

Reduced-Size Casino and Resort Project Mitigation

Fire Suppression

During construction, staging areas, welding areas, and other areas slated for development using spark-producing equipment will be cleared of dried vegetation and combustible materials that could serve as fire fuel to the extent reasonable.

The Dry Creek Rancheria Fire Department will continue to clear tribal lands to create a fire-safe environment and create defensible space.

Aesthetics

1. When the Tribe's preliminary design plans for building, lighting, and landscaping become available, the Tribe will transmit such plans to the county for review and comment.
2. The preliminary design plans will include the colors and materials of proposed buildings, as well as lighting and landscaping details so that the County can see details of the proposed project.
3. Before the Tribe makes final building, landscaping, and lighting decisions, the County, Tribe and Tribe's building, landscaping, and lighting consultants will meet and confer to discuss the preliminary design plans. The Tribe will seriously consider any recommendations by the County, particularly those which are in keeping with the Tribe's plan regarding design themes and architectural suggestions and colors, but will retain sole discretion regarding final color, lighting, landscaping, and other aesthetic decisions.
4. Groupings of large 48-72" box evergreen trees and other appropriate trees and shrubs will be planted to screen, to the extent feasible, the northern parking garage exposed to valley views from County roadways, in keeping with the Tribe's design aesthetic. However, the Tribe is not obligated to do anything that may result in increased fire danger to the Tribe's properties.
5. To the extent practicable, berms or other earthen mounds, and Evergreen trees and shrubs, including large trees and plantings for large walls and buildings, will be employed to help blend or screen lower building levels, foundations, sheer walls, parking garages, retaining walls, water tanks, and utility structures. Where feasible and in keeping with the Tribe's design aesthetics, such trees and shrubs shall be placed in natural groupings to break up linear rows of plantings. The kind, style, variety, size and shape of any berms, mounds, trees, or vegetation shall be determined by the Tribe in its sole discretion and shall not in anyway be required if it is determined to create an increased fire risk or unsafe condition.
6. Where feasible, as determined by the Tribe, new power and communication utilities that require above ground wiring that is visible from off-Reservation valley views will be placed underground. Such undergrounding of utilities will not be required where placement would result in significant adverse environmental effects. Where undergrounding is not feasible, utilities will be substantially screened from valley views.

Night Lighting – Interior

1. Interior lighting plans will be designed to meet or exceed Title 24 energy efficiency standards.
2. The Tribe is committed to minimizing night light pollution from the Resort Project, including light emanating from the hotel guest room windows. As part of this effort, all hotel guest rooms facing the valley floor will have low-emissivity (Low-E) glazing where feasible and in keeping with the Tribe's design aesthetic.

Night Lighting – Exterior

1. The Tribe will use the least amount of lighting equipment possible to achieve the goals of the project, while balancing the quantity of equipment used with the need to provide for glare control and uniform lighting, safety, and commerce and in keeping with all the applicable laws and regulations and insurance requirements.
2. Exterior lighting plans will be designed to meet or exceed Title 24 L22 energy efficiency standards for rural areas.
3. Where feasible and in keeping with the Tribe's design aesthetics, luminaire locations will be selected to minimize glare and contain light within the design area and shield light sources from valley views.
4. All new outdoor roadway and parking area lighting will consist of high-pressure sodium or low-wattage metal halide or comparable sources in full cutoff shielded luminaires unless necessary for safety and commerce and in keeping with all applicable laws and regulations and insurance requirements.
5. All permanent exterior site lighting visible to the valley will utilize shielded luminaires with horizontal cutoff optics to minimize or eliminate all light directed above the horizontal. All permanent exterior site lighting visible to the valley will use high efficacy sources, such as Compact Fluorescent or Ceramic (metal halide). In such locations, high wattage incandescent will not be utilized for site lighting. Maximum wattage of any permanent lamp used for exterior site lighting will be 100 watts unless required for roadway (street) or security lighting.
6. Holiday lighting ("Christmas Lights", or festoon string lights) may be used during holidays for not more than 60 days at a time. Nothing herein is intended to limit the use of low-level, decorative "twinkle"-type lights (whether or not actually twinkling) however, where feasible, such lights will be placed so as not to create a significant visual impact to the valley floor.

Air Quality – Construction

1. The Tribe will comply with all federal laws and regulations regarding air quality for construction activities.

2. The Tribe will require its construction contractors to implement an appropriate dust abatement program during construction, including, but not limited to, the following measures:
 - i. Water all active construction areas daily to the extent necessary. Increase watering as necessary when wind speeds exceed 15mph during dry conditions.
 - ii. Apply asphalt, oil, water or suitable chemicals on unpaved roads, parking areas, staging areas, materials stockpiles, and other surfaces at construction sites that can give rise to airborne dust.
 - iii. Sweep all paved construction site areas so as to maintain them in a clean condition.
 - iv. Sweep streets if visible soil material is carried onto adjacent public streets so as to maintain them in a clean condition.
 - v. Hydroseed or apply (non-toxic) soil stabilizers or otherwise cover or stabilize exposed disturbed soils that have remained inactive for ten days or more during October 15th to April 15th.
 - vi. Limit traffic speeds on unpaved roads and circulation areas to 15mph, install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
 - vii. Replant vegetation in disturbed areas as quickly as possible if such replanting is fire-safe.
 - viii. Designate a person or persons to monitor the dust control program and order increased watering if necessary to prevent offsite transport of dust.

Air Quality – Operations

1. Any generators purchased or leased after the effective date of this Agreement will comply with the requirements and standards set by the California Air Quality Board (“CARB”) including those articulated in the California Code of Regulations, title 17, sections 93115-93115.5 and 93116-93116.5, in effect at the time of such purchase or lease. Nothing herein is intended or shall be deemed to confer jurisdiction on CARB for enforcements or any other purposes.
2. Preference will be given in contract negotiations, which take place after the effective date of this Agreement, to bus transportation companies providing buses powered by natural gas and other low-emission alternative fuel, provided that the pricing and rates of such companies are comparable to other bus companies not using such fuel.
3. The Tribe will adopt and enforce a law prohibiting the open burning of refuse from Resort Project operations.

4. A non-smoking area will be provided in the casino area and a ventilation system will be utilized throughout the gaming facility that exhausts tobacco smoke.
5. The Tribe will implement the measures specified in the serpentine soils hazard dust mitigation plan, as stated in the Final Environmental Assessment, if serpentine soils are found on the Resort Project site.
6. The Tribe will, where it determines it is feasible and practical, implement the following control measures to reduce emissions of CO₂ and other greenhouse gases:
 - i. Install temporary electrical service installation to avoid the need for independently powered equipment (e.g., compressors) where reasonable.
 - ii. Restrict idling of non-construction diesel equipment (other than for emergency purposes) and commercial vehicles, including delivery vehicles but excluding buses, to no more than 20 minutes.
 - iii. Promote ride-sharing programs, including but not limited to a trip reduction program for employees. The Tribe may accomplish these programs by designating parking spaces for high-occupancy vehicles, providing preferred parking for employee carpools, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.

Biological Resources

1. Underground placement of utilities will be designed to minimize tree damage and removal. Any trees removed shall be replaced and maintained. However, nothing in this section would require the Tribe to implement a measure that would create a fire danger.
2. With regard to road improvements along State Route 128 that requires construction in waters of the United States, the Tribe will work with Caltrans and/or other permitting authorities to develop mitigation measures to reduce or eliminate impacts to aquatic species during the removal and replacement of the culvert at State Route 128 if that action is required for roadway improvements. These measures may include limiting construction activities to the dry season as determined by NOAA Fisheries, implementing construction BMPs and onsite restoration of temporarily impacted areas. Since the improvements must be permitted by Caltrans, the Tribe will work with Caltrans as required by applicable laws to implement appropriate best management practices and mitigation measures for such work.

Water Quality

1. The Tribe will comply with drinking quality water standards no less stringent than the federal Safe Drinking Water Act.

2. The Tribe operates its facilities consistent with its status as Treated as a State.

Surface Water Quality

1. The Tribe will take reasonable measures to prevent petroleum related pollutants from being carried from roadway surfaces into Rancheria Creek, including, but not limited to, the following measures:
 - i. “Fossil Filters” or an equivalent product will be installed at the drainage structures that collect roadway runoff. The filters will be regularly inspected and replaced as necessary during the rainy season to maintain effectiveness. The used filters will be handled and disposed of in accordance with all applicable laws.
 - ii. “Stormceptor” grease and sediment traps or an equivalent product will be installed in the storm drain lines just upstream of the discharge points into the creek. The traps will be periodically cleaned out and the trapped material disposed of in a proper manner.
 - iii. In lieu of the combined “Fossil Filters” and “Stormceptor” grease and sediment traps, a stormwater treatment method from “Guidelines for the Standard Urban Stormwater Mitigation Plan Stormwater Best Management Practices for New Development and Redevelopment for the Santa Rosa Area and Unincorporated Areas around Petaluma and Sonoma,” dated June 3, 2005, may be utilized.

Drainage and Stormwater

1. Drainage improvements will be designed by a registered civil engineer and will comply with all applicable laws.
2. The Tribe will provide the County with a copy of its current construction Stormwater Pollution Plan (“SWPPP”) upon request, including any final amendments (but excluding daily inspection and adjustment documentation), for both the existing Casino and all future Gaming Facility construction SWPPPs. The Tribe will consult with the County in good faith regarding the adequacy of any SWPPP component and will seriously consider any feasible and reasonable comments and recommendations. Nothing herein is intended or shall be deemed to confer jurisdiction on the County for enforcement or any other purposes.
3. The Tribe will prepare a construction SWPPP for the construction of the Reduced-Size Casino Resort Project. The Tribe will implement the Best Management Practices (BMPs) set forth in its SWPPP to avoid downstream impacts, including channel erosion and sedimentation in Stream P1 (as such term is identified in the Tribe’s NPDES permit application). The BMPs will be based on the latest editions of the following publications:
 - i. California Stormwater BMP Handbook (www.cabmphandbooks.com), by the California Stormwater Quality Association;

- ii. Erosion and Sediment Control Field Manual, by the San Francisco Bay Regional Water Control Board;
 - iii. Manual of Standards for Erosion & Sediment Control, by the Association of Bay Area Governments; and
 - iv. Construction site Best Management Practices Manual, by the California Department of Transportation.
4. The SWPPP will include schedules for construction, maintenance, and inspection of Proposed BMPs.
 5. The Tribe will inspect its erosion prevention and sediment control measures before forecasted storm events and after actual storm events to ensure that measures are functioning properly. "Storm events" are events that produce at least one (1) inch of precipitation in a 24-hour period. The Tribe will promptly replace erosion prevention and sediment control measures that have failed or are no longer effective.

Wastewater

1. The Tribe will make a good faith effort at all times to employ a lead wastewater plant operator that is a certified Grade II operator or higher classification or equivalent experience.
2. Treated wastewater storage ponds will be double lined and include both electronic monitoring devices to detect leakage and a leachate collection and removal system between the two liners constructed in accordance with applicable and federal Tribal regulations.
3. The Tribe will maintain equipment that automatically shuts off treated wastewater used for irrigation if a significant leak occurs in the irrigation system equipment.
4. To the extent feasible, the Tribe will significantly reduce the aesthetic impact of storage tanks over 30,000 gallons from valley views through exterior paint colors that are non-reflective and are neutral colors that complement the adjacent environment, vegetative screening, and other practical measures.
5. In recognition of the government-to-government relationship between the Tribe and the County, the Tribe agrees to meet and confer with the County regarding its wastewater operations and to provide a tour for the County upon reasonable request by the County. Such discussions, tour and any information obtained during such discussions are subject to the confidentiality provisions set forth in Section 19 of the MOA. The parties will make good-faith efforts to resolve any concerns regarding the Tribe's wastewater operations.
6. The Tribe agrees to contact and meet and confer with the County before deciding to apply for a new NPDES permit or any major modification of its existing NPDES permit for the discharge of treated wastewater in the Rancheria. The Tribe agrees to share with the County its engineering

design report with supporting calculations, construction drawings, specifications, and operating plans for the potential new or modified wastewater facility. Such discussions, and any information obtained therefrom, are subject to the confidentiality provisions set forth in Section 19 of the MOA. The Parties will make good-faith efforts to resolve any concerns regarding potential changes to the Tribe's wastewater operations subject to the limitations.

7. The Tribe will notify the County Administrator's Office and County Counsel within 24 hours of notifying the EPA of any unlawful discharge of wastewater effluent.

Solid Waste Management

The Tribe will adopt a recycling plan for the Resort Project and provide a copy of the plan to the County upon request.

Noise

1. All generators purchased after the effective date of this Agreement will be operated with mufflers that meet the applicable requirements of the State Resources Code and the Vehicle Code at the time of such purchase.
2. The Tribe will implement a Noise Complaint System. The Tribe will continue to maintain a 24-hour open telephone line wherein the contact number is posted on the River Rock Casino website where any member of the public may call and register a noise complaint. The Tribe will investigate and respond to received complaints. If a complaint cannot be resolved between the Tribe and the complainant within a reasonable time, the Tribe will take noise measurements to document the levels of the sound from the Resort Project at such off-Reservation residences. The sound measurement will measure the L02, which is the sound level exceeded one minute in any hour. If measured levels from sound at the exterior of the off-Reservation residence exceed a L02 of 65 dBA before 10 a.m. or 60 dBA after 10 p.m., the Tribe will provide windows rated for a 10 dBA exterior to interior noise reduction for all habitable rooms on the side of the residence facing the Rancheria. The Tribe will provide specifications for the windows to the homeowner. The homeowner will then be responsible for receiving three (3) bids from qualified contractors to purchase and install the windows. The Tribe will promptly pay the homeowner for the cost of the lowest bid after the windows are installed and accepted by the homeowner. The Tribe will pay for normal installation of the windows but will not pay for any additional work necessary to allow installation, such as repair of dry rot or termite damage.
3. Construction contractors will be required to implement "quiet" pile-driving technology (such as sonic or vibratory pile-driver use; pre-drilling of piles; and jetted pile-driving), where reasonable, with consideration of geotechnical and structural requirements and conditions.
4. Except as to any exception agreed to by the parties following a meet and confer process, construction activities during nighttime hours (10:00 p.m. to 6:00 a.m.) shall be limited to those

related to interior work and exterior work that does not produce significant noise or require the use of significant noise reducing equipment.

5. Construction contractors will be required to implement the following measures to reduce noise levels due to construction:
 - i. Equipment and trucks used for project construction will use the industry standard noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) wherever reasonable.
 - ii. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction will be hydraulically or electrically powered wherever reasonable to avoid noise associated with compressed air exhaust from pneumatically powered tools. External jackets on the tools themselves will be used where reasonable. Quieter procedures, such as use of drills rather than impact tools, will be used whenever reasonable.
 - iii. To the extent reasonable, stationary noise sources that could affect off-Reservation residences will be located as far as possible from adjacent receptors, will be muffled, and enclosed within temporary shade, and will incorporate insulation barriers or other measures.

Traffic and Transportation

1. The Tribe will install improvements to the intersections of State Route 128 at the Dugan Property entrance in conformance with Caltrans construction standards (“Intersection Improvement”), if the rights and approvals necessary to make such improvements are obtained. Improvements will include acceleration lanes, deceleration lanes, and a left-turn pocket to the BIA 93 and the Dugan Property. These improvements will be installed at the earliest feasible date, subject to Caltrans approval, and the Tribe will make good faith efforts to obtain all approvals, permits and easements necessary for the construction of such improvements. The cost of such improvements, which will be constructed at the Tribe’s sole expense. The Tribe will not be required to make the improvements where State Route 128 Intersects the Dugan Property entrance if the Tribe obtains another emergency access road to the existing Reservation. However, any emergency vehicle access point, if other than on the Dugan Property, will have an equivalent level of intersection improvements as agreed above.
2. The Tribe shall provide a Construction Assurance Device, as that term is used in the MOA, to guarantee construction of the intersection improvements in accordance with accepted plans for the intersection. The device shall be provided to the County no later than sixty (60) days following approval of the intersection by Caltrans. The purpose of the Construction Assurance Device shall be to assure the availability of funds to the County to build or complete the road or

to remediate any material deviation from the agreed upon intersection improvement plans approved by Caltrans.

3. The County will communicate to Caltrans its support of the improvements and timely provide all available information requested to attempt to expedite construction. County acknowledges that such improvements may require acquisition of certain easements or land parcel(s), as well as, other permitting matters that may be out of the Tribe's control. Prior to any construction within a California state right-of-way, the Tribe will submit a copy of the Caltrans approved Encroachment Permit to the County Transportation Department.
4. The Tribe will make good faith efforts to provide, to the extent permissible, adequate traffic control on State Route 128, so that vehicles do not queue beyond the planned turn lanes on State Route 128 as patrons wait for entrance to the Reservation when parking or other facilities are full or access otherwise restricted.
5. In addition to the foregoing, the Tribe will place "no parking" signs on BIA 93, and if approval is obtained from Caltrans, on SR 128. The Tribe will make good faith efforts to obtain all approvals, permits, and easements necessary to install the signs and will coordinate with applicable law enforcement authorities to reasonably ensure enforcement of these provisions. The County will communicate to Caltrans its support of the signage and timely provide all available information requested to expedite the installation of such signs. The Tribe will also contract with the California Highway Patrol and/or the County Sheriff to assist in traffic control for large special events at the Reservation. The need for contracted assistance from the CHP or County Sheriff will be determined by the Tribe.

The Tribe will monitor Casino related traffic, including special event use, and share such monitoring information, on request, with the County for the purposes of identifying and remedying congestion problems without affecting commercial performance, viability and feasibility of the Reduced-Size Casino and Resort Project. The Tribe and County will meet and confer regarding traffic issues, if any. The information provided to the County will be kept confidential to the extent allowed under the law. If the County receives a Public Records Act request seeking such information, it will timely inform the Tribe so that the Tribe may oppose such request, if it so wants.