Town of Windsor
CALIFORNIA

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Sent via Email
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Amy Dutschke, Regional Director
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Chad Broussard (via email)
Environmental Protection Specialist
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Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments on the Final Environmental Impact Statement (FEIS) for the Koi Nation Shiloh Resort and Casino Project. Upon careful review, the Town concludes that the FEIS fails to adequately respond to the concerns and issues raised in the Town's comments on the Draft Environmental Impact Statement (DEIS). The FEIS does not provide additional project details or propose new or improved mitigation measures that would reduce the Project's significant environmental impacts below thresholds of significance.

Consequently, the Town strongly urges the Bureau of Indian Affairs (BIA) to reconsider the Project and endorse the "no project" alternative. The following is an outline of key areas where the FEIS remains deficient. While this letter is meant to be comprehensive, it is not exhaustive. The BIA is requested to consider this letter's contents in addition to comments and concerns raised by other agencies, affected community members, local tribes, and interested members of the public.

1. Water Resources

The Town of Windsor's comments regarding water resources reflect significant concerns about the FEIS's failure to adequately address potential impacts to groundwater, surface water, wastewater systems, and related resources. These comments include contributions from Windsor Water District staff, who bring extensive knowledge and expertise regarding the Town's and region's water and sewer supply, infrastructure, and long-range planning.

Groundwater Resources

The Town appreciates the additional groundwater analysis completed for the FEIS and the use of recycled water to the extent feasible. The Town also appreciates the use of green infrastructure to maximize the storm water infiltration considering

the substantial amount of impervious surface that would be created by the Project. However, in Appendix D-4 of the Revised Supplemental Groundwater Resources Impact Assessment (GRIA), under Section 5, it is indicated that the Project completed an operation simulation to determine potential drawdown of nearby wells, including the Towns' replaced Esposti potable well. It incorrectly assumed that the Town would only operate the replaced potable Esposti well during dry years. It is considered an alternative water source to the Town's river well system but in fact, the Town has a history of operating the Esposti well year-round. The potable Esposti well, is more likely to be run during dryer years, but could also be run during normal years. The Windsor 2020 Urban Water Management Plan indicates an approximate 350 acre-feet per year, so that should be the assumption used in the simulation. Town use should be added into the model as part of the baseline conditions and the Project evaluated from that baseline.

Considering the above, the FEIS does not sufficiently analyze or mitigate the risks of groundwater depletion and interference with the Esposti Supply Well, which serves as a critical resource for the Town of Windsor. While the FEIS acknowledges the potential for the Project to impact groundwater levels, it fails to provide substantive commitments to avoid or minimize such impacts.

The FEIS does not analyze long-term groundwater drawdown scenarios, particularly under drought conditions or in conjunction with increased regional water demand.

In Section 4-3, Mitigation Measures of the FEIS, page 3-181, it is indicated that the proposed mitigation for cumulative groundwater drawdown exceedances of 5 feet or more, is to implement a monitoring and mitigation program to prove that the Project wells interfered with Town wells. It indicates the Tribe may request reimbursement from the Town of Windsor for a fair share in proportion to the degree of the Project's contribution to the drawdown that caused the diminished yield or increased maintenance cost. Again, the Town has operated an Esposti well in the past, and the well-treatment system the Town is designing will be to replace the previous use of the well and should not be construed as a new project. The BIA must determine the change in use, with the previous Town water use as part of the baseline, then determine the causal effect. Also, any mitigations that include the Town in the FEIS should be discussed with the Town prior to it being proposed in a public document. No such discussion has occurred with the Town; therefore, the Town cannot concur with these statements or endorse these mitigations at this time.

Cumulative impacts from adjacent developments, as required by a thorough environmental analysis, are not adequately considered. The reliance on assumptions rather than empirical data about aquifer recharge rates and capacity further undermines the FEIS's conclusions. The FEIS must incorporate detailed

hydrogeological modeling to predict and mitigate impacts to local groundwater resources, including the Esposti Supply Well.

Surface Water Resources

The FEIS fails to adequately address concerns about effluent discharge into Pruitt Creek. As an ephemeral watercourse, Pruitt Creek's capacity to support year-round discharges is limited. Because of this difference in watercourse type, the assumption that discharge volumes will primarily be regulated by streamflow at the Russian River rather than the point of discharge is flawed. Additional discharge alternatives, such as on-site reuse or storage during low-flow periods, must be explored to avoid impacts to Pruitt Creek and downstream ecosystems.

The potential for surface water contamination from runoff, particularly following wildfire events, is insufficiently analyzed. This oversight is significant given the potential for post-fire pollutants, including heavy metals and other toxins, to affect aquatic habitats. The FEIS must provide a robust analysis of surface water impacts, including detailed mitigation measures to ensure that effluent discharges do not adversely affect water quality or habitat integrity.

Floodplain Management and Stormwater

The FEIS does not incorporate updated FEMA Flood Insurance Rate Maps (FIRM) or address the implications of floodplain management for the Project site. This omission is critical given the potential for increased flood risks due to climate change and alterations to stormwater runoff patterns. The Project's stormwater management plan lacks specificity regarding retention basins, infiltration systems, and measures to prevent downstream flooding.

The treated wastewater discharge point, the USGS gauge at Mark West Creek identified in Appendix D-1 is too far downstream to estimate flows in Pruitt Creek. As Pruitt Creek and Pool Creek commonly rise close to flood stages, the Town recommends a gauge on Pruitt Creek for more accurate information.

The surface water discharge point, Pruitt Creek, identified in Appendix D-1: 2.3.4.2: Surface Water Discharge is two tributaries upstream of Mark West Creek. The proposed 1% of flow in Mark West Creek and the proposed Mirabel Heights gauge (at Mark West Creek) are not relevant to Pruitt Creek flood and flow stages. Due to the tributary and size differentials, discharging at a rate of 1% of Mark West Creek flow may inundate the much smaller Pruitt Creek. For a point of reference, the Town of Windsor, which is much larger than the proposed development, has historically discharged at flowrates near 1% of Mark West Creek as measured at Mirabel Heights. The smaller scale of the development and Pruit Creek would warrant a different discharge flow limitation.

The cumulative impacts of impervious surfaces and altered hydrology on local waterways, including Pruitt Creek and the Russian River, are not fully analyzed. As was noted in the response to the DEIS, the BIA must require a revised

floodplain and stormwater analysis that incorporates up-to-date data and identifies clear, enforceable mitigation measures.

Wastewater
A major concern highlighted in the Town's comments on the DEIS and not adequately addressed in the FEIS is that the proposed wastewater treatment facility is undersized relative to the Project's projected water usage. The FEIS estimates maximum potable water usage at 300 gallons per minute (gpm), equating to approximately 432,000 gallons per day (gpd). However, the wastewater treatment facility's proposed capacity of 0.25 million gallons per day (MGD) is insufficient to accommodate realistic wastewater volumes. A minimum treatment capacity of 0.5 MGD is necessary to ensure adequate handling of effluent under peak usage conditions.

Recycled water storage facilities, which are critical for irrigation and cooling tower use, are absent from the site plans for all Project alternatives (A, B, and C). The feasibility of achieving proposed recycled water use objectives is impossible without adequate infrastructure and operational commitments.

The FEIS must address these deficiencies by revising the wastewater treatment plan to reflect realistic usage scenarios and ensuring compliance with Title 22 standards for recycled water.

2. Air Quality

The FEIS has been revised to mandate the use of Tier 4 Final engines for all construction equipment, in accordance with the 2022 amendments to the California Air Resources Board (CARB) In-Use Off-Road Diesel-Fueled Fleets regulation. While this represents an improvement over the Draft EIS, significant concerns remain:

- Enforceability of Best Management Practices (BMPs): The reliance on BMPs, including idling time limitations for construction vehicles, lacks clarity on enforceability. Without detailed monitoring or penalties for non-compliance, these measures risk becoming ineffective.
- Cumulative Construction Emissions: The FEIS does not adequately analyze the cumulative impacts of construction emissions when combined with other ongoing or planned projects in the region. This omission undermines the ability to understand the true scale of air quality impacts during the construction phase.

Operational emissions are also a significant source of concern due to the Project's anticipated vehicle traffic. The Town's DEIS comments highlighted the potential underestimation of traffic volumes and associated emissions. The FEIS responds by reiterating its reliance on the traffic generation estimates from the TIS (Draft EIS Appendix I), asserting that the modeled air quality impacts are accurate.

However, as discussed in the Transportation and Circulation section, the TIS underestimates trip generation by up to 25%, leading to corresponding underestimations in air quality impacts. The FEIS does not provide any adjustments to address this. Additionally, while the FEIS states that there are no significant industrial or stationary sources near the Project site, it inadequately evaluates the cumulative air quality impacts of mobile and on-site emissions combined with regional sources including a proposed asphalt plant approximately 0.75 miles west of the Project site, currently undergoing environmental review.

The Town of Windsor finds the FEIS's response to air quality concerns inadequate. While the inclusion of Tier 4 Final engines for construction equipment is a step forward, the reliance on insufficient traffic assumptions, unenforceable BMPs, and vague operational mitigations renders the air quality analysis incomplete. The FEIS must be revised to include air quality modeling based on updated traffic generation estimates, enforceable mitigation measures, including robust monitoring and penalties for non-compliance, and specific commitments to align the Project with regional climate goals and reduce impacts on sensitive receptors. These revisions are critical to ensuring that the Project's air quality impacts are accurately assessed and effectively mitigated.

3. Biological Resources

The following comments are based on review of the FEIS by the Town of Windsor Planning Division, which has expertise in National Environmental Policy Act (NEPA) proceedings as well as the unique biological characteristics of the Project site and its surroundings. The Town of Windsor's concerns regarding biological resources remain inadequately addressed in the FEIS. While some revisions were made in response to the Town's DEIS comments, significant issues persist, particularly regarding the Project's impacts on sensitive species, wetlands, riparian areas, and overall ecosystem health.

Impacts to Sensitive Species

The FEIS acknowledges the presence of sensitive species such as the California red-legged frog, western pond turtle, and migratory birds but fails to provide robust, enforceable mitigation measures. Proposed measures, such as pre-construction surveys and buffer zones, lack sufficient detail and do not account for long-term habitat protection. At a minimum, the Project must include:

- Development of comprehensive species-specific management plans that include habitat restoration and monitoring.
- Expanded mitigation efforts for species displacement and mortality risks during construction and operations.

Wetlands and Riparian Areas

The FEIS identifies potential impacts on wetlands and riparian zones but does not include a comprehensive mitigation plan. Specifically, the loss of wetland habitat

and disruption of riparian corridors due to construction activities remain inadequately addressed. The FEIS also fails to account for indirect impacts on adjacent wetland systems, such as changes in water availability, quality, and hydrology. Mitigation banking is mentioned but not sufficiently detailed to demonstrate feasibility or effectiveness. Even a cursory review of development projects in Sonoma County in recent years would demonstrate that mitigation banking has become increasingly difficult to secure and prohibitively expensive. The FEIS offers no assurances or enforceable accountability for mitigating these impacts.

Wildlife Corridors and Habitat Connectivity
The FEIS lacks a thorough analysis of how the Project will affect wildlife corridors, particularly those critical for species migration and ecosystem connectivity. Increased traffic and infrastructure development will exacerbate habitat fragmentation, yet the FEIS offers no mitigation measures to address these impacts.

Cumulative Impacts
The cumulative impacts analysis in the FEIS is insufficient. It fails to consider the combined effects of this Project and other regional developments on habitat fragmentation, species migration patterns and long-term biodiversity loss.

Consultation with Regulatory Agencies
The FEIS provides no evidence of meaningful consultation with federal and state agencies, such as the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, to ensure compliance with the Endangered Species Act and other applicable laws. The lack of agency coordination undermines the credibility of the biological resources analysis and mitigation measures.

Conflict with Habitat Conservation Plan
As of early 2024, the County of Sonoma - Permit Sonoma, in collaboration with other local governments and agencies including the Town of Windsor, has initiated the process of planning and developing a county-wide habitat conservation plan (HCP) under Section 10 of the Endangered Species Act and a Natural Community Conservation Plan (NCCP) under California Fish & Game Code Section 2835 (NCCP Act). This program to develop the Sonoma County HCP/NCCP is called “Conservation Sonoma”. Once developed and implemented, Conservation Sonoma will streamline regulatory permitting under state and federal endangered species laws while implementing an on-the-ground conservation strategy for some of the County’s most sensitive and unique plant and animal species and habitats. Because it was never considered in County of Sonoma or Town of Windsor planning and regulatory documents, the Project as proposed on the Project Site would interfere with Conservation Sonoma policy-making and could have deleterious impacts to its implementation and conservation goals.

4. Cultural Resources

The Town of Windsor continues to express significant concerns regarding the treatment of cultural resources in the FEIS. Despite revisions to address some issues raised in the DEIS comments, the FEIS falls short in adequately addressing the potential impacts on cultural resources, including tribal cultural properties and historical artifacts. Without meaningful tribal consultation, comprehensive monitoring, and enforceable mitigation measures, the Project risks causing irreversible harm to cultural and historical resources.

Inadequate Tribal Consultation
At the BIA's July 30, 2024, hearing, representatives of several Sonoma County tribes raised concerns about the lack of meaningful consultation during the preparation of the DEIS. This issue persists in the FEIS, which does not demonstrate that adequate steps have been taken to involve tribes in identifying, evaluating, and mitigating impacts to tribal cultural resources.

Expanded Archaeological Monitoring
The FEIS proposes archaeological monitoring limited to buffers around Pruitt Creek. This approach is insufficient given the high likelihood of encountering culturally significant materials throughout the Project site. Any development other than the "no project" alternative must:

- Implement comprehensive archaeological monitoring across the entire Project site during all ground-disturbing activities; and
- Ensure that qualified tribal monitors are included in all archaeological monitoring activities.

Inadequate Mitigation for Inadvertent Discoveries
The FEIS does not propose specific or enforceable mitigation measures for inadvertent discoveries of tribal cultural or paleontological resources. The absence of clear procedures leaves significant gaps in the protection of these resources. The Project must:

- Develop detailed and enforceable protocols for the handling of inadvertent discoveries, including immediate notification of tribal representatives and halting construction activities until proper evaluation and mitigation measures are implemented.
- Establish clear responsibilities and timelines for decision-making and mitigation actions in the event of discoveries.

Cumulative Impacts to Cultural Resources
The cumulative impacts analysis in the FEIS does not adequately address the potential for regional cultural resource loss resulting from the Project and other developments.

5. Socioeconomic Conditions and Environmental Justice

The Town of Windsor remains concerned about the FEIS's insufficient analysis and mitigation of socioeconomic and environmental justice impacts. The Project's scale and scope introduce significant risks to housing availability, economic stability, and access to essential public services. Below, we address specific areas of concern.

Housing Impacts

The FEIS response to the Town's comments inadequately addresses the Project's potential impacts on local housing demand. While the FEIS assumes that most workers will be local residents, this assumption is flawed for the following reasons:

- High Cost of Living: Sonoma County businesses are already struggling to hire service workers due to the region's high cost of housing and living. Assuming that unemployed or underemployed residents will fill the majority of the Project's jobs ignores this critical challenge.
- Competition with Other Developments: The nearby Graton Resort and Casino is undergoing a significant expansion, which will increase demand for the limited pool of local hospitality and service workers. This competition will likely exacerbate regional labor shortages and drive up housing demand.
- In-Migration Underestimated: The FEIS's analysis, which estimates that only 409 workers will relocate to Sonoma County, is based on a survey conducted at a casino in Massachusetts and fails to account for the unique housing challenges in Sonoma County. The assumption that only 2% of available housing units will be needed is overly optimistic given the current housing crisis.

To prevent significant adverse impacts, a more detailed and region-specific housing impact analysis must be prepared, along with mitigation measures such as contributions to affordable housing development or the inclusion of workforce housing in the Project plan. The FEIS acknowledges that the Project will generate substantial employment but fails to address the corresponding demand for local housing. This omission is critical in a region already experiencing a significant housing shortage. Without adequate analysis or mitigation, the Project risks exacerbating housing affordability challenges and displacement pressures for low- and moderate-income households.

Economic Displacement

The FEIS acknowledges that the Project could contribute to economic displacement through increased property values and rental prices but dismisses these impacts as less than significant. This conclusion is inadequate because the FEIS does not propose any measures to mitigate displacement risks for lower-income residents or small businesses that may face rising costs due to the Project.

The claim that increased job opportunities will offset displacement effects ignores the fact that many lower-income residents may not directly benefit from these jobs, particularly if they cannot afford to live near their place of employment. Mitigation measures such as rent stabilization programs, property tax assistance for small businesses, and funding for economic displacement studies must be identified and implemented to ensure vulnerable populations are not disproportionately affected.

Impacts on Public Services

The FEIS identifies increased demands on law enforcement, fire protection, and emergency medical services but provides limited detail on how these impacts will be mitigated. The Town finds the following issues:

- Lack of Specific Mitigation: The FEIS references mitigation measures but does not provide detailed, enforceable plans to expand public service capacities.
- Funding Uncertainty: The FEIS does not include commitments to fund additional staffing, equipment, or facilities needed to address increased service demands.
- Coordination Gaps: There is insufficient discussion of coordination with mutual aid networks and local service providers to ensure adequate emergency response coverage. Development of enforceable agreements with local service providers is needed to fund necessary service expansions and ensure public safety is not compromised.

These issues are discussed in greater detail in the Public Services and Utilities section of this letter.

Environmental Justice

The FEIS fails to adequately assess the Project's environmental justice impacts, particularly on vulnerable populations. Specific concerns include:

- Lack of Community-Specific Analysis: The analysis does not consider how increased traffic, noise, and air pollution will disproportionately affect low-income and minority communities near the Project site.
- Inadequate Mitigation: No targeted measures are proposed to address environmental and socioeconomic impacts on these communities.

The BIA must revise the environmental justice analysis to include community-specific assessments and targeted mitigation measures that align with federal guidelines.

6. Transportation and Circulation

The Town of Windsor's concerns regarding transportation and circulation remain inadequately addressed in the FEIS. The Project's Traffic Impact Study (TIS) underestimates the traffic generation, fails to account for critical safety concerns, and improperly dismisses the need for substantial infrastructure improvements.

The responses provided in the FEIS are insufficient and, in some cases, factually incorrect, as detailed below.

Peak Traffic Volumes and Trip Generation Estimates
The Town reiterates that the TIS underestimates traffic impacts, particularly on weekends. While the FEIS defends its reliance on Saturday as the peak traffic period, this conclusion is based on outdated data from 2015 and casinos located outside the Bay Area. Local experience at the Graton Rancheria Hotel Resort in Rohnert Park shows Sunday traffic volumes can exceed Saturday levels. The FEIS fails to analyze Sunday peak-hour conditions, dismissing the Town's comment without justification.

Further, the Town's consulting traffic engineer, W-Trans, a demonstrated expert in this subject, provided "big data" analysis based on the Graton Resort and Casino facility, demonstrating that traffic generation rates assumed in the TIS are too low. Using data from the Rohnert Park casino:

- Saturday Daily Trip Generation: The TIS estimates 15,799 trips, but W-Trans analysis shows this number should be closer to 20,863 trips—a 24% underestimation.
- Weekday Daily Trip Generation: The TIS estimates 11,213 trips, whereas W-Trans data suggests the actual number should be 13,927 trips.

The FEIS's dismissal of these concerns as "non-substantive" is inadequate and fails to address the potential for significantly greater impacts on the transportation network than currently analyzed.

Queuing and Safety Hazards
The FEIS response regarding queuing analyses at critical intersections is demonstrably incorrect. The response claims that "Simtraffic" software was used to evaluate queuing, which would account for downstream conditions; however, the TIS calculations clearly show that "Synchro" software was used. Synchro does not effectively model downstream lane configurations, such as the single eastbound through lane at the Shiloh Road/Hembree Lane intersection, which significantly impacts queue lengths and safety.

The TIS itself indicates that during the p.m. peak hour under both 2028 and 2040 conditions, queuing on the Shiloh Road northbound off-ramp at Highway 101 will exceed capacity. This creates a serious safety risk of queues backing onto the mainline freeway, increasing the likelihood of accidents. Despite this, the FEIS fails to identify or propose mitigation for this issue. Proper analysis must be conducted using software capable of accounting for downstream conditions, and mitigations—such as widening Shiloh Road east of Highway 101—must be implemented.

Shiloh Road/Old Redwood Highway Intersection and Fair Share Contributions

The Town's comments identified the inadequacy of fair share contributions for the Shiloh Road/Old Redwood Highway intersection. The FEIS response incorrectly claims that the improvements identified in the TIS are consistent with the Town's Capital Improvement Program (CIP). This is untrue. The Town's CIP envisions 15 total vehicle lanes at this intersection, while the mitigation proposed in the TIS requires 23 lanes—a significantly larger scope of improvements. The FEIS's refusal to acknowledge this discrepancy is misleading, and the Project must be responsible for funding the full cost of improvements beyond those contemplated in the Town's CIP.

Roadway Segment Capacity

The FEIS response defending increases in Shiloh Road capacity by 36% due to minor intersection improvements is both illogical and unsupported. No through lanes are being added, yet the TIS presumes an unrealistic increase in roadway capacity. In reviewing the TIS, W-Trans notes that these assumptions are inconsistent with standard traffic engineering principles and do not reflect the Town's vision for Shiloh Road as a lower-speed, multimodal corridor.

Additionally, the FEIS improperly dismisses Saturday peak-hour conditions by focusing solely on weekdays. Even the TIS forecasts show Saturday traffic volumes slightly exceeding weekday volumes, yet the analysis fails to account for these impacts. The Town continues to insist that the Project be responsible for widening Shiloh Road to mitigate these significant capacity issues prior to Project opening.

Impacts on Multimodal Infrastructure

The FEIS response fails to address the Town's concerns regarding impacts to pedestrian and bicycle facilities. The response narrowly focuses on the lack of walking and biking trips generated by the Project but ignores the substantial increases in vehicle traffic that will negatively affect existing pedestrians and cyclists. Recreational cyclists and pedestrians already use Old Redwood Highway and Shiloh Road, often on unimproved sections, and the Project's traffic impacts will exacerbate safety risks for these users.

The FEIS improperly relies on the Town's future plans to improve multimodal facilities, dismissing the Project's responsibility to address near-term impacts. Given the scale of the Project's traffic impacts, immediate improvements to pedestrian and bicycle infrastructure must be implemented as part of the Project's mitigation plan.

Inappropriate Reliance on Town Traffic Impact Fees

The FEIS repeatedly relies on the Town's traffic impact fee (TIF) program to fund improvements, despite the Project's location outside of the Town limits. The

Town's TIF program was not designed to accommodate the scale of traffic generated by the casino-resort, and the Project will not contribute to this funding mechanism. As such, it is inappropriate to rely on Town-funded improvements to mitigate Project impacts. The Project proponents must assume full responsibility for and commit to implementing and funding the necessary improvements.

7. Public Services and Utilities

The Town of Windsor maintains that the FEIS inadequately addresses the impacts of the proposed Project on public services and utilities, including fire protection, emergency medical services, law enforcement, parks, and utility infrastructure. Below is an evaluation of how the FEIS addresses these concerns and the ways in which it remains deficient.

Fire Protection, Law Enforcement, and Emergency Medical Services
The FEIS acknowledges increased demands on fire protection, law enforcement, and emergency medical services resulting from the Project but fails to provide enforceable mitigation measures or sufficient commitments to address these impacts. Specifically:

- Capacity Limitations: Existing fire and emergency medical services in the region are already operating at or near capacity. The FEIS does not include plans to expand facilities, staffing, or resources to accommodate the additional demands created by the Project.
- Wildfire Risks: While the FEIS discusses the risk of wildfires, it does not propose robust measures to mitigate increased response times or ensure adequate resources during wildfire events.
- Coordination with Mutual Aid Networks: The FEIS lacks a detailed plan for coordination with mutual aid networks to ensure sufficient emergency response coverage for both the Project site and surrounding communities. The cited payment of taxes and "economic benefits to the region" are never quantified to demonstrate their adequacy in reducing strain on existing emergency service providers.

While the FEIS notes that a "good faith effort" will be made to develop service agreements with local emergency service agencies like Sonoma County Fire District and the Sonoma County Sheriff's Office, there is no way to ensure an agreement will be reached and the alternative of establishing these services in-house is infeasible and unenforceable. The BIA must require the development of enforceable agreements with local emergency service providers to fund the necessary expansion of resources and ensure community safety.

Parks and Recreation
The FEIS fails to adequately assess or mitigate the Project's impacts on local parks, particularly Esposti Park. Increased visitation by Project patrons and employees will strain park resources, including:

- Parking and Facilities: The increased use of park facilities, such as restrooms and waste receptacles, will necessitate more frequent maintenance and could limit availability for local residents.
- Maintenance Schedules: Additional demand will disrupt existing maintenance schedules and place a financial burden on local parks departments.

The FEIS response that visitors do not have the same impact on park facilities as residents, while true, does not address the fact that a regional amenity like a casino will have an overflow impact on public facilities like Esposti Park. Enforceable commitments to fund park maintenance and improvements must be made.

Utility Infrastructure

The FEIS discusses utility demands but does not sufficiently address the Project's impacts on local infrastructure, including water, wastewater, and electricity. Key deficiencies include:

- Capacity Analysis: The FEIS does not provide a detailed analysis of whether existing utility infrastructure can support the Project's demands without upgrades.
- Biosolids Management: The Project's biosolids management plan remains vague, with no clear identification of disposal facilities or mitigation for transportation-related impacts.
- Energy Demand: The FEIS does not address the heat island effect created by the Project's large footprint and its implications for energy demand and grid reliability.

While these concerns were raised in the Town's comments on the DEIS, the FEIS discounts them with vague references to "living roofs" and the Tribe's consideration of photovoltaic canopies.

8. Noise

The Town of Windsor raised concerns about noise impacts in its DEIS comment letter, particularly regarding the potential for increased noise levels to affect local residents and sensitive receptors such as Esposti Park. While the FEIS acknowledges noise impacts and proposes some mitigation measures, these measures remain insufficient to fully address the Town's concerns.

Inadequate Noise Mitigation Measures

The FEIS proposes mitigation measures such as the use of quiet pavement and offering double-pane windows to nearby residents upon request. However, these measures fail to provide comprehensive solutions:

- Quiet Pavement: While the use of quiet pavement may reduce some roadway noise, it does not address noise generated by other sources, such as large events, construction activities, and operational equipment. In addition, the noise-reducing quality of quiet pavement degrades over time

and requires regular maintenance, however no plan for maintenance of the pavement is proposed in the FEIS.
- Double-Pane Windows: This measure only mitigates indoor noise impacts and does nothing to address outdoor noise levels or impacts to residents who do not make requests.
- Cumulative Noise Impacts: The FEIS does not adequately analyze cumulative noise impacts, particularly in combination with traffic and operational activities from nearby developments.

Impacts on Sensitive Receptors
The FEIS does not adequately address noise impacts on sensitive receptors, including:
- Esposti Park: Increased noise levels from traffic and Project activities may disrupt recreational use and reduce the park's value to the community.
- Residential Areas: Local neighborhoods near the Project site will experience increased noise levels, particularly during peak traffic periods and large events.

Lack of Enforceable Commitments
The proposed noise mitigation measures lack enforceable commitments and monitoring plans to ensure their effectiveness. For example, there are no detailed protocols for verifying compliance with noise standards or addressing complaints from affected residents.

The Town of Windsor finds that the FEIS's noise analysis and mitigation measures are inadequate to address the significant impacts identified in the DEIS. To fully mitigate noise impacts, the Project must include comprehensive mitigation measures, such as noise barriers, operational restrictions during nighttime hours, and enhanced landscaping buffers as well as development of enforceable noise standards and a monitoring program to ensure compliance and address community concerns.

9. Hazardous Materials and Hazards

The Town of Windsor remains deeply concerned about the inadequate analysis and mitigation of wildfire risks and hazardous materials impacts in the FEIS. These concerns, raised in the DEIS comments, remain largely unaddressed, despite the detailed analysis presented in Draft EIS Appendix N and the discussions in FEIS Master Response 10.

Wildfire Evacuation Planning and Analysis
The FEIS provides an analysis of wildfire evacuation scenarios, including both "No Notice" and "With Notice" scenarios modeled after the Tubbs Fire (2017) and Kincade Fire (2019). While the inclusion of these scenarios is a positive step, the conclusions presented in the FEIS fail to address critical evacuation risks:

- Timing and Assumptions: The FEIS assumes that evacuation for Alternative A would occur approximately one hour before neighboring zones. This assumption is overly optimistic and does not account for the complexities of real-world wildfire scenarios, where delayed notification or unforeseen circumstances can significantly alter evacuation timelines.
- Cumulative Impacts: The analysis does not adequately consider the cumulative effects of simultaneous evacuations from nearby developments and regional traffic growth, particularly in 2040 scenarios. The reliance on a uniform 1.4% per year traffic growth assumption oversimplifies potential future conditions.
- Effectiveness of Mitigation Measures: The FEIS references the Evacuation Mitigation Plan and options such as creating Trigger Evacuation Zones or Pre-Determined Evacuation Zones. However, these measures lack enforceable commitments and specific coordination protocols with local authorities, including Sonoma County and the Town of Windsor.

Mitigation Measures and Gaps

The proposed mitigation measures, including the installation of wildfire detection cameras and variable message signs, are insufficient to fully mitigate the Project's contribution to wildfire evacuation risks. Specific gaps include limitations on the tactical advantage of detection systems beside early detection as well as lack of clarity or enforceability of the Tribe's integration of its evacuation protocols with existing systems like the county of Sonoma's and Town of Windsor's Emergency Operation Plans.

Hazardous Materials

The FEIS fails to adequately analyze or mitigate risks associated with hazardous materials storage, transport, and potential release during wildfire events. Reliance on typical stormwater pollution protection best management practices like bioswales is insufficient for dealing with non-storm events.

Recommendations

For the Project to mitigate for the concerns outlined above, it must include:

- Specific coordination agreements with local and regional emergency management agencies.
- Detailed traffic management strategies to address potential bottlenecks and prioritize vulnerable populations.
- Funding and training for local emergency response staff to ensure readiness and effectiveness during wildfire evacuations.
- Periodic drills and simulations to ensure preparedness for both "No Notice" and "With Notice" wildfire scenarios.
- Expansion of key roadway segments to increase capacity.
- Installation of additional egress routes from the Project site to reduce bottlenecks.
- Design and construction of dedicated evacuation lanes where feasible.

- Expansion of wildfire detection systems, including additional cameras to improve coverage and response times.
- Variable message signs and real-time traffic management tools to guide evacuees efficiently.
- Additional funding for local emergency services to enhance capacity and readiness.
- Detailed response plans for spills and releases during wildfire events.
- Specific measures to prevent post-wildfire contamination of waterways, including runoff control and water quality monitoring.

10. Visual Resources and Land Use

The Town of Windsor finds that the FEIS's analysis of visual impacts and land use fails to address key concerns raised in the DEIS comments. The proposed Project's location within the Windsor-Larkfield-Santa Rosa Community Separator and its proximity to designated scenic corridors amplify the significance of its visual impacts. Additionally, the County's and the Town of Windsor's General Plans identify the land use designation of the site as agricultural. While the FEIS includes updates and revisions, significant deficiencies remain. Significant investment has been made to designate and preserve agricultural and recreational open space along this corridor; development of the Project would have a negative impact on these efforts. The FEIS's statement that local land use policies do not apply to lands taken into federal trust does nothing to address the significant adverse environmental impacts that these local land use policies are in place to avoid.

While the commitment to align some Project design features with the recommended visual impact mitigations in the Sonoma County visual assessment guidelines is a positive change, the Project must also:

- Establish setbacks to maintain and maximize open space buffers.
- Develop enforceable commitments to maintain landscaping, murals, paint coatings, and other visual mitigation features to ensure their effectiveness over time.
- Revise the Project's design and layout to align, to the maximum extent possible, with the objectives of the Windsor-Larkfield-Santa Rosa Community Separator.
- Incorporate local and regional land use policies as a basis for evaluating Project impacts under NEPA.
- Develop and implement enforceable measures to mitigate impacts on the Community Separator and scenic corridors.
- Revise the design and layout of the Project to align, to the maximum extent possible extent possible with the open space and rural character objectives of local land use plans.

11. Growth-Inducing Effects

The Town raised the concern that the Project is likely to induce additional commercial and residential development in the surrounding area, contrary to the Town's growth management policies. The FEIS acknowledges that these impacts would be proportionally greater locally and not "diffused across the State" as discussed in the DEIS. The FEIS also states that such growth would be "would be subject to regulation by the Town and the compliance with applicable Town planning documents and codes." The Project should include a commitment for technical assistance or dedication of funding for the Town to update its planning documents and codes to account for the impacts of the Project on growth and development in and around the Town of Windsor.

12. Cumulative Effects

The Town of Windsor remains concerned that the FEIS fails to adequately address the cumulative impacts of the proposed Project in combination with other reasonably foreseeable developments. While the FEIS provides some additional discussion, it does not sufficiently mitigate significant cumulative impacts identified by the Town.

Groundwater Resources

The FEIS incorporates a forecast scenario simulating groundwater pumping from the Esposti Park and North Windsor wells, consistent with the Town of Windsor's 2020 Urban Water Management Plan (UWMP). The FEIS concludes that the Project would contribute to potentially significant cumulative impacts, including:

- Interference Drawdown in Shallow Wells: The FEIS confirms that cumulative pumping during dry years would exacerbate drawdown impacts on shallow domestic wells.
- Degradation of Groundwater Dependent Ecosystems (GDEs): Combined effects of municipal and Project-related groundwater pumping during drought conditions would negatively impact GDEs. However, the proposed mitigation measures are insufficient to offset these cumulative effects.

Stronger commitments to mitigation measures are needed, such as limiting Project groundwater use during dry years, enhancing recharge programs, and increasing monitoring efforts to protect both domestic wells and GDEs. There must be mechanisms for accountability and enforceability of these mitigation strategies.

Traffic and Transportation

The FEIS acknowledges cumulative traffic impacts but relies on mitigation measures embedded within the Town's Traffic Impact Fee (TIF) program and Capital Improvement Program (CIP). While these programs outline improvement projects, the FEIS does not provide assurances that the Project's fair share contributions will fully offset its impacts or that improvements will be

implemented in a timely manner to address the Project's operational and cumulative traffic effects. On opening day, the Project's impacts will be immediate, whereas mitigations implemented through the TIF program and CIP happen at the pace of development.

Cumulative Development Impacts
The cumulative analysis includes developments such as Windsor Gardens, Shiloh Crossing, and Old Redwood Highway Villages, however the FEIS still does not adequately evaluate the combined effects of these developments on regional resources, such as housing, public services, and infrastructure. Additionally, there is no discussion in the FEIS on additional measures to address increased demand for housing and services generated by cumulative development.

Greenhouse Gas Emissions
While the FEIS references California's Advanced Clean Cars II regulations and planned installation of electric vehicle (EV) charging infrastructure, these measures are insufficient to fully mitigate cumulative GHG emissions. The Project's parking allocation for EVs does not align with the state's ambitious Zero Emission Vehicle adoption goals, and cumulative GHG impacts remain inadequately addressed.

13. Conclusion

In summary, The Town of Windsor maintains that the FEIS does not adequately respond to the significant concerns raised in the Town's comments on the DEIS. The document fails to offer additional details or propose sufficient mitigation measures to reduce environmental impacts to less-than-significant levels. Many of the Project's impacts remain unmitigated, and critical issues such as traffic, water resources, public services, and wildfire risks are not addressed with the level of detail and rigor required under NEPA.

The Town emphasizes that any approval of the Project must include meaningful accountability and enforcement mechanisms for mitigation measures, as well as firm commitments to policies, programs, and funding necessary to ensure that proposed mitigations are effective and enforceable.

Given the inadequacies of the FEIS and the substantial, unmitigated impacts that remain, the Town of Windsor continues to support the "no project" alternative as the only viable option to protect the community and environment from significant harm.

Additionally, written correspondence related to the FEIS that has been received by the Town during the public comment period is attached to this letter.

Thank you for the opportunity to comment. Please contact me directly, Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313, if you have any questions or require additional information.
Sincerely,



Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager
Windsor Town Council
Windsor Planning Commission

Attachment
Comments related to the Final Environmental Impact Statement for the Koi Nation Shiloh Resort and Casino Project

November 30, 2024

Mayor Rosa Reynoza
Town of Windsor
P.O. Box 100
Windsor, CA 95492-0100
Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Mayor Reynoza:

I am a Windsor resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to our town for a hotel and casino gaming project.

The Department of the Interior (DOI) earlier this week released their Final Environmental Impact Statement (FEIS) on this project, kicking off a 30-day comment period during the holidays! Unfortunately, much like the earlier draft environmental impact statement (DEIS), it contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor Manager Jon Davis have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources.

Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

DOI and BIA promised to consider public comments, but it is evident in the FEIS that they have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation.

We urge you, the Town Council, and the Town Manager, to once again express your opposition and demand an extension from Interior and BIA of this comment period to allow the community sufficient time to respond thoroughly.

Sincerely,

Nina Coté

Nina Coté
President, Our Community Matters (Windsor)
[redacted], Windsor CA 95492