



COUNTY OF YOLO

Board of Supervisors

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July 12, 2011

Amy Dutschke
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

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Dep Reg Dir	_____ <i>T</i>
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Route	_____ <i>Decem</i>
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RE: Comments on the Environmental Assessment for the Proposed Trust Acquisition of Fifteen Fee Parcels for the Yocha Dehe Wintun Nation

Dear Ms. Dutschke:

The Yolo County Board of Supervisors appreciates the opportunity to provide comments on the Environmental Assessment (EA) for the Yocha Dehe Housing Project. These comments identify issues that should be considered by the Bureau of Indian Affairs (BIA) prior to considering approval of this proposed project.

The mission of the elected officials and staff of Yolo County is to maintain and protect the quality of life for our residents. Our review of potential projects strives to ensure the safety of Yolo County residents; maintain the quality of life of Yolo County residents by protecting our infrastructure, environment, agriculture, historical integrity, and open space areas; improve the business climate within the County; and ensure the cost effective operation of County services without undue and unfair financial burdens on County residents. This mission underscores the importance of the environmental review process.

The 2002 Intergovernmental Agreement between the Yocha Dehe Wintun Nation and the County of Yolo requires that the two parties negotiate in good faith over any application for the United States to take additional land into Trust for the Tribe. The Board of Supervisors has appreciated the opportunity for County and Tribal staff to meet and discuss many of the key issues mentioned in this letter. We hope to continue these positive and productive discussions.

The County has prepared the detailed comments described below by resource topic for consideration by the BIA in determining whether to prepare either a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS).

Project Description

Preference for Alternative A Versus Alternative B - The EA evaluates two separate development alternatives with the sole difference being the size of the area proposed to be taken into trust. Based on the project's purpose and need, it is unclear why the larger of these two alternatives is being considered for adoption. Alternative A includes 15 parcels covering a total of 853 acres. Nine of these

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parcels do not include any change in use with project implementation. The Tribe's purpose for taking land into trust is to provide housing and expanded governmental, educational, and cultural facilities/services under the direct control of the Tribal government to accommodate the Tribe's current members and anticipated growth. Because the development proposed with Alternative B at 751 acres is exactly the same as Alternative A, Alternative B would achieve the project's purpose and need without requiring additional acreage being taken into trust. Alternative B would also reduce the adverse financial effects on the County and other local governments associated with taking additional land off of the property tax roles. The EA estimates that \$48,843 annually in property tax revenue would be lost with implementation of Alternative A.

2-1
Cont.

EA Should Consider Other Development Alternatives - The County questions why only one development alternative was considered in the EA. Without the consideration of feasible development alternatives in the EA, the BIA is unable to compare the environmental impacts associated with alternative development scenarios. For instance, as stated on page 2-10 of the EA, the proposed development of cultural/educational uses on Parcels 1 and 2 would be consistent with permitted and conditionally permitted uses identified in the County's Agricultural Preserve zoning for these parcels. Therefore, these parcels would not need to be taken into trust in order to implement these uses. The EA should include an alternative that considers achieving the project purpose and need without the Tribe taking additional land into trust.

2-2

Project Unnecessary to Maintain Agricultural Operations - The EA states on page 1-5 that the Proposed Action would allow the Tribe to maintain its agricultural operations under full Tribal governance, thereby allowing the Tribe to continue to build economic self sufficiency. However, as the owner of agriculturally-designated lands, the Tribe currently has control over the agricultural management of their lands and they have proven to be quite adept at managing these lands successfully and sustainably. Therefore, it is unnecessary to take these lands into trust to meet the proposed project's purpose and need.

2-3

EA Should Strengthen Protective Measures - The EA identifies protective measures and Best Management Practices commencing on page 2-6. However, many of these protective measures include the caveats "to the extent feasible," "where possible," or "to the extent practicable." These caveats diminish the protective nature of these measures and should be removed.

2-4

Project Description Conflict - The statement on page 3-80 that residences will be constructed on Parcel 1 appears to be in error, as it contradicts the project description included in Chapter 2. Being located almost entirely within a 100-year flood zone, the construction of residences on Parcel 1 would be of concern to the County due to their potential to increase adverse flood effects downstream.

2-5

EA Does Not Examine Potential Future Changes in Land Use - The County is concerned that once the lands are taken into trust, no restrictions would remain in place regarding development on the trust properties. Future land use decisions could result in higher-density development that could be inconsistent with surrounding land uses and the rural agricultural character of the Capay Valley. Of particular concern to the County is the potential for highway commercial development on the parcels adjacent to State Route 16, which could draw additional traffic to the already congested State Route 16 corridor. The BIA should considered establishing specific development controls associated with approval of the proposed action that would ensure that unrestricted development on trust lands does not occur in the future.

2-6

Water Resources

Substantial Creek Disturbance Anticipated - The project includes the development of residential homes of up to 5,200 square feet directly adjacent to creeks that drain a relatively large watershed. These creeks can produce large storm water flows as is evident by their 100-year flood footprint. The County is concerned that the extend of the development footprint and associated land disturbance proposed on

2-7

Parcels 9 and 10 could substantially alter the drainage characteristics of these creeks and increase the potential for downstream sedimentation and water quality degradation. This area drains directly into Cache Creek. The BIA is encouraged to consider expanding the building setbacks from the creeks and reducing the development footprint to better match the local topography and hydrologic constraints.

2-7
Cont.

Wastewater Treatment Plant Could Adversely Affect Public Health - The construction of a wastewater treatment plant and associated 6-acre pond could have adverse health effects on local residents including the generation of nuisance odors and the attraction of mosquitoes. The BIA is encouraged to consider all appropriate measures necessary to ensure the local community is not adversely affected by the operation of the proposed wastewater treatment plant.

2-8

Inaccurate Table Data - The percent area identified as Potential Seasonal Wetland in Table 3-10 is incorrectly identified as 3.8 E⁻⁴. The percentage wetland should be identified as 0.038 percent.

2-9

Biological Resources

Riparian Woodland Loss Should be Appropriately Mitigated - The mitigation measures for the loss of riparian woodland habitat require the habitat to be restored to its natural state. However, no information or detail is provided identifying what constitutes the habitat's natural state or when it needs to be restored. The mitigation measures should specify the timing and location of restoration efforts, specific success criteria that need to be achieved, how new plantings will be irrigated and protected from foraging, and long-term monitoring to ensure mitigation success. These measures should be identified in a detailed restoration plan that would be reviewed and approved by the United States Fish and Wildlife Service.

2-10

Extent of Wetland Disturbance Undocumented - The EA concludes that wetland resources will be lost with project implementation. However, a wetland delineation has not been completed for the proposed project. Therefore, the precise extent of jurisdictional wetlands that would be filled with project implementation is unclear. The BIA should prepare a wetland delineation, have it verified by the U.S. Army Corps of Engineers, and publicly circulate it prior to approving the proposed project.

2-11

California Tiger Salamander Mitigation Inadequate - The mitigation measure for California Tiger Salamander states that if it is observed, all work shall stop until the USFWS is consulted. No additional mitigation is identified. Therefore, it is difficult to conclude that this mitigation actually addresses the impact. A more detailed strategy for mitigating for potential project impacts on California Tiger Salamander should be integrated into the EA.

2-12

Transportation and Circulation

Cumulative Traffic Analysis Conclusions Unsupported - The discussion of cumulative traffic impacts in the EA states that the proposed project and other relevant projects would increase traffic on local roadways, thereby increasing potential safety hazards and adverse level of service effects. The analysis then concludes that the proposed project would not result in any cumulative impacts based on the CCCR Event Center Project Traffic Impact Study completed by Kimley-Horn in 2010. The Kimley-Horn traffic report is not included as an appendix to the EA and it is unclear whether the proposed project was even considered in the Kimley-Horn study. Because the EA clearly states that the project would increase adverse level of service effects on local roads, it is unclear how the analysis can then make the opposite statement. Without a clear rational and supporting data for the conclusion that the project will not cause adverse effects on local roadways, the EA does not describe the proposed project's environmental impacts. This should be corrected in the EA prior to the consideration of project approval.

2-13

Land Use

Loss of Agricultural Land – Although the loss of agricultural land associated with project implementation is relatively small, the County is concerned with any loss of agricultural land and is particularly concerned that future development within the expanded trust lands will result in additional long-term losses of agricultural land. As discussed above, the County encourages BIA to consider establishing specific development controls associated with approval of the proposed action that would ensure that unrestricted development on trust lands does not occur in the future.

2-14

Visual Resources

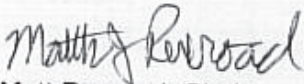
Project Site Would Alter Views from State Route 16 - The Capay Valley within the project vicinity contains unique visual resources associated with its rural agricultural character. The construction of the proposed cultural centers adjacent to State Route 16, which is designated as a Local Scenic Highway in Policy CC-1.13 of the 2009 Yolo County General Plan Update, and the construction of the wastewater treatment plan to the west, would alter the visual character of the local area. No visual mitigation measures are proposed in Chapter 5 of the EA and the protective measures identified on page 2-7 only address lighting and signage. A detailed vegetative screening/landscape plan should be included as mitigation in the EA to minimize the adverse visual changes that would be expected with the project construction.

2-15

Conclusion

The Board of Supervisors is committed to ensuring that the quality of life within the Capay Valley is maintained. We look forward to working collaboratively with the BIA and the Yocha Dehe Wintun Nation in resolving the issues identified in this letter. Thank you again for the opportunity to provide these comments. If you have any questions regarding the issues raised in this letter, please contact Christopher Lee, County-Tribe Coordinator at (530) 666-8150 or clee@yolocounty.org.

Respectfully,



Matt Rexroad, Chair
Yolo County Board of Supervisors