the lack of traffic generating operational activities, the off-site infrastructure improvements would not generate criteria pollutants and/or toxic air contaminants above those included in the FEIS analysis. The potentially significant operational air emission impacts described in the FEIS would only relate to the operational activities of the casino/hotel; off-site infrastructure improvements would not contribute to

operational emissions of criteria air pollutant or GHG emissions. Therefore, the less-than-significant impacts described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed off-site utility improvements.

	EMISSIONS IN TONS PER YEAR					
OFF-SITE IMPROVEMENTS	СО	NOx	ROG	SOx	PM 10	PM _{2.5}
Infrastructure Improvements						
Sewer Line ^a	0.11	0.18	0.02	0.00	0.01	0.01
Water Pipeline ^b	0.48	0.83	0.08	0.00	0.05	0.04
Access Improvements						
Golden State Widening ^c	1.20	1.77	0.16	0.01	0.11	0.08
Traffic Mitigation Improvements						
SR 99 SB-Road 23 / Ave 18½ ^d	0.43	0.39	0.07	0.00	0.02	0.02
SR 99 NB / Ave 18½ ^d	0.44	0.39	0.10	0.00	0.02	0.02
Golden State-Airport / Ave 17 ^d	0.43	0.39	0.08	0.00	0.02	0.02
SR 99 SB / Ave 17 ^d	0.43	0.39	0.06	0.00	0.02	0.02
SR 99 NB / Ave 17 ^d	0.43	0.39	0.08	0.00	0.02	0.02
Avenue 17 – Road 26 to Road 27 ^e	1.15	1.61	0.15	0.01	0.09	0.07
Total	5.09	6.32	0.78	0.01	0.35	0.29
SJVAPCD Thresholds	100	10	10	27	15	15
Above Threshold?	No	No	No	No	No	No

TABLE 3-1. OFF-SITE IMPROVEMENTS - CONSTRUCTION EMISSIONS

Notes:

a. Assuming a 3-month construction schedule with 2,000 cubic yards of cut and fill.

b. Assuming a 6-month construction schedule with 16,000 cubic yards of cut and fill, including well construction.

c. Assuming a 6-month construction schedule with 25,000 cubic yards of material haul for grading and paving.

d. Assuming a 6-month construction schedule with 1,000 cubic yards of cut and fill.

e. Assuming a 6-month construction schedule with 12,500 cubic yards of material haul for grading and paving.

Source: **Attachment C**. California Emissions Estimator Model, Version 2013.2, 2016. Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model, Version 9.0.0. May 2018.

3.4.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

The currently proposed access improvements would also result in short term construction emissions. RCEM was used to estimate the construction emissions for the currently proposed access improvements. Unmitigated construction-related emissions for the access improvements are shown in **Table 3-1**. Based on the updated air quality analysis for the currently proposed access improvements, unmitigated construction emissions would not exceed the SJVAPCD construction emissions thresholds.

Due to the lack of traffic generating operational activities, the currently proposed access improvements would not generate criteria pollutants and/or toxic air contaminants above those included in the FEIS

analysis. The potentially significant operational air emission impacts described in the FEIS would only relate to the operational activities of the casino/hotel; roadway improvements along Golden State Boulevard would improve traffic flow and thereby reduce GHG emissions from vehicle traffic in the area.

Consistent with SJAVPCD's GAMAQI, all off-Reservation construction is required to comply with SJVAPCD's Regulation VIII (Fugitive Dust Rules) and Rule 8021 (Construction Activities). Therefore, because construction methods and activities are comparable to those included in the FEIS, the currently proposed access improvements would not result in any new significant impacts or substantially more severe impacts than those analyzed in the FEIS. Therefore, the less-than-significant impacts described in the FEIS for the Approved Project would remain less than significant under CEQA for construction emissions of the currently proposed access improvements.

3.4.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

The currently proposed traffic mitigation improvements would similarly result in short term construction emissions. RCEM and California Emissions Estimator Model, Version 2013.2 (CalEEMod) were used to estimate the construction emissions for the currently proposed access improvements. Unmitigated construction-related emissions for the traffic mitigation improvements are shown in **Table 3-1**. Based on the updated air quality analysis for the traffic mitigation improvements, unmitigated construction emissions would not exceed the SJVAPCD construction emissions thresholds.

Due to the lack of traffic generating operational activities, the traffic mitigation improvements would not generate criteria pollutants and/or toxic air contaminants above those included in the FEIS analysis. The potentially significant operational air emission impacts described in the FEIS would only relate to the operational activities of the casino/hotel; roadway improvements related to traffic mitigation would improve traffic flow and thereby reduce GHG emissions from vehicle traffic in the area.

Consistent with SJAVPCD's GAMAQI, all off-Reservation construction is required to comply with SJVAPCD's Regulation VIII (Fugitive Dust Rules) and Rule 8021 (Construction Activities). Therefore, because construction methods and activities are comparable to those included in the FEIS, the traffic mitigation improvements would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The impacts from construction emissions would be less-than-significant. Therefore, the less-than-significant impacts described in the FEIS for the Approved Project would remain less than significant under CEQA for construction and operational emissions of the currently proposed traffic mitigation improvements.

3.4.7 FINDINGS

The FEIS analysis of air quality and GHG effects associated with off-site improvements complies with CEQA requirements for the analysis of construction and operational air quality impacts. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe air quality or GHG-related impacts warranting further environmental review under CEQA. No new information has been found that demonstrates that the project would result in new significant or substantially more severe air quality or GHG-related impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new

significant impacts related to air quality or GHG-related impacts for CEQA purposes.

3.5 BIOLOGICAL RESOURCES

The "Biological Resources" section of the FEIS addresses similar issues included in the "Biological Resources" section of the 2021 CEQA Guidelines.

3.5.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

The setting for biological resources was discussed in Section 3.5 of the FEIS. The FEIS considered the federal and state Endangered Species Acts, the Clean Water Act, Migratory Bird Treaty Act, and the California Fish and Game Code. As described in Section 3.5 of the FEIS, the Madera Site is predominantly agricultural lands. At the time of surveys completed for the FEIS, agricultural land on the Madera Site was in dry wheat production, and the Schmidt Creek Channel was observed on site along with associated seasonal wetlands. An area of ruderal habitat was observed in the southeastern portion of the Madera Site where an abandoned dwelling was observed. A formal wetland delineation was conducted by H. T. Harvey & Associates in 2005 and identified 1.69 acres of wetlands and 6.82 acres of other waters of the U.S. The U.S. Army Corps of Engineers (USACE) verified these features as jurisdictional on January 10, 2006 (USACE, 2006). **Table 3-2** provides acreages for habitat types identified on the Madera Site by the FEIS.

HABITAT TYPES	ACRES	
Dryland Wheat Fields	292.5	
Schmidt Creek Ditch and Seasonal Wetland Depressions	8.5	
Ruderal/ Developed	4.0	
Total	305	

TABLE 3-2. MADERA SITE HABITAT TYPES IDENTIFIED IN FEIS

In addition to an evaluation of habitat types, the FEIS considered the potential for special-status species to occur on the Madera site. The FEIS found that no federally listed special-status species had the potential to occur on the Madera site, but three state listed special-status species had the potential to occur: Swainson's hawk, burrowing owl, and hoary bat (refer to Section 4.4.1 of the FEIS).

3.5.2 SUMMARY OF FEIS IMPACT ANALYSIS

Biological resource impacts analyzed in the FEIS were determined to be potentially significant in cases where sensitive habitats (FEIS, Section 4.5, page 4.5-1), including waters of the U.S. (FEIS, Section 4.5, page 4.5-4), were directly or indirectly impacted by the Approved Project; federal- and state-listed special-status species were adversely affected (FEIS, Section 4.5, page 4.5-2); or project components failed to comply with regulatory requirements, including the Migratory Bird Treaty Act (MBTA; FEIS, Section 4.5, page 4.5-3). Because the Proposed Project would be developed on land held in federal trust, local and state policies protecting biological resources would not be applicable; therefore, conflicts with those policies were not evaluated in the FEIS. Additionally, there are no adopted or proposed Habitat Conservation Plans, Natural Community Conservation Plans, or other conservation plans that include the

Madera Site or Vicinity. The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA used for the evaluation of biological resources (2021 CEQA Guidelines - Appendix G, VII and XII).

The FEIS determined that the Schmidt Creek Channel and seasonal wetlands are sensitive habitats. In the analysis of the Approved Project, the FEIS determined that the Approved Project would not convert these habitat types, but impaired runoff could result in indirect effects on water quality (potentially significant). The FEIS also determined that discharge of treated wastewater into Dry Creek from an onsite WWTP had the potential to degrade aquatic habitat through flow and temperature modification (potentially significant). The FEIS determined that removal of agricultural lands had the potential to impact Swainson's hawk foraging habitat (significant) and burrowing owl burrows, if present (significant). The FEIS also acknowledged that trees on the Madera Site had the potential to support roosting bats and that removal of bat roost trees would be potentially significant. Finally, construction and operation had the potential to disrupt bird nesting, and bird migration through the introduction of lighting that could cause stranding or injury (potentially significant). The potentially significant impacts to biological resources related to construction and operation of the Approved Project on the Madera Site would be reduced with the mitigation recommended in the FEIS (Section 5.2.4, Mitigation Measures A through I).

The FEIS analyzed the potential for the off-site pipeline construction and traffic mitigation to impact biological resources (FEIS Sections 4.12.3 and 4.12.2, respectively). The FEIS determined that there were no known wetlands or sensitive habitats that would be impacted by off-Reservation pipeline construction or traffic mitigation improvements associated with the Approved Project. The FEIS concluded that habitat in these areas was ruderal/disturbed and bounded by development such as roadways, agricultural use lands, and commercial development. The FEIS noted that the minor re-alignment of roadside drainage ditches would be necessary in order to accommodate traffic mitigation improvements. No special-status species were identified as having the potential to occur within these areas. The construction of off-site pipeline and traffic improvements would be performed in accordance with the NPDES Construction General permit and applicable SWPPP and would prevent impaired runoff from indirectly impacting habitat downstream of drainage ditches. This work would be subject to the federal and state Endangered Species Acts, which would prohibit the take of special-status species. Similarly, these improvements would be subject to the CWA such that impacts to waters of the U.S. or State would occur under the applicable permits and the implementation of avoidance, minimization and mitigation measures incorporated into the permits. Finally, off-Reservation improvements would be subject to the California Fish and Game Code, which prohibits disturbance of nesting birds, alteration of lakes and streams, and impacts to species identified as special concern or fully protected.

3.5.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.5 of the FEIS, and summarized in **Section 3.5.1** of this Technical Memorandum, is also applicable to the off-site improvements. Since publication of the FEIS, the following minor updates to the regulatory setting discussed in the FEIS have occurred:

• The CWA has undergone revisions to clarify the definition of Waters of the U.S., and the State has

revised the definition of Waters of the State.

- The California Department of Fish and Game has since changed its name to the California Department of Fish and Wildlife, though the function of this agency remains largely the same.
- CDFW has published updated guiding documents on Swainson's hawk impact identification and mitigation (CDFW, 2000) as well as burrowing owl (formerly Western burrowing owl) mitigation (CDFW, 2012).
- Agency guidance on survey methodology for defining habitat types has been revised (CDFW, 2018).
- USFWS has published guidance on the timing and methodology for nesting bird surveys (USFWS, 2020).

Since publication of the FEIS, AES completed updated surveys in 2013, 2014, 2016, and 2021. The most recent survey was performed on January 25 and 26, 2021. The results of this survey are included in **Attachment D**. Section 3.2 of **Attachment D** identifies current habitat types observed on the Madera Site and off-site infrastructure improvement areas during the January 2021 survey. Habitat types are also shown on Figure 3 of **Attachment D**. Since the BIA prepared the FEIS and adopted the ROD, an area of land in dry wheat production has been overtaken by non-native grasslands. Areas that were in dry wheat production. Therefore, this Technical Memorandum adds non-native grasslands as a habitat type, and dryland wheat fields has been reclassified as cultivated land. Additionally, western spadefoot toad, a California Species of Special Concern has the potential to occur within the seasonal wetlands and grassland habitat. This species had not been observed near the Madera Site when the FEIS was prepared and adopted, but has since been observed within 5 miles of the Madera Site.

3.5.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

Given the passage of time since the FEIS was adopted, an updated biological survey was completed for the off-site utility improvements in January 2021 (**Attachment D**). The currently proposed off-site utility improvements would occur within paved roadways or along roadside shoulders. A portion of the infrastructure improvements would cross the Schmidt Creek Channel where Golden State Blvd. crosses via an existing box culvert. This would not require work within or modifications to the Schmidt Creek Channel and would be constructed outside the limits of the channel. The area of construction disturbance is already developed and subject to regular disturbance from traffic and maintenance activities. Therefore, no sensitive habitats would be impacted. The survey concluded that lands adjacent to utility improvement areas are developed with agricultural, commercial, and residential uses and lack features that would facilitate wildlife movement. Habitat suitable to support special-status species was not observed. Conditions of the utility improvement areas have not significantly changed since the preparation of the FEIS, and new areas of utility improvement areas. As stated above, the off-site infrastructure improvements would be subject to the regulatory requirements protecting biological resources.

There is the potential for nesting birds, burrowing owl burrows, or Swainson's hawk nests to occur in the vicinity of the off-site utility improvements. Therefore, Biological Resources Mitigation Measures A (Swainson's hawk protocol), B (general nesting bird survey), and C (burrowing owl protocol) in **Attachment B** would apply to the construction of the off-site utility improvements in order to avoid

impacts to nesting birds. Impact avoidance would be achieved through pre-construction surveys that would identify active nests and implement the appropriate construction-free buffer. Similarly, potential burrowing owl burrows would be identified in pre-construction surveys and provided with the appropriate buffer, consulting with CDFW as necessary. Therefore, the less-than-significant impacts to biological resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.5.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

Access improvements proposed for the Proposed Project would be restricted to Golden State Blvd. and the intersection at Avenue 17. Biological resources, potential impacts to these resources, and regulatory requirements would be similar to those described above for infrastructure improvement areas. Therefore, access improvements to Golden State Blvd. would not result in additional or increased biological resource impacts when compared to the impacts analyzed in the FEIS. For development of the access improvements, the potentially significant impacts related to Swainson's hawk, burrowing owl, and nesting birds would be avoided with the biological resources Mitigation Measures A, B, and C included in **Attachment B**². Impact avoidance would be achieved through pre-construction surveys that would identify active nests and implement the appropriate construction-free buffer. Similarly, potential burrowing owl burrows would be identified in pre-construction surveys and provided with the appropriate buffer, consulting with CDFW as necessary. Therefore, the less-than-significant impacts to biological resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed access improvements.

3.5.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

The currently proposed traffic mitigation improvements would be located within the areas analyzed in the FEIS. Similar to the discussion above for infrastructure improvements and access improvements, habitat in these areas are of low quality and are subject to ongoing disturbance. The January 2021 biological survey revealed that conditions of the traffic improvement areas have not significantly changed since the FEIS was prepared and adopted. Habitat for special-status species or wildlife corridors were not observed.

A small swale was observed in the vicinity of the proposed traffic improvements at the southeast portion of SR-99 and Avenue 17. This swale holds water following periods of intense rainfall following which water percolates into the ground. This feature is adjacent to SR-99 and in between the freeway offramp lanes and railroad tracks occurring to the east of SR-99. This area does not contain habitat suitable to support special-status species and is subject to ongoing maintenance. Tread marks from a riding lawn mower were observed in the swale during the survey. Although this feature is isolated and would not qualify as a water of the U.S., there is limited potential for this feature to be considered a water of the state. However, this feature is outside of the potential impact area and would not be directly impacted by construction or operation of the currently proposed traffic mitigation improvements. Additionally, the currently proposed traffic mitigation improvements would be subject to the SWPPP, which would prevent

 $^{^2}$ Mitigation Measures A, B, and C presented in **Attachment B** have been updated when compared to the FEIS to be consistent with current agency protocol. The revisions serve only to elevate survey methodology to current standards and do not alter the impact analysis or the levels of impacts identified in the FEIS.

impaired runoff from impacting the swale during construction and would require site stabilization following construction to ensure operational impacts would not occur. This impact would be less when compared to the traffic mitigation improvements of Approved Project, which proposed re-alignment of roadside ditches. Because acquisition and implementation of the SWPPP would be required to comply with regulations protecting habitat outside of the impact area, impacts would be less than significant, and no mitigation is required.

As stated above, the traffic mitigation improvements would be subject to the regulatory requirements protecting biological resources, including permitting for impacts to waters of the state. However, there is the potential for nesting birds or Swainson's hawk nests to occur in the vicinity of the traffic mitigation improvements. Additionally, burrowing owls may establish burrows within agricultural areas or undeveloped fields in the vicinity of intersections 3 and 4 and the roadway improvements along Avenue 17 (**Figure 7b**). Therefore, Biological Resources Mitigation Measures A (Swainson's hawk), and B (nesting bird survey) would apply to the construction of traffic mitigation improvements, and Mitigation Measure C (burrowing owl) in **Attachment B** would apply to intersections 3 and 4 and the roadway improvements along Avenue 17. Impact avoidance would be achieved through pre-construction surveys that would identify active nests and implement the appropriate construction-free buffer. Similarly, potential burrowing owl burrows would be identified in pre-construction surveys and provided with the appropriate buffer, consulting with CDFW as necessary. Therefore, the less-than-significant impacts to biological resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.5.7 FINDINGS

The analysis of effects associated with off-site improvements to biological resources in the FEIS complies with CEQA for analysis of biological resources. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe biological resources impacts warranting further environmental review. No new information has been found that demonstrates that the project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to biological resources for CEQA purposes.

3.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

The "Cultural and Paleontological Resources" section of the FEIS addresses similar issues included in the "Cultural Resources," and "Tribal Cultural Resources" sections in addition to paleontological resources issue area under "Geology and Soils" of the 2021 CEQA Guidelines.

3.6.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

The regulatory and environmental setting for cultural and paleontological resources was discussed in Section 3.6 of the FEIS. The following regulations were included in the discussion of cultural and paleontological resources: National Historic Preservation Act; National Register of Historic Places; Native American Graves Protection and Repatriation Act; and the Paleontological Resources Preservation Act.

3.6.1.1 Archaeological Inventory

In support of the FEIS, a background record search at the Southern San Joaquin Valley Information Center (SSJVIC), a Native American outreach program, and field surveys of the Madera Site were conducted by Analytical Environmental Services (AES) in 2004-2005 (FEIS, Appendix J). The SSJVIC review found that none of the Proposed Project Area of Potential Effects (APE; defined as the entire 305-acre property) had been surveyed for cultural resources. An aerial photograph taken in 1950 depicted a small group of structures mid-site, as well as the Daulton Farm complex in the southeast corner of the APE. The photograph also showed that the southern half of the APE was marshland and overflow from Schmidt Creek and the northern half was agricultural land.

The Native American outreach program consisted of contacting the Native American Heritage Commission (NAHC) to ask for a search of the Sacred Lands File and for a list of groups or individuals who might have information regarding cultural resources within the APE. The NAHC reported that the Sacred Lands File search was negative and identified one person, Katherine Erolinda Perez, Chairperson of the North Valley Yokuts Tribe. In February 2004, AES mailed a letter to Ms. Perez describing the property analyzed in the 2012 Approved Project. No response was received from Ms. Perez.

A pedestrian survey utilizing transects spaced 25 meters apart was completed in 2005. In 2005, there was a combination of thick ground cover and standing water over the APE. The only resource identified by the survey consisted of the remains of the Daulton Farm, located in the central and southeastern portions of the APE. The Daulton Farm consisted of the remnants of a farm complex intermixed with a modern prefab residential dwelling, Quonset hut, and farming features in their original agricultural setting. The primary structures related to the historical period of the site included a barn and shed, both built circa 1953. The farm was one of several owned by members of the Daulton family, prominent and early local citizens. However, because 1) the barn and associated structures were not directly associated with the main Daulton Ranch, located 10.5 miles northeast of the APE; 2) the integrity of the site had been altered by the removal of the residence and addition of newer structures; 3) the Daulton family was only locally prominent; and 4) the lack of information potential, the Daulton Farm was recommended not eligible for listing on the NRHP. The State Historic Preservation Officer concurred with the finding on May 25, 2007 (SHPO, 2007).

3.6.1.2 Paleontological Study

A paleontological study was prepared in 2008 (Kottachchi, 2008) that discussed the geology underlying the APE, drew a comparison to the nearby Fairmead Landfill locality 6 miles north of the APE, and included a field survey of the APE. The study concluded that Pleistocene vertebrate fossils are probably present in units underlying the Madera Site. Therefore, Kottachchi (2008) recommended that excavations of *in situ* sediment more than 1 to 2 meters below surface should be monitored for paleontological resources.

3.6.2 SUMMARY OF FEIS IMPACT ANALYSIS

Cultural and Paleontological Resources impacts analyzed in the FEIS were determined to be potentially significant in cases where the project could adversely impact cultural resources (FEIS, Section 4.6, page 4.6-1) and paleontological resources (FEIS, Section 4.6, page 4.6-1). The levels of significance used in

the FEIS are consistent with the significance thresholds in CEQA for the evaluation of cultural resources, paleontological resources under geology and soils, and tribal cultural resources (2021 CEQA Guidelines - Appendix G, V, VII, XVIII).

Section 4.6 of the FEIS identifies potential cultural and paleontological impacts during construction and operation of the Approved Project related to cultural resources (potentially significant) and paleontological resources (potentially significant). No cultural resources or paleontological resources were identified on the Madera Site and therefore no impact would occur with regards to known existing resources. However, undiscovered cultural and paleontological resources could be uncovered during construction and this would be a potentially significant impact. The potentially significant impact related to cultural and paleontological resources would be reduced with the mitigation recommended in the FEIS (Section 5.2.5, Mitigation Measure A through D). The mitigation measures that would be implemented include halting construction if an archeological or paleontological resources, and adhering to applicable federal regulations. These measures would ensure that potential damage to these undiscovered resources, if existent, are reduced and are properly documented and assessed if discovered. With implementation of these measures, the impact to undiscovered cultural and paleontological resources would be less than significant.

Cultural and paleontological resources impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-17) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-12) were determined to be less than significant. The construction of the roadway improvements has the potential to disturb or destroy historical features and archaeological resources. Grading roadsides to add traffic lanes or expanding intersections, and trenching to add new pipeline may disturb previously unknown sites. Due to prior grading of the existing roadways and occasional traffic on roadsides it is likely that resources remaining in these areas are highly disturbed and lack integrity. However, to confirm potential impacts to known cultural resources, additional cultural surveys may be required to comply with local jurisdictional approvals. Construction would need to comply with National Historic Preservation Act; National Register of Historic Places; Native American Graves Protection and Repatriation Act; Paleontological Resources Preservation Act, and other applicable State and local regulations. Therefore, the Approved Project would result in a less-than-significant indirect effect to cultural resources.

3.6.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Sections 3.6.3 and 3.6.4 of the FEIS, and summarized in **Section 3.6.1** of this Technical Memorandum, is also applicable to the off-site improvements. A new cultural survey and record search was conducted in January 2021 for the off-site improvements analyzed below. There have been no significant changes to the regulatory or environmental setting related to cultural and paleontological resources since the issuance of the FEIS.

3.6.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

The FEIS did not identify any known cultural or paleontological resources in the vicinity of the utility

improvements analyzed for the Approved Project. The currently proposed off-site utility improvements would not occur beyond the radius of the cultural and paleontological resources review performed in the FEIS. However, a new cultural survey and record search was conducted in January 2021 to confirm the absence of known cultural resources within the alignments and confirmed that no known cultural or paleontological resources occurred in the vicinity of the currently proposed off-site utility improvements. For the new survey, the 2004 APE was expanded to include modifications to intersections where traffic levels will increase to accommodate patrons once the casino is built and opened, the development of off-site water and sewer infrastructure extending west and south of the Madera Site, and the potential widening of a mile of roadway. For purposes of the new survey, the APE included a 20-foot wide corridor on either side of the road to include new utility improvements included as part of the Proposed Project, a 20-foot wide corridor on either side of Avenue 17 between Road 26 and Road 27, and 200 feet in each direction for the three traffic intersections.

AES completed an updated cultural resource record search on February 1, 2021 (File No. 21-039), focusing on the utility improvements and traffic improvement locations included in the Proposed Project. The only resource noted near the APE for the new survey is P-20-2308, the Madera Canal Lateral 6.2. Madera Canal Lateral 6.2 is adjacent to the sections of Road 23 and Avenue 17 where water and sewer improvements will be located under the Proposed Project condition. Lateral 6.2 has significantly changed from its original proposed alignment, because its existing profile has been significantly impacted by new intervening construction in the area, neglect, and erosion. The site record form indicates that the Madera Canal Lateral 6.2 is not eligible for listing on the National Register of Historic Places or the California Register of Historical Resources.

The record search identified previous archaeological studies that included the northeastern corner of the SR-99 at Avenue 18 ½ intersection, the eastern half of the SR-99 at Avenue 17 intersection, and crossed Road 23 going into the 305-acre Madera Site. Another survey included the Avenue 17 from Road 26 to Road 27 corridor, and one survey include part of the Madera Municipal Airport, extending to the southern edge of Avenue 17 where water/sewer improvements are proposed. None of these surveys identified any cultural resources.

AES completed an archaeological survey of the APE on January 25-26, 2021 using a single pedestrian transect of each location. The results of the survey are detailed in **Attachment E**. Overall ground surface was poor due to artificial materials placed on road shoulders or thick seasonal grasses and forbs covering native soils. Average ground surface visibility was less than 2 percent. No cultural resources were identified during the survey.

The FEIS did not identify the potential for operation of utility improvements for the Approved Project to generate impacts to cultural or paleontological resources. Similar to the installation of utility improvements for the FIES, it is unlikely that construction of the currently proposed off-site infrastructure improvements would disturb *in situ* sediment more than two meters below ground surface because the proposed improvements would not require grading below that depth. Additionally, the currently proposed off-site utility improvements do not include any new construction methods or substantially increase the construction area and therefore would not result in any additional cultural and paleontological impacts when compared to the impacts analyzed in the FEIS. While there are no known impacts to cultural or paleontological resources, the currently proposed off-site utility improvements carry a similar probability

that unknown resources may be discovered during construction. Adherence to federal, State, and local regulations regarding discovery of cultural and paleontological resources, including halting work in the vicinity of a find until formal assessment by a professional archaeologist can be completed would result in a less-than-significant impact to cultural and paleontological resources. Therefore, the less-than-significant impacts to cultural and paleontological resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.6.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

As described above in "Analysis of Off-Site Utility Improvements." a new cultural survey and database search was conducted for all infrastructure, access improvements, and traffic mitigation measures. As described therein, no cultural resources were identified during the survey. Additionally, the FEIS did not identify impacts to cultural resources related to the operation of off-site construction. The access improvements would be constructed using similar methods to those analyzed in the FEIS for traffic mitigation improvements for the Approved Project. Construction of the access improvements therefore carry a similar probability that unknown cultural or paleontological resources may be discovered during construction. It is unlikely that grading for the proposed off-site access improvements would disturb in situ sediment more than two meters below ground surface because the proposed improvements are unlikely to require that depth of grading, thus reducing the likelihood of resource discovery. Adherence to federal, State, and local regulations regarding discovery of cultural and paleontological resources, including halting work in the vicinity of a find until formal assessment by a professional archaeologist can be completed would result in a less-than-significant impact to cultural and paleontological resources. Therefore, the less-than-significant impacts to cultural and paleontological resources described in the FEIS for the Approved Project would remain less than significant under CEQA for the currently proposed access improvements.

3.6.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

As described above in "Analysis of Current Off-Site Utility Improvements," no cultural resources were identified during the survey. Additionally, the FEIS did not identify impacts to cultural resources related to the operation of the Approved Project's traffic mitigation improvements. The currently proposed off-site traffic mitigation improvements do not include construction components or methods that would result in additional cultural and paleontological resources impacts when compared to the impacts analyzed in the FEIS as the construction methodology would be the same. It is unlikely that grading for the proposed off-site access improvements would disturb *in situ* sediment more than two meters below ground surface because the proposed improvements are unlikely to require that depth of grading, thus reducing the likelihood of resource discovery. Adherence to federal, State, and local regulations regarding discovery of cultural and paleontological resources, including halting work in the vicinity of a find until formal assessment by a professional archaeologist can be completed would result in a less-than-significant impact to cultural and paleontological resources. Therefore, the less-than-significant impacts to cultural and paleontological resources to federal for the Approved Project would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.6.7 FINDINGS

The analysis of effects associated with off-site improvements to cultural and paleontological resources in the FEIS complies with CEQA requirements for the analysis of cultural resources and tribal resources impacts in addition to paleontological resources impacts under geology and soils. The Proposed Project and the circumstances in which the Proposed Project would be undertaken would not result in new significant or substantially more severe impacts that the Proposed Project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to cultural and paleontological resources for CEQA.

3.7 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

The "Socioeconomic Conditions and Environmental Justice" section of the FEIS includes similar issues to those listed in the "Population and Housing" and "Recreation" section of the 2021 CEQA Guidelines. Additionally, potential growth from the infrastructure and utility improvements analyzed in the FEIS were addressed in Section 4.12.1 – Growth Inducing Effects. Potential growth from the Proposed Off-Site Utility Improvements analyzed in this Technical Memorandum is addressed in **Section 2.2.2**.

3.7.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

Section 3.7 of the FEIS discussed population, housing, and employment data for Madera County. A socioeconomic study was prepared for the Approved Project and included as Appendix R of the FEIS. The primary regulation with regards to socioeconomics and environmental justice is Executive Order 12898. Below provides a summary of the environmental setting within the FEIS.

Population in the County increased rapidly from 1990 to the early 2000's. In 2007, the population of the County was estimated to be 147,778. In 2000, the County was predominately Caucasian ethnic composition with a significant Latino population. The census tracts within the Madera Site vicinity were primarily comprised of ethnic minorities. The majority of regional populations resided in the unincorporated County with the cities of Madera and Chowchilla being the only incorporated communities in the County. The FEIS included housing and vacancy rates from 2005 in the County area. During that time, the County had a total of 44,986 housing units. The Cities of Madera and Chowchilla generally had lower vacancy rates than the unincorporated portions of the County.

The County had approximately 64,400 people in its 2007 labor force, which was approximately 44 percent of the total population at that time. The average annual household income in the County was \$58,576 (2007 estimate), and the median household income for the census tracts within the vicinity of the Madera Site did not identify low-income communities. However, the County average annual income was much lower than the averages of California and the United States. The lower average income level in the region was attributed to a high unemployment rate and the seasonal nature of the agricultural industry prominent in the region. Approximately 7.6 percent of the labor force was unemployed in 2007. While local unemployment rates did improve in the years preceding the analysis, they remained high compared to the

State rate of 5.4 percent in 2007.

At the time of the FEIS, the Tribe was comprised of 1,356 individuals. Of these 1,356 individuals, approximately 325 resided in the County, 412 members resided within Fresno County, and the remaining Tribal members lived out of the area. The Tribe had grown rapidly over the years preceding the FEIS, primarily due to new enrollment. The tribal unemployment rate was approximately 15 percent, which was almost double the unemployment rate of the County. In addition, approximately 21 percent of employed tribal members had incomes below the poverty level.

3.7.2 SUMMARY OF FEIS IMPACT ANALYSIS

Socioeconomic and social justice impacts analyzed in the FEIS were determined to be potentially significant in cases where conditions could cause adverse effects to State and local income and expenses. In the FEIS, the Approved Project had the potential to cause adverse socioeconomic impacts because of increased police service calls (FEIS, Section 4.7, page 4.7-7 to 4.7-8), increased the population of problem gamblers (FEIS, Section 4.7, page 4.7-9), increased demand on government services (FEIS, Section 4.7, page 4.7-16 and 4.7-24), increased operating costs for nearby well operators (FEIS, Section 4.7, page 4.7-23), and decreased the income of MID (FEIS, Section 4.7, page 4.7-23). However, the FEIS also identified beneficial socioeconomics impacts as a result of the Proposed Project. This included a reduction in the unemployment rate due to temporary and permanent job creation (FEIS, Section 4.7, page 4.7-2), and beneficial fiscal impact due to MOU contributions and tax revenues (FEIS, Section 4.7, 4.7-21 to 4-7-23). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of impacts on population and housing (2021 CEQA Guidelines -Appendix G, XIV).

Section 4.7 of the FEIS identifies potential socioeconomic and environmental justice impacts during construction and operation of the Approved Project related to employment (beneficial impact), problem gambling (significant), property values (less-than-significant), demand for governmental services (significant), cost to neighboring well operators (less than significant), revenue to MID mineral resources (less-than-significant), and environmental justice (less than significant). With the construction and implementation of the Approved Project, temporary and permanent jobs would have increased in the area and therefore decreased unemployment rates in the vicinity of the Madera Site. This was a beneficial impact. The potentially significant impact related to the increase in problem gambling would be reduced with the mitigation recommended in the FEIS (Section 5.2.6, Mitigation Measures A through H). These mitigation measures included discretely distributing written materials with problem gambling information (e.g. assistance programs) to customers exhibiting signs of problem gambling, funding a problem gambling insurance programs for Casino employees, displaying information about program gambling onsite, and funding programs to help with problem gambling. The impact to property values in the vicinity of the Madera Site was considered less than significant because property values tend to increase on land surrounding casino properties. Impacts to local government, including parks and recreation, due to increased service demands was considered less than significant because payments under the Memorandum of Understanding (MOU) between the County and the Tribe, and indirect tax revenue. Both the potential fiscal impact to the MID and the neighboring wells were considered less than significant because the MID MOU would compensate the MID for potential fiscal loses, and mitigation measures Section 5.2.6 of the FEIS would be implemented for the neighboring groundwater wells, such as

groundwater monitoring and financial compensation for increased well operating costs if impacted. Impacts to environmental justice were considered less than significant because no low-income communities or disproportionately high or adverse effects to minority communities were identified in the vicinity of the Madera Site and neighboring tribal casinos would still be considered profitable after operation of the Approved Project.

Socioeconomic and environmental justice impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-5) and traffic mitigation were determined to be less than significant (FEIS, Section 4.12.2, page 4.12-13). Construction of off-site improvements would have resulted in short-term inconveniences and minor delays due to constricted traffic movements and possible temporary detouring of traffic. The intersection improvements were not expected to result in long-term disruption of access to surrounding land uses or to minority or low-income populations. The realignment and expansion of roadways would have resulted in impacts to surrounding properties. In order to implement some improvements, land acquisition may have been required. Should land acquisition have been required, the owner of the property acquired is entitled to be compensated for the fair market value of the property, as required by the Fifth Amendment of the U.S. Constitution; Article I, Section 19 of the California Constitution; and Sections 1263.010 to 1263.330 of the California Code of Civil Procedure. Overall, the impact of off-site improvements is less than significant.

The FEIS found that no growth would be induced by the extension of infrastructure or the expansion of utilities resulting from the Approved Project (FEIS, Section 4.12.1, page 4.12-5). Improvements to area roadways and intersections would mitigate the impacts of the Approved Project on area roadway networks, not to increase capacity of roadways to accommodate future unplanned growth. Any water/ wastewater pipeline extensions would be sized solely to serve the Approved Project and no other connections would be funded by the Tribe. Any other utilities improvements, such as improvements to electrical facilities, would be minor and tailored specifically for the Approved Project.

3.7.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.7.1 of the FEIS, and summarized in **Section 3.7.1** of this Technical Memorandum, is also applicable to the off-site improvements.

Since the publication of the FEIS, demographic, population, housing, and employment numbers for the County have undergone changes. In addition, County Census Tract 2 has been divided into further census tracts and subsequently no longer exists. For the purposes of examining the changed environment, County census tract 2.01 and 2.02 have been included in this analysis in place of census tract 2.

The population in the County has increased in addition to the percentage of minority populations. Existing population trends in the County can be seen in **Table 3-3.** The population has been increasing since 2010 with the 2020 County population being approximately 158,147, an estimated 6.6 percent increase in population since 2007. However, this annual increase is slower than the significant annual increases observed in Table 3.7-1 of the FEIS. While the overall population increase has slowed since 2007,

minority populations have increased in each census tract and therefore census tracts in the vicinity of the Madera Site are still considered minority dominated.

	POPULATION					
LOCATION	2010 2013		2017	2020		
Madera County (total)	150,865	151,396	156,093	158,147		
Chowchilla	18,720	17,395	18,629	18,196		
Madera	61,416	62,331	64,102	65,415		
Unincorporated County	70,729	71,670	73,362	74,536		
State of California (total)	37,253,956	38,269,864	39,398,702	39,782,870		
Source: California Department of Finance, 2020						

TABLE 3-3. EXISTING REGIONAL POPULATION

The 2020 housing and vacancy rates are shown in **Table 3-4**. As shown in **Table 3-4**, total vacancy rates in the area have not substantially changed (from 10.4 percent in 2005 and 9.2 percent in 2020) and total housing units have increased approximately 12.9 percent from 44,986 to 50,800.

The average median household income has undergone a noticeable increase. In 2019, the lowest median household income was \$59,471 in Census Tract 5.03, which is \$26,182 higher than the 1999 lowest median income, Census Tract 2, \$33,289 (Office of the Assistant Secretary, 2019; U.S. Census Bureau, 2021a). In 2019, the US Census Bureau five-year estimate for the total work force in the County was 63,958 and the unemployment rate was 8.7 percent (U.S. Census Bureau, 2021b). Compared to the workforce population and unemployment rate in 2007, the workforce has remained relatively consistent while unemployment has increased 1.1 percent.

LOCATION	TOTAL HOUSING UNITS		PERCENT		VACANT UNITS	
	2005	2020	2005	2020	2005	2020
Chowchilla	3,021	4,447	5.5	9.4	165	418
Madera	14,314	18,037	4.3	5.5	621	992
Unincorporated County	27,651	28,316	14.1	11.5	3,890	3,256
Total Madera County	44,986	50,800	10.4	9.2	4,678	4,666
Sources: California Department of Finance, 2020; FEIS, Table 3.7-2 Notes: Numbers are estimates and do not include seasonal, recreational, or occasional use residences						

TABLE 3-4. FEIS COMPARED TO EXISTING REGIONAL HOUSING ESTIMATES

Compared to the 2019 State unemployment rate of 6.1 percent (U.S. Census Bureau, 2021b), the County still has an unemployment rate higher than the State. The unemployment rate for the County is expected to not improve in the near future because the U.S. entered an economic recession in February of 2020 due to the COVID-19 pandemic (Bloomberg News, 2020). While average household size has not undergone a noticeable change since publication of the FEIS, the income level to be considered in

poverty has increased.

As discussed in Section 1.1, the 2006 MOU was amended on December 21, 2016. While most of the MOU remained unchanged with the 2016 Amendment, the Amendment adjusted the terms of certain tribal contributions/fair share payments to the City. For instance, for the Downtown Redevelopment Contribution recurring payment of \$100,000 per year has been amended to no less than \$2,000,000 over a 20-year span. Another example is the General Government Contribution being amended from \$250,000 per year to no less than \$5,000,000 over a 20-year time span to supplement the City's general fund. However, these amendments do not significantly alter the overall fiscal impacts on the City and the Tribe from the MOU.

3.7.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

The FEIS determined that construction and operation of utility improvements for the Approved Project would result in less-than-significant impacts to socioeconomic conditions and would not require mitigation (FEIS page 4.12-18). The proposed off-site utility improvements, including the new pipeline alignments along Avenue 17 and off-site water well, do not include any operational activities that would create new environmental impacts or new construction methods that would result in any additional socioeconomic and environmental justice impacts when compared to the impacts analyzed in the FEIS. Improvements are within existing rights-of-way, or areas directly adjacent to existing roadways. Because of this, they would not impact existing communities through potentially disrupting or dividing them. Furthermore, no potentially adverse fiscal impacts would occur because the Tribe would pay for the associated infrastructure improvement costs per an agreement with the City as required by the Tribe's MOU with the City. These off-site improvements would not induce new population growth in the area that would affect housing stock or recreational facilities. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for socioeconomic conditions and environmental justice would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.7.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

The FEIS determined that construction and operation of roadway improvements for the Approved Project would result in less-than-significant impacts to socioeconomic conditions and would not require mitigation (FEIS page 4.12-14). The currently proposed access improvements do not include operational activities that would create new environmental impacts or new construction components or methods that would result in any additional socioeconomic and environmental justice impacts when compared to the impacts analyzed in the FEIS. Additionally, since these improvements are within and adjacent to the existing roadway fronting the Madera Site, no impacts to the surrounding communities are expected. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for socioeconomic conditions and environmental justice would remain less than significant under CEQA for the currently proposed access improvements.

3.7.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

The FEIS determined that construction and operation of roadway improvements for the Approved Project would result in less-than-significant impacts to socioeconomic conditions and would not require mitigation

(FEIS page 4.12-14). The currently proposed traffic mitigation improvements would be constructed consistent with the methodology analyzed in the FEIS for the Approved Project's traffic mitigation. Additionally, the currently proposed traffic mitigation improvements are within the locations for the Approved Project's traffic improvements areas and would be functionally the same in the operations stage. Therefore, construction and operation of the currently proposed traffic mitigation improvements do not include new construction components or any operational activities that would result in any additional socioeconomic and environmental justice impacts when compared to the impacts analyzed in the FEIS. Improvements would be constructed within existing rights-of-way or areas directly adjacent to existing roadways. Because of this, the Proposed Project would not impact existing communities through potential disruptions or by dividing the community because the rights-of-way that the improvements would occur on already exist. Furthermore, the construction of these improvements would not cause adverse fiscal impacts because the Tribe would pay a fair share for the associated traffic mitigation improvement costs. During operation, these off-site improvements would not induce new permanent population growth in the area, and would therefore not affect housing stock or recreational facilities. Therefore, the less-thansignificant impacts described for the Approved Project in the FEIS for socioeconomic conditions and environmental justice would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.7.7 FINDINGS

The analysis of effects associated with off-site improvements to socioeconomic conditions and environmental justice in the FEIS complies with CEQA requirements for the analysis of population and housing and recreation. The Proposed Project and the circumstances in which the Proposed Project would be undertaken would not result in new significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the Proposed Project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to socioeconomic conditions and environmental justice for CEQA purposes.

3.8 RESOURCE USE PATTERNS

The "Resources Use Patterns" section of the FEIS addresses similar issues included in the "Agricultural and Forest," "Land Use and Planning," and "Transportation" sections of the 2021 CEQA Guidelines. The FEIS did not specifically address forestry resources (CEQA Guidelines "Agricultural and Forest" section questions C, D, and E) or whether an established community would be divided (CEQA Guidelines Section "Land Use and Planning" question A) as the Madera Site and vicinity does not contain timberland or forest land nor would the Proposed Project divide an established community. These issue areas are discussed below.

3.8.1 TRANSPORTATION/CIRCULATION

3.8.1.1 Summary of FEIS Regulatory and Environmental Setting

As noted in Section 3.8.1 of the FEIS, the main transportation route through the Madera County is State Route 99 (SR-99), a north-south route connecting the Kern, Tulare, and Fresno Counties to the south

with Madera, Mariposa, San Joaquin, and Sacramento Counties to the north. The Madera Site is bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and State Route 99 (SR-99); on the south by agricultural land and residential land; and on the west by Road 23 and agricultural land. Regional access to the Madera Site is via SR-99. Road 23, Avenue 18, and Golden State Boulevard would provide direct access to the proposed casino.

The FEIS examined existing transportation network operating conditions and potential impacts of the project based on LOS. According to LOS Policy 2.A.8 in the County of Madera's Transportation and Circulation Section of the General Plan Policy Document, the County must develop and manage its roadway system to maintain a minimum LOS of D on all State and County roadways. According to Policy CI-22 of the City of Madera General Plan, LOS C or better must be maintained on all roadways and intersections. The California Department of Transportation (Caltrans) considers LOS C transitioning to D on State highways to be the acceptable measure, meaning worsening of roadway conditions to LOS D, E or F are unacceptable.

Street segment assessments for Madera County roadways were completed using the Capacity Table developed by Korve Engineering for use with the Madera County Transportation Commission (MCTC) model. The MCTC microcomputer-based traffic simulation model was developed to analyze proposed land uses, circulation systems, and air quality, and covers the entire Madera County area, as well as portions of Fresno, Merced, and Stanislaus Counties. LOS for the segment volume-to-capacity ratios developed for the 2012 Approved Project's Traffic Impact Study were derived from the LOS ranges used in this model. Details on the methodology for impact analysis were provided in Sections 3.8.1 and 4.8.1 of the FEIS.

The FEIS noted that the Madera Dial-A-Ride service is offered in the City of Madera and its surrounding area. Dial-A-Ride is a demand-response service offered by the City of Madera with cooperative funding by Madera County. The service area was within approximately five miles of Downtown Madera. At the time of analysis, Greyhound Lines offered inter-community bus service several times a day with stops in both the City of Madera and Chowchilla. Buses operated seven days a week from the City of Madera's Downtown Intermodal Center. Madera County also had one private taxi operator that provides service seven days per week, 24 hours per day.

When the FEIS traffic analysis was prepared, there were no bike paths, lanes, or routes located in the study area surrounding the Madera site. However, bike facilities were planned for the study area surrounding the Madera Site and construction of these facilities was expected to be completed within 10 years. Similarly, there were no pedestrian sidewalks, walking trails, or other areas separated from the roadways in the immediate vicinity of the Madera Site. The City of Madera's adopted 2009 General Plan did call for improvements to pedestrian and bicycle networks, implementation of a Bicycle Master Plan, support of a regional High Speed Rail, and access to rail stations from Madera in its Circulation and Infrastructure (CI) Element, policies CI-27 through CI-39 (City of Madera, 2009b).

3.8.1.2 Summary of FEIS Impact Analysis

Transportation impacts analyzed in the FEIS were determined to be potentially significant in cases where

conditions could contribute to unacceptable traffic operations at intersections and roadways in the vicinity of the Madera Site (FEIS, Section 4.8, page 4.8-21). The levels of significance used in the FEIS are generally consistent with the significance thresholds in CEQA for the evaluation of transportation impacts (2021 CEQA Guidelines -Appendix G, XVII). Additionally, a discussion of potential VMT impacts from the Approved Project and Proposed Project are provided below.

Section 4.8 of the FEIS identifies potential traffic impacts from the 2012 Approved Project related to construction (less than significant) and operation (significant). Traffic impacts related to construction of the 2012 Approved Project were less-than-significant because construction would be temporary in nature with significantly less trips generated during construction than operation. Traffic impacts related to operation of the 2012 Approved Project were potentially significant due to the project's contribution to unacceptable traffic operations at various intersections and roadway segments in the project area. However, the potentially significant impacts related to operational traffic would be reduced with mitigation included in the FEIS (Section 5.2.7).

Transportation impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-19) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-14) were determined to be less than significant because construction of the off-site infrastructure improvements would occur along existing roadways. Because the construction and resulting traffic effects would be temporary, a less-than-significant effect to traffic and circulation conditions would result. Impacts from construction of traffic mitigation improvements, such as traffic detours. would be temporary and necessary in order to facilitate long-term improvements. However, traffic mitigation measures would ultimately improve transportation facilities compared to existing conditions.

3.8.1.3 Changes to Regulatory and Environmental Setting

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.8.1 of the FEIS, and summarized in **Section 3.8.1.1** of this Technical Memorandum, is also applicable to the off-site improvements.

As described in **Section 2.4**, a revised traffic impact study was prepared to evaluate changes from the Approved Project to the Proposed Project, and to identify the mitigation measures included for the Approved Project, if any, that would be warranted under the smaller Proposed Project. Since publication of the FEIS, the CEQA Guidelines were revised to use vehicle miles traveled (VMT) as the applicable metric for predicting transportation impacts, shifting away from the use of LOS analysis. While the FEIS did not explicitly analyze VMT, the air quality analysis (Section 4.4 of the FEIS) determined that emissions from vehicle trips generated by the Approved Project would be potentially significant. Therefore, the Approved Project included trip-reducing mitigation measures that would reduce both vehicle emissions and VMT impacts from the Approved Project. These measures, consistent with OPR recommendations for reducing VMT impacts, include providing shuttles to major transit stations, providing transit facility enhancements, providing amenities such as personal lockers and showers, bicycle lockers and racks, bus pass subsidies for employees, and providing on-site pedestrian facility enhancements. No other significant changes to thresholds of significance for the City, County, or State roadways have occurred since the publication of the FEIS. Additionally, no significant changes to the bicycle, pedestrian, and

transit facilities have occurred in the vicinity of the Madera Site since the publication of the FEIS.

3.8.1.4 Analysis of Currently Proposed Off-Site Utility Improvements

The currently proposed off-site infrastructure improvements do not include any operational activities that would create new environmental impacts that would result in any additional transportation impacts when compared to the impacts analyzed in the FEIS because the proposed improvements would not generate additional vehicle trips. Additionally, because construction methods and activities are comparable to those evaluated for the Approved Project as included in the FEIS, the off-site infrastructure improvements would not result in any new significant impacts or substantially more severe impacts than those analyzed in the FEIS. The transportation impacts from construction activities would be temporary in nature and a less-than significant effect to transportation would result.

Section 15064.3 was recently added to the CEQA Guidelines and describes specific considerations for evaluating a project's transportation impacts. Section 15064.3(b) establishes vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts, shifting away from the use of LOS analysis that evaluates a project's impacts on traffic conditions at nearby roadways and intersections. As described above, operation of the off-site infrastructure improvements would not create additional vehicle trips; therefore, the improvements would have a less-than-significant VMT impact. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for transportation/circulation would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.8.1.5 Analysis of Currently Proposed Access Improvements

The currently proposed access improvements do not include any operational activities that would create new environmental impacts that would result in any additional transportation impacts when compared to the impacts analyzed in the FEIS because the operation of the improvements would not create additional vehicle trips. Additionally, because construction methods and activities are comparable to those evaluated for the Approved Project as included in the FEIS, the access improvements would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The transportation impacts from construction activities would be temporary in nature and a less-than-significant effect to transportation would result. Additionally, as described above, operation of the access improvements would not create additional vehicle trips; therefore, the improvements would have a less-than-significant VMT impact. Additionally, as described in Caltrans Policy on Transportation Impact Analysis and CEQA Significance Determinations, projects that would not ikely lead to a measurable and substantial increase in vehicle travel, and therefore generally should not require an induced travel analysis, include the addition of roadway capacity on local collector streets (Caltrans, 2020). Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for transportation/circulation would remain less than significant under CEQA for the currently proposed access improvements.

3.8.1.6 Analysis of Currently Proposed Traffic Mitigation Improvements

The currently proposed traffic mitigation improvements do not include any operational activities that would create new environmental impacts that would result in any additional transportation impacts when compared to the impacts analyzed in the FEIS because the proposed improvements would not create

additional vehicle trips. Rather, the traffic mitigation improvements would accommodate existing and proposed traffic conditions. Additionally, because construction methods and activities are comparable to those evaluated for the Approved Project as included in the FEIS, the traffic mitigation improvements would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The transportation impacts from construction activities would be temporary in nature and a less-than-significant effect to transportation would result.

According to Section 15064.3(b)(2) of the CEQA Guidelines, transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less-than-significant transportation impact. As described above, operation of the traffic mitigation improvements would not create additional vehicle trips; therefore, the improvements would have a less-than-significant VMT impact. Additionally, as described in Caltrans *Policy on Transportation Impact Analysis and CEQA Significance Determinations*, projects that would not likely lead to a measurable and substantial increase in vehicle travel, and therefore generally should not require an induced travel analysis, include: installation of traffic control devices and roundabouts and the addition of roadway capacity on local collector streets (Caltrans, 2020). Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for transportation/circulation would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.8.1.7 Findings

The FEIS analysis of transportation effects associated with off-site improvements complies with the CEQA Guidelines for the analysis of transportation impacts. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe transportation-related impacts warranting further environmental review under CEQA. No new information has been found that demonstrates that the project would result in new significant or substantially more severe transportation-related impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to transportation impacts for CEQA purposes.

3.8.2 LAND USE AND AGRICULTURE

3.8.2.1 Summary of FEIS Regulatory and Environmental Setting

The regulatory and environmental setting for land use and agriculture was discussed in Section 3.8 of the FEIS. The FEIS considered the County General Plan, the County's zoning ordinance, and the City's General Plan in addressing impacts to land use. The FEIS additionally considered the Airport Land Use Compatibility Plan and Federal Aviation Administration Regulations related to development near the Madera Municipal Airport. The FEIS considered the Farmland Protection Policy Act, the Williamson Act, the Farmland Mapping and Monitoring Program, and the Madera County Right to Farm Ordinance when evaluating potential impacts to agricultural resources.

Land uses surrounding the Madera Site included light industrial, rural residential, highway service commercial, commercial, recreational, and airport. The Madera Site consisted of agricultural land and a single-family rural residential unit. While the Madera Site was located outside City limits, it was within the City's area of influence. As discussed in the FEIS, the Madera Site was zoned as ARE-40, defined as

"Agricultural, Rural, Exclusive, 40-Acre District," and the designated land use consisted of Agriculture. Permitted uses within the ARE-40 zone included most agricultural uses, single family residential, dormitory or attached multi-family farm labor housing unit, and communication tower/wireless communications facility. Portions of the Madera Site were located within the Madera Municipal Airport Compatibility Zones with the majority of the site within Zone D, but portions were also within Zone A, B1 and B2. Zone B1 and B2 were required to be 30 percent open land with only 60 people per acre permitted. In Zone A no buildings or people were permitted.

As discussed in the FEIS, the majority of the Madera Site is classified under the Farmland Protection Policy Act (FPPA) as farmland of local importance. The FPPA utilizes a point system to assist in the analysis of potential impacts to agricultural lands, discussed further below. Agricultural soils where development was proposed were generally poor quality. There are no Williamson Act contracts on the Madera Site.

3.8.2.2 Summary of FEIS Impact Analysis

Impacts to land use were determined to be potentially significant in cases where the Proposed Project conflicted with the County General Plan, the Madera Municipal Airport's Land Use Compatibility Plan, or neighboring land uses (FEIS, Section 4.8, page 4.8-22 and 4.8-40). Impacts to agricultural resources were determined to be potentially significant in cases where protected farmlands or farmlands of significance are converted into non-agricultural uses (FEIS, Section 4.8, page 4.8-41). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of the "Agricultural and Forest" and "Land Use and Planning" (2021 CEQA Guidelines -Appendix G, VII and XII).

Section 4.8 of the FEIS identified potential land use impacts during construction and operation of the Approved Project. The FEIS found that the Approved Project had the potential to impact airport operations through production of light, adverse effects related to overflights, generation of airspace obstacles, and electrical interference (potentially significant). Additionally, although local and State regulations would not be applicable once the Madera Site was taken into federal trust, the Approved Project was found to be generally consistent with most guiding land use policies, plans, and regulations (less-than-significant). Section 4.8 of the FEIS also determined that the Approved project would subject patrons to sensory disturbance from neighboring agricultural operations; however, with the buffer between the development and the surrounding agricultural uses, the continued implementation of the Madera County Right to Farm ordinance (Ord. 522 § 2(part), 1989), and the commitment of the Tribe to accept any inconvenience of nearby agricultural operations in the Tribe's MOU with MID, the effects were found to be less than significant. Finally, while the development of the Madera Site would cause a reduction of regional agricultural land, it was found to be less than significant due to the low quality of the agriculture land (FPPA score of 143). The potentially significant impacts related to land use and agriculture would be reduced to less than significant with the mitigation recommended in the FEIS (Section 5.2.7, Mitigation Measures F, G, H, and J).

Land use and agricultural resource impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.13-19) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-14 and 4.12-15) were determined to be less than significant. The FEIS determined that installation of pipelines would

occur within or directly adjacent to existing roadways in a narrow area not suitable for other development purposes. A utility easement would also be required along this area, though this would not impact existing land uses as no other in-road or road shoulder development would be feasible in the potential easement corridor. Similarly, the FEIS determined that traffic improvements would largely occur within the existing ROW and had the potential to only minimally encroach upon adjacent agricultural operations, if at all. The FEIS determined that traffic improvements would also not conflict with land use plans, policies, or regulations.

3.8.2.3 Changes to Regulatory and Environmental Setting

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Sections 3.8.2 and 3.8.3 of the FEIS, and summarized in **Section 3.8.2.1** of this Technical Memorandum, is also applicable to the off-site improvements.

Since the publication of the FEIS, a number of land use plans have undergone updates. A new Airport Land Use Plan was adopted in the County on September 29, 2015. According to this plan, the boundary of the Proposed Project is within the Zones D, C1, and C2. These zones are defined as moderate risk for Zone C1, moderate to low risk for C2, and low risk for Zone D (Madera County, 2015a). Risk levels are based on the potential for development within these zones to affect airport operations. High risk zones, therefore, have greater development restrictions. Since the publication of the FEIS, the height restrictions have changed with the publication of Advisory Circular 70/7460-1L. With this Advisory Circular, obstruction heights have been reduced from 500 feet above ground to 499 feet above ground. Additionally, the County General Plan has undergone updates to certain elements, such as the 2016-2024 Housing Element Update that was adopted November 3, 2015. The City's general plan has also been updated, and a new City General Plan was adopted on October 7, 2009.

There have been no significant changes to the environmental setting related to land use and agriculture since the issuance of the FEIS.

3.8.2.4 Analysis of Currently Proposed Off-Site Utility Improvements

Construction of the Proposed Off-Site Utility Improvements would require approval from LAFCO, for out of boundary services or potential annexation. Construction of the currently proposed off-site utility improvements would occur within existing roadway ROWs or previously developed/disturbed areas directly adjacent to existing roadways. This area is already developed and would not impact forestry or agricultural resources. Installation of the proposed groundwater well would impact an extremely limited and insignificant amount of agricultural land that would be cleared to make way for drilling of the new well. Installation of utility improvements within or directly adjacent to existing roadways would not convert existing land uses and would not conflict with zoning or land use policies, plans, or regulations. Additionally, installation of utility improvements within or directly adjacent to existing roadway ROWs would not divide an established community. Similarly, operation of the currently proposed off-site utility improvements would not conflict with zoning, impact agricultural or forestry resources, and would not divide an established community. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for land use and agriculture would remain less than significant under CEQA for the

currently proposed off-site utility improvements.

3.8.2.5 Analysis of Currently Proposed Access Improvements

Construction of the improvements to Golden State Blvd. would not impact agricultural resources or potentially significant agricultural lands and would not conflict with zoning or land use policies, plans, or regulations. Additionally, there are no forestry resources present within the access improvement impact area, and access improvements would not divide an established community. Operation of the currently proposed access improvements would not conflict with zoning, impact agriculture or forestry resources, and would not divide an established community. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for land use and agriculture would remain less than significant under CEQA for the currently proposed access improvements.

3.8.2.6 Analysis of Currently Proposed Traffic Mitigation Improvements

The currently proposed traffic mitigation improvements do not include activities that would create new environmental impacts that would result in any additional land use or agricultural resource impacts when compared to the impacts analyzed in the FEIS because improvements would occur within existing ROWs or previously developed and disturbed areas directly adjacent to existing roadways. This would result in little to no alteration of existing roadside land use and would not significantly impact existing agricultural operations. Additionally, there are no forestry resources present in this area, and traffic mitigation improvements would not divide an established community. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for land use and agriculture would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.8.2.7 Findings

The analysis of effects associated with off-site improvements to land use and agricultural resources in the FEIS complies with the CEQA analysis of "Agricultural and Forest," and "Land Use and Planning." The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe land use and agricultural resources impacts warranting further environmental review. No new information has been found that demonstrates that the Proposed Project would result in significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts to agriculture and forest resources or land use and planning for CEQA purposes.

3.9 PUBLIC SERVICES

The "Public Services" section of the FEIS addresses similar issues included in the "Energy", "Public Services," and "Utilities and Service Systems" sections of the 2021 CEQA Guidelines. While the FEIS discusses potential impacts to electricity and natural gas services, it does not specifically address whether the project would be a wasteful, inefficient or unnecessary consumption of energy resources or whether it would obstruct a state or local plan for renewable energy or energy efficiency as required under CEQA. These issues are discussed below.

3.9.1 SUMMARY OF FEIS REGULATORY AND ENVIRONMENTAL SETTING

3.9.1.1 Water Supply and Wastewater Treatment and Disposal

As described in Section 4.9 of FEIS, water for the Approved Project was anticipated to be provided by an on-site groundwater well or by a connection to City municipal water and installation of a groundwater well to be owned and operated by the City. The on-site well would have utilized a water storage tank with a 1.1 million gallon (MG) capacity. During operation of the casino, it was calculated that 400,000 gallons per day (gpd) (278 gallons per minute [gpm]) without recycled water and 273,000 gpd (190 gpm) with recycled water would be required to meet the water demand of the 2012 Approved Project. The Madera Site also contains one active agricultural well.

The Madera Site does not contain wastewater treatment facilities. As noted in Section 4.9 of the FEIS, the City of Madera's wastewater treatment plant (WWTP) had a 10.1 MG capacity with an average demand of 5.8 MG at the time of analysis. A recent expansion was expected to provide the City with sufficient capacity until 2023.

3.9.1.2 Solid Waste Service and Utilities

As described in Section 3.9.3 of the FEIS, the City of Madera Solid Waste and Recycling Division provides residents and business owners with the appropriately sized trash receptacle. At the time of the FEIS, Brown-Ferris Industries was the City's contracted waste hauler, which collected and transported solid waste to the landfill for disposal. The County's solid waste disposal needs are provided for at the Fairmead Sanitary Landfill. The Approved Project was estimated to generate approximately 1.5 percent of the Fairmead Landfill's remaining daily capacity, well within capacity.

As described in Section 3.9.4 of the FEIS, electricity and natural gas in the vicinity of the Madera Site is provided by PG&E. The Approved Project would be served either from the existing overhead electric facilities extending east/west along Avenue 17, from on-site electrical production via microturbines or fuel cells, or a combination thereof. PG&E would provide natural gas service via the distribution pressure gas lines stepped down from the transmission gas facilities that extend north/south between Golden State Blvd. and Highway 99, located adjacent to the Madera site. AT&T provides service connections to the area.

3.9.1.3 Law Enforcement and Fire Protection and Emergency Medical Services

As described in Section 3.9.5 of the FEIS, the Madera Site is within the jurisdiction of the Madera County Sheriff's Department. The Department provides law enforcement within the Madera County lines. Area services are provided from the Sheriff's Department headquarters station, which is approximately 6 miles southeast of the Madera Site. The City of Madera Police Department is also located within the vicinity of the Madera Site. Municipal police departments provide primary law enforcement within the jurisdictional boundaries of Madera and Chowchilla. The California Highway Patrol (CHP) has jurisdiction on all state highways and county roadways. As noted in Section 2.2.2 of the FEIS, the Tribe would employ security personnel to provide surveillance of the casino, parking areas, and surrounding grounds. Security guards would patrol the facilities to reduce and prevent criminal and civil incidents.

As described in Section 3.9.5 of the FEIS, the Madera County Fire Department, administered and staffed by the California Department of Forestry and Fire Protection, would serve the Approved Project. The City of Madera Fire Department serves areas within the City and the City's sphere of influence. As the Madera Site is within the City's sphere of influence, the City Fire Department could serve the site, however it was anticipated that County Station #3 would predominately provide service. Fire Station #3 is located approximately 4.6 miles from the Madera Site at 25950 Avenue 18½ in Madera. The response time to the Madera Site from Station 3 was approximately 6.5 minutes at the time of the FEIS analysis. Pistoresi Ambulance Service operates ambulances in the cities of Madera and Chowchilla and provides emergency medical service to the unincorporated valley areas of the County. The Madera Community Hospital is located approximately 6.4 miles south of the Madera Site and serves the City of Madera and vicinity.

3.9.1.4 Food and Water Safety

The FEIS noted in Section 4.9 that once land is taken into trust, state and local laws and ordinances pertaining to food and water safety for employees and customers would not be applicable to activities on such land. However, since 1999, Tribal-State Compacts have required that tribes "adopt and comply with standards no less stringent than state public health standards for food and beverage handling," abide by food and beverage inspection standards by health inspectors and federal water quality and safe drinking water standards. It was assumed that similar standards would be included in the Tribal-State Compact with the North Fork Tribe. The Tribe has additionally committed in its MOU with the County that the Tribe would adopt the food and beverage handling provisions and the safe drinking water standards from the 1999 model State compact in the unexpected event that such provisions are not included in the Compact between the North Fork Tribe and the State or procedures issued by the Secretary of the Interior in lieu of a Compact.³

The federal Safe Drinking Water Act (SDWA) and other federal laws are applicable on trust land. Water quality standards set by the SDWA would be applied to the public water supply and the drinking water system would be regulated as a Non-Transient/Non-Community public water system under the SDWA.

3.9.1.5 Schools

As described in Section 3.9 of the FEIS, the Madera Site is located in the Madera Unified School District. The nearest school is Nishimoto Elementary School, which is approximately 2.5 miles east of the Madera Site at 26460 Martin Street in Madera.

3.9.2 SUMMARY OF FEIS IMPACT ANALYSIS

Public Service impacts analyzed in the FEIS were determined to be potentially significant in cases where conditions could adversely affect water facilities (FEIS, Section 4.9, page 4.9-1), wastewater service (FEIS, Section 4.9, page 4.9-3), solid waste services (FEIS, Section 4.9, page 4.9-5), utilities (FEIS, Section 4.9, page 4.9-6), law enforcement (FEIS, Section 4.9, page 4.9-7), fire and emergency services (FEIS, Section 4.9, page 4.9-8), food and water safety (FEIS, Section 4.9, page 4.9-9), and schools

³ The Secretarial Procedures issued on July 29, 2016, included provisions for food and beverage handling and safe drinking water standards in Section 12.3. For additional Information on the Secretarial Procedures, please refer to **Section 1.2**.

(FEIS, Section 4.9, page 4.9-10). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of public services and utilities and service systems (2021 CEQA Guidelines -Appendix G, XV and XIX).

Section 4.9 of the FEIS identifies potential public service impacts during the construction of the 2012 Approved Project related to water facilities (less-than-significant), wastewater service (significant), solid waste services (less-than-significant), utilities (less-than-significant), law enforcement (significant), fire and emergency services (significant), food and water safety (less-than-significant), and schools (less-than-significant).

3.9.2.1 Utilities and Service Systems

Impacts to water facilities would be less-than-significant because water would be supplied either from onsite wells or from a connection to the City of Madera municipal water system. Because the City would install and operate a new well in the vicinity of the Madera Site, a reduction in available capacity of the City's water facilities would not occur.

Impacts to wastewater services under the Approved Project would be significant because the off-site wastewater treatment option would require connection to the City sewer lines, and therefore additional sewer line would be needed as well as potential expansion of existing lift stations. The potentially significant impact related to wastewater services would be reduced with the mitigation recommended in the FEIS (Section 5.2.8, Mitigation Measure A). This mitigation would require that the Tribe pay fair share costs for required wastewater infrastructure. The Tribe would additionally pay the applicable service rates for wastewater collection and treatment services. The on-site treatment options would have no effect on local public service providers because they would be fully paid for and operated by the Tribe.

Impacts to solid waste services during construction would result in a temporary increase in waste, but this impact would be less than significant because it would be temporary in nature. While the impact to landfill accepting the solid waste during operation is less than significant, mitigation measures specified in the FEIS (Section 5.2.8, Mitigation Measures C through H) for public services would further reduce the affects to the accepting landfill. Such mitigation measures include the maximum recycling of solid waste, installing trash compactors for paper waste, installing recycling bins throughout the facilities, and implementing a solid waste management plan that has a goal of 50 percent materials diversion from landfills.

Impacts to electricity and natural gas service would be less than significant because the electricity and gas provider, PG&E, had adequate facilities in the area to serve the Madera Site. The impact to telecommunication services would be less than significant because no capacity issues with telecommunications services existed in the area and the developer would be responsible for on-site infrastructure requirements to receive services.

3.9.2.2 Public Services and Safety

Operation of the Approved Project would have resulted in a significant impact because increased demands on law enforcement, judicial, and correctional services due to the new resident population
created by new employees moving to County. This would have resulted in annual costs to the County exceeding revenues from the Approved Project. The potentially significant impact related to public safety would be reduced with the mitigation recommended in the FEIS (Section 5.2.8, Mitigation Measures I through K). These measures include one-time and annual payments to County for fiscal impacts.

Construction of the Approved Project could have caused a significant impact to local fire departments because new potential sources of fire could have occurred on the Madera Site and thus increase service calls. The potentially significant impact related to fire protection services would be reduced with the mitigation recommended in the FEIS (Section 5.2.8, Mitigation Measures J and K). Operation of the Approved Project could have caused a significant impact to fire protections services because the new resident population created by new employees and the increased patron/employee population at the Madera Site would have increases costs to the County. The potentially significant impact related to the County's fiscal resources would be reduced with the mitigation recommended in the FEIS (Section 5.2.1, Mitigation Measures A, I, and K). These measures include a one-time and annual payments to the County from the Tribe to compensate for the increased service costs.

The impact to schools would have been less than significant because the increase in the student population due to the Proposed Project was not substantially larger than expected growth at the time. Thus, the development of a new school would not be warranted and the impact would be less than significant.

No significant impact to public health and safety due to inadequate food and water safety precautions would occur with operation of the Approved Project because the Safe Drinking Water Act (SDWA) would be applied to the public water supply and the Tribe would adopt appropriate food and beverage handling provisions and safe drinking water standard.

3.9.2.3 Off-Site Improvements

Public service impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-19) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-15) were determined to be less than significant. Construction could result in a temporary interruption to public services to some homes and businesses in the area. However, these effects would be temporary and therefore less than significant. No significant effects to police, fire, or emergency medical services would occur as access to homes and businesses would be maintained during the construction period.

3.9.3 CHANGES TO REGULATORY AND ENVIRONMENTAL SETTING

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.9 of the FEIS, and summarized in **Section 3.9.1** of this Technical Memorandum, is also applicable to the off-site improvements.

3.9.3.1 Water Supply and Wastewater Treatment and Disposal

See Section 3.3.3 for a discussion of updates regarding City utilities and groundwater management. The

City of Madera currently has a 10-inch wastewater pipeline which extends a short distance north of the Golden Gate Blvd. and Avenue 17 intersection and extends southward along Golden Gate Blvd.

3.9.3.2 Solid Waste Service and Utilities

There have been no significant changes to the regulatory setting related to solid waste service and utilities since issuance of the FEIS. As described in Section 2.2.10 of the FEIS, the Tribe has agreed in the MOU to obtain solid waste services from the County's solid waste service franchisee at the standard terms and rates. It shall also implement single-stream recycling and green waste diversion. Since publication of the FEIS, the service franchise in the area has changed to Mid Valley Disposal. Solid waste is still deposited at Fairmead Landfill. Fairmead Landfill has a maximum throughput of approximately 1,100 tons per day and an expected closure date of December 2028 (CalRecycle, 2019a). Other landfills are anticipated to be used after Fairmead Landfill reaches capacity, such as the City of Clovis Landfill, located approximately 31 miles west of the City of Madera, which has a maximum throughput of approximately 2,000 tons per day and an expected closure date of 2047 (CalRecycle, 2019b). As described in Section 3.9 of the FEIS, electricity and natural gas in the vicinity of the Madera Site is provided by PG&E. Currently, both AT&T and Comcast Xfinity provide telephone service connections to the area.

3.9.3.3 Law Enforcement and Fire Protection and Emergency Medical Services

There have been no significant changes to the regulatory or environmental setting related to law enforcement, fire protection, and emergency medical services since issuance of the FEIS. There have been no changes to the law enforcement stations and services considered for the Approved Project, other than employee counts cited in Section 3.9.5 of the FEIS, for the Proposed Project.

There have been no changes to the emergency medical services considered for the Approved Project, as described in Section 3.9.5 of the FEIS, for the Proposed Project. Fire services have increased with the opening of the City of Madera Fire Station No. 58, which began responding to calls November 30, 2020 (City of Madera, 2020b). The station's development also included funding for a new Rosenbauer 102-foot aerial ladder truck and three assigned positions: a Fire Captain, a Fire Apparatus Engineer, and a Firefighter to staff the site 24 hours per day, year-round (City of Madera, 2020b). The station is located adjacent to the Madera Municipal Airport, at the southwest corner of Aviation Drive and Condor Avenue, approximately 1.5 miles via roadway southeast of the Madera Site and would be the station most likely responding to fire concerns during construction and operations of the Proposed Project.

3.9.3.4 Schools

There have been no significant changes to the regulatory or environmental setting related to schools since issuance of the FEIS. There have been no changes to the school services considered for the Approved Project, other than student population cited in Section 3.9.6 of the FEIS, for the Proposed Project.

3.9.3.5 Food and Water Safety

There have been no significant changes to the regulatory or environmental setting related to food and water safety since issuance of the FEIS.

3.9.4 ANALYSIS OF CURRENTLY PROPOSED OFF-SITE UTILITY IMPROVEMENTS

The FEIS determined that installation and operation of off-site utilities for the Approved Project would generate less-than-significant impacts to public services and would not require mitigation (FEIS page 4.12-19). The currently proposed off-site utility improvements would employ similar construction methods and would generate a lower demand on public services given the reduced size of the Proposed Project. Therefore, the currently proposed off-site utility improvements do not have the potential to create significant impacts to public services. As discussed in the FEIS, construction could result in a temporary interruption in public services to some homes and businesses in the area, resulting in a less-than-significant effect. No significant effects to police, fire, or emergency medical services are expected as access to homes and businesses would be maintained during the construction period. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for public services would remain less than significant under CEQA for the currently proposed off-site utility improvements.

Construction of the utility improvements would consume energy primarily from fuel consumed by construction vehicles and equipment. Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel. There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State. Additionally, all diesel-fueled construction vehicles would be required to meet the latest emissions standards identified by SJAPCD and CARB. Operation of the utility improvements would result in increased power consumption to operate well pumps and lift stations. Although energy demands of the infrastructure improvements would be greater than the existing conditions, the increase in energy demand is not expected to result in significant effects to the energy supply. Therefore, construction and operation of the utility infrastructure improvements would not conflict with a State or local plan for renewable energy or energy efficiency, and would not result in the wasteful, inefficient, or unnecessary consumption of energy resources.

3.9.5 ANALYSIS OF CURRENTLY PROPOSED ACCESS IMPROVEMENTS

The FEIS determined that installation and operation of roadway improvements for the Approved Project would generate less-than-significant impacts to public services and would not require mitigation (FEIS page 4.12-14). The currently proposed access improvements would employ the same construction methods and would be functionally the same as traffic improvements analyzed in the FEIS. Additionally, the access improvements are along the Madera Site frontage and would not require land acquisition from third parties. During construction, these improvements could temporarily disrupt utility services to the surrounding areas if they were required to be moved or re-routed. However, because these would be temporary in nature and not unusual for utilities when undergoing maintenance, this impact would not be significant. Therefore, the currently proposed access improvements would not have the potential to create significant impacts to public services because these access improvements would not increase the demand for public services during operation or construction. Furthermore, these improvements would not increase the population in County and therefore public service demands. Therefore, the less-than-

significant impacts described for the Approved Project in the FEIS for public services would remain less than significant under CEQA for the currently proposed access improvements.

Construction of the access improvements would consume energy primarily from fuel consumed by construction vehicles and equipment. Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel. There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State. Additionally, all diesel-fueled construction vehicles would be required to meet the latest emissions standards identified by SJAPCD and CARB. Operation of the access improvements would not result in a long-term increase in energy use. Therefore, construction and operation of the access infrastructure improvements would not conflict with a State or local plan for renewable energy or energy efficiency, and would not result in the wasteful, inefficient, or unnecessary consumption of energy resources.

3.9.6 ANALYSIS OF CURRENTLY PROPOSED TRAFFIC MITIGATION IMPROVEMENTS

The FEIS determined that installation and operation of traffic mitigation improvements for the Approved Project would generate less-than-significant impacts to public services and would not require mitigation (FEIS page 4.12-14). The currently proposed traffic mitigation improvements would employ the same construction methods and would be functionally the same operationally as traffic mitigation improvements analyzed in the FEIS. Therefore, the currently proposed traffic mitigation improvements would not have the potential to cause significant impacts to public services because these improvements would not increase the demands for these services. Construction could result in a temporary interruption in public services to some homes and businesses in the area, resulting in a less-than-significant effect. No significant effects to police, fire, or emergency medical services are expected as access to homes and businesses would be maintained during the construction period. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for public services would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

Construction of the traffic mitigation improvements would consume energy primarily from fuel consumed by construction vehicles and equipment. Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel. There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State. Additionally, all diesel-fueled construction vehicles would be required to meet the latest emissions standards identified by SJAPCD and CARB. Operation of the traffic mitigation improvements would not result in a long-term increase in energy use. Therefore, construction and operation of the traffic mitigation infrastructure improvements would not conflict with a State or local plan for renewable energy or energy efficiency, and would not result in the wasteful, inefficient, or unnecessary consumption of energy resources.

3.9.7 FINDINGS

The analysis of effects associated with off-site improvements to public services in the FEIS complies with CEQA requirements for the analysis of public services and utilities and service systems. The Proposed Project and the circumstances in which the project would be undertaken would not result in new

significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to land public services for CEQA purposes.

3.10 OTHER VALUES

The "Other Values" section of the FEIS addresses similar issues included in the "Aesthetics," "Hazards and Hazardous Materials," "Wildfire," and "Noise" sections of the 2021 CEQA Guidelines. The issue areas related to developing near an airport are addressed in the "Land Use and Agriculture" section (see **Section 3.6** of this Technical Memorandum). While FEIS does discuss the climatic conditions (FEIS, Section 3.4, page 3.4-1 to 3.4-4) and geological setting (FEIS, Section 3.2, page 3.2-6 to 3.2-10) of the area surrounding the Madera Site that are important contributors to wildfire risk, the FEIS does did not explicitly discuss the whether the Madera Site is located within a state responsibility area or lands classified as high fire hazard severity zones. This issue area is discussed below.

3.10.1 NOISE

3.10.1.1 Summary of FEIS Regulatory and Environmental Setting

As described in Section 3.10 of the FEIS, the Madera site is located adjacent to Golden State Blvd. and SR-99, and is approximately 1.5 miles north of the Madera Municipal Airport. Existing noise level measurements on the Madera Site, taken on September 8, 2005, were between 53.2 dBA and 55.1 dBA, and existing ambient noise levels at the nearest sensitive receptors were measured at 63.3 dBA. These are all below the FHWA standards for exterior noise.

As noted in Section 4.10.1 of the FEIS, the Federal Highway Administration (FHWA) establishes Noise Abatement Criteria (NAC) for various land uses, which have been categorized based upon activity and sensitivity to noise. Absolute noise levels generated by on-site noise sources of the 2012 Approved Project were compared against the Federal Highway Administration (FHWA) exterior noise abatement criteria of 67 dB to evaluate the consequences of on-site noise sources relative to existing noise-sensitive uses located in the project vicinity (FHWA, 1995). The nearest sensitive receptors included residential homes to the south of the Madera Site.

3.10.1.2 Summary of FEIS Impact Analysis

Noise impacts analyzed in the FEIS were determined to be potentially significant in cases where construction activities associated with the development of Approved Project would cause short-term increases in the ambient noise environment, mechanical equipment could cause an appreciable permanent increase in ambient noise levels in the immediate project vicinity, truck deliveries/loading dock activities associated with the ongoing operation of the facility would result in intermittent increases in ambient noise in the immediate vicinity of loading dock areas, on-site traffic flow and parking lot activities associated with the Approved Project would cause increases in the ambient noise environment, and increases in traffic volumes on the local roadway network as a result of the operation of Approved Project would result in increases in traffic noise levels along roadways that serve the Madera site (FEIS, Section

4.10 page 4.10-1). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of noise (2021 CEQA Guidelines - Appendix G, XIII). Additionally, the Federal Noise Abatement Criteria threshold of 67 dB used in the FEIS is more conservative than the County noise threshold of 70 dB during daytime hours.

Section 4.10.1 of the FEIS identifies potential noise impacts from the Approved Project related to construction noise (significant), mechanical equipment noise (significant), truck deliveries and loading dock noise (less-than-significant), on-site traffic flow and parking lot noise (less-than-significant), and off-site traffic noise (less-than-significant).

Construction noise impacts were potentially significant because construction activities could exceed the FHWA threshold of significance at the closest sensitive receptor. The potentially significant impact related to construction noise would be reduced with the mitigation recommended in the FEIS (Section 5.2.9, Mitigation Measure A). Impacts from mechanical equipment were potentially significant because, despite the considerable distance between the proposed development and the nearest sensitive receptors, mechanical equipment noise levels can be highly variable and it is assumed that noise levels from this equipment may exceed the significance criteria. The potentially significant impact related to mechanical equipment noise would be reduced with the mitigation recommended in the FEIS (Section 5.2.9, Mitigation Measure B).

Impacts from truck delivery and loading dock noise were less-than-significant because typical loading dock noise levels would be well below the exterior noise standard for sensitive receptors at the nearest sensitive receptor. Noise impacts from parking lot activities noise were less-than-significant because predicted noise levels generated within the parking lot would attenuate below the exterior noise standards at the nearest sensitive receptor. Off-site traffic noise would increase due to the Approved Project; however, estimated noise increases would be below the applicable thresholds of significance and therefore a less-than-significant impact would occur for CEQA purposes.

Noise impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-20) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-15) were determined to be less than significant. Construction of the improvements would result in short-term increases in the local ambient noise environments. However, because construction activities would be temporary in nature and are expected to occur during normal daytime hours, a less-than-significant effect would occur.

3.10.1.3 Changes to Regulatory and Environmental Setting

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.10.1 of the FEIS, and summarized in **Section 3.10.1.1** of this Technical Memorandum, is also applicable to the off-site improvements.

There have been no significant changes to the regulatory setting related to noise since issuance of the FEIS. Since the preparation of the FEIS, several developments have occurred in the vicinity of the Madera Site. These have resulted in the addition of new sensitive receptors. The nearest sensitive receptor evaluated under the Approved Project was identified as a single-family residence 200 feet south

of the planned casino and parking lot. This residence has since been abandoned and is no longer habitable. The nearest sensitive receptors are seven single family residences located in a cluster adjacent to Golden State Boulevard approximately 0.3-mile (1,700 feet) southeast of the Madera Site. Another single-family residence is located along Golden Gate Boulevard approximately 0.5-miles (2,700 feet) northwest of the Madera Site.

The updates noise survey showed that the average ambient noise level surrounding the Madera Site had increased by approximately 16 dB since 2005, when it measured between 53.2 dBA and 55.1 dBA (see Section 4.10.1 of the FEIS). The average ambient noise level was approximately 70 dB. The increased ambient noise level is reflective of new developments surrounding the Madera Site and background growth in traffic volume over the 16-year period since the original noise analysis.

3.10.1.4 Analysis of Currently Proposed Off-Site Utility Improvements

The currently proposed off-site infrastructure improvements do not include any operational activities that would create new environmental impacts or new construction methods that would result in any additional noise impacts when compared to the impacts analyzed in the FEIS. Construction noise impacts could exceed the FHWA threshold of significance at residences along Avenue 17. However, construction of the off-site infrastructure improvements would be subject to the City or County noise ordinances limiting construction activities to daytime hours. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for noise would remain less than significant under CEQA for the currently proposed off-site utility improvements.

The effects of groundborne vibrations typically cause only a nuisance to people, but at extreme vibration levels, damage to buildings may occur. There are no existing vibration sources project area with the potential to create vibration levels that would create audible noise levels or cause noticeable groundborne vibrations. Construction of the currently proposed off-site infrastructure improvements could result in vibration. However, construction activities would be temporary in nature and the most vibration-prone construction methods (such as pile driving) are not anticipated. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for vibration would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.10.1.5 Analysis of Currently Proposed Access Improvements

The currently proposed access improvements do not include any operational activities that would create new environmental impacts or new construction methods that would result in any additional noise impacts when compared to the impacts analyzed in the FEIS. Construction of the portion of the currently proposed access improvements that would be developed off-site could exceed the FHWA threshold of significance at residences along Golden State Boulevard. However, construction of this portion of the access improvements would be subject to the City or County noise ordinances limiting construction activities to daytime hours. Therefore, this impact would be reduced to a less-than-significant level. Construction of the portion of the currently proposed access improvements that would be developed within the Madera Site could exceed the FHWA threshold of significance at nearby residences. The potentially significant impact related to construction noise would be reduced with the mitigation recommended in the FEIS (Section 5.2.9, Mitigation Measure A) and included in **Attachment B** under other values. Therefore, the

less-than-significant impacts described for the Approved Project in the FEIS for noise would remain less than significant under CEQA for the currently proposed access improvements.

Construction of the currently proposed access improvements could result in vibration. However, construction activities would be temporary in nature and the most vibration-prone construction methods (such as pile driving) would not occur during construction of the Proposed Project. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for vibration would remain less than significant under CEQA for the currently proposed access improvements.

3.10.1.6 Analysis of Currently Proposed Traffic Mitigation Improvements

The currently proposed traffic mitigation improvements do not include any operational activities that would create new environmental impacts or new construction methods that would result in any additional noise impacts when compared to the impacts analyzed in the FEIS. No sensitive receptors are located near the traffic mitigation improvements; therefore, construction noise impacts are not expected to exceed the FHWA threshold of significance. The impacts from construction noise would remain less-than-significant under the currently proposed traffic mitigation improvements and would be further reduced using the same mitigation measures identified in the FEIS. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for noise would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

Construction of the currently proposed traffic mitigation improvements could result in vibration. However, construction activities would be temporary in nature and the most vibration-prone construction methods (such as pile driving) are not anticipated. Additionally, as shown in **Figure 7b**, no sensitive receptors are located in the vicinity of the traffic mitigation improvements. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for vibration would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.10.1.7 Findings

The FEIS analysis of noise effects associated with off-site improvements complies with the CEQA Guidelines for the analysis of noise impacts. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe noise-related impacts warranting further environmental review under CEQA. No new information has been found that demonstrates that the project would result in new significant or substantially more severe noise-related impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to noise impacts for CEQA purposes.

3.10.2 HAZARDOUS MATERIALS

3.10.2.1 Summary of FEIS Regulatory and Environmental Setting

The regulatory and environmental setting for hazardous materials is discussed in Section 3.10 of the FEIS. The following agencies and their role with regards to hazardous materials were included in the discussion of hazardous materials:

- U.S. Environmental Protection Agency: The primary agency responsible for regulating hazardous materials.
- Food and Drug Administration: Has a limited role in regulating hazardous substances. Primarily
 regulates food additives and contaminants, human drugs, medical devices, and cosmetics.
- Occupational Safety and Health Administration: One of the primary agencies responsible for regulating human safety regarding hazardous materials.
- Consumer Product Safety Commission: Has a limited role in regulating hazardous substances.
 Primarily responsible for the labeling of consumer products.
- U.S. Department of Transportation: Regulates the interstate transport of hazardous materials.

The Madera Site contains agricultural land, a single-family rural residential unit, several ancillary buildings, a barn, corral areas, and one active agricultural well. Historically, the Madera Site was used for agriculture and ranching activities. Several inactive agricultural wells with associated piping and electrical circuit boxes were present onsite to indicate this. A Phase I Environmental Site Assessment (ESA) was prepared for the Madera Site in May 2005, and an update to the Phase I ESA was prepared in July 2007 and November 2008 (Appendix P of the FEIS). During the Phase I, several recognized environment conditions (REC) were identified. These included two five-gallon buckets of waste oils, several empty 55-gallon drums, several unmarked one-gallon containers of suspected paint or paint thinners, and two bags of fertilizers. However, all materials were transported to an offsite facility licensed to accept these materials as part of site cleanup activities. Other site cleanup activities included removing stained soil and soil sampling for contaminants. In addition to onsite inspections, the Phase I confirmed that the Madera Site was not listed on any regulatory agency database as having previous or hazardous materials involvement at the time. The database search located five sites with known history of storage, use, or release of hazardous materials within a one-mile search radius of the Madera site.

As a result of the initial soil sampling and public concerns regarding prior agricultural activities, a Limited Phase II Soil Investigation was performed in 2008 to better assess soil conditions on the Madera Site (Appendix P of the FEIS). Soil sampling data from samples collected from the Madera Site indicate non-detectable levels of chlorinated pesticides, polychlorinated biphenyls (PCB), diesel, gasoline, and gasoline constituents. Several detections of motor oils were found; however, these detections are limited in extent and do not pose a threat to human health. The Phase II ESA recommended excavation and proper disposal of stained soils, as well as confirmation soil sampling at three locations where below surface motor oils were present (Appendix P of the FEIS).

3.10.2.2 Summary of FEIS Impact Analysis

Hazardous material impacts analyzed in the FEIS were determined to be potentially significant in cases where conditions could expose people or structures to adverse effects from the disturbance of known or undiscovered contamination (FEIS, Section 4.10, page 4.10-6) and release of hazardous materials (FEIS, Section 4.10, page 4.10-7). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of hazardous materials (2021 CEQA Guidelines - Appendix G, IX).

Section 4.10 of the FEIS identifies potential hazardous material impacts during the construction and operation of the Approved Project related to existing sources (less than significant), undiscovered

contamination (potentially significant), and release of hazardous materials (potentially significant). As described above, the Madera Site was not listed on any regulatory agency database as having previous or existing hazardous materials involvement and soils testing showed no materials present that would pose a threat to human health; therefore it was determined that a less-than-significant impact would occur. Nonetheless, excavation and disposal of stained soils were included as Mitigation in the FEIS (Section 5.2.9, Mitigation Measure M). The potentially significant impact related to the potential disturbance of undiscovered contaminated soil during construction would be reduced with the mitigation recommended in the FEIS (Section 5.2.9, Mitigation Measure M).

The potentially significant impact related to the release of hazardous materials into the environment during construction would be reduced with the mitigation recommended in the FEIS (Section 5.2.9, Mitigation Measures C through M). These mitigation measures include transference methods to reduce potential spills and storing hazardous materials in proper containers to prevent accidental leakage. Operation of the Approved Project could also accidentally release hazardous materials into the environment during the use, transportation, storage and disposal of them if not managed properly. However, hazardous materials would be only be used by trained personnel, properly stored, and disposed of according to State, federal, and manufacturer guidelines. Furthermore, mitigation measures specified in the FEIS (Section 5.2.9, Mitigation Measures C through M) would further reduce this impact for CEQA purposes, such as storing hazardous materials at the lowest minimum possible and utilizing the least toxic hazardous materials that achieves the intended results for operation purposes.

Hazardous material impacts analyzed in the FEIS for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-14) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-19) were determined to be less than significant. The accidental release of hazardous materials used during construction and the potential for construction equipment to ignite vegetation could pose a risk to construction personnel and the environment. However, these hazards, which are common to construction activities, would be minimized with adherence to standard operating procedures, such as refueling in designated areas, storing hazardous materials in approved containers, and clearing dried vegetation. These potential hazards were therefore considered to be less than significant.

3.10.2.3 Changes to Regulatory and Environmental Setting

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.2.2 of the FEIS, and summarized in **Section 3.2.1** of this Technical Memorandum, is also applicable to the off-site improvements.

Since publication of the FIES, the County published and adopted the Madera County Local Hazardous Mitigation Plan Update in October 2020. The plan serves to make the County and its residents less vulnerable to future hazard events. The County, City of Chowchilla, City of Madera, and the Tribe cooperated on developing the Madera County Local Hazardous Mitigation Plan. The plan includes goals and actions in order to achieve these goals. While primarily focused on preparedness for natural disaster events, hazards related to hazardous materials are also included, such as hazardous material spillage during transportation. Goals applicable to hazardous materials include the following:

- Goal 1: Minimize risk and vulnerability of Madera County to hazards and protect lives and prevent losses to property, public health and safety, economy, and the environment.
- Goal 2: Increase community outreach, education, and awareness of risk and vulnerability to hazards and promote preparedness and engagement to reduce hazard-related losses.
- Goal 3: Improve communities' capabilities to prevent/mitigate hazard-related losses and to be prepared for, respond to, and recover from a disaster event.

There have been no significant changes to the environmental setting related to hazardous materials since issuance of the FEIS. In addition to database searches on the California State Water Resources Control Board (SWRCB) GeoTracker database and the California Department of Toxic Substances Control (DTSC) EnviroStor database, site visits to the Madera Site were conducted on January 25 and 26, 2021. During site visits, no additional hazardous material releases were identified. The database searches yielded no new active hazardous material incidents on the premise of the Madera Site or in the immediate vicinity that the Proposed Project could exacerbate (DTSC, 2021; SWRCB, 2021).

In regards to wildfire severity zones, which were not specifically addressed in the FEIS, the off-site utility, access, and traffic mitigation improvements are not located within a designed fire risk zone according to the California Department of Forestry and Fire Protection (Cal Fire) Fire Hazard Severity Zone Map (Cal Fire, 2021), Madera County General Plan (Madera County, 1995), City of Madera General Plan (Madera County, 1995) or updated elements relevant to fire risk (Madera County, 2015b), Madera County Local Hazard Mitigation Plan (Madera County, 2017), or the City of Madera General Plan (City of Madera, 2009b).

3.10.2.4 Analysis of Currently Proposed Off-Site Utility Improvements

The FEIS determined that construction and operation of the Approved Project's utility improvements would generate a less-than-significant impact related to hazardous resources and would not require mitigation (FEIS page 4.12-20). The currently proposed off-site infrastructure improvements would be constructed and operated in a manner consistent with the analysis in the FEIS related to the Approved Project's utility improvements. Therefore, the currently proposed off-site utility improvements do not include new construction methods or operational activities that would create new environmental impacts that would result in additional hazardous materials impacts when compared to the impacts analyzed in the FEIS. Construction of the improvements would not involve unusual hazard materials risks compared to normal construction activities. As described in the FEIS, the induced hazards and utilized hazardous materials are common to construction activities and would be minimized with adherence to standard operating procedures, such as refueling in designated areas, storing hazardous materials in approved containers, and clearing dried vegetation. During operation, the potential impacts from the new water pipeline alignment along Avenue 17 and water well would be the similar to those described in the FEIS because these improvements would be exclusively for the conveyance of needed water services and would not increase the need for hazardous materials. The connection for the purpose of receiving wastewater services would be similar in impacts as the water connection and would require little to no hazardous materials during operation. The proposed off-site utility improvements would be built to applicable standards, such as the California Building Standards Code (California Code of Regulations, Title 24); therefore, any potential hazards from construction or operation of the proposed gas line and powerline would be less than significant. Therefore, the less-than-significant impacts described for the

Approved Project in the FEIS for hazardous materials would remain less than significant under CEQA for the currently proposed off-site utility improvements. Additionally, since the off-site utility improvements are not located within a fire hazard zone, there would be a less-than-significant impact regarding wildfire risk under CEQA.

3.10.2.5 Analysis of Currently Proposed Access Improvements

The FEIS determined that construction and operation of the Approved Project's traffic improvements would generate a less-than-significant impact related to hazardous resources and would not require mitigation (FEIS page 4.12-15). The currently proposed access improvements would be constructed and operated in a manner consistent with the analysis in the FEIS related to the Approved Project's traffic mitigation improvements. Additionally the access improvements would occur within the existing right-ofway. Therefore the currently proposed access improvements do not include new construction methods or operational activities that would result in additional hazardous material impacts when compared to the impacts analyzed in the FEIS. The hazards induced from construction of the improvements are common to construction activities. They would be minimized with adherence to standard construction procedures that are commonly required, such as refueling in designated areas, storing hazardous materials in approved containers, and clearing dried vegetation. Furthermore, operation of the access improvements would require little to no hazardous materials usage, and would therefore cause a less-than-significant impact. Therefore, the less-than-significant impacts described in the FEIS for disturbing undiscovered contamination and hazardous material usage during construction would remain less than significant under CEQA for the currently proposed off-site access improvements. Additionally, since the off-site access improvements are not located within a fire hazard zone, there would be a less-than-significant impact regarding wildfire risk under CEQA.

3.10.2.6 Analysis of Currently Proposed Traffic Mitigation Improvements

The FEIS determined that construction and operation of the Approved Project's traffic improvements would generate a less-than-significant impact related to hazardous resources and would not require mitigation (FEIS page 4.12-15). The currently proposed off-site traffic mitigation improvements would be constructed and operated in a manner consistent with the analysis in the FEIS related to the Approved Project's traffic mitigation improvements. Additionally, the currently proposed off-site traffic mitigation improvements are within the areas analyzed within the FEIS and would operate in the same manner as traffic mitigation improvements described in the FEIS. Therefore, the currently proposed off-site traffic mitigation improvements do not include construction or operational activities that would result in additional hazardous materials impacts when compared to the impacts analyzed in the FEIS. The hazards induced from construction of the improvements are common to construction activities and would be minimized with adherence to standard operating procedures, such as refueling in designated areas, storing hazardous materials in approved containers, and clearing dried vegetation Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for hazardous materials would remain less than significant under CEQA for the currently proposed traffic mitigation improvements. Additionally, since the off-site traffic mitigation improvements are not located within a fire hazard zone, there would be a less-than-significant impact regarding wildfire risk under CEQA.

3.10.2.7 Findings

The analysis of effects associated with off-site improvements to hazardous materials in the FEIS complies with CEQA requirements for the analysis of hazards and hazardous materials. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to hazardous materials for CEQA purposes.

3.10.3 VISUAL RESOURCES

3.10.3.1 Summary of FEIS Regulatory and Environmental Setting

The regulatory and environmental setting for visual resources is discussed in Section 3.10 of the FEIS. No regulations, ordinances or planning documents were mentioned in the FEIS. The FEIS described the Madera Site as being located in a rural, agricultural area on the outskirts of the City of Madera in unincorporated County. The Madera Site was used for agriculture, rural residential, and open space purposes and was largely developed and utilize for agricultural crop production except for a ranch house and barn complex in addition to above-ground power lines. The only public viewpoints of the Madera Site was flat and vegetated with agricultural crops and very few trees. The Madera Site was bounded on the north by Avenue 18, rural residential land, light industrial land, and vacant land; on the east by Golden State Boulevard and SR-99; on the south by agricultural and rural residential land; and on the west by Road 23 and agricultural land. The Madera Site was not visible from any local or State-designated scenic corridors.

3.10.3.2 Summary of FEIS Impact Analysis

The FEIS found that the 2012 Approved Project had no adverse effects to visual resources (FEIS, Section 4.10, page 4.10-9 to 4.10-10). While no mitigation for potentially significant impacts for the 2012 Approved Project are included in the FEIS specifically for visual resources, mitigation measures were included for lighting and glare with regards to land use compatibility and nocturnal wildlife, such as installing downcast lights with top and side shields to reduce upward and sideways illumination (FEIS Section 5.2.4, Mitigation Measure E). These mitigation measures would ensure that adverse impacts related to lighting and glare were reduced to less than significant. The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of aesthetics (2021 CEQA Guidelines -Appendix G, I).

Impacts associated with visual resources for the off-site pipeline construction (FEIS, Section 4.12.3, page 4.12-20) and traffic mitigation (FEIS, Section 4.12.2, page 4.12-15) were determined to be less than significant due to the pipelines being installed underground and the traffic mitigation being required to confirm to modern design standards.

3.10.3.3 Changes to Regulatory and Environmental Setting

The currently proposed off-site improvements described in **Section 2.0** are all located within the vicinity of the Madera Site and, therefore, the environmental setting described in Section 3.10.3 of the FEIS, and summarized in **Section 3.10.3.1** of this Technical Memorandum, is also applicable to the off-site improvements.

Since the publication of the FEIS, only limited regulatory changes have occurred. In 2009, the City of Madera General Plan was adopted. In this plan, Goal CD-12, "Aesthetically pleasing commercial development" is an applicable to visual resources as a regulation. Policies list under Goal CD-12 include visually linking structures, use of complementary colors, breaking up boxy structures with additional features, encouraging outdoor areas when possible, shielding loading areas from public view, and incorporating signage that complements existing architecture. No other changes to the regulatory setting were found.

There have been no significant changes to the environmental setting related to visual resources since issuance of the FEIS. Development on the Madera Site is unchanged with the exception that non-native grasses have established in a portion of the site previously utilized for crop production. Additionally, the single-family dwelling on the southern portion of the site has been abandoned and is no longer habitable. Adjacent land uses and development as it relates to visual resources are relatively unchanged. The views from Road 23, Avenue 18, Golden State Blvd., and SR-99 are still relatively unobstructed with only limited new development. There are no State Scenic Highways near the Madera Site (Caltrans, 2021). No other aesthetic resources were identified in the vicinity of the Madera Site.

3.10.3.4 Analysis of Currently Proposed Off-Site Utility Improvements

The currently proposed off-site infrastructure improvements do not include any components that would create new adverse visual resource impacts when compared to the impacts analyzed in the FEIS because all improvements would be either underground or unobtrusive in size and color (e.g. off-site well). Furthermore, off-site improvements would not include a lighting element or create substantial glare. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for visual resources would remain less than significant under CEQA for the currently proposed off-site utility improvements.

3.10.3.5 Analysis of Currently Proposed Access Improvements

The currently proposed off-site infrastructure improvements do not include any components that would create new adverse visual resource impacts when compared to the impacts analyzed in the FEIS because all improvements at existing intersections would conform to modern design standards and are expected to be landscaped to suit the setting. Because of this, no obtrusive elements, including lighting and glare, would be constructed as part of the off-site improvements. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for visual resources would remain less than significant under CEQA for the currently proposed access improvements.

3.10.3.6 Analysis of Currently Proposed Traffic Mitigation Improvements

The currently proposed off-site infrastructure improvements do not include any components that would create new adverse visual resource impacts when compared to the impacts analyzed in the FEIS because all traffic mitigation improvements would conform to modern design standards and are expected to be landscaped to suit the settings. Because of this, no obtrusive elements, including lighting and glare, would be constructed as part of the off-site improvements. Therefore, the less-than-significant impacts described for the Approved Project in the FEIS for visual resources would remain less than significant under CEQA for the currently proposed traffic mitigation improvements.

3.10.3.7 Findings

The analysis of effects associated with off-site improvements to visual resources in the FEIS complies with CEQA requirements for the analysis of aesthetics. The Proposed Project and the circumstances in which the project would be undertaken would not result in new significant or substantially more severe impacts warranting further environmental review. No new information has been found that demonstrates that the project would result in new significant or substantially more severe impacts. Therefore, the conclusions of the FEIS remain valid and the Proposed Project would not result in any new significant impacts related to visual resources for CEQA purposes.

3.11 CUMULATIVE EFFECTS

The cumulative analysis of the Approved Project (FEIS Section 4.11.2) evaluated the effects on specific environmental issue areas that occur incrementally in conjunction with other actions, projects and trends. The cumulative impact analysis evaluated the combined impacts of past, present, and reasonably foreseeable projects in conjunction with the Approved Project. The significance thresholds described above for individual elements of the environment apply to the cumulative effects analysis. The FEIS cumulative project list included residential, commercial, and transportation development projects in the vicinity of the Madera Site within the City and County of Madera. This analysis is consistent with the requirements of CEQA Guidelines § 15130(b); specifically the FEIS discussion of cumulative impacts reflects the severity of the impacts and the likelihood of occurrence.

3.11.1 CHANGES TO CUMULATIVE ENVIRONMENT

Since publication of the FEIS, the cumulative setting of the Proposed Project has changed. In general, projects identified in the FEIS discussion of the cumulative setting (4.11.1 of the FEIS; **Table 3-5** below) consisted of housing, commercial, and retail development. A majority of these projects have been constructed or are still in the planning and approvals phase. A couple of projects have not yet been approved and may not be completed. Since completion of the FEIS, several new development projects have been proposed or completed (**Table 3-6**). Similar to the projects discussed in the FEIS, these projects largely consist of housing, commercial, and retail within the City of Madera. However, the current cumulative setting also includes the completed Fire Station 58 and completed Matilda Torres High School.

TABLE 3-5. CUMULATIVE SETTING OF 2012 APPROVED PROJECT	
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PROJECT	PROJECT LOCATION	PROJECT SUMMARY	CURRENT STATUS
Freeway Improvements	City of Madera	Addition of two lanes to Avenue 16 to Avenue 21, and relocation of the Avenue 16 interchange	Under Construction
Airport Drive Improvements	City of Madera	Restriping of Airport Drive to form four lanes	Complete
Bratton Project	City of Madera	Commercial development with a fast food restaurant, retail, two hotels, a gas station, convenience store, and car wash	Only one hotel was completed. Other project components were not constructed.
Madera Outlet Mall	City of Madera	Rezoning of an industrial zone to commercial and the development of up to 600,000 sf of commercial development	Not developed. May not occur
48-acre Development	City of Madera	Rezoning from civil services to commercial and the development of up to 350,000 sf of retail space	Approved, not yet constructed
Madera Town Center	City of Madera	Establishment of a retail center with approximately 746,000 of retail space	Approved, not yet constructed
Feland/Zilkin Project	City of Madera	Development of a 14-building shopping center with approximately 221,000 sf of retail space	Project not completed. Vacant lot may be developed in the future
Madera Fairgrounds	City of Madera	Development of a large shopping center approximately 307,000 sf.	Complete
Residential Development	Various	Various residential housing and apartment development projects totaling over 4,000 units	Some in review, approved, completed
Madera Municipal Airport Growth	City of Madera	Improvements to instrumentation, and possible extension of the east/west runway	Runway extension not completed, may occur in the future

PROJECT	PROJECT LOCATION	PROJECT SUMMARY	CURRENT STATUS		
Fast Food Projects	City of Madera	Various, including Burger King, Starbucks, AM/PM and Candy's Grill	Under Construction		
Boston Motors	City of Madera	Development of a car sales lot along State Route 145	Approved		
Fire Station 58	City of Madera	Development of a new state-of-the-art fire station operating 24/7	Complete		
Downtown Main Street Improvements	City of Madera	Development of a Downtown Master Plan to address future downtown development and transportation. Includes the Madera Town Center development	Planned		
Lake Street Improvement Project	City of Madera	Improvement planning to identify development alternatives for the existing Lake Street intersections	Planned		
Veterans and Family Housing Project	City of Madera	48-units in two three-story buildings. Part of downtown urban infill projects	Under construction		
Love's Travel Center	City of Madera	Fuel station with convenience store along Avenue 17 just east of SR-99	Completed		
Matilda Torres High School	City of Madera	57-acre High School development part of Madera Unified School District	Completed		
Village D	City of Madera	A Specific Plan to develop a mixed use community	Planned		
Singh Project	City of Madera	An 80-room hotel located southeast of the intersection of Airport Drive and Avenue 17	Planned		
Parcel Map 4230	City of Madera	49 light industrial lots on approximately 80 acres located on the north side of Avenue 18½ between the Road 23½ alignment and Road 24	Planned		
Castellina Development	Madera County	Master Plan community development on 794 acres to include residential housing, mixed use, and open space. Located within existing agricultural lands.	Planned		
Sources: City of Madera, 2020b; City of Madera, 2020c; City of Madera,2021a; City of Madera, 2021b; CEQANET, 2017; Attachment A.					

TABLE 3-6. CUMULATIVE SETTING OF THE PROPOSED PROJECT

The discussion below considers the potential for the off-site water and sewer infrastructure improvements, access improvements, and the traffic mitigation improvements to generate a cumulatively significant impact on the environment.

3.11.2 LAND RESOURCES

The FEIS determined that implementation of the Approved Project would not result in cumulative impacts as the principal effects to geology and soils associated with county-wide development would be localized topographical changes and soil attrition, both of which are evaluated in terms of runoff characteristics, sedimentation and flow under permitting authorities and criteria relevant to water resources, below. Local permitting requirements for construction would address regional stormwater, geotechnical, seismic and mining hazards.

Similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would comply with State and local requirements for construction which would address regional stormwater, geotechnical, and seismic hazards. Therefore, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not result in a cumulative contribution to impacts associated with Land Resources for CEQA purposes.

3.11.3 WATER RESOURCES

The FEIS determined that implementation of the Approved Project could in combination with other development projects result in cumulative effects to the groundwater supply if the total water demand of the cumulative projects exceeds the recharge of the groundwater basin. This could adversely affect the ability of neighboring wells to extract groundwater. However, the mitigation measures in the FEIS Section 5.2.2 in combination with the MOU with the MID would reduce the Approved Project's cumulative impact to less than significant.

Similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not impact groundwater because these improvements would not require water usage to operate. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to groundwater supply, there would be no cumulatively considerable impacts for CEQA purposes.

The FEIS determined that construction and operation of the Approved Project could, in combination with other development projects, result in cumulative effects to the overall regional drainage characteristics and to surface and groundwater quality. However, with the mitigation measures specified in the FEIS (Section 5.2.2) incorporated as design features of the Approved Project, such as the detention basin, the Approved Project would have a less-than-significant impact to drainage patterns and water quality. These mitigation measures, as discussed above, would also serve to reduce the Proposed Project's impacts to water resources to a less-than significant level. Development projects in vicinity of the Madera Site would be obligated to adhere to federal, State, and local regulation with regards to drainage and maintaining surface and groundwater quality. This would reduce their potential to generate adverse cumulative impacts. Therefore, the FEIS determined that the Approved Project would have a less-than-significant cumulative impact on drainage and surface and groundwater quality.

As discussed in **Section 3.3.3**, similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would have a less-thansignificant impact on drainage characteristics and to surface and groundwater quality because construction would include a SWPPP that would be developed to comply with the NPDES Construction General Permit Program. Furthermore, the effects to runoff volumes resulting from the increase in impervious surface are expected to be minimal. Some existing curb and gutters and stormwater drain inlets would be removed and relocated while curb and gutters, inlets, and other drainage facilities would be reconstructed to provide adequate facilities to direct stormwater runoff. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to groundwater supply, there would be no cumulatively considerable impacts for CEQA purposes.

3.11.4 AIR QUALITY AND CLIMATE CHANGE

The FEIS determined that implementation of the Approved Project could in combination with other development projects result in cumulative effects to criteria pollutant emissions in Madera County and the SJVAB. The FEIS determined that cumulative year operational emissions would exceed the SJVAPCD significance threshold for NOx. However, the mitigation measures in the FEIS (Section 5.2.3) would reduce the cumulative emissions to less-than-significant level; therefore, cumulative operation air quality impacts would be considered less than significant. The FEIS also determined that operation of the Approved Project under future cumulative conditions could result in cumulative effects to CO concentrations. However, implementation of the traffic mitigation measures in the FEIS (Section 5.2.3), in combination with increased traffic from cumulative development, would reduce impacts from CO concentrations to a less-than-significant impact. Additionally, the FEIS determined that implementation of the Approved Project, in combination with cumulative development, would have a less-than-significant effect on odors and toxic air contaminants. As described above in **Section 3.4.2**, the FEIS determined that after implementation of mitigation measures found in the FEIS Section 5.2.3, the Approved Project was expected to be in line with goals for global cumulative emissions reductions and would cause a less-than-significant contribution to climate change.

Similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not result in long-term operation emissions. Therefore, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not result in a cumulative contribution to air quality or climate change impacts for CEQA purposes.

3.11.5 BIOLOGICAL RESOURCES

The FEIS determined that the Approved Project would not directly impact sensitive habitat and would avoid indirect impacts to sensitive habitat through implementation of water quality mitigation, BMPs, and a SWPPP. The FEIS also determined that potential impacts to nesting birds would be avoided through a pre-construction nesting bird survey. Section 4.5 of the FEIS acknowledges that burrowing owl burrows may establish on site, however no burrows have been observed to date and Mitigation Measure D in Section 5.2.4 of the FEIS would avoid potential impacts to this species. Because the Approved Project avoided impacts to these resources, impacts were not considered cumulatively considerable. Although the Approved Project was determined to have a significant impact on Swainson's hawk foraging, this was not found to be cumulatively considerable due to mitigation to preserve off-site agricultural foraging habitat and regulatory requirements protecting Swainson's Hawk that would apply to cumulative projects.

As discussed in **Section 3.5**, there are no new or substantially more sever impacts to agricultural resources related to off-Reservation impacts when compared with the FEIS. The off-site infrastructure improvements, access improvements, and traffic mitigation improvements would generally occur within developed or disturbed habitat. Current surveys have confirmed that these areas do not provide suitable habitat for special-status species and do not offer wildlife corridors or access to significant wildlife habitat. Mitigation avoiding impacts to nesting birds, including Swainson's hawk and burrowing owl burrows, would be applicable to these areas. Because potentially significant impacts would be avoided, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate cumulatively considerable impacts to biological resources for CEQA purposes.

3.11.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

A discussion on cumulative impacts to cultural resources was included in Section 4.11.2 of the FEIS. The FEIS determined that the Approved Project would have no adverse effects on known historic properties or paleontological resources, but that there was potential for significant cultural or paleontological resources to be uncovered during project construction. Compliance with mitigation measures detailed in the FEIS (Section 5.2.5) would reduce impacts to as-yet unidentified cultural and paleontological resources to less than significant for CEQA purposes.

The off-site infrastructure improvements, access improvements, and traffic mitigation improvements may induce an adverse cumulative impact to undiscovered cultural and paleontological resources, but the construction areas have already largely been disturbed. Cumulative projects consist largely of urban infill within the City of Madera with conversion of vacant infill lots or agricultural lands. These areas offer the potential for cultural resources, but the general scarcity of prehistoric habitats suitable for exploitation indicates a generally low potential to impact cultural resources. Additionally, paleontological resources are tied to specific geological strata and depths and are therefore also generally scarce. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to cultural and paleontological resources, there would be no cumulatively considerable impacts for CEQA purposes.

3.11.7 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

As discussed in the FEIS, the Approved Project would not incur new or induce adverse effects. As population growth occurs in the region, fiscal demands on local governments will increase for necessary services. Increased local government service demands induced from new developments would be addressed through requiring various development fees and assessments. However, while the Approved Project would not be subject to these fees since the land has been taken into trust, the Tribe has executed a MOU with both the County and City of Madera. Specified within these MOUs, the Tribe agrees to pay fees equivalent to development fees. The executed MOU in combination with the mitigation measures in the FEIS (Section 5.2.6) would ensure that the Approved Project's impacts to the cumulative fiscal demands on local government is less than significant.

As discussed in **Section 3.7.3**, there are no new or substantially more severe impacts to agricultural resources related to off-Reservation impacts when compared with the FEIS. The off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not induce additional fiscal impacts because the Tribe has agreed to a fair share cost of the improvements as specified in in the FEIS (Section 5.2.6). Furthermore, these improvements would not induce population growth in the area or adversely existing housing stock. Because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not incur an adverse fiscal impact or induce additional population growth, there would be no cumulatively considerable impacts for CEQA purposes.

3.11.8 RESOURCES USE PATTERNS

3.11.8.1 Transportation/Circulation

The FEIS determined that operation of the Approved Project, in combination with other development

projects, would contribute to unacceptable traffic operations at intersections and roadways in the vicinity of the Madera Site. However, the potentially significant cumulative impacts related to operational traffic would be reduced with mitigation in the FEIS (Section 5.2.7). Therefore, cumulative transportation impacts would be considered less than significant.

Operation of the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not create additional vehicle trips. Therefore, similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not result in a cumulative contribution to transportation impacts for CEQA purposes.

3.11.8.2 Land Use

The FEIS determined that the Approved Project was generally consistent with local land use policies and would comply with applicable regulations for development near the nearby airport. The Approved Project would not have precluded existing or planned development and would not have generated conflict with surrounding land use designations. Additionally, the FEIS noted that cumulative development would be required to comply with land use plans, zoning ordinances. The FEIS determined that the Approved Project would have a less-than-significant cumulative impact on land use.

As discussed in **Section 3.8.2**, there are no new or substantially more severe impacts to agricultural resources related to off-Reservation impacts when compared with the FEIS. Similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not preclude or conflict with planned or future development and would not divide an established community or otherwise impact existing development. Installation of infrastructure and traffic improvements would not conflict with local plans and policies guiding development. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to land use, there would be no cumulatively considerable impacts for CEQA purposes.

3.11.8.3 Agricultural Resources

The FEIS acknowledged that the Approved Project would result in a loss of agricultural lands in the region, but determined that, based on the quantity and quality of agricultural lands impacted, the impact would be less than significant. However, mitigation was included in the FEIS (Section 5.2.9) that would require the purchase of an agricultural conservation easement of agricultural lands of at least as many acres as those impacted to further reduce this impact. The FEIS determined that, with implementation of mitigation, cumulative impacts to agricultural resources would be less than significant.

As discussed in **Section 3.8.2**, there are no new or substantially more severe impacts to agricultural resources related to off-Reservation impacts when compared with the FEIS. The off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not preclude or impact regional agricultural lands as improvements would be within or adjacent to existing roadways in areas of existing development. Additionally, these areas lack forestry resources and would therefore not impact forest resources. Because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements, access improvements, and traffic mitigation improvements, access improvements, and traffic mitigation improvements would not impact agricultural or forestry lands, there would be no cumulative

impact to these resources for CEQA purposes.

3.11.9 PUBLIC SERVICES

The FEIS determined that the option to connect to public water and wastewater supply would require expansion of municipal water and wastewater infrastructure, and that the Approved Project would increase the need for other public services, such fire and emergency and police services. This would have a potential cumulative impact on public services. However, the Tribe has agreed in its MOU with the City of Madera to pay its fair share for expansion of the municipal water and wastewater systems that would be required for the Approved Project. This would ameliorate cumulative impacts on the municipal system and nearby developments. The Tribe has also agreed in MOUs with the City and the County of Madera to support fire and emergency services and to support County educational and community programs via various recurring payments, non-recurring payments, and recurring contributions. The Tribe will also employ on-site security guards for the casino. These measures would help provide for and expand community services that would also be affected by the above completed and pending developments and reduce cumulative impacts. The FEIS determined that, with implementation of mitigation (Section 5.2.8) and the executions of the MOUs, cumulative impacts to public services would be less than significant.

As discussed in **Section 3.9.3**, there are no new or substantially more severe impacts to public services related to off-Reservation impacts when compared with the FEIS. The off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not require public services once operational because they would be an expansion of existing utility services, but construction of them could result in a temporary break in utility services to some homes and businesses in the area. However, these would be temporary in nature and would be no adverse than when utilities undergone periodic maintenance. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to public services, there would be no cumulatively considerable impacts for CEQA purposes

3.11.10 OTHER VALUES

3.11.10.1 Noise

The FEIS determined that operation of the Approved Project, in combination with other development projects, would not increase traffic noise levels above the applicable significance criteria at the nearest sensitive receptors. Therefore, no significant cumulative noise effects were associated with the Approved Project.

Similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not include any operational activities that would result in any additional noise impacts. Therefore, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not result in a cumulative contribution to noise impacts for the purpose of CEQA.

3.11.10.2 Hazardous Materials

The FEIS determined that the quantity and types of hazardous materials stored, used, and generated as a result of the Approved Project could have a potentially significant cumulative impact on the environment and public. Furthermore, cumulative hazardous materials have the potential to occur as a result of continuing development occurring in the region. However, mitigation measures specified in the FEIS (Section 5.2.9) would reduce this impact, such as utilizing the least toxic and smallest quantity of hazardous materials during operation that will achieve the intended result. The FEIS determined that the Approved Project would have a less-than-significant cumulative impact on hazardous materials.

As discussed in **Section 3.10.2**, similar to the analysis in the FEIS, the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not include any operational activities that would result in any additional impacts related to hazardous materials. Therefore, there would be no cumulatively considerable impacts for CEQA purposes.

3.11.10.3 Visual Resources

The FEIS determined that as growth occurs within County, cumulative effects to visual resources may take place as the result of increased development, but the Approved Project would not contribute to cumulative visual impacts because the Madera Site is not located in a scenic corridor or an area of high aesthetic value. Furthermore, the proposed development has been designed to be aesthetically agreeable. Thus, the Approved Project would not constitute a significant cumulative visual effect to the surrounding area that is presently semi-developed with prominent agriculture.

As discussed in Section 3.10.3, there are no new or substantially more severe impacts to visual resources related to off-Reservation impacts when compared with the FEIS. The currently proposed offsite infrastructure improvements do not include any components that would create new adverse visual resource impacts when compared to the impacts analyzed in the FEIS because all improvements would be either underground or unobtrusive in size and color (e.g., off-site well). Furthermore, no off-site improvements would include a lighting element or create substantial glare. Therefore, because the off-site infrastructure improvements, access improvements, and traffic mitigation improvements would not generate an impact to visual resources, there would be cumulatively considerable impacts for CEQA purposes.

4 CONCLUSION

As discussed in Section 1.4, CEQA encourages agencies to avoid duplication of environmental documents and requires that a local agency, "shall whenever possible, use the environmental impact statement as such environmental impact report," if two criteria are met: 1) the EIS was prepared first, and 2) the EIS satisfies CEQA for purposes of an EIR (Public Resources Code § 21083.5, 21083.7). As demonstrated in this Technical Memorandum, the FEIS and associated federal actions were completed in advance of the public agencies' review of local/ state approvals for off-Reservation actions because most of the off-Reservation actions were mitigation measures associated with the North Fork Casino Project constructed on the Reservation that was evaluated in the FEIS. Further, the EIS public noticing and review process, as well as the analysis of environmental effects meets the requirements of CEQA to disclose and mitigate potentially significant direct, indirect, and cumulative environmental effects.

Existing development plans for the Proposed Project are less intensive than the Approved Project. Therefore, the environmental impacts associated with the current North Fork Casino Project site development plans would be less than those impacts described for the Approved Project and comprehensively analyzed in the FEIS.

The FEIS for the Approved Project included an analysis of alternatives (FEIS Section 4), recommended mitigation measures (FEIS Section 5), contained an analysis of indirect effects due to off-site roadway and intersection improvements (FEIS Section 4.11) and evaluated growth-inducing effects (FEIS Section 4.11.1). The FEIS also includes an analysis of cumulative impacts, which evaluated the combined impacts of past, present, and reasonably foreseeable development (FEIS Section 4.12). In addition to an evaluation of the environmental setting and impacts of the North Fork Casino Project (including the off-site improvements associated with infrastructure and traffic mitigation), the FEIS contains the other sections identified above that contain the requisite information to satisfy CEQA. No new significant environmental impacts or substantial increases in the severity of previously identified impacts would occur when compared to the off-site improvements evaluated under the FEIS alternatives because the currently proposed off-site improvements are similar to those analyzed in the FEIS as demonstrated above.

As noted above in **Section 3.1** through **Section 3.11**, the FEIS includes a thorough review of potential impacts associated with the off-site improvements. Potential off-site improvement impacts not specifically identified in the FEIS are analyzed in applicable sections in **Sections 3.1** through **3.11**, and such impacts were found to be less than significant for CEQA purposes. Subsequent to the release of the FEIS, no significant changes in regulatory background or existing environmental conditions have occurred in the project area that would substantially affect the analysis associated with the off-site improvements that were evaluated in the FEIS. Pursuant to Section 15065 (Mandatory Findings of Significance) of the CEQA Guidelines, the Off-site Improvements evaluated in this Technical Memorandum (described in **Section 2.0**) would not result in a significant effect on the environment as: 1) they would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community;

substantially reduce or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory; 2) they would not achieve short-term environmental goals to the disadvantage of long-term environmental goals; 3) they would not have cumulatively considerable environmental effects; and 4) they would not cause substantial adverse effects on human beings, either directly or indirectly.

For the reasons discussed above, no subsequent environmental review is warranted in accordance with CEQA Guidelines §§ 15162. Therefore, the FEIS may be relied upon to meet CEQA requirements associated with state and local discretionary approvals for the proposed off-site water, wastewater and access infrastructure, as well as the proposed traffic mitigation measures.

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