Attachment 1

Responses to Comments on the October 2025 Environmental Assessment

Responses to Comments on the October 2025 Environmental Assessment Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project

1.0 INTRODUCTION AND COMMENT LETTERS

The Bureau of Indian Affairs, as federal lead agency, directed the preparation of an Environmental Assessment (EA) to assess the potential environmental impacts associated with the proposed trust acquisition of approximately 295.7 acres of fee land owned by the Shingle Springs Band of Miwok Indians (Tribe) within unincorporated El Dorado County, California (Project Site) and the subsequent development of an arena and parking garage, commercial facilities, an emergency shelter, a maintenance operations building, and a total of 132 residential homes (Proposed Action). The Proposed Action includes the transfer of the Project Site into federal trust status for the benefit of the Tribe under Section 5 of the Indian Reorganization Act (25 USC § 5108). The EA was completed in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC § 4321 et seq.); the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46); 516 DM 1 – U.S. Department of the Interior Handbook of NEPA Implementation Procedures; the BIA NEPA guidebook (59 Indian Affairs Manual [IAM] 3-H); and Pre-Acquisition Environmental Site Assessments Guidebook (59 IAM 5). The EA provides a detailed description of the Proposed Action and analysis of potential environmental consequences associated with the subsequent development of the Proposed Project. The EA also evaluated the potential environmental impacts of a reasonable range of alternatives to the Proposed Project (Alternative A), including a reduced intensity alternative that would not involve commercial development (Alternative B) and a no action alternative (Alternative C), and recommends mitigation measures to reduce potential environmental impacts.

A Notice of Availability (NOA) for the EA was published in The Mountain Democrat newspapers on October 8, 2025. The NOA announced that the EA was available for public and agency review for 30 days ending on November 7, 2025. The NOA and EA were also posted on the Tribe's website at www.shinglespringsrancheria.com.

The BIA received 20 comment letters on the EA (**Table 1** and **Attachment 1**). Two comment letters were received after the November 7, 2025 deadline and are still included herein. Substantive comments received on the EA are responded to within the sections below. Once an issue has been addressed in a response to a comment, subsequent responses to similar comments reference the initial response.

Additionally, Realty comments were received on the 2024 fee-to-trust application and have been reviewed. The comments received on the application are consistent with the comments received on the EA; no additional issues were raised that require further response.

TABLE 1: COMMENT LETTER LOG

Log #	Name	Affiliation	Date Received
Agencies			
A1	Alexander Fong	Caltrans District 3	11/6/2025
A2	George Turnboo	El Dorado County Board of Supervisors	11/4/2025
A3	Lori Schmitz	State Water Resources Control Board	11/5/2025
A4	Connell Dunning	United States Environmental Protection Agency	11/28/2025
Organizations			
O1	Lance	North Buckeye Rancheros - savebuckeye.org	2/28/2024
O2	Michael Freer	North Buckeye Rancheros Owners Association (NBROA)	10/24/2025
O3	Michael Lozeau	Northern California District Council of Laborers	11/7/2025
O4	Michael Lozeau	Northern California District Council of Laborers	11/14/2025
Individuals			
I1	Christopher and Judith Blunt	NBROA	11/3/2025
I2	Jason Friese	NBROA	11/4/2025
I3	Dennis Horton	NBROA	n.d.
I4	Lance Nolasco	NBROA	11/6/2025
I5	Poppy Phillips	-	11/1/2025
I6	Stephen and Katie Rhoads	NBROA	10/14/2025
I7	Daniel Royer	-	10/13/2025
I8	Sarah Royer	-	11/6/2025
I9	Lawrence Varela	NBROA	n.d.
I10	Steve and Deana Visentin	NBROA	11/1/2025
I11	Kim Pierce and Cheryl Wright	NBROA	10/14/2025
I12	Wes Yielding	-	10/12/2025

2.0 MASTER RESPONSES TO COMMENTS

Master responses in this section address comments with similar subject matter that were submitted multiple times in separate comments. Responses to separate comments may refer to these master responses as a whole or in part to avoid repetition.

Master Response 1: Expressions of Opinion and Non-Substantive Comments

Summary of Comments

Some comments received were expressions of opinion either for or against the Proposed Action or Proposed Project. Other comments summarized the findings of the EA or discussed general environmental concerns.

Response

This document has been prepared consistent with NEPA (42 USC § 4321 et seq.), the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46), 516 DM 1 – U.S. Department of the Interior Handbook of NEPA Implementation Procedures; the BIA NEPA guidebook (59 IAM 3-H); and Pre-Acquisition Environmental Site Assessments Guidebook (59 IAM 5). Under NEPA, lead agencies are required to consider substantive comments submitted during the public review process and to respond to individual comments or groups of comments, as appropriate. Comments are generally considered "substantive" if they: (1) relate to inadequacies or inaccuracies in the analysis or methodologies used; (2) identify new impacts or recommend reasonable new alternatives or mitigation measures; or (3) involve substantive disagreements regarding interpretations of significance or scientific and technical conclusions. Responses are not required for comments that do not raise a substantive environmental issue or that consist solely of general statements or expressions of opinion without supporting data, sources, or methodologies. Additionally, responses are not provided to comments that do not further the purpose of the NEPA process, which is to help public officials make decisions based on an understanding of environmental consequences and to take actions that protect, restore, and enhance the environment. All comments submitted to the BIA during the NEPA process, including expressions of opinion, have been included in the administrative record and will be considered by the BIA in its decision on the Proposed Action.

Master Response 2: Adequacy of the Environmental Assessment and Preparation of an Environmental Impact Statement

Summary of Comments

Several comments were received that assert that there are significant adverse impacts associated with the project alternatives that are not identified in the EA or not adequately mitigated below the threshold of significance and, therefore, an Environmental Impact Statement (EIS) should be prepared. Comments also suggested that if environmental impacts are uncertain, controversial, disputed, or unknown, then an EIS is required.

Response

The NEPA "hard look" doctrine is a principle of administrative law relied upon to give meaning to the "arbitrary and capricious" standard established by the Administrative Procedure Act; in summary, it requires that agencies take a hard look at the environmental consequences of proposed federal actions, based on consideration of all relevant evidence, and that decisions are supported by adequate facts. The EA was completed in accordance with and to satisfy the requirements set out in NEPA (42 USC § 4321 et seq.), the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46), 516 DM 1 – U.S. Department of the Interior Handbook of NEPA Implementation Procedures; the BIA NEPA guidebook (59 IAM 3-H); and Pre-Acquisition Environmental Site Assessments Guidebook (59 IAM 5). In accordance with these regulations, Section 3 of the EA provides an analysis of the potential environmental consequences associated with the Proposed Action and the subsequent development of the project alternatives. The potential impacts are not uncertain or unknown and were fully evaluated.

This information is intended to assist the BIA in determining whether a Finding of No Significant Impact (FONSI) should be prepared or whether additional environmental analysis should be conducted in the form of an EIS. Substantive comments received on the EA are addressed in this response to comments document. Revisions have been made in the Final EA based on the comments received, to improve

language, enhance data, and provide clarification. As detailed in Section 3 of the EA, all impacts associated with the project alternatives were determined to be less than significant or less than significant with mitigation under NEPA. Therefore, the BIA has determined that additional analysis in the form of an EIS is not warranted.

Master Response 3: Change in Tribe's Land Use Plans

Summary of Comments

Comments noted that the Tribe's land use plans have changed for this fee-to-trust project and for past projects, suggesting that the Tribe has been dishonest about their plans.

Response

The Tribe's plans for this fee-to-trust project have changed since the applications were originally submitted to the BIA. The BIA was informed of the addition of the proposed arena and associated parking garage in 2023, and the Tribe submitted revised applications. The BIA then provided a revised notice of the application to state and local governments in November 2023. The Tribe also provided an update on the fee-to-trust application, including the newly proposed arena, to the North Buckeye Rancheros Owners Association (NBROA) in February 2024. The EA addresses all impacts of the Tribe's proposed land uses.

Master Response 4: Mitigation Enforcement

Summary of Comments

Comments were received questioning the enforceability of mitigation measures. Several comments state that the EA mitigation measures are inadequate or deficient.

Response

Mitigation measures for the project alternatives are listed in Section 4 of the EA. Mitigation recommendations were informed by extensive research and studies prepared by qualified experts including, but not limited to, biologists and wetland specialists, transportation engineers, acoustical consultants, civil engineers, and professional archaeologists. Statements that the mitigation measures in general are vague or inadequate are not considered substantive comments (see **Master Response 1**); however, substantive comments on specific mitigation measures are discussed in **Section 3.0** and **Section 4.0** as applicable below.

As noted in Section 4 of the EA, all mitigation is enforceable because it is (1) inherent to the project design and/or (2) or required by federal or tribal regulations. The EA is not the document that commits the agency to mitigation; rather it is the Finding of No Significant Impact (FONSI) that does so. Per 516 DM 1 – U.S. Department of the Interior Handbook of NEPA Implementation Procedures:

> *"The finding of no significant impact will… [s]tate the authority for and describe any mitigation that the Responsible Official has adopted and any applicable monitoring or enforcement provisions. If the Responsible Official finds that the proposed action will not have significant effects due to mitigation, the mitigated finding of no significant impact will identify the mitigation measures that will be undertaken to avoid significant effects and the mechanisms to ensure their implementation."*

Consistent with these requirements, a mitigation monitoring and compliance plan will be prepared and

incorporated into the BIA's FONSI.

In addition, the Tribe has certified a resolution that the Tribe adopts and agrees to enforce, fund, and implement the mitigation measures and will incorporate such measures into the specifications of design documents and construction contracts as appropriate. This resolution is included as Attachment 3 to the FONSI.

The BIA recognizes, consistent with federal law and policy, that supporting Tribal sovereignty and self-determination includes respecting a Tribe's commitment to ensure compliance with mitigation measures under Tribal law, similar to a State's commitment to enforce mitigation under State law. In this case, any mitigation required by the FONSI will be enforceable as a matter of Tribal law.

Master Response 5: Use of NBROA Roads

Summary of Comments

Comments questioned the Tribe's plans for using NBROA roads, with some pointing out that the NBROA roads are not public but are reserved for the use of the association's members. Some comments state that if the project parcels go into trust, then the parcels would be removed from the NBROA and the Tribe will no longer have legal access to the association's roads. Comments specifically question how the Tribe intends to use Shingle Springs Drive, with one comment noting the traffic study assumes use of Shingle Springs Drive to reach Green Valley Road. Comments question how a provision for emergency access between Shingle Springs Drive – an NBROA road – and the Rancheria's road system would be governed, who would declare an emergency or grant access, whether access would function in both directions (off and onto the Rancheria), and note that the roadway is gated. Other comments question the structural condition of the Dry Creek bridge on Shingle Springs Drive and the ability of the bridge to handle additional traffic.

Response

As described in Section 2.1.1 of the EA, access for the proposed arena would be via Koto Road and Red Hawk Parkway and access for the proposed residential development would be via existing Rancheria roadways and Green Valley Road. Access for the proposed commercial development, multipurpose emergency shelter, and maintenance operations building would be provided via Honpie Road and Red Hawk Parkway. These roads are part of the Rancheria's road system (Koto Road, Honpie Road, Red Hawk Parkway) or a public road (Green Valley Road). As further described in Section 2.1.1 of the EA, the Tribe would provide emergency access from the arena and residential development to Shingle Springs Drive via Home Court, which are private roads of the NBROA. The project site includes parcels that are part of the NBROA. If the fee-to-trust action is approved, the parcels would no longer be within the NBROA and the Tribe would not have legal access to use Shingle Springs Drive or other NBROA roads. However, the Tribe is proposing to provide emergency access between Shingle Springs Drive and the Rancheria's road system for two purposes: 1) provide emergency access for First Responders with jurisdiction (i.e., El Dorado County Sheriff's Office, El Dorado County Fire Protection District), and 2) provide a potential evacuation route in case of a wildfire. The emergency access would be gated at the junction with the Rancheria's road system to ensure that only First Responders with jurisdiction have access. The use of Shingle Springs Drive as an evacuation route from the Rancheria would only be used subject to an agreement with NBROA. While the Tribe has attempted to establish an agreement concerning the Tribe's use of Shingle Springs Drive and the financial impact of withdrawing the Tribal-owned parcels from NBROA, an agreement is not currently in place. If an agreement is reached, the Tribe's intent is for the emergency access connection

to serve evacuations in either direction (onto or off the Rancheria), to provide both the Rancheria and NBROA an additional evacuation route. With regards to who would declare an evacuation, the Tribe would follow the orders issued by the California Department of Forestry and Fire Protection (CAL FIRE) or the El Dorado County Fire Protection District. The terms and conditions of this use would be subject to an agreement with NBROA. If an agreement with NBROA is not possible, then the emergency access connection would be limited to First Responder use.

With regards to the traffic study assuming use of Shingle Springs Drive, as described in **Master Response 6**, the Tribe's outreach with NBROA throughout 2024 and 2025 included offering compensation for the temporary usage of NBROA roadways until Tribal roadways for the housing component of the Proposed Action would be completed. Since a resolution on this matter has not yet been reached between the Tribe and NBROA, the possibility of access to Shingle Springs Drive by residents of the proposed housing component is currently unknown. To provide a "worst-case scenario" of potential traffic conditions with implementation of the Proposed Action, the Traffic Impact Study (Draft EA Appendix F) assumed that residential traffic would be able to use Shingle Springs Drive to access Green Valley Road. The results of the analysis indicate that the intersection would operate acceptably under the existing plus project and cumulative scenarios. However, as currently proposed by the Tribe, Shingle Springs Drive would not be used; instead, a direct roadway connection between the proposed housing component and Green Valley Road would be developed. Given the negligible amount of existing traffic currently using the existing Shingle Springs Drive at Green Valley Road, the analysis of this intersection in the Traffic Impact Study also serves as a "proxy" for operations at the new tribal road connection.

With a direct connection between the proposed housing component and Green Valley Road, the use of Shingle Springs Drive would not be necessary (beyond emergency access). It should be noted that casino and arena traffic will not be able to use the Rancheria's proposed roadway network from Green Valley Road. Consistent with the existing access conditions, the Tribe's residential and Tribal government areas are gated from the public accessible areas (casino, hotel, and health center).

The use of Shingle Springs Drive or other NBROA roads are not required to provide additional or sufficient evacuation capabilities for the Proposed Project or the Rancheria in general. However, as proposed by the Tribe, the Proposed Action would increase the evacuation routes available to NBROA and the Rancheria, and with the development of a direct connection to Green Valley Road, would reduce traffic on Shingle Springs Drive and the bridge over Dry Creek.

Based on the analyses presented in the EA, impacts to the use of NBROA roads were adequately evaluated and determined to be less than significant. No revisions to the EA are required in response to these comments.

Master Response 6: Impacts Associated with Community Character

Summary of Comments

Comments asserted that Alternative A is inconsistent with the existing rural residential land use designation and zoning provided by El Dorado County. Several comments expressed concern that proposed arena and commercial development would be incompatible with adjacent residential land uses and would alter the existing rural residential character of the area. Multiple comments asserted that placing the parcels into federal trust status would remove them from local land use jurisdiction. Some specifically expressed concern that the trust acquisition would remove parcels from the authority of the North Buckeye Rancheros Owners Association (NBROA), resulting in the loss of applicable covenants,

conditions, and restrictions. Some comments suggest that removal of the parcels would shift more maintenance responsibilities to the remaining NBROA members and cause negative changes to community standards and long-term management of shared private infrastructure, including reduced funding for private road and bridge maintenance.

Response

The EA acknowledged that the project parcels are currently designated and zoned for rural residential use under El Dorado County land use regulations. The EA further explained that, if the parcels are taken into federal trust status, state and local land use regulations, zoning designations, and private covenants would no longer apply, and land use authority would rest with the Tribe and the federal government. Accordingly, consistent with NEPA requirements for a fee-to-trust action, the EA evaluated land use compatibility, rather than consistency with County zoning. Section 3.8 of the EA evaluated potential land use impacts associated with reasonably foreseeable development under each alternative. That analysis concluded that, although Alternative A includes uses that are more intensive than existing rural residential development, the proposed land uses would be compatible with surrounding land uses due to proximity to existing Tribal commercial development, internalized access routing that directs project traffic through the Rancheria rather than adjacent residential neighborhoods, retention of existing vegetation and buffers, compliance with setback standards, and incorporation of design features and mitigation measures. Based on this analysis, land use impacts were determined to be less than significant. The EA also evaluated secondary effects commonly associated with land use compatibility concerns, including transportation, public services, noise, and visual resources (EA Sections 3.7, 3.9, 3.10, and 3.12). Where potentially significant impacts were identified, mitigation measures were included in Section 4 of the EA to reduce impacts to less-than-significant levels. Collectively, these analyses support the conclusion that the proposed development would not result in substantial conflicts with surrounding land uses or community character.

Comments regarding the authority of the NBROA—including association governance, private funding mechanisms, and maintenance responsibilities—relate to private contractual and organizational matters and are not environmental impacts in-themselves. Nonetheless, the EA evaluated the physical use of roadways, access points, and drainage infrastructure to ensure that the Proposed Action would not result in land use or environmental conflicts or transportation-related environmental effects. As explained in Sections 2.1 of the EA, residential development would be accessed via existing Rancheria Road and Green Valley Road, while the proposed arena and parking garage would be accessed from Koto Road and Red Hawk Parkway. Project access would therefore mostly avoid reliance on roadways or facilities maintained by the NBROA (see below for additional information on this). In addition, stormwater runoff associated with the Proposed Action would be managed through on-site drainage infrastructure, including bioswales and retention basins, rather than through NBROA-maintained culverts or drainage systems (EA Sections 2.1 and 3.2). Furthermore, while not included in the EA, the Tribe has documented their outreach efforts to NBROA to address removing Tribe-owned parcels from the NBROA and the use of NBROA roads. In a September 10, 2024, correspondence to the BIA from the Tribe, the Tribe reported that they have engaged in direct coordination with the NBROA regarding the removal of the project parcels from NBROA authority for years (starting in 2014). The Tribe documented that it submitted suggested compensation measures on February 12, 2021 to the NBROA board, including payment of two years of NBROA membership fees, an offer to fund repairs to five miles of NBROA-maintained roadways, and avoiding the usage of NBROA maintained roadways, in connection with withdrawing the parcels from NBROA jurisdiction. The Tribe explained that acceptance of the parcels into trust would allow comprehensive planning and construction of internal Tribal roadways and infrastructure, which would be expected to

reduce traffic on NBROA-maintained roads rather than increase such use. The Tribe indicated that NBROA declined the Tribe's request to voluntarily remove the parcels from association jurisdiction and did not provide a counteroffer. The Tribe continued communication with the NBROA throughout 2024 and 2025 regarding the status of the fee-to-trust application. This included offering compensation for the usage of NBROA roadways until Tribal roadways for the housing component of the Proposed Action would be completed, but no formal response was received.

Several comments also expressed concern that the Proposed Action would reduce nearby residential property values in the NBROA area. Changes in property values are not evaluated as environmental impacts under NEPA directly unless they cause physical impacts to the environment, and property value trends are influenced by numerous regional, economic, and market factors, making it difficult to attribute changes to a single project. Available housing market data indicate that residential property values in El Dorado County have been similar to those in California[1], experiencing long-term appreciation despite periodic fluctuations. Publicly available data further indicate that residential values in the vicinity of the existing Red Hawk Casino have generally increased since at least 2016, consistent with countywide trends[2]. Accordingly, while property value concerns are noted, available preliminary regional housing data do not indicate a pattern of decline associated with existing development in the area, and no information was provided demonstrating that the Proposed Action would result in a measurable or reasonably foreseeable change in residential property values.

Based on the analyses presented in the EA, land use and associated environmental impacts related to the Proposed Action and all alternatives were adequately evaluated and determined to be less than significant. No revisions to the EA are required in response to these comments.

Master Response 7: Impacts from Groundwater Use

Summary of Comments

Comments stated that the proposed use of wells could impact the groundwater availability for existing users and asserted that groundwater resources are unreliable in the area. Comments also stated that the EA does not provide adequate monitoring, mitigation or contingency plans should groundwater prove insufficient. Other comments suggested that a hydrogeologic study should be provided. Another comment recommends maximizing development with the El Dorado Irrigation District to reduce impacts from additional groundwater wells.

Response

As described in Section 2.1.2 of the EA, the proposed arena, commercial development, multipurpose emergency shelter, and maintenance buildings would be supplied from the Rancheria's water supply system, which obtains its potable water from the El Dorado Irrigation District (EID). The proposed residential development is located on parcels that are partly within and partly outside of the existing EID service area. To gain service from EID for parcels that are not currently within their service area, the Tribe will need to request annexation from EID and the El Dorado County Local Agency Formation Commission (LAFCO). Alternatively, groundwater could be used to provide water supply for the homes. Existing wells could be used, and additional wells could be developed to serve individual or multiple homes. The use of

[1] California Legislator's Analyst's Office, 2025. California Housing Affordability Tracker (3rd Quarter 2025). Available online at: https://lao.ca.gov/LAOEconTax/Article/Detail/793. Accessed December 2025.
[2] Zillow, 2025. El Dorado County, CA Housing Market. Available online at: https://www.zillow.com/home-values/2691/el-dorado-county-ca/. Accessed December 2025.

groundwater for residential water supply is one of two options. The Tribe is not proposing to use groundwater for all 132 proposed homes but has included the potential use of groundwater as it may be feasible on a temporary or permanent basis for some of the homes. The Tribe expects that the majority of the homes would be supplied by EID water.

The use of groundwater is subject to developing wells that have a sustainable yield for the number of homes served. As identified Section 3.2.1 of the EA, the availability of groundwater in the project area is variable and can be plentiful or quite limited. Near the project site, well completion reports identify well yields ranging from 0 to 200 gallons per minute (gpm), with most wells yielding from 5 to 20 gpm. As described in Section 2.1.1 of the EA, the phasing of residential development would be subject to the extension of supporting water and wastewater services and utilities, and it is assumed that up to 15 homes would be developed each year. Accordingly, the phasing of residential development will be limited by the availability of a sustainable and reliable water supply through the extension of EID water service or the development of adequate wells. Additional mitigation measures have been added to the EA to ensure that if groundwater is used as a water supply for the proposed residential development, groundwater use will be limited to the sustainable yield determined by pump testing and certified by a Register Professional Engineer or Registered Geologist. Implementation of these mitigation measures will ensure that adverse impacts to groundwater availability in the project area are avoided.

Based on the analyses presented in the EA, impacts related to the use of groundwater by the project alternatives were adequately evaluated and determined to be less than significant.

3.0 RESPONSES TO AGENCY/ORGANIZATION COMMENT LETTERS

Response to Comment Letter A1: Caltrans District 3

Response to Comment A1-1

Queueing outputs for the study facilities are provided in Table 19 of the Local Access, Safety, and Circulation Study (Traffic Study) (EA Appendix F). 95th-percentile queue lengths are reported for the southbound, westbound, and eastbound approaches to Intersection #1 (Koto Road/Redhawk Parkway at Honpie Road). The westbound approach queue lengths provided for Intersection #1 correspond with the requested information for the Highway 50 Westbound and Eastbound off-ramps at the Honpie Road signalized intersection. Based on the locations of population centers west of the project site, it is anticipated that visitors destined for the project's commercial and entertainment land uses will predominantly access Highway 50 prior to the Highway 50/South Shingle Road interchange. Based on the project's proposed internal connections to tribal facilities, it is anticipated that tribal residents on-site will utilize the existing Highway 50/Red Hawk Parkway interchange for freeway trips. Therefore, the Highway 50/South Shingle Road interchange is not included in the evaluation.

Use of the 95th-percentile queue length is an accepted industry practice to document reasonably anticipated conditions within the confidence interval. A 95th-percentile queue length means that the queue might be expected to be longer only 5-percent of the time and is presented as a reasonable threshold against which deficiencies in available storage might be identified. The El Dorado County Department of Transportation (DOT) accepts this industry practice to evaluate queueing conditions at study facilities. While not explicitly reported in Table 19, the maximum queue length outputs requested

in the comment are included for each of the analysis scenarios considered in Appendix B, Appendix C, Appendix D, and Appendix E of the Traffic Study.

We concur that microsimulation tools such as SimTraffic and VISSIM are commonly used to analyze operations along corridors with closely spaced intersections or coordinated signal timings. However, as the primary casino access point is a standalone, signalized intersection at the Highway 50 Westbound and Highway 50 Eastbound ramp convergence at Honpie Road, the Synchro traffic analysis software was used as it is considered to be the appropriate tool for evaluating the proposed operations of the intersection.

As previously stated, nearly all visitors and residents accessing the project site are not anticipated to use the US-50/South Shingle Road interchange based on the locations of population centers and proposed internal roadway connections. Therefore, an on-ramp meter queueing evaluation for the South Shingle Road/Highway interchange was not evaluated for the Proposed Project. On-ramp meter queueing for the Koto Road/Redhawk Parkway ramps to Highway 50 was not evaluated as any queueing from Caltrans ramp meters ultimately only affects Tribal facilities. The Tribe will continue to monitor the effects of future development to best address the effects of ramp metering on its facilities as necessary.

As presented in the level of service, queueing, and freeway operations tables contained in the Traffic Study, the Proposed Project does not result in the need for mitigation measures at Caltrans facilities. As such, no modifications to the Traffic Study are required.

Response to Comment A1-2

The EA was prepared in compliance with the National Environmental Policy Act (NEPA) rather than the California Environmental Quality Act (CEQA) and therefore is not required to use the vehicle miles traveled metric to evaluate project impacts on transportation facilities. Consistent with NEPA requirements, level of service (LOS) was the primary metric used to evaluate project impacts on transportation facilities in the EA.

Response to Comment A1-3

Comment is noted.

Response to Comment A1-4

Comment is noted.

Response to Comment A1-5

Comment is noted.

Response to Comment Letter A2: El Dorado County Board of Supervisors

Response to Comment A2-1

As outlined in the EA, the parcels identified for tribal housing would be developed with residential homes to support the tribal community's needs. If taken into trust, these parcels would be developed with 132 homes over the course of approximately 9 years as discussed in Section 2.1.1 of the EA. Through the application for Fee-to-Trust and subsequent documentation, the Tribe has committed to maintaining this residential compatibility.

Response to Comment A2-2

Comment noted. Potential impacts related to changes in land use and demand for public services were analyzed in Section 3 of the EA. The EA concluded that the Proposed Project would not require substantial new or expanded County services and would not result in significant adverse effects on County service providers with mitigation. Because existing infrastructure, coordination mechanisms, and intergovernmental agreements are already in place, any adjustments to service provision could be addressed through established coordination and negotiation processes between the Tribe and El Dorado County.

Response to Comment A2-3

Comment noted. Please refer to **Master Response 6** for information regarding the impacts to the NBROA.

Response to Comment A2-4

Comment noted. Please refer to **Master Response 6** for impacts on the existing residential development, including the NBROA.

Response to Comment A2-5

As described in EA Section 2.1 and illustrated in Figure 2-1, the arena and parking garage components of the Proposed Project will be accessed via the Highway 50 ramps and the following local roadways: Red Hawk Parkway, Koto Road, and a proposed new road extending from Koto Road. The only access to private roadways west of the project site would be an emergency-access-only extension of Koto Road to Shingle Springs Drive. Please refer to **Master Response 5** for additional detail.

Response to Comment A2-6

Comment noted. Please refer to the **Master Response 6** for information regarding the impact to the County services and land use compatibility. As identified in the Section 2.1 of the EA, the Tribe is proposing approximately 30,000 square feet of commercial space that would be focused on typical neighborhood-serving retail and commercial businesses. Neighborhood focused retail and commercial space provides goods and services where they are needed, which helps to reduce vehicle miles traveled. The type and size of commercial space is not expected to significantly impact patronage of the County's established commercial zones that offer more extensive goods and services. Based on the analysis presented in the EA, no significant adverse land use or public service impacts were identified, and no changes to the EA are required in response to this comment.

Response to Comment A2-7

Comment noted. Please refer to **Master Response 6** for information regarding public outreach to the NBROA.

Response to Comment A2-8

Comment noted.

Response to Comment Letter A3: State Water Resources Control Board

Response to Comment A3-1

Upon approval of the project, the water system would be located on land held by the federal government in trust for the Tribe and would therefore not be subject to State regulations. The water system, if developed, would only be required to comply with U.S. Environmental Protection Agency (USEPA) regulations.

Response to Comment Letter A4: United States Environmental Protection Agency

Response to Comment A4-1

Comment noted. As described in Section 3.9 of the EA, the Tribe currently reuses disinfected tertiary recycled water at existing Rancheria facilities, meaning there is infrastructure in place to support additional application of tertiary recycled water. Section 2.1.2 of the EA has been revised to clarify that the Tribe will incorporate the use of recycled water where feasible throughout the proposed development, including landscape irrigation, and toilet and urinal flushing at the proposed arena.

Response to Comment A4-2

Comment noted. Decisions regarding water and wastewater services, annexation requests, and the timing and location of residential development would be addressed during subsequent project planning and implementation.

Response to Comment A4-3

Comment noted. The Tribe is one of the largest employers in El Dorado County and provides a wide range of employment opportunities to local residents and is an equal opportunity employer. Regarding homeowner consultation, the existing home that would be removed to allow for the construction of the proposed arena is owned by the Tribe and is used to provide housing to Tribal Members. Affected residents will be provided notice and assisted with replacement housing. Please refer to **Master Response 6** for information regarding public outreach to the NBROA.

Response to Comment Letter O1: North Buckeye Rancheros – savebuckeye.org

Response to Comment O1-1

Comment noted. As described in Section 1.4 of the EA, the EA was prepared in accordance with the requirements of the NEPA and its implementing regulations (43 CFR Part 46), the Department of the Interior NEPA Handbook (516 DM 1), and the Pre-Acquisition Environmental Site Assessments Guidebook (59 IAM 5). Consistent with these requirements, the EA evaluated potential noise and lighting impacts associated with the Proposed Project in Sections 3.10 and 3.12, respectively. Where the analysis identified the potential for significant effects, mitigation measures were identified in Section 4 of the EA to reduce impacts to less-than-significant levels. Based on these analyses, the EA concluded that, with implementation of identified mitigation, noise and visual impacts associated with the Proposed Project would not result in significant adverse environmental effects.

Response to Comment Letter O2: North Buckeye Rancheros Owners Association

Response to Comment O2-1

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-2

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-3

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-4

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-5

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-6

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-7

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-8

Please refer to **Master Response 5** regarding use of NBROA Roads.

Response to Comment O2-9

Please refer to the **Master Response 6** concerns regarding impacts to the NBROA facilities.

Response to Comment O2-10

Please see **Response to Comment I4-9** and refer to **Master Response 6** for impacts on the NBROA and local drainage systems.

Response to Comment O2-11

Please refer to **Master Response 5** with regards to use of NBROA roads.

Response to Comment O2-12

Comment noted. As outlined in Section 2.4 of the EA and reiterated in the comment, the No Action Alternative would not meet the Tribe's objectives and the beneficial socioeconomic effects of the Proposed Project would not be realized. As identified in the EA, the No Action Alternative would not sufficiently meet Tribal housing needs. Traffic on NBROA-managed roads is addressed in **Master Response 5**.

Response to Comment O2-13

Comment noted. See **Response to Comments O2-3** through **O2-12** for details. Refer to **Master Response 2** regarding the completeness of the EA and need for an EIS

Response to Comment O2-14

Comment noted.

Response to Comment Letter O3: Northern California District Council of Laborers

Response to Comment O3-1

Comment noted. See **Response to Comments O3-2** through **O3-34** below for details.

Response to Comment O3-2

The NCDCL comment letter relies on the information in the technical memo by Dr. Smallwood in Exhibit A. However, Dr. Smallwood's technical memo is entitled "*RE: Bakersfield Community-Based Outpatient Clinic*," in apparent reference to a different project. Please see **Response to Comments O3-24** to **O3-34** for detailed responses to specific issues raised. The EA fully addressed the potential for impacts to habitat and listed species in Section 3.5. Where potentially significant impacts were identified, mitigation measures were included in Section 4 of the EA to reduce impacts to less-than-significant levels. The analysis presented in the EA supports the conclusion that the proposed development would not result in significant impacts to habitat and listed species.

Response to Comment O3-3

Please see **Response to Comment O3-7**.

Response to Comment O3-4

Comment noted. Traffic-related noise associated with the Proposed Project was evaluated in Appendix I of the EA using project-specific trip generation and distribution data from the Transportation Study included as Appendix F of the EA. The analysis assessed noise levels at representative off-Reservation noise-sensitive receptors and considered existing traffic conditions as part of the ambient noise environment. In addition, the noise analysis considered site-specific terrain and elevation data to accounts for sound propagation over hilly topography, including areas north and west of the proposed arena. Based on this analysis, project-related traffic noise increases were determined to be minor and below applicable significance thresholds. Accordingly, the EA concluded that traffic-related operational noise impacts would be less than significant.

Response to Comment O3-5

Comment noted. See **Response to Comments O3-6** through **O3-34** below for details. Refer to **Master Response 2** regarding the need for an Environmental Impact Statement (EIS).

Response to Comment O3-6

Refer to **Master Response 2** regarding NEPA compliance. The EA meets the "hard look" requirement and investigates all potential environmental impacts, mitigating those that may be potentially significant. At this time, the preparation of an EIS is not necessary; the existing environmental review sufficiently addresses all potentially significant impacts.

Response to Comment O3-7

The comment suggests arena patrons will use routes not analyzed within the Traffic Study and specifically identifies (in no particular order) Green Valley Road, Ponderosa Road, North Shingle Road, and Greenstone Road as potential access roadways. Green Valley Road, North Shingle Road, and Ponderosa Road all provide important connections in the local context of western El Dorado County. Green Valley Road, Ponderosa Road, North Shingle Road, and Greenstone Road are all identified as Major 2-Lane Roads per the County's General Plan Circulation Map.[3] Green Valley Road and North Shingle Road are identified as Minor Arterials and Greenstone Road is identified as a Minor Collector per Caltrans' Functional Classification.[4] The size and capacity of all of these roadways is substantially less than Highway 50, a dynamic that is reflected in both the El Dorado County and Caltrans classification systems.

The comment asserts that the prevailing traffic pattern is for drivers to use Green Valley Road as a "major thoroughfare" to "avoid significant traffic on Highway 50." While it may be true that some local drivers use Green Valley Road to avoid specific instances of congestion on Highway 50, the EA is not obligated to evaluate uncommon conditions (i.e., non-recurrent delay) that may lead to traffic congestion on Highway 50. Rather, the burden of analysis is to examine the performance of the study facilities under typical peak conditions, both with and without the Proposed Project. In these typical instances, it is reasonably assumed that visitors from population centers west of the project, including Roseville, Folsom, El Dorado Hills, and Sacramento, would find Highway 50 more desirable than Green Valley Road to access the project site, and would therefore access Highway 50 at one of the numerous interchanges in advance of Ponderosa Road, North Shingle Road, and Greenstone Road. The only publicly available project access point is provided via the existing Highway 50/Red Hawk Parkway interchange, which further supports the likelihood that the overwhelming majority of visitors would favor Highway 50 over local roadways. The anticipated traffic pattern is also supported by the higher density of residential developments on the south side of Green Valley Road relative to the north side.

The comment asserts that the EA study does not "consider at all the new roads proposed by the Project connecting Green Valley Road directly to the casino and new arena and garage." These types of public connections do not currently exist and are not proposed to be constructed as part of the Proposed Project. All proposed connections to and from Green Valley Road are intended solely for use by tribal members. As such, the Proposed Project would not encourage increased use of Green Valley Road by prospective visitors.

The EA sufficiently represents reasonably anticipated driver routing to the project under typical

[3] Figure TC-1, El Dorado County General Plan, El Dorado County, July 2025.
[4] California Road System – Functional Classification, Caltrans, accessed December 16, 2025.

conditions. As such, no modifications to the EA are required.

Response to Comment O3-8

The existing on-site roadway infrastructure around the project site provides two access points to Koto Road and points north. Both existing access points are gated and are designated for use by "Residents Only." The Proposed Project would not modify this existing access condition. As such, there would be no opportunity for outside vehicles seeking to access the arena and garage to use any existing or future internal tribal roadways that are proposed to be developed as part of this project.

Response to Comment O3-9

As noted in **Response to Comment O3-7**, the EA sufficiently represents reasonably anticipated driver routing to the project site under typical peak conditions. As noted in **Response to Comment O3-8**, the Proposed Project would not provide a direct visitor connection between Green Valley Road and the project site. As such, no modifications to the Traffic Study are required. Please refer to **Master Response 2** regarding the need for an EIS.

Response to Comment O3-10

The level of effort needed to develop a biological baseline and conduct an impact assessment can differ significantly from one project to another. This is because the scope of work depends on whether listed species are present, or could reasonably be expected to be present, in the project area, as well as on how much habitat the project is expected to disturb or remove. As a result, not every project requires formal protocol-level surveys or detailed evaluations of potential traffic-related impacts. Commenters may prefer that more surveys or deeper analysis be conducted, but differences in opinion or scientific approach are not resolved through the development of an EIS.

The discussion of biological resources in the draft EA, both the baseline conditions and the project-related impacts, is based upon the appendicized Biological Assessment prepared by Acorn Environmental (2024). The Biological Assessment was reviewed and approved by biologists at the BIA, and it was presented to USFWS during informal consultation. USFWS did not request revision of the Biological Assessment, nor did they request protocol surveys for any listed species.

The baseline of biological resources was determined by the description of existing conditions, which was informed by the completion of numerous biological surveys that created a list of plants and animals occurring within the project area and digital mapping of any previously collected species occurrence data, vegetation communities, and surface water resources. The survey and mapping efforts performed for this project meet the industry standards for establishing a baseline and describing existing conditions.

More rigorous biological baselines are typically only generated for projects that are likely to adversely affect a listed species and require specific permission (take permits) to impact the species, which is codified in a USFWS Biological Opinion. To establish the baseline for these more invasive projects, focused (or protocol) surveys are performed to estimate the number of listed species within the project area. The USFWS did not request protocol surveys for this project or any additional biological assessment.

Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-11

Although the Project Area is indeed almost 300 acres, much of the area has been developed or disturbed to some degree; many of the parcels already contain rural residences, driveways, and outbuildings. Thus, the actual area containing natural habitats in the project area is much less than 300 acres, and the biological surveys were deemed sufficient by reviewing agencies (i.e., BIA and USFWS). Note that a botanist (Tim Nosal, M.S.) was utilized in some of the surveys, which refutes the criticism of inadequate plant surveys. Since the publication of the Biological Assessment (Acorn Env. 2024), additional biological surveys were performed in 2025 by Dr. Graening. Note also that it is the industry standard in California to use the California Natural Diversity Database (CNDDB) to identify focal species for the biological surveys; such a focus does not compromise the ability to search and detect other special-status species. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-12

The Biological Assessment does provide the survey methods. The survey duration was not mentioned because the surveys were full-day surveys. A botanist was utilized in the plant surveys, and collectively, the surveys included all portions of the blooming period of target plant species. While the California Department of Fish and Wildlife (CDFW) plant survey protocols were not described in the Biological Assessment, the protocols were followed. The biological survey effort (multiple surveys over the years 2018 through 2025) were deemed sufficient by reviewing agencies (i.e., BIA and USFWS). Thus, a sufficient baseline was established to perform an impact analysis and prescribe mitigation. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-13

The Biological Assessment did not rely on generic mitigation measures as a surrogate for an impact analysis or baseline. The CNDDB was not used as a stand-in for determining if special-status bird species were present in the project area. The Biological Assessment listed the birds detected during the multiple surveys over the years 2018 through 2025. These multiple surveys also included the search for active bird nests. Bird nests and nesting areas change from year to year for many bird species, so gathering data in one year may not be relevant for the year of project implementation. Instead, the industry standard is to prescribe pre-construction nesting bird surveys so that active nests can be detected and protected before construction begins. An inventory of nests in previous years is not required and may not protect future nests. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-14

Mitigation measures were not used in the draft EA as a proxy for baseline (biological) data. The baseline of biological resources was determined by the description of existing conditions, which was determined through the completion of numerous biological surveys that created a list of plants and animals occurring within the project area and digital mapping of any previously collected species occurrence data, vegetation communities, and surface water resources. The survey and mapping efforts performed for this project meet the industry standards for establishing a baseline and describing existing conditions.

It is the industry standard in California to use the CNDDB to identify focal species for the biological surveys; such a focus does not compromise the ability to search and detect other special-status species. Furthermore, nowhere in the Biological Assessment or the draft EA does it state that a species is absent in the project area because it was not reported in the CNDDB and no species were ruled out. Instead, the Biological Assessment simply used the CNDDB to determine which species have previously been reported

within the project area. As well, the Biological Assessment estimated the probability of occurrence of a special-status species, and did not rule it out *a priori*. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-15

The comment does not provide any proof or published documentation of the bird sightings; instead, there is a reliance upon websites of anecdotal sightings over the years by amateurs (such as iNaturalist). These sightings are not always peer-reviewed by ornithologists. It is the industry standard to create a list of bird species detected during surveys, and the Biological Assessment summarizes the bird species detected during the numerous biological surveys performed for the proposed project. Since bird presence changes every day and every season, the use of anecdotal sightings has limited value. Instead, the Biological Assessment acknowledges that many bird species may use the project area and proceeds with the impact analysis and mitigation measures, including pre-construction surveys, with this understanding. This is a superior approach to using presence/absence surveys, which would remove from analysis any sensitive bird species not actually detected. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-16

The industry standard for field surveys is to create a list of animals, but additional information is only necessary if the species has special status. In these cases, focused or protocol surveys would be performed to gather additional information on the species. The level of effort needed to develop a biological baseline and conduct an impact assessment can differ significantly from one project to another. This is because the scope of work depends on whether listed species are present, or could reasonably be expected to be present, in the project area, as well as on how much habitat the project is expected to disturb or remove. As a result, not every project requires formal protocol-level surveys or detailed evaluations.

The Biological Assessment listed the birds detected during the multiple surveys over the years from 2018 through 2025. These multiple surveys also included the search for active bird nests. Since the surveys were conducted over various seasons and various years, all seasons were surveyed. Seasonal movements were not specifically discussed in the Biological Assessment, but animal movement in general was. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-17

Biologists from reviewing agencies (BIA and USFWS) determined that birds were properly documented in the project area in the Biological Assessment and that a baseline was established. The mitigation measure in question (pre-construction nesting bird surveys) is not a replacement for an inadequate baseline, but rather an industry-standard measure to protect nesting birds. Bird nests and nesting areas change from year to year for many bird species, so gathering data in one year may not be relevant for the year of project implementation. Instead, the industry standard is to prescribe pre-construction nesting bird surveys so that active nests can be detected and protected before construction begins. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-18

Dr. Smallwood's estimates of bird density rely on unpublished data that is not available to other scientists, and there is no guarantee that the data is applicable to this project. Note also that the project area does not contain large and undisturbed areas of natural communities; many of the parcels already contain rural

residences, driveways, and outbuildings, as well as private roads and other existing developments. Thus, the comparison of bird density in pristine natural communities to the project area may be an invalid comparison. The Proposed Project may impact wildlife, which is why mitigation measures were prescribed and would be implemented. Furthermore, the existing environment already contains noise and other human disturbances, so the project addition to these stressors may not be novel or significant. As was discussed in previous responses to comments, a baseline was established in the Biological Assessment and this was deemed sufficient by review agency biologists (BIA and USFWS). Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-19

It is acknowledged that wildlife vehicular collisions are an unfortunate but unavoidable result of the creation and use of roads. The existing (baseline) pre-project condition on roads within the project area (primarily Koto Road and Shingle Springs Drive) includes the regular occurrence of wildlife vehicular collisions. Implementation of the Proposed Project will increase the number of daily trips on roads, which could increase the number of wildlife vehicular collisions (and mortality) within the project area. However, we disagree with Dr. Smallwood's large estimates of wildlife fatalities from implementation of the Proposed Project. The data cited by Dr. Smallwood derives from other projects and he does not provide published papers that contain this data; instead, we are to assume that his estimates are correct based only on his professional opinion.

For some projects, road construction is a significant impact to wildlife. These situations occur when the road is built through a pristine natural habitat or a wildlife corridor, or where a particular special-status species is impacted by the new road (such as Florida panthers who are often hit by cars during their home-range movements in dense vegetation). The project area for this project is already divided up by many private roads and driveways. There has been no documentation of special-status animals being impacted by roads in the existing environment. Most of the wildlife vehicular collisions that occur in the area involve squirrels crossing private roads and deer crossing Highway 50. These mortalities are unfortunate, but they have not resulted in the documented decline of any specific animal population, especially that of a special-status species. If the Proposed Project involved the creation of new roads in pristine natural areas, migratory paths, or roads with high vehicular speeds, additional traffic impact analyses could be warranted, but this is not the case with the Proposed Project. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-20

Comment noted. Please see **Response to Comments O3-4, O4-4, O4-6**, and **O4-16**, which address baseline ambient noise characterization, evaluation of traffic-related noise (including rural traffic conditions), consideration of representative sensitive receptors,, and the application of topography and existing background noise conditions in the noise analysis. As discussed in those responses and in Section 3.10 and Appendix I of the EA, project-related traffic noise increases were evaluated using representative ambient measurements and conservative modeling assumptions. As shown in Table 3 of Appendix I of the EA, the analysis identifies the greatest potential noise increases at sensitive receptors along area roadways. These roadway segments represent the most substantial traffic-related noise changes associated with the Proposed Project. Noise generated by proposed internal access roads would be comparable to or lower than noise levels along existing public roadways and, because these roads are internal to the project site, would result in lower noise exposure at off-site residences. Accordingly, noise impacts associated with internal roadways were determined to be minor and below applicable significance thresholds. Accordingly, noise impacts associated with additional rural traffic and site conditions would be less than

significant under NEPA.

Response to Comment O3-21

The revised Noise Study (Appendix I of the EA) includes five long-term ambient noise monitoring locations, including one situated in the general vicinity of the residential receptor northeast of the proposed arena. While the comment suggests that the noise level measurements recorded immediately adjacent to roadways were used to assume noise levels at sensitive receptors, this is not the case. Noise monitors were placed at locations which are representative of the ambient noise levels experienced by local residences. For example, the noise monitor placed at LT-5, used for establishing off-site ambient noise levels was placed approximately 180 feet from the centerline of Shingle Springs Drive. We note that there are multiple receptors located much closer than this distance to the roadway. Therefore, use of data collected at this location is considered to be a reasonable, if not conservative, point for assessing existing ambient noise levels for receptors in the project area. The predicted incremental noise increases from the arena, parking garage, and associated traffic were evaluated against applicable significance thresholds and, where necessary, mitigation was identified to reduce impacts to less-than-significant levels. Accordingly, the Noise Study appropriately characterizes existing ambient noise conditions and fully evaluates potential project-related noise impacts to surrounding residences. No additional revisions are necessary.

Response to Comment O3-22

A Tribal Environmental Impact Report (TEIR) is required by the Tribal Compact only for gaming projects. If the Tribe determines that the proposed arena and parking garage are projects subject to the Tribal Compact, then the Tribe will prepare a TEIR.

Response to Comment O3-23

Refer to **Master Response 2** and **Response to Comment O3-6** regarding the preparation of an EIS.

Response to Comment O3-24

Comment noted. Dr. Smallwood's concern is acknowledged, but reviewing agency biologists (BIA and USFWS) did not communicate any concern on the adequacy of the Biological Assessment or EA. The Biological Assessment thoroughly evaluated the listed species and their habitats occurring within the project area and determined appropriate mitigation measures. The vast majority of additional trips generated by the project would travel on Highway 50 and other existing roadways. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species and **Response to Comment O3-19** regarding wildlife vehicular collisions.

Response to Comment O3-25

The industry standard for biological assessments in California does not include the characterization of relative abundances and key ecological relationships, along with known and ongoing threats to species with special status. This additional level of data gathering and analysis is only employed when a special-status species is present in a project area and project impacts are significant. In those cases, the Biological Assessment concludes that a species may be adversely affected, and USFWS responds with a Biological Opinion that codifies allowable impacts and appropriate mitigation measures. In the case of this project, USFWS did not conclude that there were any adverse effects on any listed species and did not render a Biological Opinion.

The Biological Assessment did establish a baseline for predicting impacts and measuring impacts, and methods included surveys of the site for biological resources, and reviews of literature and databases for documented occurrences of special-status species. No local experts were identified specifically, but the industry standard for biological experts is to report their detections of special-status species in new CNDDB records.

The amount of effort that is put into field surveys typically varies widely between projects because the effort is based upon the presence, or likelihood of listed species being present, in the project area. Thus, not all projects require protocol surveys. The industry standard for biological assessments is to perform protocol surveys when site conditions warrant it or when wildlife agencies require it, neither of which is the case for the Proposed Project. While commentors may wish for protocol surveys or analyses, USFWS did not agree that protocol surveys for California red-legged frog or other species were necessary. Instead, a mitigation measure was prescribed to do a final survey for California red-legged frog immediately before construction in the unlikely event that listed species have now occupied the project area. In addition, once the qualified biologist ensures that listed species are not present, the construction crew will immediately install animal exclusion fencing to separate construction areas from aquatic habitats. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-26

The Biological Assessment did not claim that California red-legged frogs are absent from the action area. Instead, the statements were made that the frog has suitable habitat within the aquatic features of the project area but have apparently not recolonized this habitat. The same is true for northwestern pond turtle and foothill yellow-legged frogs; the Biological Assessment did not insinuate that these species were not present, but rather simply stated that these species were not detected (by project-specific surveys or the CNDDB).

In general, California red-legged frogs, northwestern pond turtle, and foothill yellow-legged frogs have had a difficult time recovering populations and recolonizing due to multiple factors—predation pressure (e.g. invasive bullfrogs), habitat degradation, and dispersal barriers; these factors are relevant in the project area as well. While Dr. Smallwood may wish for protocol surveys for these species, USFWS and CDFW did not agree that protocol surveys for these species were necessary. Instead, a mitigation measure was prescribed to do a final survey for California red-legged frog, northwestern pond turtle, and foothill yellow-legged frogs immediately before construction in the unlikely event that these species have now occupied the project area. In addition, once the qualified biologist ensures that listed species are not present, the construction crew will immediately install animal exclusion fencing to separate construction areas from aquatic habitats. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-27

The Biological Assessment chapter heading “Inventory of Flora and Fauna from Field Survey” is a typical heading for biological assessments in California and describes the cumulative list of plants and animals detected during the field surveys. The word “inventory” is not meant to imply that it is an exhaustive compilation of species existing in a study area, such as is performed for preserves where biodiversity metrics are employed (richness, evenness, keystone species, etc.). The industry standard in California for performing biological surveys does not require a species inventory in this scientific sense, and survey results are not typically compared to other similar sites. The industry standard in California is not the identification of all species within a project area, but the expenditure of a reasonable amount of effort to

document species and identify all habitat types to determine the probability of occurrence for species that cannot easily be detected.

The charts in Figure 1 of Dr. Smallwood's technical memo imply that because few species were detected, the survey efforts must have been short (in number of hours) or amateur; the charts imply that 180 survey hours would detect 150 species. But Dr. Smallwood's charts and analyses rely on unpublished data that is not available to other scientists, and there is no guarantee that the data is applicable to this project. Regardless of the utility of information from other non-related sites and projects, the biological survey effort (multiple surveys over the years 2018 through 2025) was deemed sufficient by reviewing agencies (i.e., BIA and USFWS). Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-28

A botanist (Tim Nosal, M.S) was utilized in the plant surveys, and collectively, the surveys over various years and seasons included all portions of the blooming period of target plant species. Mr. Nosal performed his Master's thesis work on listed plants in El Dorado County and is a knowledgeable botanist familiar with local listed plants. While the CDFW (2018) plant survey protocols were not described in the Biological Assessment, the protocols were followed. The fact that a special-status plant was detected during the surveys is suggestive of the fact that the plant surveys were effective. The biological survey effort (multiple surveys over the years 2018 through 2025) was deemed sufficient by reviewing agency biologists from BIA and USFWS, as evidenced by their lack of comments requesting additional surveys. Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-29

The industry standard is to query the CNDDB to create a pool of target species to analyze and not rely upon websites of anecdotal sightings by amateurs (such as eBird and iNaturalist). These sightings are not always peer-reviewed by ornithologists. It is the industry standard to create a list of target species using CNDDB and IPaC species lists, not amateur web applications.

Contrary to Dr. Smallwood's assertion, the EA, and supporting Biological Assessment, did not determine a species' absence or low likelihood of occurrence by noting the species' absence in the CNDDB near the project area. Instead, the Biological Assessment determined that a species had a low likelihood of occurrence because the requisite habitat was lacking in the project area. Additional habitat assessments are not required because the habitat requirements overlap for many species, such as raptors. Additional habitat assessments would be warranted for species with special habitat requirements, such as vernal pools.

It is very possible that golden eagles and bald eagles could be present in the project area. Bird communities and nesting areas change from year to year, so gathering data in one year may not be relevant for the year of project implementation. Instead, the industry standard is to prescribe pre-construction nesting bird surveys so that active nests can be detected and protected before construction begins.

Note the species assessment and the biological survey effort (multiple surveys over the years 2018 through 2025) was deemed sufficient by reviewing agencies (i.e., BIA and USFWS). Please see **Response to Comment O3-2** regarding impacts to habitat and listed species.

Response to Comment O3-30

Please see **Response to Comment O3-18** regarding impacts to nesting birds.

Response to Comment O3-31

The industry standard in California for biological assessments does not include an analysis of cat ownership and cat-induced wildlife mortality. This is probably because it would be difficult to quantify this impact, and the comment assumes that all pet cats are left outdoors. It is acknowledged that cats impact wildlife, but much of this problem pertains to feral cats. In turn, wildlife, such as coyotes and raptors, prey upon cats. There are already many residences in the project area, so it is determined that cat-induced wildlife mortality is an unfortunate, but existing condition. Journal articles suggest that cat-induced mortality is significant primarily on islands and other isolated ecosystems that have naïve wildlife unaccustomed to predators; this is not the case in mainland California and the project area. Please see **Response to Comment O3-2** regarding impacts to listed species.

Response to Comment O3-32

Please see **Response to Comment O3-19** regarding wildlife vehicular collisions.

Response to Comment O3-33

Please see **Response to Comment O3-11** regarding loss of habitat, **Response to Comment O3-19** regarding wildlife vehicular collisions, **Response to Comment O3-31** regarding cat-induced wildlife mortality, and **Response to Comment O3-2** regarding impacts to listed species.

Response to Comment O3-34

The Biological Assessment was reviewed and approved by biologists at the BIA and it was presented to USFWS during informal consultation. USFWS did not require revision of the Biological Assessment nor did they request protocol surveys for any listed species. Reviewing biologists did not find the wildlife community to be improperly analyzed. It is not the industry standard to use presence/absence surveys because animal movement and occupation of a site changes from year to year. Instead, habitat assessments are used to determine the likelihood of a species. Developing a proper mitigation strategy does not require determining the presence or absence of every special-status species, but rather using habitat assessments to determine likelihood of occurrence, and then prescribe avoidance and minimization measures to avoid project-related conflicts. This is exactly what was done in the Biological Assessment and summarized in the EA. Please see **Response to Comment O3-2** regarding impacts to listed species.

Response to Comment Letter O4: Northern California District Council of Laborers

Response to Comment O4-1

The issues raised regarding the noise analysis in the EA, including Appendix I of the EA, methodology, assumptions, and conclusions are addressed in **Responses to Comments O4-4** through **O4-20**, which respond to each of the specific technical points identified by the commenter.

Response to Comment O4-2

This statement provides introductory background regarding the consultant and the scope of the submitted noise review.

Response to Comment O4-3

Comment noted. Section 3.10 of the EA and Appendix I evaluated potential noise exposure associated with both construction and operation of the Proposed Project using established noise metrics, sensitive receptor locations, and applicable County thresholds intended to protect human health and welfare. The noise levels evaluated for the Proposed Project are characteristic of residential, and commercial activity and are substantially below the types of noise levels associated with hearing loss or other severe occupational health effects, such as industrial uses. In addition, construction activities would be limited to daytime hours, and no unusually loud operational noise is anticipated during nighttime periods, thereby minimizing the potential for sleep disturbance. Where potentially significant operational noise was identified, mitigation measures were included in Section 4 of the EA to reduce noise to acceptable levels.

Response to Comment O4-4

In response to this comment, an additional long-term noise measurement was conducted in the northern portion of the project site. This data has been incorporated into the revised noise study (Appendix I of the Final EA) and the EA (Table 3-6). While the comment suggests that the noise level measurements recorded immediately adjacent to roadways were used to assume noise levels at sensitive receptors, this is not the case. Noise monitors were placed at locations which are representative of the ambient noise levels experienced by local residences. For example, the noise monitor placed at LT-5, used for establishing off-site ambient noise levels was placed approximately 180 feet from the centerline of Shingle Springs Drive. We note that there are multiple receptors located much closer than this distance to the roadway. Therefore, use of data collected at this location is considered to be a reasonable, if not conservative, point for assessing existing ambient noise levels for receptors in the project area. The noise study appropriately characterizes existing noise sources in the project area and fully evaluates the potential noise impacts to surrounding residents. Where potentially significant operational noise was identified, mitigation measures were included in Section 4 of the EA to reduce noise to acceptable levels.

Response to Comment O4-5

In response to this comment, Noise Study (Appendix I) has been amended to include additional supporting information regarding operational noise sources associated with the proposed arena, including assumptions used to evaluate rooftop mechanical equipment (Appendix I, page 10). As is typical at the preliminary design stage, detailed mechanical layouts are not yet available; therefore, the analysis conservatively assumed that rooftop equipment would be uniformly distributed across the roof. This approach is standard practice for evaluating worst-case noise exposure at off-site receptors. In addition, rooftop equipment is typically shielded by building parapets and roof edges, which substantially reduces off-site audibility. As documented in the revised Noise Study, operational noise from rooftop mechanical systems is predicted to comply with El Dorado County noise limits at all off-site sensitive receptors.

Response to Comment O4-6

As part of the Noise Study attached as Appendix I of the EA, continuous ambient noise monitoring were conducted at several strategic locations to represent the ambient noise environment, including at the sensitive receptors. It is a common industry-standard that environmental noise assessments rely on

strategically placed monitoring locations that are acoustically representative of nearby receptors, as this approach provides reliable characterization of existing ambient conditions while avoiding redundant or impractical data collection. In this case, the long-term noise measurement location LT-2 in Appendix I is located in close proximity to the residential receptor referenced in the comment and is representative of the same acoustic environment. Data collected at LT-2 indicate that existing nighttime ambient noise levels average approximately 49 dBA L_{eq}. The proposed 8-foot sound wall and other project design features were modeled against this conservative standard, and results of the wall can be seen in Figure 5 of Appendix I of the EA. As shown therein, the operational noise would be reduced to approximately 32 dBA L_{eq} at the sensitive receptor, complying with the 40 dBA L_{eq} nighttime rural standard. With implementation of the identified mitigation, nighttime noise impacts would therefore be reduced to less-than-significant levels.

Response to Comment O4-7

Existing traffic noise from U.S. Highway 50 is reflected in the ambient noise measurements used to establish baseline conditions in the Noise Study (Appendix I). These measurements capture the combined contribution of all existing noise sources in the area, including freeway traffic, local roads, and other background sources. As a result, the baseline noise environment already includes Highway 50 and does not underestimate existing conditions at nearby sensitive receptors.

The traffic noise analysis then evaluated the incremental noise increase attributable to project-generated traffic on sensitive receptors on roadway segments where project traffic would measurably change volumes, including Green Valley Road, Missouri Flat Road, and other study area roadways identified in Appendix F. Project trips would also use U.S. Highway 50; however, because Highway 50 already carries very high traffic volumes and operates as a regional freeway, the additional project traffic represents a small fraction of total freeway volumes and would not result in a perceptible change in traffic noise levels along the freeway or at receptors influenced by freeway noise.

As documented in Appendix I, the maximum project-related traffic noise increase on analyzed roadways was approximately 0.6 dBA, which is well below thresholds for perceptibility or significance. Therefore, even with Highway 50 fully reflected in the baseline noise environment, the Proposed Project would not result in a significant traffic noise impact.

Response to Comment O4-8

The traffic noise analysis in the EA used the FHWA RD-77-108 methodology, which remains an accepted model for environmental analyses evaluating incremental changes in traffic noise on local roadways. While newer models such as FHWA Traffic Noise Model (TNM) are available, those models are more complex and data-intensive and are typically applied to detailed highway design or federally funded roadway projects. Furthermore, there is no regulatory requirement that mandates the use of TNM for the Proposed Project since the project is not proposing the construction or modification of a federal-aid highway facility. While the commenter asserts that TNM “must” be used for interrupted traffic flow or graded roadways, this assertion reflects a methodological preference rather than a legal or technical requirement applicable to this project. For the Proposed Project analysis—evaluating project-related traffic noise changes across multiple roadway segments—FHWA RD-77-108 provides a reasonable and appropriate approach. The FHWA RD-77-108 methodology has been shown as accurate for short- to medium-distance noise predictions and is generally conservative, often slightly overpredicting traffic noise levels (Staiano, 2008). This conservative characteristic provides a protective basis for evaluating potential noise impacts. The analysis focused on incremental noise increases attributable to project

traffic, which is the appropriate metric for determining significance under El Dorado County noise criteria. As documented in Appendix I of the EA, project-related traffic was predicted to increase noise levels by no more than approximately 0.6 dBA on analyzed roadway segments, which is well below thresholds of perceptibility or significance. Accordingly, the use of FHWA RD-77-108 does not affect the conclusions of the analysis, and the Proposed Project would not result in a significant traffic noise impact.

Response to Comment O4-9

Validation of noise models is typically done for the analysis of new highway construction, reconstruction of existing highways, and installation of highway noise barriers. For this project, which does not include highway construction, validation of the model is not warranted or industry standard. As noted earlier in comment response O4-8, the noise model used has been validated and is considered to reasonably approximate traffic noise levels. Because the Proposed Project is not predicted to cause any traffic noise increases exceeding 0.6 dBA, field validation is not necessary, nor are such efforts common industry practice when analyzing traffic noise increases associated with a development project involving a large number of roadway segments. Nevertheless, it should be noted that the modeled noise level on Shingle Springs Drive, south of Green Valley Road, as presented in Table 3 of the Appendix I is consistent with the measured noise level at LT-5 at this location (Appendix I, Table 2). The modeled traffic noise levels presented in Appendix I of the EA are an accurate estimate of noise levels and no further analysis is required.

Response to Comment O4-10

Please see **Responses to Comments O4-9** for information regarding traffic noise model calibration. With respect to the specific concern regarding Greenstone Road, the Environmental Nosie Study of the Draft EA did identify a modeled increase of approximately 1.6 dBA. Upon further review, an error was identified in Table 4 of Appendix I for the "Cumulative No Project" noise level for Greenstone Road was shown as lower than the "Existing No Project" noise level. This inconsistency has been corrected in the revised Environmental Noise Study of the Final EA. The corrected Cumulative No Project noise level for Greenstone Road is approximately 59.9 dBA, and the Proposed Project scenario noise level is approximately 60.0 dBA, representing an increase of approximately 0.1 dBA. This corrected increase is well below the applicable El Dorado County significance thresholds, regardless of whether a +5 dBA or +1.5 dBA criterion were applied and remains well below the level of perceptibility. Accordingly, traffic noise impacts along Greenstone Road would be less than significant, and the conclusions of the EA remain unchanged.

Response to Comment O4-11

NEPA does not establish a requirement that construction noise impacts be evaluated based on a "substantial temporary or permanent increase in the ambient noise environment," nor does it require comparison to the quietest recorded ambient hour. Under NEPA, the determination of significance for noise impacts is based on whether a proposed action would result in substantial adverse effects on human health or the environment. For purposes of assessing potential noise effects, the EA used the El Dorado County General Plan noise policies as guidance to identify noise exposure levels at which construction activity could result in adverse effects to nearby noise-sensitive land uses. Consistent with the County General Plan, a significant construction noise impact would occur if construction activities exposed nearby noise-sensitive receptors to noise levels exceeding the noise exposure levels in Table HS-7 of the General Plan, not increases above existing ambient conditions. Furthermore, under County Policy 6.5.1.11, construction noise standards, such as those in Table HS-7, do not apply to construction activities that

occur between 7:00 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. As specified in the EA, all project construction activities would be limited to these permitted daytime hours and thus exempt from Table HS-7. In addition, Section 2.1.4 of the EA identified construction best management practices to further reduce noise exposure, including but not limited to: use of properly maintained equipment with factory-equivalent mufflers and noise-control features; use of quieter equipment models where feasible; prohibition of unnecessary engine idling; placement of stationary noise-generating equipment as far as practicable from sensitive receptors; establishment of construction staging areas to maximize distance from nearby residences; enforcement of construction site speed limits; limitation of noise-producing signals to safety purposes only; restriction of amplified sound systems; advance notification to adjacent residents regarding construction schedules; and designation of a noise disturbance coordinator to respond to and resolve construction noise complaints. Based on these facts, the noise analysis of the EA and Appendix I fully addresses construction noise impacts and does not need to be revised.

Response to Comment O4-12

As documented in Appendix I, measured existing daytime ambient noise levels at monitoring location LT-2 averaged approximately 52 dBA L_{eq}. Even assuming a conservative scenario in which simultaneous operation of multiple pieces of equipment results in construction noise levels of 55 dBA L_{eq} at a distance of approximately 600 feet, this would represent a temporary increase of approximately 3 dBA above typical daytime ambient conditions. Under County General Plan noise guidance, such a temporary increase during permitted daytime construction hours would not constitute a significant impact. Accordingly, construction noise impacts were appropriately evaluated and were determined to be less than significant, consistent with NEPA.

Please see **Response to Comment O4-11** for additional discussion regarding construction noise analysis methods and significance criteria.

Response to Comment O4-13

The use of a +5 dBA increase above ambient noise levels as a significance threshold for temporary construction noise is not supported by County General Plan noise policies, and no regulatory basis is provided for applying that threshold in the EA analysis. Therefore, no changes to the EA noise analysis are warranted.

Please see **Response to Comments O4-12** for information regarding the use of multiple construction equipment in the EA noise analysis. See **Response to Comments O4-10, O4-06** and **O4-4** regarding baseline noise levels.

Response to Comment O4-14

Mitigation Measure MM(1) of Appendix I of the EA (Nosie Study), which involves construction of an 8-foot-tall sound wall, is an operational noise mitigation measure and is not intended to address construction noise. Construction noise impacts were evaluated separately and were determined to be less than significant due to their temporary nature, limitation to permitted daytime hours, and consistency with applicable County General Plan noise policies used as guidance.

Mitigation Measure MM(2) consists of construction noise best management practices intended to further reduce temporary noise exposure at nearby receptors. These measures are qualitative in nature and are standard practice for construction activities; they are not intended to achieve a specific quantified noise

reduction but to minimize noise to the extent feasible. Because construction noise impacts were already determined to be less than significant without mitigation, MM(2) provides an additional level of noise minimization rather than serving as the sole basis for impact reduction.

Response to Comment O4-15

Please see **Responses to Comments O4-12** or information regarding the evaluation of simultaneous operation of multiple pieces of construction equipment in the noise analysis. See **Responses to Comments O4-10, O4-06** and **O4-4** for discussion of baseline noise levels and the use of representative ambient noise measurements. For information regarding mitigation measures applicable to significant noise impacts identified in Section 3.10 of the EA, please refer to Section 4 of the EA.

Response to Comment O4-16

The construction noise analysis of the Revised Noise Study (included as Appendix I of the Final EA) has been updated to account for construction activities associated with the residential portion of the Proposed Project, including housing and related infrastructure. As discussed in Section 3.10 of the EA and Appendix I, construction noise would be temporary, limited to permitted daytime hours, and would not result in substantial adverse effects at nearby noise-sensitive receptors. Therefore, this impact would remain less than significant.

With respect to long-term operational noise, the residential component of the Proposed Project would generate noise typical of single-family residential uses, which are similar in character and intensity to existing residential development in the surrounding area. Residential land uses are considered compatible with one another, and no unusual or high-intensity operational noise sources would be introduced. Accordingly, long-term operational noise from the residential development would not result in a significant noise impact, and no additional analysis is warranted.

Response to Comment O4-17

Please see **Response to Comment O4-16** regarding construction noise from the residential portion of the Proposed Project and **Response to Comment O4-11** for information on baseline noise characterization and construction noise impact conclusions.

As discussed in those responses and in Section 3.10 of the EA, construction noise would be temporary, limited to permitted daytime hours, and subject to construction noise best management practices. Even under conservative assumptions regarding equipment operation, construction noise would not result in substantial adverse effects at nearby noise-sensitive receptors. Accordingly, construction noise impacts were appropriately evaluated and determined to be less than significant under NEPA.

Response to Comment O4-18

The referenced single-family residence at 2951 Shingle Springs Dr and the other referenced residences are located on parcels that are included within the Proposed Action and would be taken into trust as part of the Proposed Project. Under NEPA, environmental impact analyses evaluate effects on the human environment external to project and are not required to assess impacts of a project on land uses or receptors that are part of the project itself. Accordingly, the EA appropriately focused its noise analysis on off-site sensitive receptors. Noise impacts to off-site receptors from construction and operation of the arena and parking garage were evaluated in Section 3.10 of the EA, and mitigation was identified where necessary to reduce impacts to less-than-significant levels.

Response to Comment O4-19

Please see **Response to Comment O4-11** for information on baseline noise characterization and construction noise impact conclusions.

Response to Comment O4-20

Please see the **Responses to Comments O4-4 through O4-19** for responses to the deficiencies suggested by this commenter.

4.0 RESPONSES TO INDIVIDUAL COMMENT LETTERS

Response to Comment Letter I1: Christopher and Judith Blunt

Response to Comment I1-1

Comment noted. See **Response to Comments I1-2** through **I1-14**.

Response to Comment I1-2

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I1-3

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I1-4

Please refer to **Master Responses 5** and **6** for information regarding the use of NBROA roads and impacts on NBROA facilities. With respect to crime and neighborhood safety, the EA evaluated law enforcement services in Section 3.9 and concluded that the Proposed Action would not result in a substantial increase in calls for service or exceed the capacity of existing law enforcement providers. Law enforcement services would continue to be provided through the Tribe's Police Department in coordination with the El Dorado County Sheriff's Office pursuant to existing intergovernmental agreements. Based on this analysis, the EA concluded that the Proposed Action would not result in significant adverse impacts related to public safety or crime.

Response to Comment I1-5

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I1-6

Please see **Response to Comment I1-4** for information regarding crime and call for service increases.

Response to Comment I1-7

Please see **Response to Comment I1-4** for information regarding crime, access controls, and potential changes in calls for service. As discussed therein and in Section 3.9 (Public Services) of the EA, the Proposed Action would not result in a substantial increase in crime or exceed the capacity of existing law enforcement services. Please refer to **Master Response 5** for information regarding use of NBROA roads. Based on the EA's findings, additional measures such as construction of perimeter fencing to prevent all

possible access to adjacent private lands are not warranted.

Response to Comment I1-8

The EA does not claim that screening trees and vegetation would screen the parking garage out of view entirely, as suggested in the comment. The screening would reduce the overall visibility of the structures, but it is acknowledged that the structures would still be visible from nearby areas. Additionally, the renderings were generated from a representative viewpoint and depict the general view that would be anticipated following development. Since the rendered structures provided in Figure 3-12 of the EA is purely representative, the view of the Project Site is not misrepresented. Section 3.12 of the EA addresses the visual resource impacts of the Proposed Project. With mitigation identified in Section 4 of the EA all impacts would be reduced to a less-than-significant level.

Response to Comment I1-9

Although the exact method of parking garage construction has not been determined, it is likely that screens made of metal or wood would be installed on each level of the parking garage in areas where light has a chance to spill onto adjacent residential areas. Regardless of the specific design, the mitigation measure would prevent vehicle lights from shining directly on the adjacent residential area. Any exterior building lights installed would be shielded and would not shine directly onto adjacent areas. Section 3.12 of the EA addresses the visual resource impacts of the Proposed Project. With mitigation identified in Section 4 of the EA all impacts would be reduced to a less-than-significant level.

Response to Comment I1-10

Refer to **Master Response 2** regarding the need for an EIS.

Response to Comment I1-11

The arena noise analysis in Appendix I of the EA evaluated operational noise at off-site residential receptors and demonstrated that, with an 8-foot sound wall, noise levels would be reduced to below the 40 dBA L_{eq} guideline (Figure 4 of Appendix I and 3-10 of Appendix A). The arena is assumed to be an enclosed structure, and arenas are typically constructed with substantial building envelope insulation that significantly attenuates interior event noise before it reaches the exterior. This inherent sound containment, combined with the modeled barrier mitigation, supports the conclusion that operational noise impacts would be less than significant.

Response to Comment I1-12

Comment noted. Figure 5 of Appendix I and Figure 3-10 of Appendix A of the EA have been revised to correct this error and clarify that the sound wall would be located entirely within the Project site, rather than outside of it.

Response to Comment I1-13

Refer to **Master Response 7** regarding impacts from groundwater use. Refer to **Master Response 2** regarding the need for an EIS.

Response to Comment I1-14

The EA evaluated the Proposed Action's potential effects on community conditions through a comprehensive analysis of relevant environmental topics in Section 3, including socioeconomic conditions (Section 3.6), transportation and circulation (Section 3.7), land use and agriculture (Section 3.8), public services (Section 3.9), noise (Section 3.10), visual resources (Section 3.12), and growth-inducing and cumulative impacts (Section 3.13). These sections collectively address the physical environmental factors that may influence community conditions, such as traffic, noise, access, public safety, visual character, and service demand, and identify mitigation where necessary to reduce impacts to less-than-significant levels.

Please also refer to **Master Response 6** for impacts related to property values and public facilities, including crime.

Response to Comment I1-15

Comment noted. See **Response to Comments I1-2** through **I1-14** for details.

Response to Comment Letter I2: Jason Friese

Response to Comment I2-1

Comment noted. See **Response to Comments I2-2** through **I2-8** for details.

Response to Comment I2-2

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I2-3

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I2-4

Refer to **Master Response 6** regarding stormwater runoff. Refer to **Master Response 7** regarding impacts from groundwater use. Impacts associated with wastewater treatment were fully evaluated in Section 3.9 (Public Services) of the EA. All impacts were found to be less than significant.

Response to Comment I2-5

Comment noted. See **Response to Comment I1-8** regarding the screening of buildings. Section 3.12 of the EA addresses the visual resource impacts of the Proposed Project. With mitigation identified in Section 4 of the EA all impacts would be reduced to a less-than-significant level. Refer to **Master Response 1** regarding non-substantive comments.

Response to Comment I2-6

The EA evaluated socioeconomic conditions and potential fiscal effects associated with the Proposed Action and all alternatives, including the commercial components of Alternative A, in Section 3.6 (Socioeconomic Conditions), and evaluated public service demands in Section 3.9 (Public Services). Under NEPA, socioeconomic analysis focuses on whether social or economic effects would result in significant physical environmental impacts. The EA concluded that the Proposed Action would not result in significant

adverse socioeconomic impacts or place an undue burden on County services, noting that the Tribe provides or contracts for key services such as law enforcement, fire protection, and water supply through existing intergovernmental agreements. As described in the EA, the Tribe has an established history of coordinating with El Dorado County regarding service provision and would continue to work with the County, as appropriate, to ensure that public services associated with the Proposed Action are adequately provided and compensated.

Response to Comment I2-7

Comment noted. Please refer to **Master Response 1** regarding expressions of opinion.

Response to Comment I2-8

Refer to **Master Response 3** in regard to changes in the Tribe's land use plans.

Response to Comment Letter I3: Dennis Horton

Response to Comment I3-1

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I3-2

Comment noted. Refer to **Master Response 5** with regards to the use of NBROA roads and **Master Response 1** with regards to non-substantive comments.

Response to Comment Letter I4: Lance Nolasco

Response to Comment I4-1

Comment noted. Refer to **Master Response 1** with regards to expressions of opinion and **Master Response 2** with regards to the need for an EIS. See **Response to Comments I4-2** through **I4-14**.

Response to Comment I4-2

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I4-3

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I4-4

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I4-5

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I4-6

Refer to **Master Response 5** regarding NBROA road access and **Master Response 6** regarding the compatibility of the proposed land uses.

Response to Comment I4-7

Please refer to **Master Response 6** regarding the financial impact on NBROA.

Response to Comment I4-8

Refer to **Master Response 6** regarding impacts to community character.

Response to Comment I4-9

The EA evaluated grading, drainage, and stormwater management for the Proposed Action in 3.2 (Water Resources). As discussed in Section 2.1.3 of the EA, the Proposed Project would incorporate retention basins, bioswales, and other low-impact development features to treat 100 percent of the net increase in impervious surfaces and to ensure post-development runoff rates do not exceed existing conditions. These measures are intended to capture, infiltrate, and detain stormwater onsite, thereby minimizing offsite runoff, sediment transport, and debris flow. The stormwater facilities would be designed and constructed in accordance with applicable federal and Tribal standards to protect downstream water quality and drainage features. Potential impacts to adjacent properties, including Shingle Springs Drive and nearby lands, were considered as part of the water resources analysis. Section 3.2 of the EA concluded that, with implementation of the identified drainage features and erosion control measures, Alternative A would not result in substantial increases in runoff, sedimentation, or adverse effects to downstream properties, wells, pasture land, or road surfaces. Construction-related erosion and sedimentation risks were also addressed through required best management practices to limit short-term effects. Furthermore, NEPA does not require preparation of final, design-level hydrologic modeling at the EA stage. Rather, it requires a reasonable evaluation of foreseeable environmental effects. The EA appropriately evaluated stormwater and drainage impacts and identified design features and mitigation measures sufficient to ensure impacts would be less than significant. Detailed hydrologic modeling and final drainage design would occur during the detailed design phase, as is typical for projects of this nature.

Accordingly, the EA adequately addressed stormwater drainage and runoff impacts, and no additional analysis or revisions are required in response to this comment.

Response to Comment I4-10

Comment noted. Please refer to **Master Response 4** regarding mitigation implementation.

Response to Comment I4-11

Section 3.9 of the EA evaluated law enforcement services and concluded that the Proposed Action would not result in a substantial increase in calls for service or exceed the capacity of existing law enforcement providers. Refer to **Master Response 5** regarding NBROA road access.

Response to Comment I4-12

Refer to **Master Response 2** regarding completeness of the EA and need for an EIS.

Response to Comment I4-13

Comments submitted beyond the deadline were accepted and considered. The EA in its entirety as well as the Notice of Availability (NOA) were provided online via the Tribe's website as outlined in the NOA which was published in the local Mountain Democrat newspaper. Document access was sufficiently

provided and the public comment process the project has undergone complies with NEPA.

Response to Comment I4-14

Refer to **Master Response 2** regarding completeness of the EA and need for an EIS.

Response to Comment I4-15

Comment noted. See **Response to Comments I4-2** through **I4-14**.

Response to Comment Letter I5: Poppy Phillips

Response to Comment I5-1

Comment noted. Refer to **Master Response 2** regarding the need for an EIS and to **Master Response 1** regarding expressions of opinion. Also see **Response to Comments I5-2** through **I5-15**.

Response to Comment I5-2

As outlined in Section 2.2 of the EA, Alternative B, a reduced-intensity alternative that would not develop any commercial structures, has been adequately analyzed in the EA. Refer to **Master Response 2** regarding the completeness of the EA and the NEPA process.

Response to Comment I5-3

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I5-4

Comment noted. The EA evaluated operational noise and lighting effects and identified mitigation where necessary to reduce impacts to less-than-significant levels. As discussed in Section 3.10, an 8-foot sound wall was incorporated as mitigation to address potential nighttime operational noise exceedances, and with implementation of this mitigation, operational noise impacts would be less than significant. Lighting effects were evaluated in Section 3.12 of the EA. The EA identified potentially significant nighttime lighting effects associated with the open sides of the parking garage and included mitigation in Section 4 of the EA requiring screening and shielding of garage openings and lighting design measures to reduce light spill onto adjacent residential areas. With implementation of these mitigation measures, visual and lighting impacts would be reduced to less-than-significant levels. Additional property-line performance standards, curfews, or third-party monitoring are not necessary to reduce potential impacts.

Response to Comment I5-5

As described in Section 3.9 (Public Services) of the EA and the water and wastewater feasibility study provided in Appendix H of the EA, the Tribe evaluated the capacity of its existing water supply and wastewater treatment and disposal systems to serve the Proposed Project. That evaluation identified specific facility upgrades and operational improvements that would be implemented, as needed, to accommodate projected flows and ensure continued compliance with applicable regulatory requirements. The EA concluded that, with implementation of the identified improvements, the Tribe's water and wastewater systems would have adequate capacity to serve the Proposed Project under all alternatives and would not result in significant adverse impacts.

Response to Comment I5-6

The EA analyzes the Proposed Action as outlined in Section 2 of the EA. As such, the expansion of facilities has not been evaluated and is not required under NEPA. The Proposed Action as outlined in the EA was determined to have less-than-significant impacts on the environment with the incorporation of mitigation measures. Therefore, environmental analysis under NEPA has been completed and hypothetical expansions are not evaluated therein.

With respect to public safety, the EA evaluated law enforcement services in Section 3.9 and concluded that the Proposed Action would not result in a substantial increase in calls for service or exceed the capacity of existing law enforcement providers. Law enforcement services would continue to be provided through the Tribe's Police Department in coordination with the El Dorado County Sheriff's Office pursuant to existing intergovernmental agreements. Based on this analysis, the EA concluded that the Proposed Action would not result in significant adverse impacts related to public safety.

With respect to the traffic assumptions, as described in EA Section 3.7.2, the analysis of the Proposed Project assumes peak activity at the casino on weekday and Saturday evenings layered on top of peak activity associated with a sold-out event at the arena. As such, the traffic analysis addresses peak traffic conditions. Likewise, noise impacts to off-site receptors from construction and operation of the arena and parking garage, including traffic noise from the existing casino, were evaluated in Section 3.10 of the EA, and mitigation was identified where necessary to reduce impacts to less-than-significant levels.

Refer to **Master Response 5** regarding NBROA road access.

Response to Comment I5-7

The industry standard is to perform reconnaissance field surveys to determine if sensitive aquatic habitats, such as vernal pools, occur within the project site. If biologists detect signs of vernal pools, then a formal delineation of vernal pools is prescribed. Since no signs of vernal pools were detected, there was no need for formal delineation methods.

The project area does contain milkweed plants and other foraging habitat for monarch butterflies and it does contain potential habitat for special-status amphibians. Mitigation measures are identified in Section 4 of the EA to minimize or avoid impacts to monarch butterflies. The Biological Assessment was reviewed and approved by biologists at the BIA and it was presented to USFWS during informal consultation. USFWS did not require revision of the Biological Assessment nor did they require protocol surveys for any listed species. Endangered Species Act consultation with the USFWS was concluded in 2025.

The EA fully addressed the potential for impacts to habitat and listed species in Section 3.5. Where potentially significant impacts were identified, mitigation measures were included in Section 4 of the EA to reduce impacts to less-than-significant levels. The analysis presented in the EA supports the conclusion that the proposed development would not result in significant impacts to habitat and listed species.

Response to Comment I5-8

Comment noted. The proposed water supply and wastewater treatment and disposal for the Proposed Project are described in Section 2.1.2 of the EA and evaluated in the water and wastewater feasibility study provided in Appendix H of the EA. NEPA does not require the evaluation of hypothetical scenarios, but what is proposed. The necessary water and wastewater system improvements have been evaluated and found to be feasible. Impacts associated with water supply and wastewater treatment were fully

evaluated in Sections 3.2 (Water Resources) and 3.9 (Public Services) of the EA. All impacts were found to be less than significant.

Response to Comment I5-9

The mitigation measure identified to address the project impact at the Koto Road/Redhawk Parkway at Honpie Road intersection (signal optimization) was found to be effective in reducing the project impact to a less-than-significant level. This mitigation measure would be a relative quick and inexpensive fix that would allow the intersection to operate acceptably under all time periods and study scenarios evaluated in the EA. Furthermore, there would be no secondary (i.e., indirect) impacts related to the implementation of this mitigation measure, as it would not require any physical changes to the intersection configuration. For the reasons above, no additional mitigation measures were considered to address the project impact at the Koto Road/Redhawk Parkway at Honpie Road intersection. Please refer to **Master Response 5** regarding traffic through the NBROA neighborhood. Refer to **Master Response 2** regarding the need for an EIS.

Response to Comment I5-10

Please refer to **Response to Comment 15-4** regarding noise and visual impacts and mitigation.

Response to Comment I5-11

As discussed in Section 3.3.3 of the EA, the Proposed Project would be constructed in compliance with all applicable El Dorado AQMD Rules, including Asbestos Hazard Mitigation. With the preparation and implementation of an Asbestos Dust Mitigation Plan, impacts would be reduced to a less-than-significant level. Additionally, BMPs would be implemented to address criteria air pollutants and diesel particulate matter.

Response to Comment I5-12

Section 4 of the EA provides all mitigation measures that would be implemented, including inadvertent discovery protocols for cultural resources which outline consultation with the BIA Regional Archaeologist if necessary and stop-work procedures.

Response to Comment I5-13

The EA evaluated public services, public safety, access, and circulation associated with the Proposed Action in Section 3.9 (Public Services) and Section 3.7 (Transportation and Circulation). As discussed therein, the transportation analysis evaluated peak-hour conditions associated with sold-out arena events. The analysis identified a potential intersection deficiency under peak conditions, and mitigation was incorporated to reduce the impact to a less-than-significant level. In addition, a facility safety review was conducted as part of the traffic study and did not identify existing safety deficiencies or project-related safety concerns. With respect to public safety services, the EA concluded that the Proposed Action would not result in a substantial increase in police, fire, or emergency medical service calls, nor would it exceed the capacity of existing service providers. Law enforcement and emergency services would continue to be provided by the Tribe's Police and Fire Departments in coordination with El Dorado County service providers pursuant to existing intergovernmental agreements. Based on the analyses and conclusions of the EA, no significant adverse impacts related to traffic safety, public safety, or emergency response were identified that would warrant preparation of a separate public safety impact assessment, development of a project-specific Crime Prevention Through Environmental Design (CPTED) plan,

implementation of neighborhood access restrictions, or establishment of additional monitoring, auditing, or automatic mitigation programs. Accordingly, no changes to the EA are required in response to this comment.

Response to Comment I5-14

The cumulative section (now being analyzed as reasonably foreseeable impacts under recent NEPA updates) accounts for other development projects in the region that could impose cumulatively considerable effects on the environment. Likewise, the growth-inducing section analyzes the effects that foster economic or population growth, either directly or indirectly. The EA analyzes the Proposed Action as outlined in Section 2 of the EA. As such, the potential future expansion of facilities has not been evaluated and is not required under NEPA. The Proposed Action as outlined in the EA was determined to have less-than-significant impacts on the environment with the incorporation of mitigation measures. Therefore, environmental analysis under NEPA has been completed and hypothetical expansions are not evaluated therein. Refer to **Master Response 2** regarding the need for an EIS.

Response to Comment I5-15

Refer to **Master Response 6** regarding property value impacts and **Master Response 2** regarding the need for an EIS.

Response to Comment I5-16

Comment noted. Refer to **Master Response 2** regarding the need for an EIS and to **Master Response 1** regarding expressions of opinion.

Response to Comment Letter I6: Stephen and Katie Rhoads

Response to Comment I6-1

Comment noted. Refer to **Master Response 1** and **Master Response 2** regarding the completeness of the EA. See **Response to Comment I5-6** regarding analysis of the Proposed Action, potential future expansion, and traffic and noise concerns.

Response to Comment I6-2

The industry standard is to perform reconnaissance field surveys to determine all aquatic resources present. If the Proposed Project requires construction in, or near, any water resources, then a formal delineation of water resources is prescribed and would be verified by the Army Corps. Since the Proposed Project employed mitigation by design and planned all development well away from water resources, there was no need for formal delineation methods.

The industry standard is to perform reconnaissance field surveys to determine if sensitive aquatic habitats, such as vernal pools, occur within the project site. If biologists detect signs of vernal pools, then a formal delineation of vernal pools is prescribed. Since no signs of vernal pools were detected, there was no need for formal delineation methods. Note that field surveys were conducted in the spring season, and that "foothill terrain" is actually less conducive to vernal pool creation than are other topographic settings, such as valley floor or basalt lava flows.

Please see **Response to Comment I5-7** regarding impacts to monarch butterflies, Endangered Species Act Section 7 consultation, and impact to habitat and listed species.

Response to Comment I6-3

Comment noted. As described in Sections 3.2 (Water Resources) and 3.9 (Public Services) of the EA, the Tribe evaluated potable water demand, wastewater flows, and system capacity for the Proposed Project, including consideration of amendments to the existing El Dorado Irrigation District (EID) water service agreement, potential annexation of parcels into the EID service area, and use of groundwater where appropriate. The EA also evaluated wastewater treatment capacity and identified facility upgrades necessary to accommodate projected flows, as documented in water and wastewater feasibility study attached as Appendix H of the EA. The EA concluded that adequate water supply and wastewater treatment capacity are available to serve the Proposed Project under all alternatives with the identified system improvements or measures. If groundwater wells or septic systems are utilized for portions of the residential development, they would be designed, permitted, and operated in compliance with applicable federal and Tribal requirements, including requirements governing drinking water quality and wastewater disposal. Based on these findings, no additional analysis is required.

Response to Comment I6-4

While it may be true that weather and emergency events could cause traffic congestion to increase on study area roadways, the EA is not obligated to evaluate uncommon conditions (i.e., non-recurrent delay). Rather, the burden of analysis is to examine the performance of the study facilities under typical peak conditions, both with and without the Proposed Project. As described in EA Section 3.7.2, the analysis of Alternative A assumes peak activity at the casino on weekday and Saturday evenings layered on top of peak activity associated with a sold-out event at the arena. Additional detail on the assumptions used to develop the trip generation for the Proposed Project is provided beginning on p. 7 of the Traffic Impact Study (Draft EA Appendix F). Furthermore, the project impact cited by the commenter at the Koto Road/Redhawk Parkway at Honpie Road intersection would be mitigated to a less-than-significant level through implementation of signal optimization (see EA Section 4).

As described in EA Section 2.1 and illustrated in Figure 2-1, the arena and parking garage components of the Proposed Project will be accessed via the Highway 50 ramps and the following local roadways: Red Hawk Parkway, Koto Road, and a proposed new road extending from Koto Road. The only access to private roadways west of the project site would be an emergency-access-only extension of Koto Road to Shingle Springs Drive. Please refer to **Master Response 5** for additional detail.

Response to Comment I6-5

Comment noted. Please see **Response to Comment I5-4** for information regarding operational noise mitigation, lighting design measures and visual resource impacts associated with the event center and parking garage.

Response to Comment I6-6

As discussed in Section 3.3.3 of the EA, the Proposed Project would be constructed in compliance with all applicable El Dorado AQMD Rules, including Asbestos Hazard Mitigation. With the preparation and implementation of an Asbestos Dust Mitigation Plan, impacts would be reduced to a less-than-significant level. Additionally, BMPs would be implemented to address criteria air pollutants and diesel particulate matter.

Response to Comment I6-7

Section 4 of the EA provides all mitigation measures that would be implemented, including inadvertent discovery protocols for cultural resources which outline consultation with the BIA Regional Archaeologist if necessary and stop-work procedures.

Response to Comment I6-8

Please see **Response to Comment I5-13** for information regarding public services and public safety. As discussed therein, the EA analysis concluded that Alternative A would not result in a substantial increase in police, fire, or emergency medical service demands. Therefore, no additional public safety assessments or measures are required.

Response to Comment I6-9

Refer to **Master Response 3** regarding any changes to the Tribe's land use plans. See **Response to Comment I5-6** regarding project expansion.

Response to Comment I6-10

Refer to **Master Response 6** regarding property value impacts, **Master Response 1** regarding non-substantive comments, and **Master Response 2** regarding the need for an EIS.

Response to Comment I6-11

Comment noted. Refer to **Master Response 2** regarding the need for an EIS. See **Response to Comments I6-2** through **I6-10** for detailed responses to issues raised by commenter.

Response to Comment Letter I7: Daniel Royer

Response to Comment I7-1

Comment noted. Refer to **Master Response 6** regarding impacts to community character.

Response to Comment Letter I8: Sarah Royer

Response to Comment I8-1

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-2

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-3

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-4

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-5

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-6

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-7

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-8

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-9

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-10

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-11

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I8-12

Please refer to **Master Response 6** for discussion regarding zoning and regulatory authority and community character.

Response to Comment I8-13

Please refer to **Master Response 6** for discussion regarding zoning and regulatory authority and community character.

Response to Comment I8-14

Please refer to **Master Response 6** for discussion regarding zoning and regulatory authority and community character.

Response to Comment I8-15

Please refer to **Master Response 6** for discussion regarding zoning and regulatory authority and community character.

Response to Comment I8-16

Comment noted. Noise associated with operation of the event center, including amplified sound, crowd activity, and event-related traffic, was evaluated through acoustic modeling presented in Appendix I of the EA. The analysis assessed operational noise levels at nearby noise-sensitive receptors from various aspects of operation, including from the proposed event center and generated traffic, and identified

mitigation measures where exceedances of applicable nighttime standards could occur. With implementation of these measures, operational noise impacts would be reduced to less-than-significant levels. See **Response to Comment I1-11** for additional information regarding the arena building design and sound attenuation features that limit the transmission of interior noise to the exterior environment.

Response to Comment I8-17

Comment noted. Noise associated with the proposed parking structure and on-site circulation was evaluated using acoustic modeling presented in Appendix I of the EA. The analysis incorporated project-specific trip generation data from the Transportation Study (Appendix F of the EA), including conservative assumptions regarding vehicle types and volumes. Parking and circulation noise was modeled using sound exposure levels representative of passenger vehicles and trucks, and resulting noise levels were evaluated at nearby noise-sensitive receptors. Based on this analysis, operational noise was determined to be less than significant with mitigation that is included in Section 4 of the EA.

Response to Comment I8-18

Comment noted. Please refer to **Master Response 4** regarding mitigation plan enforceability and accountability.

Response to Comment I8-19

Comment noted. Please see **Response to Comment I1-12** regarding the location of the sound wall. Please refer to **Master Response 4: Mitigation Enforcement** regarding mitigation measure enforceability and accountability.

Response to Comment I8-20

Comment noted. Please refer to the **Master Response 7** for information regarding the usage of groundwater and its associated impacts. Please refer to **Master Response 4** regarding mitigation measure enforceability and accountability.

Response to Comment I8-21

Refer to **Master Response 2** regarding completeness of the EA. See **Response to Comments I8-1** though **I8-20** for detailed responses.

Response to Comment Letter I9: Lawrence Varela

Response to Comment I9-1

Comment noted. Refer to **Master Response 6** regarding community character.

Response to Comment I9-2

The EA evaluated potential impacts to groundwater resources and wastewater disposal in Sections 3.2 (Water Resources) and 3.9 (Public Services). The EA does not assume that “a lot of wells” would be installed. Rather, potable water for the Proposed Project would be provided primarily through the Tribe’s existing water system supplied by El Dorado Irrigation District, with groundwater wells used only where service extensions are not feasible and in compliance with applicable regulations. Similarly, wastewater treatment would be provided through connection to the Tribe’s existing wastewater treatment system

and/or individual septic systems, as appropriate. The EA evaluated these service options and concluded that the Proposed Project would not result in significant adverse impacts to groundwater resources or drinking water supplies.

Based on this analysis, the EA determined that groundwater and wastewater impacts would be less than significant.

Response to Comment I9-3

Draft EA Section 3.7 and the supporting Traffic Impact Study (Appendix F) evaluated traffic conditions on public study area roadways, and concluded that a project impact would occur at the Koto Road/Redhawk Parkway at Honpie Road intersection. This impact would be mitigated to a less-than-significant level through implementation of signal optimization (see EA Section 4). All other study area transportation facilities were found to operate at acceptable levels of service with implementation of the Proposed Project.

With respect to private roadway impacts, please refer to **Master Response 5**.

Response to Comment I9-4

Comment noted. Please refer to **Master Response 6** regarding impacts to property value.

Response to Comment I9-5

Comment noted. The EA evaluated the location of the proposed event center as part of the overall site planning for Alternative A. The area "behind" the existing casino is already developed with parking facilities, internal roadways, and residential uses. Development of the Proposed Project in that area would require removal or relocation of existing infrastructure and residences, resulting in greater environmental disturbance and construction-related impacts than the currently proposed location.

Response to Comment I9-6

Comment noted.

Response to Comment Letter I10: Steve and Deana Visentin

Response to Comment I10-1

Comment noted. Refer to **Master Response 2** regarding completeness of the EA and **Master Response 6** regarding community character.

Response to Comment I10-2

Please refer to **Master Response 5: Use of NBROA Roads**.

Response to Comment I10-3

Potential impacts related to development intensity, stormwater drainage and runoff, groundwater use, and wastewater disposal were evaluated in Sections 3.2 (Water Resources) and 3.9 (Public Services) of the EA. Section 3.2 describes how stormwater runoff from impervious surfaces would be managed through project-specific drainage infrastructure, and how potable water and wastewater service would be provided through a combination of the Tribe's existing water and wastewater systems, El Dorado

Irrigation District service where available, and regulated groundwater wells or septic systems where necessary. Based on this analysis, the EA concluded that the Proposed Action would not result in substantial increases in runoff, degradation of groundwater quality, or contamination of private wells. With compliance with applicable federal, state, and Tribal requirements governing well construction, groundwater extraction, septic system design, and wastewater treatment, impacts to groundwater and water quality would be less than significant.

Response to Comment I10-4

Comment noted. Refer to **Master Response 3** regarding changes to the Tribe's land use plans.

Response to Comment I10-5

Refer to **Master Response 6** regarding impacts to community character.

Response to Comment I10-6

Comment noted. Refer to **Master Responses 1** regarding expressions of opinion and **Master Response 2** regarding the need for an EIS.

Response to Comment Letter I11: Kim Pierce and Cheryl Wright

Response to Comment I11-1

The trip distribution used to evaluate traffic conditions in the Draft EA did not assume that any project-related traffic would use Highway 50 Exit 39 to access the Project Site. No public roadways provide access to the Project Site at this location. Project trip distribution is illustrated on Figure 5 of the Traffic Impact Study (Draft EA Appendix F).

Response to Comment I11-2

Refer to **Master Response 6** regarding community character.

Response to Comment I11-3

Comment noted. The EA fully addressed the potential for impacts to habitat and listed species in Section 3.4. Where potentially significant impacts were identified, mitigation measures were included in Section 4 of the EA to reduce impacts to less-than-significant levels. The analysis presented in the EA supports the conclusion that the proposed development would not result in significant impacts to habitat and listed species.

Response to Comment I11-4

Please refer to **Master Response 6: Community Character** for information regarding noise impacts on the adjacent rural residential area.

Response to Comment I11-5

Please refer to **Master Response 6: Community Character** for information regarding impacts on home prices and other socioeconomic effects.

Response to Comment I11-6

Draft EA Section 3.7 and the supporting Traffic Impact Study (Appendix F) evaluated traffic conditions on public study area roadways, including on Highway 50. It concluded that a project impact would occur at the Koto Road/Redhawk Parkway at Honpie Road intersection. This impact would be mitigated to a less-than-significant level through implementation of signal optimization (see EA Section 4). All other study area transportation facilities were found to operate at acceptable levels of service with implementation of the Proposed Project.

Response to Comment I11-7

Any exterior building lights installed would be shielded and would not shine directly onto adjacent areas. Section 3.12 of the EA addresses the visual resource impacts of the Proposed Project. With mitigation identified in Section 4 of the EA all impacts would be reduced to a less-than-significant level.

Response to Comment I11-8

As described in EA Section 3.7.2, the analysis of Alternative A assumes peak activity at the casino on weekday and Saturday evenings layered on top of peak activity associated with a sold-out event at the arena. Additional detail on the assumptions used to develop the trip generation for the Proposed Project is provided beginning on p. 7 of the Traffic Impact Study (Draft EA Appendix F). This analysis assumes that there would be no public access via gated access points into and out of the North Buckeye Rancheros community. Therefore, the Draft EA analysis accurately captures the potential impacts of arena traffic on study area roadways.

Response to Comment I11-9

Please see **Response to Comment I5-13** for information regarding public services and public safety.

Response to Comment I11-10

Comment noted. Refer to **Master Response 6** regarding community character.

Response to Comment I11-11

Comment noted. Refer to **Master Response 1** regarding expressions of opinion.

Response to Comment Letter I12: Unknown

Response to Comment I12-1

Refer to **Master Response 1** regarding expressions of opinion. The proposed water supply and wastewater treatment and disposal for the Proposed Project are described in Section 2.1.2 of the EA and evaluated in the water and wastewater feasibility study provided in Appendix H of the EA. The necessary water and wastewater system improvements have been evaluated and found to be feasible. Impacts associated with water supply and wastewater treatment were fully evaluated in Sections 3.2 (Water Resources) and 3.9 (Public Services) of the EA. All impacts were found to be less than significant.

Attachment 1: Comment Letters

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DISTRICT 3 DIRECTOR
703 B STREET | MARYSVILLE, CA 95901-5556
www.dot.ca.gov

November 6, 2025

GTS # 03-ED-2025-00460
SCH # 2025101314

Jennifer Hayden,
Environmental Protection Specialist
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, CA 95825

Shingle Springs Band of Miwok Indians: 295.7-Acres, Fee-to-trust Project

Dear Ms. Hayden,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which include addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The project is north of US-50, east of Shingle Springs Drive, south of Green Valley Road, west of Slate Creek, with direct access from US-50 from Red Hawk Pkwy. This project is proposing the conveyance of 29 parcels totaling approximately 295.7 acres into federal trust status to benefit the Shingle Springs Band of Miwok Indians. Development plans include an 80,000 square foot arena with 5,000 seats, a 1,280-space parking garage, 132 housing developments; 16 will be quadplex's, 24 smaller homes for elders, and 92 homes will be rural residential single-family with lots of approximately one acre. Approximately 30,000 square feet of commercial space, providing for retail and commercial businesses. A 5,300 square foot emergency shelter and relocating two, approximately 3,000 square feet, buildings for the maintenance operations. Based on the Environmental Assessment review, Caltrans provides these comments:

Freeway Operations

The Traffic Impact Study (TIS) was reviewed, and further analysis is needed. Please investigate the off-ramp queue lengths at the following off-ramps:

A1-1

- US 50 Westbound (WB) off ramp / Redhawk Pkwy
- US 50 Eastbound (EB) off ramp / Redhawk Pkwy
- US 50 EB off ramp / S. Shingle Road
- US 50 WB off ramp / S. Shingle Road/Ponderosa Road

Please utilize peak hour maximum queue length rather than the 95th percentile queue length. Use a calibrated simulation model, with software such as SimTraffic or VISSIM, for this analysis.

Additionally, please analyze on-ramp queues from the ramp meters under Existing Plus Project and Cumulative Plus Project conditions, at the locations listed below:

- S. Shingle Road Loop on-Ramp to WB US 50
- S. Shingle Road Loop on-Ramp to EB US 50
- S. Shingle Road/Ponderosa Rd Slip on-Ramp to WB US 50
- Koto Road Slip on-Ramp to WB US 50
- Koto Road Slip on-Ramp to EB US 50

A1-1 cont.

Coordinate with Caltrans Freeway Operations staff for ramp metering rates and future ramp metering assumptions. Please use the methodology described in the Ramp Metering Design Manual.

Based on operations, queueing, and safety impacts, Caltrans may require mitigation measures such as, but not limited to, intersection/interchange improvements

Forecasting & Modeling

Provide the quantity of vehicle-mileages of travel (VMT) that is being generated by the project and whether it exceeds that of the California Environmental Quality Act (CEQA) guidelines adopted by El Dorado County. A VMT monitoring plan should be put in place even if the project-generated VMT exceeds the CEQA VMT limit.

A1-2

Right of Way Engineering

Caltrans Right of Way (ROW) Access Control, Centerline and width should be labeled on the plans, along with bearings and distances. For Caltrans ROW maps, please contact the District 3 ROW Front Map Counter by contacting: d3rwmaprequest@dot.ca.gov.

A1-3

Applicant or their representatives may also need to identify any possible vulnerable survey monuments in the development area that will need to be preserved and/or perpetuated, as required by PE Act 6731.2 and PLS Act 8771. A1-3 cont.

Encroachment Permit

Any project or work, including access modification and drainage work, that takes place along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans indicating State ROW must be submitted to Encroachment Permits Offices as indicated below: A1-4

California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901
D3encpermit@dot.ca.gov

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Angelina Healy, Local Development Review Coordinator, by phone (530) 790-8138 or via email at D3.Local.Development@dot.ca.gov. A1-5

Sincerely,

Alexander Fong (Nov 6, 2025 11:47:39 PST)

ALEXANDER FONG, Acting Branch Chief
Local Development Review and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3

Caltrans District 3 LDR Response - Shingle Springs 295.7-Acres Fee-to-trust - 11.06.2025

Final Audit Report 2025-11-06

Created:	2025-11-06
By:	Angelina Healy (s139748@dot.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzCa5KeSG24wPiLK24FkbDWOq8lj5GAcP

"Caltrans District 3 LDR Response - Shingle Springs 295.7-Acres Fee-to-trust - 11.06.2025" History

Document created by Angelina Healy (s139748@dot.ca.gov)
2025-11-06 - 7:41:10 PM GMT- IP address: 149.136.17.251

Document emailed to Alexander Fong (alexander.fong@dot.ca.gov) for signature
2025-11-06 - 7:41:42 PM GMT

Email viewed by Alexander Fong (alexander.fong@dot.ca.gov)
2025-11-06 - 7:47:30 PM GMT- IP address: 149.136.17.250

Document e-signed by Alexander Fong (alexander.fong@dot.ca.gov)
Signature Date: 2025-11-06 - 7:47:39 PM GMT - Time Source: server- IP address: 149.136.17.250

Agreement completed.
2025-11-06 - 7:47:39 PM GMT

Powered by Adobe Acrobat Sign

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

KIM DAWSON
Clerk of the Board

BOARD OF SUPERVISORS

GREG FERRERO
District I
GEORGE TURNBOO
District II
BRIAN VEERKAMP
District III
LORI PARLIN
District IV
BROOKE LAINE
District V

November 4, 2025

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Region Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

RE: Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project
Support for Alternative B or C

Dear Mr. Hunter,

Thank you for the opportunity to comment on the Shingle Springs Band of Miwok Indians (Tribe) 295.7-Acre Fee-to-Trust Project. In this project, the Tribe proposes to develop Tribal housing, an arena, other general commercial uses, a multipurpose emergency shelter, a maintenance operations building, parking garages, and associated infrastructure, while including two other alternatives.

The Environmental Assessment prepared by Acorn Environmental describes the proposed project (Alternative A) and two other alternatives:

- Alternative A consists of the fee simple conveyance of the project site into federal trust status for the benefit of the Tribe. This land trust action would shift civil regulatory jurisdiction over the project site from the State of California (State) and El Dorado County to the Tribe and the federal government. Federal laws, such as the Clean Water Act and the federal Endangered Species Act, would continue to apply to the project site. Alternative A includes: (1) an arena and parking garage; (2) residential development; (3) commercial development; (4) a multipurpose emergency shelter; and (5) maintenance operations buildings.
- Alternative B is similar to the Proposed Project but would include development of only the residential, multipurpose emergency shelter, and maintenance facility components. No commercial uses would be developed, including the proposed arena. All other aspects would be identical to Alternative A, including the conveyance of the project site into federal trust status, water supply and wastewater treatment and disposal, grading and drainage, and development standards. The proposed residential site plan for Alternative B would be the same as provided for Alternative A. The proposed southern development site

plan (multipurpose emergency shelter, and maintenance facility components) for Alternative B would be the same as provided for Alternative A, but would not include the commercial development.

- Alternative C is a no action alternative. Under the No Action Alternative, the land would not be taken into trust and the Project would not be developed with new housing or commercial uses. Existing single-family homes are assumed to remain. The Tribe would likely still develop the proposed multipurpose emergency shelter and maintenance facility with the land remaining in fee. The project site would remain within the jurisdiction of El Dorado County and could be developed at some point in the future consistent with federal, State, and local requirements. However, future development would be speculative. It is therefore assumed for the purposes of the EA that the majority of the project site would remain undeveloped or minimally utilized under the No Action Alternative.

As discussed below, the County would only be supportive of Alternative B or C.

In previous comment letters sent to the Bureau of Indian Affairs (BIA), the County expressed support for the use of the subject parcels for tribal housing that is consistent with the existing zoning and neighboring homes due to the current need within the tribal community. The County would like to see a commitment from the Tribe that the parcels intended for tribal housing, if placed into trust, would remain designated as tribal member housing as stated in the application and for the Tribe to provide notification and outreach to the surrounding neighborhood of proposed development on the parcels as part of its Good Neighbor Policy. It is important that the development of parcels for housing maintains compatibility with the residential character of the area surrounding the Rancheria lands. A2-1

If the Tribe has the need to use the parcels for anything other than tribal housing, the County would like to engage in open and transparent conversations with the Tribe to determine what impacts the changes in use may have to the County services provided and how the Tribe and the County could work together to mitigate those impacts. A2-2

It is important to note, the parcels containing the residential development and arena are currently accessed through private, gated roads that are maintained by a private road association, North Buckeye Rancheros Owners Association (NBROA). Placing these parcels into trust would reduce the revenues available to the NBROA for road and culvert maintenance. A2-3

With respect specifically to the arena and parking garage proposed in Alternative A, the County cannot be supportive of the incompatible use of residential parcels. An alternative that the County would support is that if the arena and parking garage were to be developed on a parcel or parcels that would not impact or greatly reduce the impacts to residents of the NBROA and surrounding neighborhoods. A2-4

The County would like a commitment from the Tribe that no matter where the arena and parking garage are developed, ingress and egress to the arena and parking garage are restricted to the Casino's current ingress and egress via Highway 50. It is of the utmost importance that the private residential roads near the Casino are not used for commercial activity. A2-5

In previous Fee-to-Trust applications for the parcels included in this project, there was no mention of using the parcels for commercial activities. However, Alternative A includes commercial development for "typical neighborhood-serving retail and commercial businesses." The parcels that include the proposed commercial development are zoned residential thus the commercial use would be incompatible with current zoning which the County does not support. As we have previously discussed with the Tribe, the west slope of El Dorado County has two main commercial districts, El Dorado Hills and Missouri Flat Road. We impressed upon the Tribe the importance of those districts to El Dorado County's revenue. The County urges the Tribe to work with the County to allow for commercial development that supports our residents, both on and off tribal lands, while generating the revenues needed to serve the County's residents and visitors with public safety services, road maintenance, et cetera. A2-6

As previously shared with the BIA, the County has major concerns about the Fee-to-Trust process and how the nearby residents and general public are not notified nor engaged in the process. There are possible negative impacts to surrounding neighbors and communities when lands are placed into trust and no longer subject to County zoning, community standards, and/or participation in private road associations. The County would like to see outreach to the neighboring communities be a part of the process for the BIA and the Tribe to ensure open communication and the development of goodwill between the Tribe and neighboring residents as well as allowing for a more productive exchange of ideas. A great example of the collaboration between the Tribe and neighbors surrounding the Tribe's land was the gas station project. Tribal leaders engaged and sought feedback from the local residents through multiple meetings to receive input on the project. A2-7

The County of El Dorado acknowledges and respects the Tribe's sovereignty and its right to purchase and develop land under federal law. That said, the County hopes that the Tribe will continue to be a good neighbor recognizing that as two sovereign entities, we coexist on land that we mutually utilize. It is critical that the County and the Tribe continue to communicate in hopes we reach a mutually agreed upon understanding of the County's responsibilities and limited resources to provide essential services that all County residents, including Tribal members, depend on for their health, safety, and well-being. The County of El Dorado Board of Supervisors thanks you for your consideration of our comments. Should you have any questions regarding these comments, please contact Alison Winter, Principal Management Analyst, via email at alison.winter@edcgov.us. A2-8

Sincerely,

George Turnboo
Chair, El Dorado County Board of Supervisors

Outlook

RE: [EXTERNAL] United States Department of the Interior, Indian Affairs, E, Shingle Springs Ban of Miwok Indians 295.7-Acre-Fee-to Trust Project

From Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Date Wed 11/5/2025 10:51 AM
To Josh Ferris <jferris@acorn-env.com>; Hayden, Jennifer A <Jennifer.Hayden@bia.gov>

Great!

Thanks!

Lori Schmitz

A3-1

From: Josh Ferris <jferris@acorn-env.com>
Sent: Wednesday, November 5, 2025 10:13 AM
To: Hayden, Jennifer A <Jennifer.Hayden@bia.gov>
Cc: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Subject: Re: [EXTERNAL] United States Department of the Interior, Indian Affairs, E, Shingle Springs Ban of Miwok Indians 295.7-Acre-Fee-to Trust Project

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hi Lori,

As you suggested in your question, because the water system (if developed) would be located on trust land (held by the federal government in trust for the Tribe) it would not be subject to State regulations. So the system would only need to comply with EPA regulations.

I hope this helps. Please let me know if you have any other questions.

Thank you,
Josh

On Wed, Nov 5, 2025 at 12:36 PM Hayden, Jennifer A <Jennifer.Hayden@bia.gov> wrote:

> Hello Lori,
> I am furloughed at the moment and am instructed not to attend meetings without Supervisor approval. In my place, I have included Acorn Environmental's project lead, Josh Ferris, in this email to assist with any questions your team may have. Should you require further assistance please let me know and I will request permission to attend a meeting from my

Supervisor. Thank you for your patience and understanding during these unprecedented times.

Respectfully,
Jennifer Hayden

Get Outlook for iOS

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Sent: Tuesday, November 4, 2025 10:28:47 AM
To: Hayden, Jennifer A <Jennifer.Hayden@bia.gov>
Subject: [EXTERNAL] United States Department of the Interior, Indian Affairs, E, Shingle Springs Ban of Miwok Indians 295.7-Acre-Fee-to Trust Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Jennifer,

The Environmental Assessment mentions If an onsite water supply system serves more than 15 connections (homes) or 25 people, the system would be required to comply with the requirements of the Safe Drinking Water Act. PDF page 14.

Can you confirm the water system(s) created would not be regulated by the State Water Resources Control Board, Division of Drinking Water if a new water system serves more than 15 connections (homes) or 25 people, because it is on trust land?

I need to understand if the project may trigger a new approval for our Division of Drinking Water.

Lori Schmitz

A3-1 cont.

Lori Schmitz
Environmental Scientist

DIVISION OF FINANCIAL ASSISTANCE
Administration/Operator Certification Branch | Loans & Grants / Environmental / Special Project Review

Email: Lori.Schmitz@waterboards.ca.gov
Phone: +1 (916) 449-5285

State Water Resources Control Boards
1001 I Street, Sacramento CA 95814
Website: www.waterboards.ca.gov

Follow: X | YouTube | Facebook | LinkedIn

--

Josh Ferris | Project Director
p: 916-235-8224 m: 207-266-4669
w: www.acorn-env.com | e: jferris@acorn-env.com
5170 Golden Foothill Parkway | El Dorado Hills, CA 95762



REGION 9
SAN FRANCISCO, CA 94105

November 28, 2025

Jennifer Hayden
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Room W-2820
Sacramento, California 95825

Subject: Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project Environmental Assessment, El Dorado County, California

Dear Jennifer Hayden:

The U.S. Environmental Protection Agency has reviewed the Environmental Assessment (EA) for the Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project pursuant to the National Environmental Policy Act and our NEPA review authority under Section 309 of the Clean Air Act.

The Bureau of Indian Affairs is analyzing the impacts associated with a 295.7-acre fee-to-trust project to transfer ownership of twenty-nine land parcels to the Shingle Springs Band of Miwok Indians in El Dorado County, California, approximately two miles northeast of the town of Shingle Springs. The EA presents two action alternatives: Alternative A – Proposed Project, and Alternative B – Reduced Intensity Alternative, and the No Action Alternative. Alternative A includes construction of Tribal housing, an arena, a multipurpose emergency shelter, a maintenance operations building, parking garages, other general commercial uses, and associated infrastructure, while Alternative B would include development of only the residential, multipurpose emergency shelter, and maintenance facility components with no commercial uses developed.

Water Resources

The EA states that for Alternative A, potable water would be used for both consumption and toilet and urinal flushing in the new arena and support facilities, commercial spaces, multi-purpose shelter, and maintenance operations buildings (p. 42). The document also states that currently, disinfected tertiary recycled water is produced on-site and reused for toilet and urinal flushing at the Red Hawk Casino (p. 41) and that any remaining recycled water is disposed of on the Rancheria via leach and spray fields (p. 21).

Recommendation: To conserve potable/fresh water for consumption and drinking purposes, the EPA recommends that, for the new development associated with either Alternative A or B, the Tribe also adopt a tertiary recycled water re-use system like the system currently in place at the Casino, where feasible and appropriate (landscape irrigation, etc).

A4-1

The EA states for both Alternatives A and B, portions of the residential development would be located outside of the existing service areas for both the drinking water provided by El Dorado Irrigation District (EID) and the Rancheria wastewater treatment and disposal system. For areas outside the EID, the Tribe would either need to request annexation from EID and the El Dorado County Local Agency Formation Commission to extend service to the outlying parcels or use groundwater wells to supply water to the new homes (p. 9). Wastewater treatment and disposal for the proposed homes would be provided by individual septic systems or connection to the existing wastewater treatment and disposal system on the Rancheria. Therefore, the outlying residential homes would potentially rely on groundwater wells and develop individual septic systems for their water and wastewater needs, thereby increasing the potential for adverse impacts to groundwater and drinking water resources without protective measures in place.

> ***Recommendation:*** As the project design and phasing is refined, the EPA recommends maximizing initial development within the El Dorado Irrigation District and Rancheria wastewater service areas to reduce potential adverse impacts from additional groundwater wells and septic systems. The EPA is available to further coordinate regarding the Safe Drinking Water Act, if applicable.

A4-2

Socioeconomics

Section 3.6.2 analyzes impacts to the socioeconomic conditions of the project area, noting that construction and operation of the proposed development would generate employment opportunities for local residents (p. 34). To ensure that community residents' benefit from the job opportunities made available from either Alternative, it would be helpful to understand any measures in place related to maximizing local hiring. Further, the EA states that site preparation would include the removal of the existing home currently located near the proposed arena site (p. 8). The document does not discuss the planned approach to consult with homeowners about future actions.

> ***Recommendation***: The EPA recommends that the FONSI identify any measures incentivizing preferential hiring to local residents and those already in the Rancheria community to maximize local long term socioeconomic benefits and reduce the strain on community infrastructure during site construction. In addition, include in the FONSI any details about homeowner consultation, including support that would be made available to homeowners once project construction begins.

A4-3

Thank you for the opportunity to review this EA. If you have any questions, please contact me at (415) 947-4167, or contact Erick Dzeketey, the lead reviewer for this project, at (415) 972-3582 or dzeketey.erick@epa.gov.

Sincerely,

CONNELL DUNNING

Digitally signed by CONNELL DUNNING
Date: 2025.11.25 14:33:33 -08'00'

for Jean Prijatel
Manager
Policy and Operations Branch

[EXTERNAL] Fwd: save buckeye rancheros

Administrator Acorn <admin@acorn-env.com>
Wed 2/28/2024 5:02 PM
To:Broussard, Chad N <Chad.Broussard@bia.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Afternoon Chad,

Please see below.

---------- Forwarded message ---------
From: Lance <savebuckeyerancheros@gmail.com>
Date: Wed, Feb 28, 2024 at 3:55 PM
Subject: save buckeye rancheros
To: <info@acorn-env.com>

Dear Acorn,
We are a neighborhood who is fighting to protect our property from the casino who is proposing to build a parking garage and event center in our neighborhood. We are reaching out to you to ask for your adherence to the assumed legal guidelines for any typical environmental impact survey. We expect you will legally back up your findings and if found to be false will assume liability for doing so. The casino proposes to build a multistory open parking garage and event center across the street from rural residential properties. It is inconceivable that these properties will not be impacted by the noise and light from the proposed use and no amount of mitigation will address this. Thank you.

O1-1

North Buckeye Rancheros
savebuckeye.org

--
Acorn Environmental
p: 916-235-8224 | e: admin@acorn-env.com
5170 Golden Foothill Parkway | El Dorado Hills, CA 95762

DEC0115

O2

October 24, 2025

North Buckeye Rancheros Owners Association

PO BOX 725
Shingle Springs, CA 95682

To: Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Subject: Opposition to the Environmental Assessment for the Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project

Dear Bureau Officials,

The North Buckeye Rancheros Owners Association submits this letter in opposition to the Environmental Assessment for the Shingle Springs Band of Miwok Indians 295.7-acre fee-to-trust project. The Association represents homeowners who are responsible for maintaining the private road system that serves this neighborhood, including Shingle Springs Drive. These roads are not owned by the Association but are private easements across land owned by the members. Maintenance, repair, and improvement of these easement roads are funded entirely through annual and special assessments paid by members. The Environmental Assessment fails to recognize this legal structure, assumes access that does not exist, and overlooks the substantial financial and environmental burdens that the applicant's proposed use would impose on those who maintain this infrastructure. O2-1

Since 1974, the North Buckeye Rancheros Owners Association has operated under a recorded Declaration of Covenants and Restrictions.

- Article I, section 1(c) defines a "Parcel" as land that is assessed separately by El Dorado County within the original mapped area.
- Article III provides that owners of each Parcel are members of the Association and hold a non-exclusive easement over the private roads.
- Article IV requires all members to pay annual and special assessments to maintain those roads.

These provisions are inseparable: only county-assessed Parcels qualify for membership and road easement rights, and only members contribute to the system that keeps the roads safe and functional. O2-2

If the Bureau approves the applicant's fee-to-trust request, the affected properties will no longer be county-assessed Parcels under Article I. Once removed from county assessment and state jurisdiction, they will lose Association membership, easement rights, and financial responsibility for road maintenance. The Environmental Assessment, however, assumes that the applicant may continue using NBROA-maintained roads indefinitely. This assumption is inconsistent with the recorded Declaration and the legal status of the roads as private easements.

The Association has never granted the applicant or its contractors permission to use NBROA roads. In 2024, the applicant proposed a draft Road Use and Maintenance Agreement, but it was never approved or signed by the Association. No recorded easement, license, or contractual right exists that would allow construction or operational traffic from the proposed project to use Shingle Springs Drive or any other road maintained by NBROA. Despite this, the Environmental Assessment describes Shingle Springs Drive as if it were a public thoroughfare providing access to Green Valley Road. This characterization is factually inaccurate and renders the traffic and access analysis unreliable. O2-3

The Environmental Assessment also references extending Shingle Springs Drive for emergency access between Koto Road and the project site. However, it fails to define what qualifies as an "emergency," who determines when that condition exists, or who would have the authority to open or close the access. The document does not specify who would enforce the "emergency-only" restriction, what penalties would apply for violations, or which agency—federal, tribal, or county—would have jurisdiction. Without a defined authority or enforcement mechanism, there is no assurance that this limitation would be respected. The potential for the emergency route to become a routine secondary access point is substantial, particularly during large events or high-traffic periods. O2-4

Equally concerning, the Environmental Assessment does not address whether NBROA residents would have reciprocal access through this route during their own emergencies. If the access is gated and controlled by tribal authorities, NBROA residents may be denied exit through trust land during wildfire evacuations or other emergencies. A valid emergency route must function in both directions, yet the EA provides no analysis or plan to ensure safe, mutual use. O2-5

On page 13, the Environmental Assessment states that "Primary access would be through the existing Rancheria and on Green Valley Road." This statement conflicts with other sections of the document. The EA does not explain how primary access would function without the use of Shingle Springs Drive, since the Rancheria's connection to Green Valley Road is topographically limited. The traffic study, however, specifically references using Shingle Springs Drive to reach Green Valley Road. These contradictory statements create confusion about the true access plan and must be resolved before any federal decision is made. O2-6

Another critical omission in the Environmental Assessment concerns the applicant's proposed use of the bridge where Shingle Springs Drive crosses Dry Creek. This bridge is essential to reach the area the applicant intends to access. It was severely damaged during a storm in 2021 and repaired solely through a special assessment paid by NBROA members. Each homeowner contributed to the cost of the repair. The bridge is aging and lacks any certified engineering survey establishing its weight capacity, traffic volume limits, or expected service life. It was designed for light residential use, not for heavy construction traffic or frequent event-related vehicles. Despite its central importance, the Environmental Assessment makes no mention of this bridge or its structural limitations. O2-7

The gate controlling traffic across the Dry Creek bridge is private property of the NBROA. It is battery powered, manually serviced, and designed for limited daily use consistent with residential traffic patterns. The EA fails to address how the applicant would access or operate this gate, who would maintain it if used by the project, or how increased use would affect its reliability. Any failure or damage would interrupt residential access and create costs that fall solely on NBROA members. None of these factors are acknowledged or analyzed in the Environmental Assessment. O2-8

The financial and maintenance impacts of the proposed action are also substantial. The applicant's request includes twenty-nine Parcels within the Association's area. If these are transferred into trust, NBROA will lose the assessment revenue associated with them. At the same time, construction and event-related traffic would increase wear on the private easement roads and the Dry Creek bridge. O2-9

Without a binding, enforceable agreement or compensation mechanism, remaining members would be forced to bear those increased costs. These are foreseeable, quantifiable impacts that must be evaluated under National Environmental Policy Act (NEPA) but are entirely omitted from the EA. O2-9 cont.

Stormwater and drainage impacts present additional concerns. The private roadside ditches and culverts maintained by NBROA were designed for small residential flows. Concentrated runoff from paved surfaces on the applicant's proposed development could exceed the system's capacity, leading to erosion, sedimentation, and flooding along Shingle Springs Drive and adjoining easements. These predictable effects must be studied and mitigated before any project approval. O2-10

Jurisdictional questions further complicate the project. Once land is placed into federal trust, it is removed from county and state authority, while NBROA remains a California nonprofit governed by state law. The EA fails to clarify who would have authority over traffic enforcement, accident response, or damage liability on the private roads if they are used by vehicles associated with trust land. These omissions leave serious legal and safety uncertainties unresolved. O2-11

The Environmental Assessment's Alternative C – No Action Alternative While the No Action Alternative would result in reduced environmental effects in comparison to Alternatives A and B, this alternative would not meet the applicant's development objectives and the beneficial socioeconomic effects of the Proposed Project would not be realized, but would maintain the integrity of the neighborhood and original county intended zoning. The No Action Alternative would preserve the existing rural residential character of the area, uphold the recorded Declaration of Covenants and Restrictions, maintain the private easement structure, and protect the financial stability of the Association's maintenance system. It would also ensure the continued safe operation of the Dry Creek bridge and prevent the unauthorized expansion of traffic onto NBROA-managed roads. O2-12

For all of these reasons, the North Buckeye Rancheros Owners Association asserts that the Environmental Assessment is fundamentally inadequate. The EA fails to analyze direct, indirect, and cumulative impacts to traffic, safety, drainage, infrastructure, and local residents. It omits key facts about private road ownership, access rights, emergency management, and maintenance responsibility. It also fails to evaluate reasonable alternatives or mitigation measures that could reduce or avoid significant impacts. Under NEPA, such omissions and uncertainties preclude a Finding of No Significant Impact (FONSI). The scale of the project, its reliance on private residential infrastructure, and the unresolved legal and jurisdictional conflicts clearly constitute "significant" effects on the human environment. Therefore, the only appropriate course of action is to prepare a full Environmental Impact Statement (EIS) to evaluate the project's true impacts, alternatives, and mitigation measures in a comprehensive and transparent manner. O2-13

The Association appreciates the opportunity to comment and is prepared to provide the Bureau with copies of the recorded Declaration, easement maps, and maintenance records documenting continuous private maintenance of Shingle Springs Drive and the Dry Creek bridge since 1974. Safeguarding the safety, property rights, and financial integrity of this long-established rural community remains our highest priority. O2-14

Sincerely,

Michael E Freer,
President, Board of Directors
North Buckeye Rancheros Owners Association

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
michael@lozeaudrury.com

November 7, 2025 Via E-mail and First-Class Mail

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Jennifer Hayden, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
Jennifer.Hayden@bia.gov

Jason Vanderheide, Acting Superintendent
Bureau of Indian Affairs
Central California Agency
650 Capital Mall, Suite 8-500
Sacramento, CA 95814
Jason.vanderheide@bia.gov
cca_front_desk@bia.gov

Re: Comments Regarding the Draft Environmental Assessment for Proposed Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project

Dear Regional Director Hunter, Acting Superintendent Vanderheide, and Ms. Hayden,

The following comments are submitted on behalf of the Northern California District Council of Laborers (hereinafter "NCDCL") regarding the Bureau of Indian Affairs ("BIA") Draft Environmental Assessment ("DEA") and proposed Finding of No Significant Impact ("FONSI") prepared for the Proposed Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project ("Project"). Of particular concern to NCDCL is the evaluation of the Project's proposed 5,000 seat arena and six level, 1,280 parking space garage. O3-1

In support of its comments, NCDCL has retained expert wildlife biologist Dr. Shawn Smallwood, Ph.D. Dr. Smallwood's comments identify dramatic omissions in the EA's analysis of certain listed and sensitive species from the overall project, including in particular the failure to address several key species and the impacts of the Project's additional traffic on wildlife. Dr. Smallwood's comments are attached as Exhibit A. O3-2

In addition, NCDCL's members who reside in the area of the Project as well as the surrounding communities of Roseville, Folsom, El Dorado Hills, Franciscan Village and others that may frequent the proposed arena, will avoid some of the acute traffic that regularly occurs on Highway 50 and its main access roads during afternoon and evening commute hours and weekend travel to Lake Tahoe by travelling to the casino via Green Valley Road, Ponderosa Road, and Greenstone Road. The assumption in the traffic O3-3

analysis that no visitors to the existing casino and proposed new arena will travel on Green Valley Road, Ponderosa Road, North Shingle Road or Greenstone Road is based on unsupported assumptions and ignores area residents' driving strategies to avoid intense traffic in the surrounding area. Lastly, the EA's noise analysis fails to adequately address the Project's noise impacts from that additional rural traffic as well as the exacerbating effects of the hill topography to the north and west of the proposed arena that will carry the Project's additional noise further into the adjacent countryside and exacerbate existing residents' awareness of the Project's additional noise levels. O3-3 cont. O3-4

Dr. Smallwood's expert comments and the local knowledge of traffic and noise patterns in the area raise substantial questions that the Project may have significant impacts on biological resources, traffic and safety, and noise. Accordingly, the BIA cannot rely on an environmental assessment or a Finding of No Significant Impact for the Project to comply with the National Environmental Policy Act ("NEPA") but must instead prepare a full environmental impact study before proceeding. O3-5

LEGAL BACKGROUND

"NEPA imposes procedural requirements designed to force agencies to take a 'hard look' at environmental consequences" of their proposed actions. *Bark v. United States Forest Serv.*, 958 F.3d 865, 868–69 (9th Cir. 2020); *League of Wilderness Defs./Blue Mountains Biodiversity Project v. Connaughton*, 752 F.3d 755, 763 (9th Cir. 2014). Agencies must prepare an EIS for federal actions that will "significantly affect[ ] the quality of the human environment." 42 U.S.C. § 4332(2)(C). "To determine whether a proposed action will have a significant effect on the quality of the human environment, agencies must prepare an Environmental Assessment (EA) that '[b]riefly provide[s] sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.'" *Bark*, 958 F.3d at 868.

"An EIS is required when this process raises 'substantial questions' about whether an agency action will have a significant effect." *Bark*, 958 F.3d at 868; *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998); *see also Native Ecosystems Council v. U.S. Forest Serv.*, 428 F.3d 1233, 1238–39 (9th Cir. 2005). "Thus, to prevail on a claim that the [agency] violated its statutory duty to prepare an EIS, a plaintiff need not show that significant effects will in fact occur." *Ctr. for Cmty. Action & Env't Just. v. Fed. Aviation Admin.*, 61 F.4th 633, 639 (9th Cir. 2023), citing *Blue Mountains Biodiversity Project*, 161 F.3d at 1212. "It is enough for the plaintiff to raise substantial questions whether a project may have a significant effect' on the environment." *Id*. "No matter how thorough, an EA can never substitute for preparation of an EIS, if the proposed action could significantly affect the environment." *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004). Only where the agency can conclude "there is no significant effect from the proposed project" may the agency issue a finding of no significant impact ('FONSI') in lieu of preparing an EIS." *Bark*, 958 F.3d at 868-69; *Native Ecosystems Council*, 428 F.3d at 1239. O3-6

An agency relying on an EA must have taken "a 'hard look' at the environmental consequences of the proposed action." *Id*. "[A]n agency's decision not to prepare an EIS will be considered unreasonable if the agency fails to supply a convincing statement of

reasons why potential effects are insignificant." *Save the Yaak Comm. v. Block,* 840 F.2d 714, 717 (9th Cir.1988). "To be adequate, an EA, like an EIS, must analyze cumulative impacts and respond to public comments concerning the project." *Pac. Coast Fed'n of Fishermen's Associations v. U.S. Dep't of the Interior*, 929 F. Supp. 2d 1039, 1056 (E.D. Cal. 2013) (citations omitted). "[T]he conclusions in the EA must be supported by 'some quantified or detailed information,' and the underlying environmental data relied upon to support the expert conclusions must be made available to the public." *Klamath–Siskiyou Wildlands v. Bureau of Land Mgmt.,* 387 F.3d 989, 993, 996 (9th Cir.2004).

"Agencies shall integrate the NEPA process with other planning *at the earliest possible time* to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." 40 C.F.R. § 1501.2(a) (emphasis added). Agencies are thus required "to prepare NEPA documents, such as an EA or an EIS, 'before any irreversible and irretrievable commitment of resources.'" *Metcalf v. Daley*, 214 F.3d 1135, 1143 (9th Cir. 2000). *See also Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 785–86 (9th Cir. 2006); *Conner v. Burford,* 848 F.2d 1441, 1446 (9th Cir.1988); *EDF v. Andrus,* 596 F.2d 848, 852 (9th Cir.1979). The "hard look" required by NEPA "must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made[.]" *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 498 (9th Cir. 2011), quoting *Metcalf,* 214 F.3d at 1142. *See* 40 C.F.R. § 1502.5. "[D]ilatory or ex post facto environmental review cannot cure an initial failure to undertake environmental review." *Pit River Tribe*, 469 F.3d at 785.

O3-6 cont.

ARGUMENT

A. The DEA's Traffic Analysis Relies on Assumptions That are Not Consistent With Typical Driving Patterns in the Vicinity to Avoid Traffic on Highway 50 and Other Main Thoroughfares in the El Dorado Hills and Folsom Areas.

The DEA and its accompanying traffic study is flawed because it relies on the unreasonable assumption that no vehicles will drive to the new arena and parking garage using Green Valley Road and either Ponderosa Road, North Shingle Road, or Greenstone Road. That assumption is inconsistent with area drivers' use of Green Valley Road as a major thoroughfare to avoid significant traffic on Highway 50 and other arterial roads leading to Highway 50 in the area of El Dorado Hills and Folsom.

O3-7

The traffic study assessed the existing volumes of traffic on roads in the vicinity. The study identifies Green Valley Road as "an east-west arterial roadway that provides a primary connection between Folsom and Placerville." *Id*., p. 4. The study estimates that approximately 5,000 vehicles per day currently travel on Green Valley Road between Missouri Flat Road and Cameron Park Drive in the vicinity of the proposed Project. *Id*. About 5,500 vehicles per day travel on N. Shingles Road south of Green Valley Road, "a primary connection to US-50 for western El Dorado County." *Id*. Ponderosa Road is a local road that also provides a connection to Highway 50. *Id*. About 1,300 vehicles per day travel on Ponderosa Road south of Green Valley Road. *Id*. The arena and its accompanying parking garage are estimated to add 2,600 of the total daily trips based on

a sold-out event. *Id*., p. 8. In those circumstances, the arena would add about 1,073 new trips to the weekday afternoon peak hour and Saturday peak hour traffic in the vicinity. *Id*.

Kimley Horn estimates that the Project will generate 9,596 new weekday trips with 1,441 new trips occurring during the weekday PM peak-hour, and 1,401 new trips occurring during the Saturday peak-hour. Kimley-Horne, p. 7 (DEA, Appendix F). The Project's estimated traffic increases were then "distributed and assigned to the roadway network based on the project area roadway volumes and engineering judgement." Kimley-Horne, p. 7. In preparing the report, it does not appear that any surveys or other data was collected to determine, for example, how current visitors to the existing casino access the site during peak weekday or weekend traffic periods. Based solely on the outside consultant's judgment and roadway volumes, the consultant assumes zero vehicles will access the arena and new garage using Green Valley Road or any of its current connector roads to Highway 50. *Id*., p. 9. Nor does the traffic study consider at all the new roads proposed by the Project connecting Green Valley Road directly to the casino and new arena and garage. *Id*.

NCDCL's own members living in the area report that, during periods when traffic is congested on Highway 50 or some of the main arterials in the Folsom area, they would use Green Valley Road to by-pass these congested road segments and use Green Valley Road to drive to locations to the east, including the Red Hawk Casino and Placerville. This traffic avoidance strategy will almost certainly be employed by residents of Roseville, Folsom, El Dorado Hills and other nearby communities who elect to attend an event at the proposed arena. Although the Project would not change the lack of public access to Shingle Springs Drive, there would be advantages to a patron of the proposed arena driving from the Folsom area to use Green Valley Road and Greenstone Road to access the arena from the westbound direction on Highway 50. Similar advantages would be realized by guests driving from Green Valley Road down Ponderosa Road, shortening the time they would be in peak hour traffic on Highway 50. Despite this likelihood, the DEA and its accompanying traffic report unreasonably assume no attendees travel either to the existing casino or the proposed arena via Green Valley Road.

O3-7 cont.

In addition, the housing portion of the Project envisions new roads that would connect Green Valley Road to Koto Road. *Id*., p. 3 (Fig. 2). "Primary access [to the residential development] would be through the existing Rancheria and on Green Valley Road." DEA, p. 8. Thus, although Shingle Spring Roads would not be made accessible to more drivers (except during an emergency situation) the Project will provide new roads that would provide a direct route from Green Valley Road to Koto Road immediately adjacent to the proposed parking garage and arena. *Id*. *See also* DEA, Appendix D (Biological Assessment), p. 9 (Fig. 4B). The presence of those roads would increase the number of vehicles choosing to avoid congestion by accessing the proposed arena and garage, as well as the existing casino, from Green Valley Road. No effort to evaluate this effect of the Project is included in the DEA or the Kimley-Horne report.

O3-8

The traffic impacts from increased travel on Green Valley Road and the current connectors to Highway 50 will be profound. With daily (presumably average) vehicle trips of 5,000 vehicles, a pulse of hundreds to as many as a thousand additional vehicles on this rural, two-lane road during peak traffic times will have significant traffic and safety

O3-9

impacts. The traffic and safety impacts on the even narrower connector roads, including Ponderosa Road, North Shingle Road, and Greenstone Road will be greater. The assumption that no additional vehicles will be present on Green Valley Road from either the new arena or the existing casino is not supported by any evidence identified in the DEA or the Kimley-Horne report. The failure to consider the construction of a direct connection between Green Valley Road and the casino and new event center is a fatal flaw in the DEA's traffic analysis. All of these incorrect and unsupported assumptions and omissions in the traffic analysis renders the DEA's assessment of the Green Valley Road intersections and traffic impacts of the Project unreasonable and arbitrary. As a result, substantial questions regarding the Project's traffic and safety effects remain unanswered and an EIS must be prepared.

O3-9 cont.

B. Substantial Questions Exist That the Project May Have Significant Effects on Wildlife.

Dr. Smallwood has carefully reviewed the DEA and the Biological Assessment prepared by Acorn Environmental for the Project. *See* DEA, Appendix D ("Biological Assessment"). Because the DEA does not identify a proper baseline of biological resources in the Project area and does not reasonably evaluate either habitat or traffic-related impacts to wildlife from the Project, substantial questions exist regarding the project's potential significant impacts, requiring the preparation of an EIS.

O3-10

1. The DEA's Method to Assess the Baseline for Evaluating the Project's Wildlife Impacts Was Unreasonable and Incomplete.

The total acreage of the Project areas is 295.7 acres. Biological Assessment, p. 3. Back in 2018, three days of "variable-intensity pedestrian surveys" were conducted. *Id*., p. 15. Additional field assessments were conducted on two days in June 2022 and, more recently, one day in March 2024. *Id*., p. 15. The assessments purported to encompass both plants and wildlife. *Id*. These pedestrian assessments focused on wildlife species already entered into the California … ("CNDDB"). *Id*. In addition to surveying for plants and wildlife, the biologists also were charged with identifying wetland areas. *Id*. The assessments must have been cursory given the extensive area to be covered and the limited number of days engaged in walking the site.

O3-11

"The establishment of a baseline is not an independent legal requirement, but rather, a practical requirement in environmental analysis often employed to identify the environmental consequences of a proposed agency action." *Oregon Nat. Desert Ass'n v. Jewell*, 840 F.3d 562, 568 (9th Cir. 2016) (citation omitted). "Under NEPA, an agency must assess, in some reasonable way, the actual baseline conditions at the project site." *Id*. at 569. "Without establishing the baseline conditions which exist before a project begins, there is simply no way to determine what effect the project will have on the environment and, consequently, no way to comply with NEPA." *Great Basin Res. Watch v. Bureau of Land Mgmt.*, 844 F.3d 1095, 1101 (9th Cir. 2016) (citation omitted). "[W]hatever method the agency uses, its assessment of baseline conditions must be based on accurate information and defensible reasoning." *Id.*

O3-12

Dr. Smallwood identifies numerous deficiencies in the assessment of the Project's baseline wildlife conditions. To begin, the references to the field assessments fail to indicate the time of day the assessments occurred or their duration. Smallwood Comments, p. 2. Nor are the surveying methods identified. As a result, the likelihood of observing any given special status species is unknown as proper surveying for a particular species will employ different methods and protocols. *Id*. For example, the absence of any detections of red-legged frogs may be exclusively the result of the field assessment not employing proper protocols for performing a detection survey of that species. *Id*. *See* Biological Assessment, p. 32. The same would be true for the failure to detect northwestern pod turtles and yellow-legged frogs. Smallwood Comments, p. 2. Likewise, the random assessments did not comport with the resource agency guidelines for surveying of rare and endangered plant species. *Id*, p. 4. Given the lack of sufficient data documenting the propriety and thoroughness of the assessments, the DEA fails to rely on a reasonable baseline for evaluating the Project's impacts to biological resources.

O3-12 cont.

2. The Biological Assessment Improperly Relies on a Generic Mitigation Measures for Migratory Birds Rather Than Disclose Any Data Regarding Sensitive and Protected Bird Species Using the Project Area or Identifying a Baseline for the Project's Bird Impacts.

The baseline deficiencies are particularly prominent regarding the Project's potential effects on bird species. Although a list of species observed during the assessments is provided in the Biological Assessment, the DEA's analysis is limited to noting that "[n]o federally-listed bird or mammal species were identified on the USFWS species list." DEA, p. 28. Likewise, the DEA uses the California Natural Diversity Data Base ("CNDBB") as a stand in for reporting on any survey results of birds using the Project area. *Id*. ("No state-listed species occur in the project site, as determined by a query of the CNDDB and from field surveys"). The DEA states, generically, that "[m]igratory birds do have suitable foraging and nesting habitat in the project site." *Id*. No effort to document bird nests in the Project area is made during the assessments. Despite this barebones baseline assessment of the importance of the site to bird species, the DEA purports to mitigate harms to all bird species by providing for preconstruction nest surveys and avoidance efforts.

O3-13

"NEPA requires that the agency provide the data on which it bases its environmental analysis." *N. Plains Res. Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1083 (9th Cir. 2011). "Such analyses must occur before the proposed action is approved, not afterward." *Id*. "Once a project begins, the pre-project environment becomes a thing of the past and evaluation of the project's effect becomes simply impossible. *Id.* (citation omitted). Simply identifying a mitigation measure is "not alone sufficient to meet the [agency's] NEPA obligations to determine the projected extent of the environmental harm to enumerated resources *before* a project is approved." *Id*. at 1084-85. As a result, "[t]he use of mitigation measures as a proxy for baseline data" is forbidden pursuant to NEPA. *Id*. at 1085.

O3-14

The DEA and Biological Assessment treat the CNDBB as reasonable evidence of the absence of special status species at the Project site. *See* Biological Assessment, pp.

31-32 (relying on CNDDB as evidence of absence of northwestern pond turtle, red-legged frogs and yellow-legged frogs). However, as the CNDDB itself cautions:

> The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.

Smallwood Comments, p. 4 (quoting CNDDB). By relying on the CNDDB as evidence of the absence of species, the Biological Assessment unreasonably ruled out numerous species that are likely present at the Project site. *Id*.

O3-14 cont.

Dr. Smallwood identifies data of numerous protected bird species present at or in the vicinity of the Project areas, and which the Biological Assessment ignores. Smallwood Comments, pp. 4-10. These include the golden eagle, occurrences of which have been documented on the existing casino site. *Id*., p. 5. A bald eagle has been recorded within several hundred meters of the Project area. *Id*. Likewise, Dr. Smallwood identifies documentation of the California endangered willow flycatcher, the protected white tail kite, the California threatened tricolored blackbird and Swainson's hawk, and six other bird species identified by USF&WS as Birds of Conservation Concern in the vicinity of the Project. *Id*. Yet only limited data of bird species actually observed during the prior field assessments conducted for the Project are disclosed in either the DEA or the Biological Assessment.

O3-15

The Biological Assessment includes a list of animals sighted during the assessments. Biological Assessment, pp. 17-18. No information regarding when the species were observed, how many, or where are provided. *Id*. No effort to identify any bird nests in the Project area is documented. Whether the timing of the assessments lines up with the migration or seasonal movements of any species is not discussed.

O3-16

Despite failing to properly document birds using the Project area, the DEA and Biological Assessment presume to identify a mitigation measure for migratory birds. DEA, pp. 61-62. The mitigation is limited to a preconstruction nest survey if construction activities commence between March and September. *Id*., p. 62. The inclusion of this mitigation measure does not cure the absence of sufficient baseline formation on the presence of birds or their nests in the Project area. "Mitigation measures may help alleviate impact *after* construction, but do not help to evaluate and understand the impact before construction." *N. Plains Res. Council*, 668 F.3d at 1084. "In a way, reliance on mitigation measures presupposes approval. It assumes that—regardless of what effects construction may have on resources—there are mitigation measures that might counteract the effect without first understanding the extent of the problem." Id. at 1084–85. "The use of mitigation measures as a proxy for baseline data does not further [NEPA's purposes]." *Id*. at 1085.

O3-17

Dr. Smallwood analyzes the extent of habitat loss attributable to the Project and the impact to existing nests likely occurring at the Project sites. Based on studies of bird

O3-18

nesting densities in similar habitat complexes, Dr. Smallwood estimates that the Project areas host about 34 bird nests per acre. Smallwood Comments, p. 11. This equates to over 10,000 bird nests and about 14,000 nest attempts per year on the Project site, supporting almost 41,000 fledgling birds. *Id*. The loss of a significant number of these nests and fledglings through habitat loss, construction disturbances, or noise and other human distances from the Project raises a substantial question of potential significant wildlife effects from the Project. The DEA does not begin to assess or disclose the baseline for these potential impacts. O3-18 cont.

3. The DEA Fails to Address the Substantial Question of the Project's Potential Significant Impacts on Wildlife From Vehicle Impacts.

The DEA and Biological Assessment fail to analyze the impacts on wildlife that will be caused by the traffic on the roadways servicing the Project. Smallwood Comments, p. 12-15. Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year. Dr. Smallwood explains:

> Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

O3-19

Smallwood Comments, pp. 12-13. Using the DEA's estimates of 12,655,344 annual VMT to be generated by the Project, Dr. Smallwood was able to predict the impacts to wildlife that could be caused by the project. *Id*. at 15. Using Project-specific information as well as data from a relevant study, Dr. Smallwood calculates that operation of the Project could cause approximately "5,383 vertebrate wildlife fatalities per year due to project-generated traffic" *Id*. The likelihood of this high level of wildlife fatalities increases when considering that the DEA underestimates the increase in traffic the Project will cause on Green Valley Road and its connector roads. *See supra*. Dr. Smallwood's expert assessment of this impact from the Project's increased vehicle trips raises a substantial question of a potential significant impact of the Project, requiring the preparation of an EIS.

C. Noise Impacts

Substantial questions exist regarding the DEA's analysis of the Project noise impacts. First, the DEA fails to address potential noise impacts to existing residences in the area of the Project's proposed housing from the proposed construction and operation of a road extending from Green Valley Road to the proposed arena and garage and the existing casino. The area where new housing is proposed by the Project is a significant distance from Highway 50's traffic noise and does not contain any frequently travelled roads. DEA, p. 4 (Figure 1-2). Yet there are existing residents living in existing homes in that area. County of El Dorado, Comment Letter (Jan. 9, 2024) ("Existing conditions

O3-20

indicate that there are currently single-family dwelling units on all parcels"). Despite that existing condition, no effort to document the existing ambient noise levels in this area is made. Saxelby Acoustics, Environmental Noise Assessment ("Noise Report"), p. 3 (Appendix I). Nor is any effort made to evaluate the future noise levels from the Project, including the operation of a new road that would provide a conduit from Grenn Valley Road to the proposed new arena and garage, as well as at the existing casino. See Noise Report. This new introduction of traffic noise to this currently very quiet area, especially at night, raises a substantial question regarding the present of a significant noise impact from this new traffic through this area.

O3-20 cont.

The DEA's noise analysis also appears to underestimate the incremental noise increases from the arena and parking garage and the associated traffic. All of the ambient noise levels recorded for the DEA do not measure noise levels at any sensitive receptor but instead measure noise levels immediately adjacent to roadways and existing commercial activities. Noise Report, p. 3. No ambient noise levels for the existing residence on the northeast side of the arena were collected despite the proposal to erect a sound wall between that residence and the arena and garage. *Id*. Because the locations of the ambient noise measurements already were noisier than the ambient noise occurring at the surrounding residences potentially affected by the Project's traffic noise, the incremental noise increase of the Project and its traffic was underestimated. As a result, substantial questions regarding the Project's potential noise impacts exist.

O3-21

D. Prior to Proceeding With the Proposed Arena and Parking Garage, the Tribe Must Prepare a Tribal Environmental Impact Report Pursuant to Its Tribal-State Gaming Compact.

In addition to the BIA's duty to comply with NEPA, the Tribe has an independent duty to abide by the environmental review provisions of the Tribal-State Gaming Compact Between the State of California and the Shingle Springs Band of Miwok Indians ("Compact"). Section 11 of the Compact commits the Tribe to prepare a Tribal Environmental Impact Report ("TEIR") for any Project as defined by the Compact. Section 2.23 of the Compact defines "Project" as including "(ii) any renovation, expansion or modification of an existing Gaming Facility, or (iii) any other activity occurring on the reservation, the principal purpose of which is to serve the Gaming Activities or Gaming Operation, rather than provide the Gaming Activities or Gaming Operation with an incidental benefit, and which may cause a Significant Effect on the Off-Reservation Environment." "Gaming Facility" is defined as, in addition to the buildings where Gaming Activities occur, includes "all rooms, buildings, and areas, including hotels, parking lots, and walkways, a principal purpose of which is to serve the activities of the Gaming Operation and Facility rather than providing that operation with an incidental benefit." Assuming the arena itself is not Gaming Activity, the proposed 6-level garage serving the entire casino operation is Gaming Activity, including the potentially significant off-reservation traffic and safety impacts from vehicle trips to the garage. As a result, prior to commencing the garage project, the Tribe must comply with the provisions of Section 11 of the Compact and the preparation of a TEIR.

O3-22

CONCLUSION

For all of the above reasons, NCDCL respectfully requests that the BIA prepare a full EIS for the Project in order to fully evaluate, consistent with NEPA, the substantial questions raised regarding the Project's significant impacts. O3-23

Sincerely,

Michael Lozeau
Lozeau Drury LLP
on behalf of Northern California District Council of Laborers

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Michael R. Lozeau
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

7 November 2025

RE: Bakersfield Community-Based Outpatient Clinic

Dear Mr. Lozeau,

I write to comment on potential impacts to biological resources that would result from the proposed Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project. I understand that most of the action area is covered by oak woodland and chaparral, which would be converted to 132 residential units, 30,000 square-feet (sf) of commercial buildings, an 80,000-sf arena, a 5,300-sf multipurpose emergency shelter, and a 3,000-sf maintenance operation building, while retaining single-family homes on 13 parcels. Specifically, I comment on the Environmental Assessment (EA) and its supporting Biological Assessment prepared by Acorn Environmental (Acorn 2024). I am concerned that the EA inadequately evaluates the potential adverse effects of the proposed action on listed species and their habitats occurring both within the action area and along roadways that would be traveled by project-generated traffic outside the project's footprint.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I authored numerous papers on special-status species issues. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-five years, including at many proposed project sites. My CV is attached.

O3-24

AFFECTED ENVIRONMENT

O3-25

An essential early step of the EA should be to accurately characterize the affected environment, including the plant and wildlife communities that compose that environmental setting. To characterize the plant and wildlife communities, the

biological species that compose those communities must be identified. Ideally, there should also be characterization of relative abundances and key ecological relationships, along with known and ongoing threats to species with special status. A reasonably accurate characterization of the environmental setting is essential for establishing the stakes at issue, and for predicting potential project impacts and whether, how, and to what degrees those impacts could be mitigated. The characterization of the affected environment is the baseline for predicting impacts and measuring impacts. Methods to achieve this early step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species.

Two biologists from Acorn Environmental conducted biological field assessments on 9, 13, and 20 November 2018 and on 21 and 24 June 2022, and one biologist did so on 21 March 2024. Acorn (2024) fails to report survey start times and survey durations, which are two attributes of a survey effort that greatly affect survey outcomes. Brief surveys or surveys covering the late morning or afternoon hours result in many fewer wildlife species detections that do longer surveys or surveys started in the early morning, evening or at night. Acorn (2024) also fails to report whether survey methods were appropriate to the special-status species of focus in the EA, such as California red-legged frog, Foothill yellow-legged frog, Northwestern pond turtle and Monarch. Acorn makes no mention of surveys of stream pools that would be appropriate for three of these species, nor mention of surveys of ponds that would be appropriate for California red-legged frog and Northwestern pond turtle. In fact, the species that are reported as having been detected do not lend strong evidence that surveys were conducted in the environments typically occupied by California red-legged frog, Foothill yellow-legged frog, and Northwestern pond turtles are typically. Certainly, Acorn (2024) reports no implementation of protocol-level detection surveys having been completed for any of these species.

O3-25 cont.

Acorn (2024:32) reports “California red-legged frogs have not been detected in the Action Area during any wildlife surveys conducted in 2018, 2022, and 2024. California red-legged frogs have apparently not recolonized the suitable habitat in the Action Area.” However, without having conducted the appropriate detection surveys for California red-legged frog, it is not surprising that the species was not found by Acorn’s biologists. Moreover, in the absence of detection surveys, it is inappropriate to imply that California red-legged frogs are absent from the action area. Without the detection surveys, Acorn lacks the evidence of absence it needs to support a determination of absence.

O3-26

The EA (p. 29) repeats Acorn’s misleading insinuations that its focal special-status species are absent from the action area: “No populations of the northwestern pond turtle were detected during the multiple surveys performed over a 4-year span.” And this same statement is repeated for California red-legged frog and foothill yellow-legged frog. But again, it is not surprising that these species were not detected, because the appropriate surveys for them were not completed.

Another mischaracterization of Acorn's (2024:17) survey results are in a subheading that reads, "3.2 INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY." In fact, Acorn's survey results do not represent an inventory of plants and wildlife. The species Acorn's biologists detected certainly compose portions of the plant and wildlife communities of the action area, but a much larger survey effort would be needed to obtain species inventories of these communities (Figure 1). I will add that neither Acorn (2024) nor the EA made any effort to contextualize Acorn's survey findings by comparing them to the survey findings that Acorn or any other entity has made elsewhere. Not only is the survey effort insufficiently characterized to enable a comparison of the findings to the effort-level, but there is no comparison of the findings made at other similar sites. Hence it is left unclear what the findings mean other than particular species were detected.

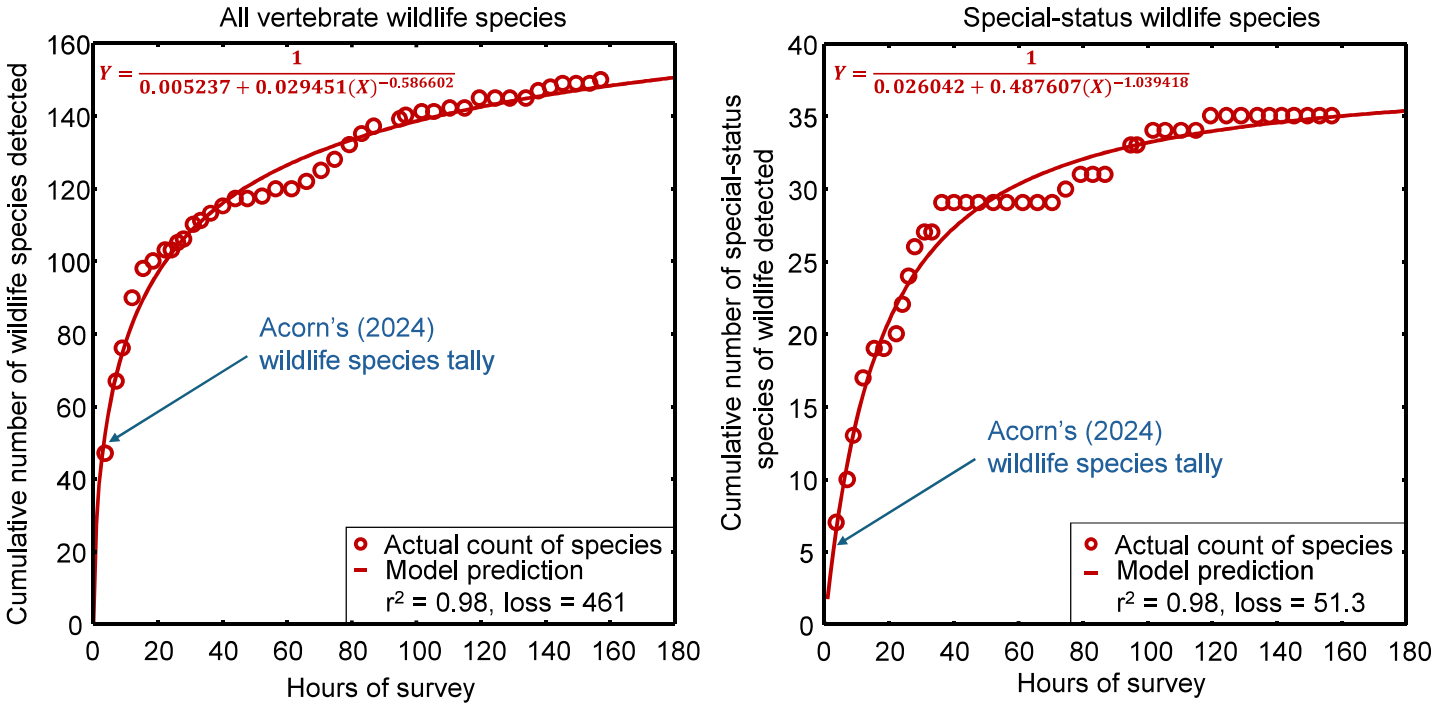


Figure 1. *Compared to my 41 reconnaissance-level surveys over three years in Rancho Cordova, California, Acorn's (2024) survey effort ended in its incipient stage toward achieving any sort of wildlife species inventory. Acorn's survey effort left most of the action area's wildlife community undetected, and even more so that portion of the community composed of special-status species.*

Acorn (2024:20) reports, "During the field surveys conducted in 2018 through 2024, no federally-listed species were observed within the Action Area. No State-listed species were detected during the field surveys of the Action Area either." However, each of the listed species that could conceivably occur on the action area carries a detection probability that is a function of the species' natural history, rarity, crypticity, activity periods relative to survey periods, and the investigator's survey methods and survey effort. Without regard to these factors, Acorn's reporting is factual while at the same time it is pseudoscientific and misleading.

O3-27

Acorn (2024:20) reports, During the 2018 surveys, one special-status plant species was detected within the Action Area: Red Hills soaproot (*Chlorogalum grandiflorum*) on APN 319-020-005 at (latitude 38.71504, longitude -120.91918 decimal degrees). California Native Plant Society (CNPS) designates this species as 1B.2, which is "CNPS designated rare or endangered plants in California and elsewhere."" However, whereas this rare plant was detected, other potentially occurring special-status species of rare plant were not, but these undetected plant species might very well occur on the action area. Acorn (2024) did not implement plant surveys that came anywhere close to meeting the minimum standards of the CDFW (2018) survey guidelines. No effort was made to coordinate survey dates with blooming periods of potentially occurring rare plants, and no effort was made to visit reference populations. Acorn (2024) does not even CDFW (2018).

O3-28

In its first step of its desktop review to determine the pool of special-status species that warrant analysis of occurrence likelihood, otherwise known as a form of habitat assessment, Acorn (2024) makes no use of eBird or iNaturalist (https://eBird.org, https://www.inaturalist.org), and therefore its first step of the desktop review is incomplete. Instead, Acorn (2024) relies on the California Natural Diversity Data Base (CNDDB). As a result, the EA (p. 28) claims, "No state-listed species occur in the project site, as determined by a query of the CNDDB and from field surveys." However, by querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, Acorn (2024) screened out many special-status species from further consideration in the characterization of the wildlife community as part of the affected environment. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." Acorn (2024) and hence the EA misuse the CNDDB.

O3-29

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the

CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on reviews of eBird and iNaturalist (https://eBird.org, https://www.inaturalist.org), 125 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 1). Not all these species should be expected to occur at the project site, but each of them should be given a closer look to determine occurrence likelihoods and whether there remains the need for additional reconnaissance-level surveys or protocol-level detection surveys, or whether it would be reasonable to assume presence. Of these 125 species, 11 (9%) have been documented on the project site, and one of two special-status species of bumble bee might have been detected on site. Another 21 (17%) species have been documented within 1.5 miles of the site (Very close), another 24 (19%) within 1.5 and 4 miles (Nearby), and another 54 (43%) within 4 to 30 miles (In region). Fifty-six (45%) of the species in Table 1 have been reportedly seen within 4 miles of the project site. The site therefore supports at least 10 special-status species of wildlife, and it carries the potential for supporting many more special-status species of wildlife based on the close proximities of recorded occurrences. Evidence certainly suggests that habitat assessments are needed for many more species than have been provided in the EA.

O3-29 cont.

The reporting in Acorn (2024) and the EA appears oblivious to the special status of seven species of vertebrate wildlife that have been documented on the project site. One – the golden eagle – is protected by the Bald and Golden Eagle Protection Act, and it is a California Fully Protected Species. Four of these species are protected by California's raptor code. One is a California Species of Special Concern with priority level 2, and another is the same but with priority level 3. Four are US Fish and Wildlife Service Birds of Conservation Concern.

The golden eagle has been recorded twice right on the Casino site, and again it is protected by the Bald and Golden Eagle Protection Act, and it is a California Fully Protected Species. A bald eagle has been recorded only 250 m from the nearest parcel of the project, and the bald eagle is also protected by the Bald and Golden Eagle Protection Act, and it is a California Endangered Species. A 2023 occurrence record exists for California Endangered willow flycatcher, detected only 2 miles from the project site. Considering that it is difficult to distinguish between this subspecies and the federally Endangered subspecies, it is possible this willow flycatcher was southwest willow flycatcher. Ed Whisler – a well-known birder from Davis, California – reported white-tailed kite – a California Fully Protected Species – only 1.4 miles from the project site. There are multiple occurrence records of the California Threatened tricolored blackbird within 3 miles of the project site. Swainson's hawk – another California Threatened Species – has been documented only 0.3 miles from the project site in 2017, and only two miles from the project site in 2025. An additional six US Fish and Wildlife Service Birds of Conservation Concern have been documented within 1.5 miles of the project site, including northern harrier, yellow-billed magpie, California thrasher, Cassin's finch, Lawrence's goldfinch, and olive-sided flycatcher. And many other special-status species have been documented near the project site.

Table 1. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site.*

Common name	*Species name*	Status[1]	Evidence of occurrence	
			Acorn 2024	Database records
Conservancy fairy shrimp	*Branchinecta conservatio*	FE		In range
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In region
Vernal pool tadpole shrimp	*Lepidurus packardi*	FE		In region
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	FT		In region
Monarch	*Danaus plexippus*	FC	Habitat present	Nearby
Crotch's bumble bee	*Bombus crotchii*	CCE	Possibly present	In region
Western bumble bee	*Bombus occidentalis*	CCE	Possibly present	In range
California tiger salamander	*Ambystoma californiense*	FT, CT, WL		In region
Western spadefoot	*Spea hammondii*	FC, SSC		In region
Foothill yellow-legged frog	*Rana boylii*	FE, CE	Potential	In region
California red-legged frog	*Rana draytonii*	FT, SSC	Potential	In region
Sierra Nevada yellow-legged frog	*Rana sierrae*	FE, CT, WL		In range
Northwestern pond turtle	*Actinemys marmorata*	FC, SSC	Potential	Nearby
Coast horned lizard	*Phrynosoma blainvillii*	SSC		In region
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		In region
Redhead	*Aythya americana*	SSC2		Very close
Barrow's goldeneye	*Bucephala islandica*	SSC		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE		In region
Black swift	*Cypseloides niger*	SSC3, BCC		Nearby
Vaux's swift	*Chaetura vauxi*	SSC2		Nearby
Calliope hummingbird	*Selasphorus calliope*	BCC		Nearby
Rufous hummingbird	*Selasphorus rufus*	BCC		Very close

O3-29 cont.

Common name	*Species name*	Status[1]	Evidence of occurrence	
			Acorn 2024	Database records
Allen's hummingbird	*Selasphorus sasin*	BCC		In region
Lesser sandhill crane	*Antigone canadensis canadensis*	SSC3		In region
Greater sandhill crane	*Antigone canadensis tabida*	CT, CFP		In region
Mountain plover	*Charadrius montanus*	SSC2, BCC		In range
Snowy plover	*Charadrius nivosus*	BCC		In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC		In range
Long-billed curlew	*Numenius americanus*	WL		Nearby
Marbled godwit	*Limosa fedoa*	BCC		In region
Pectoral sandpiper	*Calidris melanotos*	BCC		In region
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Lesser yellowlegs	*Tringa flavipes*	BCC		In region
Willet	*Tringa semipalmata*	BCC		In region
Franklin's gull	*Leucophaeus pipixcan*	BCC		In region
Heermann's gull	*Larus heermanni*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL		Nearby
California least tern	*Sternula antillarum browni*	FE, CE, CFP		In region
Black tern	*Chlidonias niger*	SSC2, BCC		Nearby
Common loon	*Gavia immer*	SSC		Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1		Very close
Least bittern	*Ixobrychus exilis*	SSC2		In region
White-faced ibis	*Plegadis chihi*	WL		Very close
Turkey vulture	*Cathartes aura*	BOP	Present	On site
Osprey	*Pandion haliaetus*	WL, BOP		Nearby
White-tailed kite	*Elanus luecurus*	CFP, BOP		Nearby
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL		On site
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Present	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP		Very close

O3-29 cont.

Common name	*Species name*	Status[1]	Evidence of occurrence	
			Acorn 2024	Database records
American goshawk	*Accipiter atricapillus*	SSC2, BOP		Nearby
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		Very close
Red-shouldered hawk	*Buteo lineatus*	BOP	Present	Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP		Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP		Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP		Nearby
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		On site
Flammulated owl	*Psiloscops flammeolus*	BCC, BOP		Nearby
Great gray owl	*Strix nebulosa*	CE, BOP		In region
California spotted owl	*Strix occidentalis occidentalis*	SSC, BCC, BOP		In region
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Very close
Burrowing owl	*Athene cunicularia*	BCC, SSC2, BOP, CCE		In region
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Northern saw-whet owl	*Aegolius acadicus*	BOP		Nearby
Northern pygmy-owl	*Glaucidium gnoma*	BOP		Nearby
Lewis's woodpecker	*Melanerpes lewis*	BCC		Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Present	On site
White-headed woodpecker	*Dryobates albolarvatus*	BCC		In region
American kestrel	*Falco sparverius*	BOP		Very close
Merlin	*Falco columbarius*	WL, BOP		Very close
Peregrine falcon	*Falco peregrinus*	BOP		Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP		Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		Very close
Willow flycatcher	*Empidonax trailii*	CE		Nearby
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2		Very close
Yellow-billed magpie	*Pica nuttalli*	BCC		Very close

O3-29 cont.

Common name	*Species name*	Status[1]	Evidence of occurrence	
			Acorn 2024	Database records
Oak titmouse	*Baeolophus inornatus*	BCC	Present	On site
Bank swallow	*Riparia riparia*	CT		In region
Purple martin	*Progne subis*	SSC2		In region
Wrentit	*Chamaea fasciata*	BCC	Present	On site
California thrasher	*Toxostoma redivivum*	BCC		Very close
Cassin's finch	*Haemorhous cassinii*	BCC		Very close
Lawrence's goldfinch	*Spinus lawrencei*	BCC		Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2		In region
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		In region
Bell's sparrow	*Amphispiza b. belli*	WL		In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	Present	In range
Yellow-breasted chat	*Icteria virens*	SSC3		On site
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3		In region
Bullock's oriole	*Icterus bullockii*	BCC		On site
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1		Nearby
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		In region
Northern yellow warbler	*Setophaga aestiva*	SSC2		Very close
Summer tanager	*Piranga rubra*	SSC1		In region
Little brown bat	*Myotis lucifugus*	WBWG: M		In region
Yuma myotis	*Myotis yumanensis*	WBWG: LM		In region
Long-eared myotis	*Myotis evotis*	WBWG: M		In range
Fringed myotis	*Myotis thysanodes*	WBWG: H		In range
Long-legged myotis	*Myotis volans*	WBWG: H		In range
California myotis	*Myotis californicus*	WBWG:L		In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M		In range
Canyon bat	*Parastrellus hesperus*	WBWG: M		In region
Big brown bat	*Episticus fuscus*	WBWG: L		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M		In region
Hoary bat	*Lasiurus cinereus*	WBWG: M		In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H		In range

O3-29 cont.

Common name	*Species name*	Status[1]	Evidence of occurrence	
			Acorn 2024	Database records
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H		In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H		In region
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L		In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H		In range
Sierra Nevada mountain beaver	*Aplodontia rufa californica*	SSC		In range
Gray wolf	*Canis lupus*	FE, CE		In range
Ringtail	*Bassariscus astutus*	CFP		In region
American badger	*Taxidea taxus*	SSC		In range
Mountain lion	*Puma concolor*	SA		Nearby

O3-29 cont.

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; BGEPA = Bald and Golden Eagle Protection Act; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC_i = California Species of Special Concern with *i* = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

BIOLOGICAL IMPACTS ASSESSMENT

In the following, I analyze three types of impacts likely to result from the project, none of which are analyzed adequately in the EQA, and two of which are not analyzed at all.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species. The EA does not specify the acreage within the 295.7-acre action area that would be converted from wildlife habitat to human uses, so I assume all of it would be graded and covered by impervious surfaces or landscaping. The 295.7 acres are habitat to at least 48 species of vertebrate wildlife which were observed by Acorn's (2024) biologists on the project site, and another 4 species documented on publicly available occurrence databases, but the number of avian nest sites remains unknown. Nobody has attempted to count or estimate the number of nest sites on the project site, yet the EA claims that a preconstruction survey to find and salvage any nests would avoid significant project impacts. The alternative method to counting nests would be to infer productive capacity from estimates of total nest density elsewhere.

Two study sites in grassland/wetland/woodland complexes had total bird nesting densities of 32.8 and 35.8 nests per acre (Young 1948, Yahner 1982) for an average 34.3 nests per acre. Applying this density to the project site would predict a loss of 10,143 bird nests. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 14,099 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 40,887 fledglings/year at the project site. O3-30

The loss of 10,143 nest sites and 14,099 nest attempts per year would qualify as significant impacts that have not been analyzed in the EA. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 40,887 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 45,959 fewer birds due to the project.

The loss of 45,959 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. The loss of 45,959 birds would easily qualify as an unmitigated significant impact.

WILDLIFE DEPREDATION BY HOUSE CATS

Considering national trends, it is safe to assume that house cats would be introduced to the project area by residents of the proposed residential units. This is significant because house cats serve as one of the largest sources of avian mortality in North America (Dauphiné and Cooper 2009, Blancher 2013, Loss et al. 2013, Loyd et al. 2017). Loss et al. (2013) estimated 139 million cats in the USA in 2013 (range 114 to 164 million), which killed an estimated 16.95 billion vertebrate wildlife annually (range 7.6 to 26.3 billion). In 2012 there were 0.44 house cats per human in the USA, and 122 vertebrate animals were killed per cat, free-ranging members of which killed disproportionately larger numbers of vertebrate wildlife. The EA reports there would be 338 new residents in 135 residential units. The above rates of cat ownership applied to this number of new residents would predict 149 new cats, which based on the findings of Loss et al. (2013) would kill 18,178 vertebrate wildlife per year.

House cats also contribute to downstream loading of *Toxoplasma gondii*. According to a UC Davis wildlife health research program, "*Toxoplasma gondii is a parasite that can infect virtually all warm-blooded animals, but the only known definitive hosts are cats – domesticated and feral house cats included. Cats catch the parasite through hunting rodents and birds and they offload it into the environment through their feces… and …rain that falls on cement creates more runoff than rain that falls on natural earth, which contributes to increased runoff that can carry fecal pathogens to the sea*" (Thje original link is no longer active, but the quote came from the program described at: https://whc.vetmed.ucdavis.edu/programs-projects/ca-conservation/sea-otter). Impacts to wildlife from the introduction of house cats into the environment would be highly significant, and yet these impacts are not considered in the EA. An obvious mitigation measure would be to constrain house cat ownership such as requiring cats to remain indoors.

O3-31

TRAFFIC IMPACTS ON WILDLIFE

The EA predicts that the proposed action would generate 12,655,344 annual vehicle miles traveled. These miles traveled would not be restricted to the action area, nor to Highway 50 as the EA assumes, but would also travel Green Valley Road and any other rural road that avoids traffic on Highway 50 and cuts the travel time to and from the action area. And it is on rural roads where wildlife collision mortality can be excessive. In my own study of wildlife-vehicle collision mortality on the outskirts of Davis, California, near-daily pedestrian searches have tallied 323 vertebrate wildlife fatalities representing 41 species, 55% of the fatalities consisting of amphibians. Much of the traffic on the roads I study is composed of drivers opting to avoid the crowded highways.

O3-32

The EA neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 1—4), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many

thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

O3-32 cont.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Photo 1. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*



Photo 2. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*



O3-32
cont.





Photos 3 and 4. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a Bakersfield road (right; photo by Noriko Smallwood, 21 June 2020.)*

Predicting project-generated traffic impacts on wildlife

The EA predicts 12,655,344 annual VMT would be generated by the project. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road in Contra Costa County daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 5,383 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The EA does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the EA is currently written, these impacts would be unmitigated.

O3-32 cont.

SUMMARY OF IMPACTS ANALYSIS

Most of the species in Table 1 would lose habitat as the result of the project and its replacement of natural ground covers with impervious surfaces. Smallwood and Smallwood (2023) confirmed that such projects cause substantial habitat loss by measuring the impacts of similar developments on species richness and the abundances of wildlife. Smallwood and Smallwood (2023) directly compared the species and the numbers of animals observed prior to development to the those observed after development, while we did the same at control sites. The measured losses of these species resulting from development is indicative of habitat loss, because habitat is defined as that portion of the environment that is used for survival and reproduction by members of a species (Hall et al. 1997). For birds alone, I predict the action would result in 45,959 fewer birds per year, but the same analysis is needed for other types of wildlife.

O3-33

Not only would the project result in substantial habitat losses, but it would cause other impacts such as my predicted house cat predation of 18,178 vertebrate wildlife per year and project-generated traffic mortality of 5,383 vertebrate wildlife per year. Bird-window collision mortality would also result from the project, as would noise impacts on wildlife.

MITIGATION STRATEGY

the mitigation strategy needs to be based on a sound understanding of the wildlife community as part of the affected environment. It needs to be known which species occur or are likely to occur on the project site as well as the nature of their occurrences. Are the occurrences of resident species? Migratory? For particular species such as special-status species, detection surveys should have been performed to either detect the

O3-34

species or to obtain evidence of absence. Without adequate completion of these basic steps, formulating a mitigation strategy is like shooting in the dark, as it is not entirely known what needs to be mitigated or what level of mitigation is appropriate.

O3-34 cont.

Thank you for your consideration,



Shawn Smallwood, Ph.D.

LITERATURE CITED

Acorn (Acorn Environmental). 2024. Biological Assessment: Shingle Springs Band of Miwok Indians, 295.7-Acre Fee-to-Trust Project. Report to Bureau of Indian Affairs, Sacramento, California.

Bishop, C. A. and J. M. Brogan. 2013. Estimates of avian mortality attributed to vehicle collisions in Canada. Avian Conservation and Ecology 8:2. http://dx.doi.org/10.5751/ACE-00604-080202.

CDFW (California Department of Fish and Wildlife). 2018. Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities. https://nrm.dfg.ca.go

Forman, T. T., D. Sperling, J. A. Bisonette, A. P. Clevenger, C. D. Cutshall, V. H. Dale, L. Fahrig, R. France, C. R. Goldman, K. Heanue, J. A. Jones, F. J. Swanson, T. Turrentine, and T. C. Winter. 2003. Road Ecology. Island Press, Covello, California.

Hall, L. S., P. R. Krausman, and M. L. Morrison. 1997. The habitat concept and a plea for standard terminology. Wildlife Society Bulletin 25:173-82.

Loyd, K. A. T., S. M. Hernandez, and D. L. McRuer. 2017. The role of domestic cats in the admission of injured wildlife at rehabilitation and rescue centers. Wildlife Society Bulletin 41:55-61.

Loss, S. R., T. Will, and P. P. Marra. 2013. The impact of free-ranging domestic cats on wildlife of the United States. Nature Communications 2380. DOI: 10.1038/ncomms2380

Loss, S. R., T. Will, and P. P. Marra. 2014. Estimation of bird-vehicle collision mortality on U.S. roads. Journal of Wildlife Management 78:763-771.

Mendelsohn, M., W. Dexter, E. Olson, and S. Weber. 2009. Vasco Road wildlife movement study report. Report to Contra Costa County Public Works Department, Martinez, California.

Santos, S. M., F. Carvalho, and A. Mira. 2011. How long do the dead survive on the road? Carcass persistence probability and implications for road-kill monitoring surveys. PLoS ONE 6(9): e25383. doi:10.1371/journal.pone.0025383

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. Diversity 15, 1037. https://doi.org/10.3390/d15101037.

Yahner, R. H. 1982. Avian nest densities and nest-site selection in farmstead shelterbelts. The Wilson Bulletin 94:156-175.

Young, H. 1948. A comparative study of nesting birds in a five-acre park. The Wilson Bulletin 61:36-47.

Kenneth Shawn Smallwood
Curriculum Vitae

3108 Finch Street
Davis, CA 95616
Phone (530) 756-4598
Cell (530) 601-6857
puma@dcn.org

Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science*, U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al*. v. Rockwell International *et al*., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. Diversity 13, 540. https://doi.org/10.3390/d13110540.

Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. Diversity 12(98); https://doi.org/10.3390/d12030098

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. Journal of Wildlife Management 84:852-864. DOI: 10.1002/jwmg.21863.

Smallwood, K. S., and D. A. Bell. 2020. Relating bat passage rates to wind turbine fatalities.

Diversity 12(84); doi:10.3390/d12020084.

Smallwood, K. S., and D. A. Bell. 2020. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84:684-696. DOI: 10.1002/jwmg.21844

Kitano, M., M. Ino, K. S. Smallwood, and S. Shiraki. 2020. Seasonal difference in carcass persistence rates at wind farms with snow, Hokkaido, Japan. Ornithological Science 19: 63 – 71.

Smallwood, K. S. and M. L. Morrison. 2018. Nest-site selection in a high-density colony of burrowing owls. Journal of Raptor Research 52:454-470.

Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. Journal of Wildlife Management 82:1169-1184.

Smallwood, K. S. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. Wildlife Society Bulletin 41:224-230.

Smallwood, K. S. 2017. The challenges of addressing wildlife impacts when repowering wind energy projects. Pages 175-187 in Köppel, J., Editor, Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference. Springer. Cham, Switzerland.

May, R., Gill, A. B., Köppel, J. Langston, R. H.W., Reichenbach, M., Scheidat, M., Smallwood, S., Voigt, C. C., Hüppop, O., and Portman, M. 2017. Future research directions to reconcile wind turbine–wildlife interactions. Pages 255-276 in Köppel, J., Editor, Wind Energy and Wildlife Impacts: Proceedings from the CWW2015 Conference. Springer. Cham, Switzerland.

Smallwood, K. S. 2017. Monitoring birds. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Smallwood, K. S., L. Neher, and D. A. Bell. 2017. Turbine siting for raptors: an example from Repowering of the Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. www.bit.ly/2v3cR9Q

Johnson, D. H., S. R. Loss, K. S. Smallwood, W. P. Erickson. 2016. Avian fatalities at wind energy facilities in North America: A comparison of recent approaches. Human–Wildlife Interactions 10(1):7-18.

Sadar, M. J., D. S.-M. Guzman, A. Mete, J. Foley, N. Stephenson, K. H. Rogers, C. Grosset, K. S. Smallwood, J. Shipman, A. Wells, S. D. White, D. A. Bell, and M. G. Hawkins. 2015. Mange Caused by a novel Micnemidocoptes mite in a Golden Eagle (*Aquila chrysaetos*). Journal of Avian Medicine and Surgery 29(3):231-237.

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
michael@lozeaudrury.com

November 14, 2025 Via E-mail and First-Class Mail

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Jennifer Hayden, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
Jennifer.Hayden@bia.gov

Jason Vanderheide, Acting Superintendent
Bureau of Indian Affairs
Central California Agency
650 Capital Mall, Suite 8-500
Sacramento, CA 95814
Jason.vanderheide@bia.gov
cca_front_desk@bia.gov

Re: Comments Regarding the Draft Environmental Assessment for Proposed Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project

Dear Regional Director Hunter, Acting Superintendent Vanderheide, and Ms. Hayden,

Please accept the following supplemental comments submitted on behalf of the Northern California District Council of Laborers (hereinafter "NCDCL") regarding the Bureau of Indian Affairs ("BIA") Draft Environmental Assessment ("DEA") and proposed Finding of No Significant Impact ("FONSI") prepared for the Proposed Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project ("Project").

NCDCL retained the respected noise consulting firm, Wilson Ihrig, to review the environmental noise assessment prepared for the Project. Wilson Ihrig's comments are attached as Exhibit A. Wilson Ihrig's expert review of the Project's noise assessment corroborates NCDCL's comments regarding noise concern's submitted on November 7, 2025 and identifies a number of significant omissions and unsupported assumptions and methodologies in the assessment. These omissions or errors include, but are not limited to 1) use of inappropriate locations to measure existing ambient noise relevant to the affected receptors, 2) lack of information regarding the assumptions used to calculate noise from the proposed arena, 3) the failure to model noise from US-50, 4) the use of an outdated and unvalidated traffic model, 5) a failure to identify construction noise impacts over the existing ambient noise conditions, 6) an underestimation of construction noise because cumulative noise levels from simultaneous use of equipment was not evaluated, 7) failure to establish the effectiveness of the construction noise mitigations, and 8) failure

O4-1

to evaluate noise levels on nearby receptors. Given these substantial questions regarding the accuracy and completeness of the Project's noise assessment, and the noise levels estimated by Wilson Ihrig for various scenarios left unaddressed by the EA, Wilson Ihrig's noise comments raise substantial questions that the Project may have significant noise impacts. As a result, an environmental impact statement should be prepared for the Project.

O4-1 cont.

Thank you for considering this supplemental information in your review of the environmental effects of the Project.

Sincerely,



Michael Lozeau
Lozeau Drury LLP
on behalf of Northern California District Council of Laborers

EXHIBIT A

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #25-002.xx

November 14, 2025

Michael R. Lozeau
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

SUBJECT: **Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project EA**
El Dorado County, CA
Review and Comments on the Environmental Noise Assessment

Dear Mr. Lozeau,

Per your request, I have reviewed the draft Environmental Assessment (EA) for the Shingle Springs Rancheria 295.7-Acre Fee-to-Trust Project (Project) in El Dorado County, California. The draft environmental assessment includes a noise analysis as Appendix I (Environmental Noise Assessment). The project is a plan developed by the Shingle Springs Band of Miwok Indians that includes development of a 5,000-seat arena, new housing, and expanded commercial uses near its Red Hawk Resort and Casino. The Draft EA and Noise Assessment contain several errors and lack several items. These items are explored in more detail below.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 59 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

O4-2

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and

O4-3

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://iris.who.int/handle/10665/66217)

Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as cognitive decline, increased fatigue, depressed mood, and decreased work performance.

O4-3 cont.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Baseline Noise Characterization is Incomplete

Four long-term measurements were conducted in the southern part of the project, along roads at the existing reservation boundaries, but the locations selected are not representative of the noise sensitive receptors situated further away from the existing roads. The EA lacks discussion of the relationship between noise at the measurement locations compared to sensitive receptor locations. Per the El Dorado County General Plan[2], in rural areas the exterior noise level should be assessed at a 100-foot radius from the residence on properties of five acres and larger. Therefore, the existing noise data may be overestimating the baseline condition, thus underestimating the severity of noise impact at the residences since lower significance thresholds would apply if existing noise levels were lower.

O4-4

No noise measurements were taken in the northern part of the project area, which is located as far as two miles away from the southern part of the project, where measurements were conducted. The northern project area is in a fundamentally different part of the county, bordering quiet rural land

[2] https://www.eldoradocounty.ca.gov/files/assets/county/v/1/documents/land-use/planning-amp-zoning/adopted-general-plan/general-plan-amendments/final-safety-element_final_5.24.pdf

uses, as opposed to the southern project areas, which border higher-activity (and presumably noisier) land uses including the existing casino and U.S. Highway 50.

Without establishing a reliable baseline for all sensitive receptors, it is not possible to set an appropriate project significance threshold or accurately assess potential noise impacts. This lack of data undermines the ability to make informed decisions regarding noise impacts and mitigation measures, leaving the environmental review process incomplete and flawed. The assessment must properly establish baseline noise near all sensitive receptors. O4-4 cont.

Arena Noise Analysis Assumptions Are Unclear

For operational noise generated by the Arena portion of the project, the assessment does not cite "manufacturer's provided data" or indicate what reference noise levels or quantities of noise-generating equipment were used in the analysis. Additionally, there is no discussion of the location of equipment assumed for the rooftop HVAC units, so there is no way to determine if the assumptions made are reasonably correct or appropriate. O4-5

The El Dorado County performance standard for rural noise sensitive land uses affected by non-transportation sources is 40 dBA hourly Leq, at either 100 feet away from the residence, or at the property line of the receiving property. The EA includes a mitigation measure of the construction of an 8-foot-tall sound wall (Appendix I, page 12, Figure 5) to reduce noise levels below the 40 dBA Leq nighttime noise standard. However, no baseline noise measurements are reported at this receptor location. The noise analysis fails to demonstrate how noise will be mitigated to less than significant noise levels during nighttime conditions. As the analysis currently stands, there is no evidence that the mitigation reduces the impact to less than significant, and the possibility remains the impact may be significant and unavoidable. O4-6

Traffic Noise Analysis Omissions

The noise assessment states that US-50 is the primary source of noise in the project vicinity, but this highway was not modeled as part of the traffic noise assessment. As such the traffic noise analysis is incomplete, and any discussion of absolute noise levels is underestimated, at any receptor in proximity to US-50. O4-7

Additionally, the assessment relies on an old traffic noise model from the 1970s, FHWA RD-77-108, that has since been replaced by FHWA TNM v2.5 or v3.2. The Calveno reference levels used in the FHWA RD-77-108 model, are only valid for vehicles traveling at a constant speed between 25 and 65 mph on level roadways[3]. Traffic with stop-and-go driving conditions, typical of local streets with interrupted traffic flow (i.e., stop signs or signals), and operating uphill/downhill on graded roads must use TNM to ensure accurate noise level calculations. O4-8

Common Caltrans practice accepts models that could be +/- 3 dBA off from actual conditions when used *with* validation measurements.[4] The FHWA considers validation an important part of the noise model process[5] for correct use of the software. A typical approach is to build the model, validate O4-9

[3] Caltrans Technical Noise Supplement, November 2009, Page 5-44
[4] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/traffic-noise-protocol-april-2020-a11y.pdf Page E-1
[5] https://www.fhwa.dot.gov/Environment/noise/resources/reviewing_noise_analysis/#toc494123470, section 2.8

that noise levels taken from a physical measurement match modeled levels taken from traffic counts obtained from a period as close as possible to the measurement date, and then use this validated model to predict noise levels for different traffic conditions. No results of validation are presented. As such, there is no confirmation that the model is accurate and the conclusions regarding noise impacts in the EA are unsupported. O4-9

Without validation, it is not appropriate to use the noise model to predict the absolute noise levels and compare them to the El Dorado County criteria to determine traffic noise increase significance thresholds. The ambient noise level due to existing traffic at the nearest receptor adjacent to Greenstone Road is claimed to be below 60 dBA Ldn with a significance threshold of +5 dB (Appendix I, page 19, Traffic Noise Increases). The modeled existing noise level must be substantiated with a calibrated traffic model with measurements to determine the appropriate significance threshold, since the allowable noise increase threshold is based on the existing traffic noise level. If the existing traffic noise level at the receptor adjacent to Greenstone Road is greater than 65 Ldn, due to noise sources not currently in the model (such as noise from nearby highway US-50, as mentioned above) the threshold would be 1.5 dB and the relative increase of 1.6 dB with the Project would constitute a significant impact. We also question whether the 1.6 dB increase modeled for Greenstone Road shown in Table 4 is correct, given that the Cumulative No Project noise level (58.4 in Table 4) is lower than the Existing No Project noise level given in Table 3 (59.1). O4-10

Mitigation Does Not Reduce Construction Noise to Less Than Significant

The EA's significance threshold for construction noise is incomplete**.** Impacts to noise would be significant if the proposed project would result in generation of either a substantial temporary increase or permanent increase in ambient noise levels. Comparing noise generated by the Project to a fixed threshold (e.g., 50 dBA Leq or 60 dBA Lmax) does not establish whether there is an increase over existing ambient noise levels. A relevant construction noise threshold to establish increases over ambient levels would be based on the quietest daytime hour recorded within the anticipated hours of construction. For example, the existing noise levels documented by the EA are 48 to 57 dBA hourly Leq at measurement location LT-2 for the weekday (Friday) period. The analysis would then evaluate the increase over that baseline during Project construction. O4-11

Furthermore, construction noise is underestimated in the analysis since it does not consider the cumulative effect from simultaneous equipment operation. The total noise generated from operation of the three loudest pieces of equipment in any given hour would result in a 55 dBA hourly Leq at 600 feet, an increase of 7 dB above the quietest daytime hour recorded at LT-2. O4-12

If one were to apply a +5 dB increase above ambient noise levels as a significance threshold, the noise generated from combined construction equipment would result in a significant impact. This could be exacerbated if ambient noise levels in the vicinity of the receptor are lower than measurement location LT-2, which is possible as noted above. If the baseline conditions are not adequately documented, the true magnitude of noise increase is not accurately assessed. O4-13

While the EA identified mitigation measures for construction, MM(1) only benefits the nearest receptor to the north. MM(2), while beneficial, does not quantify the amount of noise reduction expected, and therefore fails to demonstrate that impacts would be reduced below significant thresholds. O4-14

The analysis must properly evaluate construction noise impacts for all anticipated activities, including the noise increase over ambient levels at sensitive receptor locations and the combined effects of multiple pieces of equipment operating simultaneously. If the increase is significant, the Project must properly demonstrate mitigation measures to reduce the impacts to less than significant. O4-15

Noise Due to Housing Portion of the Project Not Analyzed

Single-family receptors, located off Shingle Springs Dr and Green Valley Road, adjacent to the residential development portion of the project were not assessed for potential noise impacts due to construction of housing and related infrastructure and utilities, or long-term operational noise from the new residential development. O4-16

The single-family home located at 2290 Shingle Springs Dr is 150 feet from the boundary of the Project parcel 319-020-05. Two Graders operating during construction on this project parcel (each generating maximum noise levels of 85 dBA at 50 feet) would generate a total equivalent hourly noise level of 70 dBA Leq at 150 feet, assuming a usage factor of 40%. Without baseline ambient measurements it is impossible to state if this is an impact, but this would almost certainly be a significant increase in ambient noise levels due to the quiet rural nature of the land use. O4-17

Sensitive Receptors Not Analyzed

Thirteen of the parcels have existing single-family homes, which would be retained (Appendix D, Section 1.2). The single-family home at 2951 Shingle Springs Dr, on Project parcel 319-081-18, is approximately 230 feet away from the proposed Arena and 115 feet from the parking garage. This receptor was not assessed for potential noise impacts due to construction or long-term operations of the Arena and parking garage. O4-18

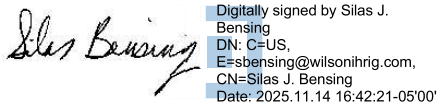
The EA analysis stated the nearest residential uses are located approximately 600 feet to the west, as measured from the center of the construction of the entertainment center, and calculated construction noise levels would be in the range of 35-49 dBA Leq and 55-69 dBA Lmax at 600 ft. When the intervening ground between the source and receiver is acoustically soft, as assumed in the analysis, the adjustment for distance (due to geometric spreading of sound from a point source) is 9 dB per doubling of distance. Thus, the construction noise levels near 2951 Shingle Springs Dr would be in the range of 40-54 dBA Leq and 60-74 dBA Lmax at 400 ft due to construction activity at the center of the Arena. This exceeds the County's 60 dBA Lmax construction noise level limit, though daytime construction is exempt from this limit under County policies. However, construction noise levels would be more than 5 dB above the existing quietest daytime hours recorded at LT-2 and result in a significant impact. O4-19

Conclusions

The EA fails to adequately document baseline ambient noise measurements, resulting in an incomplete evaluation of significant noise increases relative to existing conditions. The impact analysis appears to underestimate both construction-related noise, as well as operational noise impacts, due to the use of overly simplistic and unsubstantiated assumptions. Furthermore, the EA does not provide sufficient documentation to demonstrate that the proposed mitigation measures O4-20

would effectively reduce all potential noise impacts to a level of less than significant. These deficiencies should be addressed and corrected in a full EIS for the project. O4-20 cont.

Very truly yours,
WILSON IHRIG



Silas Bensing, INCE Bd. Cert.
Associate Principal

wilson ihrig comments on shingle springs rancheria ea.docx

DECEMS

I1

PACIFIC REGIONAL OFFICE
2025 NOV -6 PM 3:35
BUREAU OF INDIAN AFFAIRS

November 3, 2025

Christopher and Judith Blunt
2871 Shingle Springs Drive
Shingle Springs, CA 95682

To: Ryan Hunter
Bureau of Indian Affairs, Pacific Region Office
2800 Cottage Way Room W-2820
Sacramento, CA 95825

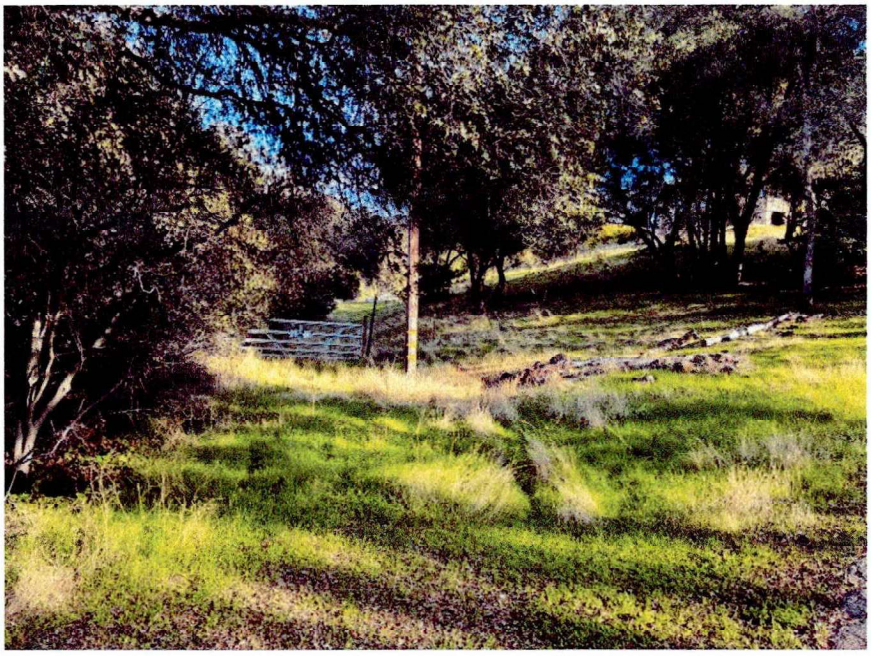
RE: Comments on the inadequacy of the Shingle Springs Band of Miwok Indians 295.7 - Acre Fee-to-Trust Project Environmental Assessment

Dear Mr. Hunter and other Bureau Officials,

As the owner and resident of a property directly adjacent to this project and a member of NBROA (North Buckeye Rancheros Owners Association), I agree with all assertions in the NBROA letter submitted to you on October 24, 2025 regarding the Shingle Springs Band of Miwok Indians 295.7 -Acre Fee-to-Trust Project Environmental Assessment (Assessment), and would like to make the following additional comments : I1-1

1. Safety:
   - Figure 4A in the Assessment depicts a 2-lane road leading from the casino area to the proposed parking garage that also continues to Shingle Springs Drive. There is currently a poorly maintained road here that does not extend to the casino property. In the figure, the segment from the parking garage to Shingle Springs Drive is marked "emergency use". There is no indication of how an emergency would be defined or by whom, but an evacuation in response to a fire or other disaster certainly meets the definition of an emergency. In this scenario, the effect of several thousand people using a private NBROA road on the ability of NBROA residents to evacuate is of grave concern to us. Our roads are narrow, limited in access and could not support the evacuation of several thousand people. I1-2
   - In Figure 4A, this road is depicted as having free access to Shingle Springs Drive and all connecting roads, without gating or fencing. Currently, our development is completely gated and there is no access to the casino, garage or other buildings. The Assessment states on page 6 that "Patrons would only be able to access the arena from the pedestrian bridge via the existing casino, and through a plaza/bus drop-off entrance on the east side of the building on Koto Road. But goes on to say "The parking garage would be accessed by a new roadway extending from Koto Road. There would be an extension of the roadway to Shingle Springs Drive that would be limited to emergency access only. All patron and service traffic would enter and exit the site via Koto Road and Red Hawk Parkway." Figure 4A shows that there is I1-3

nothing to prevent patrons, employees and contractors accessing the garage from exiting onto Shingle Springs Drive. The following is a photo of the current egress from the casino to NBROA properties.



And this photo shows the current condition of this road, which is a private road (not part of the roads maintained by NBROA) on our property.

I1-3 cont.



We are concerned about the effect on crime in our area if there is access from the casino, parking garages and arena via this road to NBROA properties. The effect on crime and neighborhood safety of thousands of people having access to NBROA properties has not been evaluated. Though access to a part of this road is described as "emergency use" there is nothing to stop customers of the arena/casino from accessing it, whether by mistake or for unlawful purposes. I1-4

- We are part of the easement for the current road and would not support any additional construction. I1-5

- Though Section 3.9 Public Services: Law Enforcement states that "Public safety within the Rancheria is ensured through the joint efforts of the Tribal Police and the El Dorado County Sheriff's Office (EDSO)" It does not assess the effect of this new commercial development on the crime rate in the surrounding area or whether the current resources of the Tribal Police and the EDSO would be adequate to respond to it. I1-6

The effect of this project on area safety must be evaluated in a full Environmental Impact Statement (EIS) that evaluates the effects of all potential uses of this road by guests, contractors and employees of arena/casino and considers as mitigation a fence built around the entire area that ensures there is absolutely no access to NBROA owned land from the applicants properties. I1-7

2. Visual Resources:

Section 3.12 of the Assessment states that: "The proposed arena and parking garage would increase the amount of buildings visible from this location. Currently, the view includes the existing casino and hotel rising above and behind existing trees. The proposed arena and parking garage would bring the buildings closer and there would be less intervening trees and vegetation to screen the view of the proposed buildings. As described in Section 2.1.2, screening trees and vegetation would be planted around the arena and parking garage. This would reduce the amount of building visible and would reduce the visual impacts during daylight hours." The conclusion that it would significantly reduce visual impact of these buildings is not consistent with Figure 3-12. The parking garage is a 70-foot-high building and could not be screened out of view by trees and vegetation. The visual impact is misrepresented by photo in Figure 3.12, depicting the existing view of the casino from within NBROA therefore the rendering of the effect on the view of the new buildings in this project is also misrepresented. Below is a photo taken from Shingle Springs Drive, which shows a closer proximity to the road and neighboring houses than depicted in the photo in the Assessment: I1-8



The following is a photo of the view from 2871 Shingle Springs Drive (our property). When considering the visual impact of these new buildings, keep in mind that these two new buildings, one 70 feet tall, will be in front of, and down a hill from (at neighborhood level) the buildings in this photo in what is otherwise a rural setting.

I1-8 cont.



The Assessment goes on to say: "However, at night the open sides of the parking garage would allow vehicle lights to shine across the adjacent residential area. This would be a significant impact. Mitigation is identified in Section 4 to provide screening of the open parking garage sides to reduce lighting impacts on the adjacent residential area. With implementation of this mitigation, visual impacts from the arena and parking garage would be less than significant." The mitigation for this lighting issue in Section 4 is "The Tribe shall install screens or other physical barriers on the open sides of the parking garage to prevent vehicle lights from shining directly on the adjacent residential area. Screens or other physical barriers shall be required on the north, west and south sides of the parking garage." There is no description in the Assessment as to how this will be done on a 70-foot-high building, what technology will be used or how it will be determined that it has been accomplished. Even if the screens/physical barriers do prevent light shining directly on the adjacent residential area, building lights from a 70-foot-high building will be a significant presence in the neighborhood. The lights from the current casino, parking garage and hotel are already unsightly.

I1-9

These concerns and potential mitigations require consideration in a full Environmental Impact Statement (EIS) that realistically evaluates the effects of these building on the NBROA neighborhood, as the presence of these new buildings will not be "less than significant." As depicted in the photos above, the present casino buildings are up on a hill, somewhat outside of the NBROA area. The proposed building would be next door, directly across the street from and on the same level as NBROA houses in this rural neighborhood.

I1-10

3. Noise:

- Section 3.10.3 Operational Noise (page 48) states

  "The remaining components of Alternative A would generate operational noise different from the residential development. The commercial center of the Proposed Project is predicted to expose nearby residences to noise levels up to 32 dBA, Leq during both daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours (refer to Figure 4 in **Appendix I** for an illustration), both being consistent with the County threshold of 40 dBA, Leq. As shown in Figure 3-9 of **Appendix A**, the event center is predicted to expose nearby residences to noise levels up to 44 dBA, Leq during both daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. The predicted project noise levels would exceed the El Dorado County General Plan noise standard for non-transportation noise sources of 40 dBA, Leq. Therefore, impacts resulting from operational noise would be potentially significant. To reduce the impact, mitigation has been included in **Section 4**. Mitigation would include the construction of an 8-foot sound wall or alternative measures to reduce the maximum noise levels. As shown in Figure 3-10 of **Appendix A**, with the sound wall, noise levels would be reduced to acceptable levels below 40 dBA, Leq. With implementation mitigation, the operational noise impacts would be reduced to less-than significant.

  Appendix I includes an evaluation of arena noise at residential receptors. The evaluation includes Rooftop HVAC Units, Loading Dock and On-Site Circulation.

I1-11

The Assessment also states that: "Inputs to the model included sound power levels for the proposed arena, existing and proposed mechanical equipment, existing and proposed buildings, terrain type, and locations of sensitive receptors." There is no mention of the assumptions used for the noise generated by activities inside the arena (sporting events and concerts) used to estimate the sound levels for nearby residences in this analysis, nor is any sound-proofing of the arena to decrease noise level discussed as a mitigation. Even assuming the indicated maximum sound levels included loud events at the arena, there are no data or calculations provided that confirm that an 8-foot sound wall would reduce the sound to an acceptable level.

I1-11 cont.

- Figure 4, of the report titled "Environmental Noise Assessment" in Appendix 1 shows the estimated noise levels for our property specifically as exceeding 50 dba, in an area near a building that is used regularly and may be occupied.
- Figure 5 of the same report depicts as a mitigation an 8-foot sound wall installed *on our property*. Another mitigation must be evaluated, as we will not allow the installation of an unsightly 8-foot sound wall, that according to the diagram would be of very limited use on our property.

I1-12

4. Ground Water

In Section 3.2.1 Environmental Setting, the Assessment states: "The primary mechanism for water storage and movement in the project area is within the structure of the soil and the joint systems in the rocks. The availability of groundwater in these fractured rock formations is variable and *can be plentiful or quite limited*. California Department of Water Resources (DWR) records identify eight wells on the project site, with individual yields ranging from approximately 1.8 to 20 gallons per minute (gpm) (DWR, 2023). The combined yield of project site wells based on well completion reports is 81 gpm. Near the project site, well completion reports identify well yields ranging from 0 to 200 gpm, with most wells yielding from 5 to 20 gpm. And in Section 3.2.2: Impacts, it states "Near the project site, well completion reports identify well yields ranging from 0 to 200 gpm, with most wells yielding 5 to 20 gpm. A 5 gpm well is typically adequate for a single-family home. Based on well completion reports on file with DWR, at least 132 domestic wells have been developed in the PLSS Sections where the project site is located. It is anticipated that groundwater yields in the vicinity of the project site would meet the needs of Alternative A for homes not connected to the EID system and therefore Alternative A would result in less-than-significant impacts on the local groundwater supply. Though the Assessment acknowledges that the supply of water can vary (plentiful or quite limited), and they discuss current well yields, they do not provide an evaluation of the effect of adding a sizable number of new wells to the area. There are currently approximately 132 domestic wells in the area, and they propose to build 132 new residences. They do not state how many of these new residences would dig wells, but they could potentially double the number of wells in the area. Yet, the Assessment contains no evaluation of the ability of the groundwater supply to support such an increase. We know from speaking to the former owner of our property that sometime in the past our well had to be replaced with one at a deeper

I1-13

depth due to water availability. The effect of this project on area ground water supply must be addressed in a full EIS that evaluates the effects of additional wells on the water supply for new and current owners, as well as the effect of the new wells on the other parameters, not from current well completion reports.

I1-13 cont.

5. Financial and Quality of Life Issues:
   All impacts and mitigations currently in the Assessment must also be assessed for their effect on the quality of life and property values of the El Dorado County citizens who will be affected by this project and whose safety, property rights and integrity must be ensured.

I1-14

For these reasons as well as the reasons already covered by the NBROA letter, we agree with the NBROA conclusion that this Environmental Assessment is fundamentally inadequate, that a Finding of No Significant Impact (FONSI) is not supported by the Assessment, and that a full EIS is required to evaluate the project's true impacts, alternatives and mitigation measures in a comprehensive and transparent manner.

I1-15

Thank you for the opportunity to provide comments.

Sincerely,



Christopher and Judith Blunt

PACIFIC REGIONAL OFFICE
2025 NOV 14 AM 11:09
BUREAU OF INDIAN AFFAIRS

To Ryan Hunter

Acting Regional Director

Bureau of Indian Affairs, Pacific Regional Office

2800 Cottage Way, Room W-2820

Sacramento, CA 95825

November 4th, 2025

Thank you for taking the time to consider the responses of those of us who would be or could be significantly impacted by the proposed fee to trust development including an event center, increased tribal housing, and commercial development. Here are several items that I believe need further consideration before the project can proceed from the environmental study. I2-1

First, the impact report seems to assume that the tribe is allowed to access Shingle Springs Dr for emergencies and possibly for access to the tribe and casino. When the tribe met with our community, the North Buckeye Rancheros Owners Association (NBROA) they assured us that they would only use that connection for the current residents until they build their own network of roads and then the connection would be severed. While we did not appreciate that they wanted to use our roads and stop paying the maintenance fees that the rest of us pay even for a few years, we believed that they would not be used to connect with the casino. This environmental impact report seems to suggest that they want to maintain those connections after developing their own, and it does not address that the road is a private road controlled and maintained by the NBROA and that there is no public access, nor does the community wish to grant access. I2-2

In the report it sometimes refers to the road as only being used for emergencies, but in the traffic study it seems like it would be connected and used as an alternative entry point at least sometimes. We would prefer that escape network not be routed through our community, or, at worst, have a clear and enforceable (by the county, not the tribe) plan for keeping ordinary traffic out of our residential neighborhood, particularly since we are the ones who pay for the roads and the roads cross our privately held properties. Without a clear plan in place, we cannot be confident that there would be no significant impact, particularly as we would be paying for the maintenance and have not designed the roads to bear commercial traffic. I2-3

Second, I have concerns about the impact of this project on our drinking water. Most of the residents in the area are on well water rather than county provided water. If the tribe is planning on supplying the water through wells, a study should be considered to determine I2-4

if our current wells would be likely to fail. Additionally, with a large parking garage that will have runoff into our watershed, we'd like a study that focuses on what the effect of those pollutants would be on our well water, not to mention the increased waste water that will be generated. While the amounts of water appear included in the study, it does not seem to directly address what those impacts would be on the surrounding wells. Without that being studied in detail, we cannot be confident that there would be no significant impact.

I2-4 cont.

Third, it seems like the visual resources finding of no significant impact did not really consider the dramatic impact the proposed buildings would have on the residents whose homes would directly view these properties. While my home is not among them, it's hard to imagine how it would not have a significant impact. Given the tribe's current habit of storing old vehicles and buses near our neighborhood presumably with the intent of damaging our morale, views, and property value (so that they could acquire properties at a cheaper price), I think we should give more consideration to the ways they might intentionally try to damage the views of the surrounding neighborhood and realize that even at present it would be a very significant impact for many in our neighborhood, a neighborhood which predates the settlement of this reservation.

I2-5

Fourth, in the previous portion of this process, the county was asked what fiscal impacts there would be if the properties were placed into trust. They found relatively little fiscal impact, but that was before the tribe proposed a retail development. I think that significant addition changes the fiscal impacts on the county dramatically and should force the tribe to return to that part of the process if they want commercial spaces. The county should get another opportunity to study the fiscal impact of new retail spaces before things are allowed to move forward, as the county's previous comments do not reflect the tribe's current plan.

I2-6

Fifth, option B posits that the tribe be allowed to develop residences for their tribal members. In many previous fee to trust applications by this tribe, they have proposed building housing for their members and then switched it to various commercial ventures or left the land undeveloped, a process that appears to already be unfolding with the addition of commercial and retail spaces. I believe that approval to develop more housing should be limited to the amount that the tribe would need if they had actually developed housing on the other parcels that they claimed they wanted to develop housing on. I think that the BIA would be able to study how many proposed houses have not been built and reduce or likely eliminate the need to develop any additional housing on these parcels.

I2-7

There should be some consequence for a consistent pattern of bait and switch when it comes to proposing tribal housing. This shift has already begun in that the first proposal did not contain any commercial development beyond the event center, and now it does. While

I2-8

developing housing is important, it appears that the tribe thinks that it is more important to leverage the need for more housing to move land into trust than it is to build housing. Allowing them to move land into trust because they say that this time, they will actually develop housing seems naïve at best. If the fee to trust process does not normally allow any recourse for a tribe that consistently says one thing and does another, then that should be addressed and changed before this process is finalized.

I2-8 cont.

Sincerely,

Jason Friese

DECRUS

I3

PACIFIC REGIONAL OFFICE
2008 NOV -5 PM 3:34
BUREAU OF INDIAN AFFAIRS

Ryan Hunter
Acting Regional Director
Bureau of Indian Affairs, Regional Office
2800 Cottage Way,Room W-2820
Sacramento, CA 95825

Subject: Opposition to the Environmental Assessment for The Shingle Springs Band of Miwok Indian 295.7 Acre Fee-to-Trust Project

Ryan Hunter,
I am writing to you with respect to the application before you regarding the Fee-to-Trust Project. I am a member of the North Buckeye Rancheros Owners Association. I find that the Assessment is extremely lacking in properly assessing the environmental impact of this project.
No care was taken to properly look at the Private roads that will be impacted and the suitability to handle any increase in new traffic. The assumptions that the company used that the roads were paved county roads is not even close to what is actually there. I3-1

I would hope that you would consider the well written letter to you from the North Buckeye Rancheros Association as a letter written on my behalf in opposition to this project. I3-2

Thank you,
Sincerely,
Dennis Horton

PACIFIC REGIONAL OFFICE
2025 NOV 14 AM 10: 36
BUREAU OF INDIAN AFFAIRS

November 6, 2025

Ryan Hunter
Acting Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Dear Mr. Hunter,

I write as a homeowner and resident of the North Buckeye Rancheros Owners Association (NBROA) to express serious concerns and opposition to the Environmental Assessment (EA) for the proposed 295.7-acre fee-to-trust conversion by the Shingle Springs Band of Miwok Indians. Having reviewed the EA document, the NBROA Board's October letter, and the El Dorado County Board of Supervisors' November 4, 2025 letter, I find that the EA fails to adequately analyze safety, infrastructure, zoning, financial, livability and legal issues affecting this neighborhood. It is my view that only Alternative C, the No Action alternative, is appropriate and that a full Environmental Impact Statement (EIS) is necessary for this project. I4-1

Shingle Springs Drive is not a public road but a private roadway system maintained by NBROA, comprised of easements over member-owned parcels and operated by the Association for residential use. There is no recorded public right-of-way for the applicant to access these roads for the proposed project. The EA nonetheless describes two separate connections to this private road system, neither of which are supported by proper legal access or engineering capacity. I4-2 The first connection runs from Koto Road through Home Court to Shingle Springs Drive adjacent to the proposed arena and parking garage. Although the EA labels this as an "emergency only" route, it offers no definition of "emergency," no enforcement plan, and no barriers or legal restrictions preventing general patron or service traffic. Without such definitions, this route could be used in ways that directly burden NBROA residents' privacy, safety, and quiet enjoyment of their properties. I4-3

The second connection is even more concerning. It reaches from the proposed residential development across the Dry Creek bridge to Shingle Springs Drive and on to Green Valley Road. This route, still part of the private NBROA road network, is assumed in the EA to be capable of supporting construction vehicles, daily traffic, I4-4

emergency evacuations and heavy loads without documented engineering, weight rating or lifespan study for the bridge or roadway. As the NBROA letter notes, the Dry Creek bridge was rebuilt following the 2021 storm through a special assessment paid by homeowners, yet no structural survey or certification exists. To rely on it for significant traffic is to gamble with safety, infrastructure failure and homeowner exposure. Case law such as Bartholomew v. Staheli (86 Cal.App.2d 844) and the Supreme Court's Marvin M. Brandt Revocable Trust v. United States (572 U.S. 93) confirm that easements cannot be expanded beyond original intended use without proper legal process. The EA's assumptions exceed what the NBROA easements allow and what the infrastructure can reasonably support.

I4-4 cont.

I4-5

Furthermore, the County of El Dorado Board of Supervisors in its November 4 letter acknowledged that the subject parcels are accessed via private NBROA roads, and that by placing them into trust the annual assessment revenues available for road and culvert maintenance would be reduced. The County explicitly stated that the proposed arena and parking garage are incompatible with residential zoning and that all ingress and egress to such facilities should be limited to the Casino's Highway 50 entrance, not through residential private roads. This governmental recognition reinforces the NBROA concerns and indicates that the EA's limited scope falls short of local government expectations and legal precedent.

I4-6

From a financial perspective, the EA fails to address the removal of twenty-nine NBROA parcels from the assessment base. At the current rate of $700 per parcel, this is approximately $20,300 annually that supports the NBROA road system, gates, culverts and maintenance. The EA offers no mitigation plan or alternative funding strategy for the road association once these parcels are removed from assessment. This omission shifts financial burden onto remaining homeowners while the proposed project anticipates increased use of the NBROA infrastructure. That imbalance is unacceptable and is legally and ethically unaddressed in the EA.

I4-7

As a homeowner I also fear impacts on property value, neighborhood character, livestock and quality of life. NBROA was developed as a rural residential and small-farm community. Many residents raise animals such as horses, goats, and cattle, and depend on stability, quiet and safe infrastructure. A large-scale entertainment arena of 80,000 square feet, paired with a 1,280-car parking garage of approximately 70 feet height, will permanently change the character of the neighborhood. The EA

I4-8

acknowledges vehicle light intrusion toward residential areas but asserts that screening measures will reduce impacts to less than significant. There is no engineering plan for this screening, no performance criteria, and no guarantee that large event lighting, vehicle alarms, modified exhausts, patron noise, motorcycles or late-night egress will be meaningfully contained. Noise modeling in the EA focuses on mechanical equipment and vehicles but omits the ambient and human-generated components typical of arenas. Because I live nearby I can foresee the effect of patrons entering or exiting late at night, cheering crowds, and service trucks rumbling through the project not accounted for in the EA.

I4-8 cont.

Storm water drainage and runoff is a further concern. The EA does not provide a detailed hydrological model that addresses how impervious surfaces, parking decks and rooftops will affect adjacent NBROA properties and pastures. Shingle Springs Drive lies below portions of the proposed development and therefore may receive runoff, debris and sediment from project grading, paving and drainage. Without proper mitigation, this could degrade wells, pasture land, and private road surfaces, yet the EA offers only cursory analysis of drainage impacts.

I4-9

History has shown that commitments made during review may not be enforced. During the 2021 hotel construction at the Rancheria, construction mostly occurred within posted working hours, yet noise and heavy machinery operations, early starts, vibration and dust remained intolerable to residents. Numerous phone complaints by NBROA homeowners went unanswered by both County and Tribal representatives. The EA's prediction that future noise or dust will be manageable therefore lacks credibility in this community. When past impacts were not addressed, to rely on future assurances is unwise.

I4-10

The EA also fails to examine adequately the potential for increased crime, trespass and emergency response burden. The joint jurisdiction between Tribal Police and the El Dorado County Sheriff's Office may face strain with thousands more visitors. The EA contains no analysis of response time, patrol frequency, or how NBROA homes will be secured against unauthorized access from increased event traffic. The fact that NBROA roads are gated and privately maintained underscores the unusual nature of this project's reliance on residential infrastructure for potentially large public events.

I4-11

In legal terms, NEPA requires preparation of an EIS when environmental impacts are uncertain, controversial or potentially significant. In Sierra Club v. U.S. Forest Service (645 F.2d 522), the Ninth Circuit emphasized that an EIS is required if effects are disputed or unknown. Given the magnitude of local opposition, legal and infrastructure issues, and the factual ambiguities in the EA, that standard is clearly met. The EA's failure to address private easement rights, infrastructure maintenance burdens, zoning incompatibility and traffic/evacuation risks demonstrates its insufficiency. I4-12

Finally, I request that the public comment period be extended. The current review is occurring while the federal government has endured the longest shutdown in our nation's history, making agency staffing and document availability limited. Residents have limited access to documents, meetings and technical review. An extension of the comment period is essential to ensuring meaningful public participation and procedural fairness under NEPA. I4-13

For all these reasons, I submit that the EA is inadequate, a Finding of No Significant Impact would be unsupported, and that a full Environmental Impact Statement is required. I4-14 I respectfully request that Alternative C, the No Action alternative, be adopted to preserve residential zoning, protect private road infrastructure, maintain financial stability of NBROA, safeguard livestock and property values, and preserve the rural character and safety of our community. I4-15

Thank you for your consideration of these comments and for placing this letter in the official record.

Sincerely,
Lance Nolasco
NBROA Homeowner

I-CERMS

I5

PACIFIC REGIONAL OFFICE
2025 OCT 15 AM 10:36
BUREAU OF INDIAN AFFAIRS

PACIFIC REGIONAL OFFICE
2025 NOV -4 AM 10:31
BUREAU OF INDIAN AFFAIRS

Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Subject: Comments on Environmental Assessment, Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project (October 2025) - Request to Prepare an Environmental Impact Statement under NEPA or Select Alternative C (No Action)

Dear Regional Director:

I submit these first comments on the Environmental Assessment for the Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project. The EA identifies the BIA Pacific Regional Office as lead agency and evaluates Alternative A, Alternative B, and Alternative C. The document date is October 2025. Please recognize me as a party of record for this proceeding and place me on the notice list for all future actions, notices, hearings, and decisions regarding the Environmental Assessment and any subsequent NEPA review. I5-1

Requested agency actions
1) Suspend action on the EA and prepare a full Environmental Impact Statement under NEPA; or
2) In the alternative, select Alternative C, No Action, under which the land is not taken into trust and new housing or commercial development does not proceed.

EIS scope, requested analyses and commitments
• Analyze a No Arena and No Garage configuration consistent with Alternative B, as well as a reduced-intensity option. I5-2
• Establish event traffic routing that physically prevents cut-through into adjacent private streets, consistent with the EA statement that commercial traffic would route through the Rancheria rather than the residential area, and make this routing enforceable. I5-3
• Adopt noise and lighting performance standards at property lines with enforceable curfews and third-party monitoring. The EA acoustical analysis indicates nighttime exceedances without mitigation and recommends an eight-foot sound wall. Exterior and garage lighting should be full cut-off, shielded, and subject to illumination caps. I5-4
• Set water and wastewater capacity ceilings with monitoring and drought contingencies, tied to the facility upgrades identified in the feasibility materials, including influent lift stations, restoration or addition of emergency storage, headworks screen upsizing, return-activated sludge pump adjustments, disinfection and controls, and effluent pump upgrades. I5-5

If any approval follows an EIS, adopt enforceable conditions
• A binding project description that caps seats, parking spaces, gross floor area, building heights, number of events per year, and operating hours, with a requirement for supplemental NEPA review before any intensification. For Alternative A parameters, use up to I5-6

approximately 5,000 seats, about 1,280 garage spaces, an arena height of about 100 feet, and an arena floor area of about 80,000 square feet.
• A comprehensive public safety plan with dedicated funding and independent audits. • Independent peer review of traffic and noise assumptions using sold-out, concurrent-peak casino and arena scenarios, with realistic arrival and departure curves.
• Neighborhood protections that physically prevent event cut-through and spillover parking in adjacent private communities.

I5-6 cont.

Key issues documented in the EA

1) Biological resources and waters
The Action Area includes Dry Creek, Tennessee Creek, unnamed ephemeral channels, riverine wetlands, and stock ponds. The EA reports that no vernal pools were detected. Aquatic resource mapping and any jurisdictional determinations with associated permitting should be documented before ground disturbance. The biological materials reference special-status species and habitat conditions, including milkweed and monarch use, and potential for listed amphibians. Any required Endangered Species Act consultation should be completed before federal action.

I5-7

2) Water supply and wastewater capacity
The EA and feasibility evaluation identify potable demand and wastewater flows that depend on specific collection and treatment upgrades, including new or modified influent lift stations for the arena and residential components, restoration or addition of emergency storage to provide adequate detention time, upsized headworks screens, return-activated sludge pump and process adjustments, disinfection and control modifications, and effluent pump improvements. These should be adopted as time-certain, enforceable conditions linked to occupancy milestones. Where contractual limits must be revised to accommodate average-day demand, adopt hard capacity ceilings and monitoring with corrective triggers.

I5-8

3) Traffic, access and event operations
The Traffic Impact Study shows a project-induced deficiency at the Koto Road and Red Hawk Parkway and Honpie Road intersection under Existing plus Project peak conditions with level of service F before mitigation. The identified improvement is signal timing optimization. An EIS should evaluate robust alternatives and operational or physical controls to avoid neighborhood cut-through and to manage concurrent casino and event peaks.

I5-9

4) Noise, light and visual bulk
The EA noise analysis indicates nighttime non-transportation standards at nearby residences would be exceeded without mitigation and recommends an eight-foot sound wall. Alternative A states exterior and garage lighting would be shielded. Given nearby residential sensitivity, adopt enforceable curfews, dark-sky fixtures, illumination caps, and post-opening monitoring at representative receptors.

I5-10

5) Construction health risks
The site lies within a Naturally Occurring Asbestos review area. Require an Asbestos Dust Mitigation Plan and stringent dust and diesel controls as preconditions to grading. I5-11

6) Cultural resources
Adopt inadvertent discovery protocols, qualified cultural monitors, and stop-work procedures consistent with the EA consultation framework. I5-12

7) Public services and public safety
Require a public safety impact assessment that forecasts police, fire, and EMS calls during sold-out, concurrent-peak conditions. Require a security and CPTED plan addressing camera coverage, secure garage design, anti-theft measures, controlled pedestrian routes, and alcohol-service controls. Establish neighborhood protection measures such as resident-only barricades during events, temporary closures of private streets, and parking permits. Use an intergovernmental funding agreement pegged to actual call volumes with independent audits and ratchet-up clauses. Include independent baseline and three-year pre and post monitoring with published dashboards and automatic mitigation triggers. I5-13

8) Growth, cumulative effects and scope control
Use the cumulative and growth-inducing sections to anchor binding caps on seats, stalls, gross floor area, heights, events per year, and hours. Require supplemental NEPA review before any intensification. I5-14

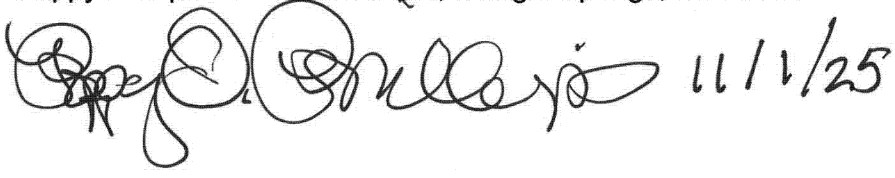
Neighborhood and property impacts
While NEPA does not regulate property values, it regulates the physical pathways that affect them, including traffic, noise, light, safety, and visual character. From nearby residential areas, the project would substantially alter nighttime sound and light levels and increase late-evening traffic and loitering risks. These are controversial, potentially significant impacts that require an EIS. I5-15

Requested actions, restated
1) Prepare a full Environmental Impact Statement under NEPA; or
2) Select Alternative C, No Action. If any approval follows, adopt binding caps, public-safety funding and monitoring, and neighborhood protections as enforceable conditions.

Please confirm that I am a party of record, add me to the notice list for all further actions, and provide a point-by-point written response to these comments. Thank you for your consideration. I5-16

Notices and correspondence may be sent to:

Poppy Phillips- 4770 Elen Court, Shingle Springs, Ca 95682



DECRMS

I6

Stephen and Katie Rhoads
2740 Shingle Springs Drive
Shingle Springs, CA 95682
stephenandkatierhoads@gmail.com

PACIFIC REGIONAL OFFICE
2025 OCT 24 PM 3:16
BUREAU OF INDIAN AFFAIRS

10/14/2025

Ryan Hunter
Bureau of Indian Affairs, Pacific
Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 98825

Subject: Request to Deny or Suspend Shingle Springs Rancheria 295.7 Acre Fee-to-Trust Application Pending Full EIS

Dear Ryan Hunter,

I am writing to express my deepest concern regarding the proposed Shingle Springs Rancheria 295.7 Acre Fee-to-Trust Application Pending Full EIS. I am a homeowner on Shingle Springs Drive and submitting (1) request denial of Shingle Springs Rancheria ("SSR") 295.7 acre fee to trust application **and** (2) submittal of a full Environmental Impact Statement (EIS) with a thorough analysis of project alternatives, enforceable mitigation, and independent third-party oversight.

Reasons for Requesting an EIS or Denial

The Environmental Assessment (EA) and related documents identify numerous potentially significant and controversial environmental impacts. These include impacts on biological resources, jurisdictional waterways, water supply and wastewater infrastructure, traffic congestion, noise and lighting pollution, visual intrusions, naturally occurring asbestos (NOA), public safety risks, and the potential for unanticipated expansion of the project ("build creep"). These issues fall squarely within the thresholds under NEPA that justify the preparation of an EIS rather than relying on a limited EA. I6-1

Requested Agency Actions

1. **Deny the 295.7-acre fee-to-trust request**; or
2. **Pause the process** and initiate a full EIS that fully analyzes:
    - A "No Arena/No Parking Garage" alternative and a scaled-down version of the project;
    - Traffic plans that include physical barriers to prevent vehicles from cutting through North Buckeye Rancheros and other private roads;

- Enforceable limits on noise and light impacts, including nighttime curfews;
- Firm limits on water usage and wastewater capacity, backed by monitoring and drought contingency planning.

If the project is approved following the EIS, then binding conditions must be imposed, including:

- A clearly defined and enforceable Project Description that sets limits on seating capacity, parking availability, building size and height, event frequency, and operational hours—with no expansions allowed unless a new NEPA review and public process are conducted;
- A comprehensive Public Safety Plan with dedicated funding and third-party oversight;
- Independent review of traffic and noise models, using worst-case scenarios such as concurrent peak usage from both the casino and event center;
- Measures that prevent spillover traffic and parking from affecting surrounding residential neighborhoods.

I6-1 cont.

Major Concerns and Deficiencies in the EA

1. Biological Resources and Jurisdictional Waters

The project area contains streams (Tennessee and Dry Creek), wetlands, seasonal channels, and ponds. A jurisdictional delineation certified by the U.S. Army Corps of Engineers should be completed, and relevant Clean Water Act permits (§§ 404/401) should be secured before any site disturbance occurs.

The EA identifies milkweed species and the area as an early breeding zone for monarch butterflies—indicating the need for protective seasonal work windows and biological monitoring.

I6-2

Additionally, habitat suitable for federally listed amphibians (California red-legged frog and foothill yellow-legged frog) exists onsite. A formal Section 7 consultation must occur before federal approval.

The EA claims no vernal pools were found, but given the foothill terrain, targeted spring surveys should be conducted before reaching any final conclusions.

2. Water Supply and Wastewater

The EA shows that average daily water demand will exceed the existing contract with El Dorado Irrigation District (EID), meaning amendments and annexations will be needed across multiple parcels. In a drought-prone region, this represents a significant issue requiring in-depth EIS-level analysis.

I6-3

Upgrades to the wastewater treatment plant—including equipment, storage, disinfection, and controls—further underscore the project's likely environmental significance and the need for hard capacity limits and long-term monitoring.

If on-site wells or septic systems are proposed, then a comprehensive hydrogeologic study and compliance with Title 22 for public water systems are essential. I6-3 cont.

3. Traffic and Operations

The EA shows that several intersections (e.g., Koto Rd/Red Hawk Pkwy/Honpie Rd) will degrade to Level of Service F during peak times. A 5,000-seat venue with over 1,200 parking garage stalls will create major traffic surges. Modeling must reflect real-world scenarios including full-capacity events, concurrent casino use, pedestrian flow, weather, and emergency conditions. I6-4

Traffic must be strictly routed through Koto Rd/Red Hawk Pkwy to US-50, with physical road barriers preventing access to adjacent neighborhoods.

4. Noise, Lighting, and Visual Impacts

The EA admits the event center would violate nighttime noise limits unless an 8-foot sound wall is built. Third-party monitoring and enforceable curfews must be required. I6-5

Structures up to 100 feet tall and garage lighting will severely affect visual character. Full cut-off, dark-sky-compliant fixtures, façade screening, and limits on illumination must be included.

5. Construction Risks (NOA and Diesel Particulate Matter)

The project lies within an area subject to Naturally Occurring Asbestos (NOA). No construction should proceed without an approved Asbestos Dust Mitigation Plan and strong controls for dust and diesel emissions. I6-6

6. Cultural Resources

The project must include protocols for inadvertent discoveries and require monitoring by qualified cultural resource professionals, with stop-work triggers as needed. I6-7

7. Public Services, Socioeconomics, and Crime

Casinos and event centers often see spikes in law enforcement and emergency service calls. A full Public Safety Impact Assessment must be conducted, and the project must include:

- Forecasts of police, fire, and EMS demand during peak conditions;
- A well-developed safety plan covering surveillance, garage security, controlled pedestrian access, and alcohol policy enforcement;
- Neighborhood protection through road closures, barricades, residential parking permits, and DUI checkpoints away from homes;
- A funding agreement tied to actual service demands, with independent audits and built-in increases as needed;
- Baseline and follow-up monitoring over a 3-year period, with public reporting and automatic corrective measures.

I6-8

8. Project Creep / Incremental Expansion

Previous developments have expanded beyond their original scope. This project must include binding limits on seating, building size, events, and hours—and require new NEPA review if any increase is proposed. I6-9

Neighborhood Impacts

While NEPA does not directly regulate property values, it does require analysis of the environmental factors that influence them. From my residence, at 2740 Shingle Springs Drive, development would significantly alter nighttime quiet, lighting conditions, and traffic flow. It would compromise the peaceful character of our neighborhood—impacts that clearly rise to the level requiring a full EIS. I6-10

Conclusion and Relief Requested

I respectfully request that you:

- **Deny the fee-to-trust application**; or
- **Require a comprehensive EIS** that addresses the full range of potential impacts and enforces strong environmental and community protections.

Should the project move forward, it must include **binding restrictions**, **public safety funding**, **independent monitoring**, and **guaranteed neighborhood safeguards**. I6-11

Please add me to the mailing list for all notifications and provide a written response to the points raised in this letter.

Thank you for your time and consideration,

Katie A Rhoads

Stephen and Katie Rhoads

2740 Shingle Springs Drive, Shingle Springs 95682

Resident in North Buckeye Rancheros

Daniel Royer

2871 Shingle Springs Dr.

Shingle Springs, CA. 95682

Danielroyer530@gmail.com

PACIFIC REGIONAL OFFICE
2025 OCT 16 PM 3:47
BUREAU OF INDIAN AFFAIRS

10/13/25

Ryan Hunter

Bureau of Indian Affairs, Pacific

Regional Office

2800 Cottage Way, Room W-2820

Sacramento, CA. 98825

Subject: Concern Regarding Proposed Arena and Parking Garage Near My Residence

Dear Mr. Hunter,

I am writing to express my deep concern regarding the proposed construction of an arena and accompanying parking garage near my home. The scale of this project will dramatically alter the character of our neighborhood and, frankly, pose a significant detriment to our daily quality of life.

The proposed arena will tower over nearby homes including my own, creating a much closer eyesore than the current casino and hotel present. My home sits directly beside the proposed site, and the sheer size of the arena will tower over our houses and cast a shadow that open farmland should not have. The arena will inevitably bring heavy noise- crowds, concerts, and constant traffic- that will echo through our neighborhood

The parking garage adds another layer of concern. We already deal with enough noise and disruption from the existing casino, hotel, and parking garage- revving motorcycles, honking, and car alarms at all hours. Building another garage will only amplify these disturbances, making our nights longer and our days more stressful. I7-1

I am asking you, sincerely, to consider the lasting effects this project will have on those of us who live here every day. Our homes are not just structures- they are places were families' gather, where people rest, and where community still matters. Please take into account the real human impact of this decision.

Thank you for your time and consideration. My neighbors and I truly hope that our voices will be heard before it is too late to preserve the peace and character of our neighborhood.

Sincerely,

Dan. Roy

DECRMS

I8

PACIFIC REGIONAL OFFICE
2015 NOV -6 PM 3:35
BUREAU OF INDIAN AFFAIRS

Sarah Royer
2871 Shingle Springs Dr

Hello Bureau officials,

Below are my **comments/concerns related to the Environmental Assessment for the Shingle Springs Band of Miwok Indians Fee-to-Trust Project in Shingle Springs**

Emergency Access Concerns: Shingle Springs Drive

The current Environmental Assessment (EA) does not adequately address the safety implications of using Shingle Springs Drive as an emergency access route for the proposed hotel, event center, and casino. Several key issues remain unresolved:

- **Definition and Authority:** The EA fails to define what constitutes an emergency and who has the authority to declare one that would necessitate use of Shingle Springs Drive. I8-1
- **Intended Users:** It is unclear who would be authorized to use this road during an emergency—guests, staff, emergency personnel, or all of the above. I8-2
- **Infrastructure Limitations:** Shingle Springs Drive was not designed to support high-volume evacuation traffic. Its current condition and capacity are not suitable for full occupancy evacuation of large-scale facilities. I8-3
- **Responsibility for Emergency Infrastructure:** If the casino and event center anticipate needing an alternative evacuation route, it is their responsibility to design, construct, maintain, and secure a dedicated emergency road that meets safety standards. I8-4
- **Impact on Rancheria Residents:** The EA does not sufficiently evaluate how emergency use of Shingle Springs Drive would affect existing residents of the Rancheria, particularly in scenarios where simultaneous evacuation or emergency access is required. I8-5
- **Private Easements:** Shingle Springs Drive and the Dry Creek bridge are private easements owned and maintained by NBROA homeowners. They are not public roads and are not subject to tribal or federal jurisdiction. I8-6
- **No Legal Easement:** There is no recorded easement or legal agreement granting the Tribe access for commercial, residential, or emergency use. Any assumption of access in the EA is speculative and unsupported by documentation. I8-7
- **No Consent from NBROA:** The NBROA has not provided consent for tribal use of these roads. Use without consent would violate property rights and expose homeowners to liability and infrastructure degradation. I8-8
- **No Public Safety Analysis:** The EA does not evaluate the safety implications of increased traffic on privately maintained roads, including emergency response times, pedestrian safety, or road design limitations. I8-9

- **No Funding Mechanism:** There is no plan or commitment to fund road maintenance or repair resulting from increased traffic volumes. This places an unfair burden on NBROA members and risks long-term road degradation. I8-10

Dry Creek Bridge Deficiencies

- **Privately Maintained:** The bridge isn't under public jurisdiction, which can complicate oversight, funding, and emergency planning.
- **Storm Damage & Repair:** It was damaged in the 2021 storm and repaired via special assessment, suggesting limited public resources or involvement.
- **No Load Certification:** Without a certified load rating, it's unclear what weight the bridge can safely support — especially critical during emergencies or high-traffic events.
- **Traffic Volume Risk:** Emergency or event-driven traffic could exceed the bridge's safe capacity, posing safety and logistical risks.
- **Omission in EA:** These concerns were not addressed in the Environmental Assessment, which may indicate a gap in the project's risk evaluation or mitigation planning.

I8-11

Zoning & CC&R Compliance Concerns

The Environmental Assessment (EA) fails to address the implications of removing parcels from NBROA authority, particularly in relation to existing zoning and governing covenants. This omission raises serious concerns about regulatory consistency, community standards, and legal compliance.

I8-12

- **Residential Zoning:** The parcels in question are currently zoned for residential use. Any proposed commercial or high-occupancy development would conflict with this designation unless formally rezoned through appropriate public processes.
- **NBROA CC&Rs:** These parcels are governed by NBROA Covenants, Conditions, and Restrictions (CC&Rs), which establish binding rules on land use, aesthetics, and community standards. Removal from NBROA authority would create direct conflicts with these rules. I8-13
- **Loss of Local Control:** Trust conversion or jurisdictional changes would eliminate local oversight, bypassing zoning boards and community input. This could result in incompatible land use decisions without recourse for affected residents. I8-14
- **Unaddressed Conflicts:** The EA does not evaluate how proposed development would comply with — or conflict with — existing CC&Rs or zoning laws. Nor does it propose mechanisms for resolving these conflicts or mitigating their impact on neighboring properties. I8-15

Noise Impact Concerns: Event Center & Parking Structure

I8-16

The Environmental Assessment (EA) fails to adequately evaluate the full scope of noise impacts associated with the proposed development. Specific deficiencies include:

- **Event Center Noise:** The EA does not adequately address noise generated by the event center, including amplified music, crowd activity, and vehicular traffic during peak hours. This omission is significant given the potential for frequent, high-volume events. I8-16 cont.
- **Parking Structure Noise:** While noise from the parking structure was estimated, the methodology and assumptions used are unclear. Real-world experience with the existing structure indicates it is consistently loud—day and night—suggesting that modeled estimates may understate actual conditions. I8-17
- **Uncertainty & Recourse:** The EA does not specify what recourse is available if actual noise levels exceed those projected. There is no clear mitigation plan, enforcement mechanism, or accountability structure in place to protect nearby residents from excessive noise. I8-18
- **Impact on Quality of Life:** Continuous noise from the parking structure already affects the surrounding community. Adding an event center without a robust noise mitigation strategy could exacerbate this issue and diminish livability for Rancheria residents and others nearby. The location of the sound mitigating fence in figure 5 is vague and the proposed location appears to be on my property. I8-19

Water Supply Mischaracterization

The Environmental Assessment (EA) inaccurately assumes sufficient groundwater availability to support the proposed development. This assumption is not supported by local data and ignores critical risks:

- **Documented Well Failures**: The area has a history of well failures, indicating that groundwater resources are already strained or unreliable.
- **No Cumulative Impact Analysis**: The EA does not evaluate the cumulative drawdown effects of potentially doubling the number of wells, which could severely impact existing residential and agricultural water users.
- **Risk to Existing Users**: Increased groundwater extraction could reduce flow rates, and cause additional well failures, directly affecting Rancheria residents.
- **Lack of Mitigation Planning**: The EA does not propose monitoring, mitigation, or contingency plans should groundwater prove insufficient or become degraded.

I8-20

Given the inadequacy of the Environmental Assessment the only logical course of action is to conduct a full Environmental Impact Statement, evaluating the true impacts, alternatives and mitigation measures. I8-21

Sincerely,

Sarah Royer

DECRMS

Ryan

My name is Lawrence Varela and I live in North buckeye Rancheros
I live on Springs Drive across from the existing hotel and casino
We've owned this property prior to the building of the casino.
It was a hardship for us when they built the casino and more so when they built the hotel
With the noise pollution and loss of the night sky.
Construction noise was absolutely brutal.
But we never complained through it all because I understood it was reservation land and I have nothing against the tribe . I9-1
That land was reservation land and was theirs to do with what they wanted to do.
But now their plan to move into a private community building, a massive event center and parking garage catty corner to my property 10 acres away is not acceptable.
It does not fit the mold of our community and the reasons why we bought in here so long ago.
There will be even more noise and the light pollution .
As I read through, they plan on putting in a lot of wells and removing ground water.
We rely on wells for our water and I do not believe it's sustainable for the amount that they want to use. I9-2
Then what about the septic system leach lines I don't believe that sustainable either.
The traffic on our private roads is unacceptable.
The amount of traffic just put into the general area not even in my community will cause a lot of problems on highway 50 and the side roads. I9-3
I believe our property values have already dropped with the building of the hotel and if they're allowed to build this, my property will be not be worth much .
Truthfully, it just makes me very sad and sick to my stomach. I9-4
The tribe claims to be good neighbors to our area, but this will be very far from the truth if allowed the building of this .
Looking at their properties, it appears that there is a place to build their event center on the backside of the casino away from all the houses and I'm not sure why they don't pursue this instead. I9-5
This just has too much of an environmental impact for my area.
I hope you will consider these things when making your decision and we will continue to be able to live in our home as we do now. I9-6
Thank you for taking the time to read this.
Lawrence Varela

PACIFIC REGIONAL OFFICE
DEC 07 2022
RECEIVED

PECRMS

I10

PACIFIC REGIONAL OFFICE
2025 NOV -6 PM 3:31
BUREAU OF INDIAN AFFAIRS

Steve & Deana Visentin
4500 Casa Redonda Dr
Shingle Springs CA 95682
11/1/2025

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Region Office
2800 Cottage Wy, Room W-2820
Sacramento CA 95825

Subject: Opposition to Environmental Assessment and Proposed Projects for Shingle Springs Band of Miwok Indians 295.7 Acre Fee-to-Trust Project

Dear Mr. Hunter and Bureau Officials,

We are writing to oppose the 295.7 Acre fee to trust proposal presented by the Shingle Springs Band of Miwok Indians. We are homeowners in North Buckeye Rancheros and members of the North Buckeye Rancheros Owners Association (NBROA).

After reviewing the wholly inadequate environmental assessment and the proposed land use, we support option C which maintains the status quo of the land. The proposed land use includes commercial activities that are not in any way compatible with current rural residential land use specified by county zoning. The proposed arena/event center and parking structure would create a neighborhood nuisance, furthering the deterioration of quality of life of residents and existing property's value. Even the proposed residential use would ruin the community appeal, as current zoning is 5-10 acres per home, not the proposed .5 and 1 acre lots. I10-1

NBROA has written to express serious concerns about our private road system and our very old bridge that were not remotely addressed in the EA. I wholly concur with the issues they have brought to your attention. I10-2

Another unaddressed concern is the overdevelopment of these parcels, which will create drainage and runoff issues and an unreasonable demand on our limited ground water supply. Many of us rely on private wells for our water supply and bringing in public water is not economically feasible and therefore is not an option. Consideration of waste water with excessive use of septic systems for these proposed homes doesn't appear to be addressed either. This overdevelopment has a very likely potential to contaminate the ground water we rely on. I10-3

We have owned our home for over 10 years and enjoy what we have built. In past dealings with the tribe, we have found them to be quite dishonest in what they propose for land use and what is ultimately done. For example, the hotel and conference center were originally to be I10-4

built near their gas station on the other side of the freeway. The original proposal made far more sense that where it ended up because of a readily available public road. I10-4 cont.

The existing casino/hotel complex is a neighborhood nightmare with noise pollution. The poor design of the hotel took no consideration of the windows reflecting heat and sun on the residents below during the afternoon and evening. The proposed entertainment center and parking structure would finish off what little rural ambiance is left for homeowners along Shingle Springs Drive. I10-5

Our experience has been that once land is taken into trust, the tribe does whatever it wants regardless of the original plans at the time of filing. Given their track record, the only viable option to maintain the existing rural lifestyle of our community, we only support option C. If either of the other two option are considered, a full environment impact report addressing all issues (private road system and infrastructure, all aspects of proposal on existing environment) must be done. The wishes of this group of people should not override neighborhood concerns and must be put on equal footing. I10-6

Sincerely,

Steve & Deana Visentin

Steve & Deana Visentin

PACIFIC REGIONAL OFFICE
2025 OCT 22 AM 8:09
BUREAU OF INDIAN AFFAIRS

October 14, 2025

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W2820
Sacramento, CA. 95825

Re: Shingle Springs Band of Miwok Indians 295.7 Acre Fee-to-Trust Project

Dear Ryan Hunter:

This letter is to address concerns regarding the proposal of the Band of Miwok Indians at Red Hawk Casino to add a concert venue and additional parking spaces. The proposal has other requests included, which may or may affect the residents of North Buckeye Rancheros in Shingle Springs. I11-1

Points of concern include, but are not limited to the following:

* Creating additional congestion in our location off/on Exit 39 off Highway 50; I11-1
* Will take away from the rural feel of our area; I11-2
* Will disrupt the nature that occupies the area, which residents respect and love; I11-3
* Will created much more unwanted noise in this rural area; I11-4
* Could negatively affect our real estate prices; I11-5
* Could negative affect our home insurance prices; I11-5
* Will create more congestion on the highway entrances and exits, which will create traffic hazards; I11-6
* Excess lighting needed for venue will intrude on our ability to enjoy the darkness of the nigh sky; I11-7

* Concern for excess traffic entering and exiting the concert venue, since they cannot use the gated exits and entrances located in the North Buckeye Rancheros community; I11-8

* Additionally, there is major concern for the County of El Dorado and the fiscal impact this could have on the County, because of the need for additional sheriff staff, county fire staff, medical emergency staff, etc. I11-9

The bottom line is that most, if not all, residents in our complex moved here to be away from city lights and noise. We enjoy our rural feel and being in our own back yards with nature and all that it entails. The casino built a hotel without any consideration for out community, affecting those of us whose homes can be viewed by Red Hawk Casino guests. We have learned to live with the view of the hotel and water tower, and support the Miwok community. We also frequently visit Red Hawk Casino for entertainment and meals, often taking out of town guests. We also like and appreciate the beautiful homes being built to house members of the Miwok tribe. But going forward with the current proposal of plans to increase the parking garage, concert venue, and anything else included without consideration for the community next to casino property just is not right. I11-10

We suggest that the plans be moved to the newly purchased property by the Band of Miwok Tribe in downtown Sacramento. That seems like a much more appropriate area for what is being proposed, and will keep our community just as it is. We believe we can all live in harmony, nest to each other, and respect the current communities how they are today. I11-11

Sincerely,

Kim Pierce

Cheryl Wright

Residents of North Buckeye Rancheros

Outlook

Fw: [EXTERNAL] Sacramento Verona group

From Bueschel, Langdon F <Langdon.Bueschel@bia.gov>
Date Tue 11/18/2025 9:12 AM
To Hayden, Jennifer A <Jennifer.Hayden@bia.gov>

Comment emailed relating to the Shingle Springs FONSI

Langdon Bueschel
Realty Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
Office Phone: 916-978-6092
Cell Phone: 916-820-8047
langdon.bueschel@bia.gov

NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient(s). If you are not an intended recipient, please do not read, distribute, or take action in reliance upon this message. If you have received this in error, please notify me immediately by return email and promptly delete this message and its attachments from your computer.

From: Russell, Lorrae <Lorrae.Russell@bia.gov>
Sent: Monday, November 17, 2025 8:52 AM
To: Bueschel, Langdon F <Langdon.Bueschel@bia.gov>
Subject: Fw: [EXTERNAL] Sacramento Verona group

Good morning Langdon,

Ryan had forwarded this to me during the shutdown. Please keep this in your file for the specific project. It appears to be a comment.

Thanks,

Lorrae

Lorrae Russell, Acting Regional Realty Officer
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Rm. W-2820
Sacramento, CA 95825

o: (916) 978-6071
c: (916) 918-3285

From: Hunter, Ryan <Ryan.Hunter@bia.gov>
Sent: Tuesday, October 14, 2025 9:07 AM
To: Russell, Lorrae <Lorrae.Russell@bia.gov>
Subject: Fw: [EXTERNAL] Sacramento Verona group

Hi Lorrae,

After the government shutdown, please look into this as this may be comments to a FTT application? Thanks!

Ryan Hunter
Acting Regional Director, Pacific Region
United States Department of the Interior
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way Room W-2820
Sacramento, CA 95825
Desk Phone (916) 978-6006
Cell Phone (916) 642-3400

Warning: This email (including any attachments) may contain Privacy Act Data/Sensitive Data which is intended only for use of the individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this email is strictly prohibited, and you are required to destroy the original email and its attachments without reading or saving in any manner.

From: wes yielding <realshinglespringsindianreservat@yahoo.com>
Sent: Sunday, October 12, 2025 12:14 AM
To: Hunter, Ryan <Ryan.Hunter@bia.gov>
Subject: [EXTERNAL] Sacramento Verona group

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear friends,

The most significant change to our neighborhood has entered a new phase. Traffic in our county will increase significantly with this project. Well water needs and septic treatment concerns are an unknown according to the

I12-1

environmental assessment. Your comments regarding an 80,00 square foot arena, 1,280 car garage, 16 townhomes, 24 cottages, and 92 single-family homes is encouraged at this time. The Bureau of Indian Affairs (BIA) is currently accepting comments which will inform their decision on this project.

Now is the time, 27 days remain to submit your comments.

Written comments should be mailed to the following address:

Ryan Hunter, Acting Regional Director

Bureau of Indian Affairs, Pacific

Regional Office

2800 Cottage Way, Room W-2820,

Sacramento, CA 95825

People are concerned with what the local Bia is letting the Sacramento Verona get away with.

I12-1
cont.

Sent from Yahoo Mail for iPhone