

APPENDIX Z

Mitigation Monitoring and Enforcement Plan

MITIGATION MONITORING AND ENFORCEMENT PROGRAM

I. Introduction

Council on Environmental Quality (CEQ) directs all federal agencies to include in an Environmental Impact Statement (EIS) the appropriate means to mitigate any adverse environmental impacts (40 C.F.R 1502.14 (f), 1502.16(h)). CEQ also requires that a Mitigation Monitoring and Enforcement Program (MMEP) be adopted and summarized in the Record of Decision (ROD) (40 C.F.R 1505.2(c)). At the request of the United States Environmental Protection Agency (USEPA) we have included this MMEP as an attachment to the Final EIS (FEIS). The Bureau of Indian Affairs (BIA) is the lead agency for National Environmental Policy Act (NEPA) compliance purposes. In order to minimize or avoid potentially significant impacts that could occur as a result of FEIS alternatives, mitigation measures have been developed and incorporated into this FEIS and this MMEP for each alternative.

II. Tribal Mitigation Monitoring Overview

This chapter has been created to guide mitigation compliance before, during, and after implementation of the selected alternative, as required by National Environmental Policy Act (NEPA). The mitigation measures described below in **Table 1** were created through the analysis of potential impacts within the FEIS. As specified in Table 1 the compliance monitoring and evaluation will be performed by the Tribe, National Indian Gaming Commission (NIGC), United States Fish and Wildlife Service (USFWS), United States Army Corps of Engineers (USACOE), and Madera County, Madera Irrigation District (MID), California Department of Transportation (Caltrans), and the USEPA as indicated in the description of each measure. The MMEP is included within the FEIS to provide:

- Requirements for compliance of the mitigation measures;
- A reference document within the FEIS;
- A list of responsible parties;
- Timing of mitigation measure implementation.

Mitigation measures included within **Table 1** list the party responsible for monitoring and/or reporting, the implementation timeline, and verification of completion. Implementation of these measures shall occur either during the planning phase, during the physical construction of the project, or after the operation initiation. Where applicable, mitigation measures will be monitored and enforced pursuant to Federal law, tribal ordinances, and agreements between the Tribe and appropriate governmental authorities, as well as the ROD.

TABLE 1
MITIGATION MONITORING AND ENFORCEMENT PLAN

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
5.2.1 - LAND RESOURCES				
Seismicity				
A, B, C, D	A. All structures shall be designed in compliance with the California Building Code (CBC) Building Code (Article VI Chapter 6.04) current at the start of construction such that risks to the health or safety of workers or members of the public from earthquake hazards are reduced to a less-than-significant level.	Tribe	Planning Phase Construction Phase	
Topography				
D	B. Creation of soil stabilization areas around the building pad shall be properly compacted and shall be subject to a geotechnical review prior to construction of the areas. Proper hydroseeding, use of straw fiber rolls, and other soil erosion protection	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	measures shall be utilized as part of a comprehensive erosion control plan			
5.2.2 – WATER RESOURCES				
Hydrology and Flooding				
A, B, C, D	A. To reduce the project’s potential to increase surface runoff, impervious surfaces shall be minimized where feasible. Where feasible, all areas outside of buildings and roads will be kept as permeable surfaces, either as vegetation or high infiltration cover such as mulch, gravel, or turf block. Pedestrian pathways shall use a permeable surface where possible, such as crushed aggregate or stone with sufficient permeable joints (areas between stone or brick if used). Rooftops shall drain to vegetated driplines to maximize infiltration prior to concentrating runoff.	Tribe	Planning Phase Construction Phase	
Surface Water				
A, B, C, D	B. An erosion control plan will be developed with the primary intent to decrease pollutants entering the water columns, with a secondary intent of trapping pollutants before they exit the site.	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
<p>A, B, C, D</p>	<p>C. The Tribe shall comply with all provisions stated in the Clean Water Act (CWA). As required by the General Construction National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency (USEPA) under the CWA, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared that will address water quality impacts associated with construction of the project. Water quality control measures identified in the Storm Water Pollution Prevention Plan shall include, but not be limited to, Best Management Practices (BMPs) described below:</p> <ul style="list-style-type: none"> a. Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction. b. Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. c. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. d. Sediment shall be retained on-site by a system of sediment basins, traps, or other 	<p>Tribe</p>	<p>Planning Phase Construction Phase Operation Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>appropriate measures.</p> <p>e. A Spill Prevention Control and Countermeasure Plan (SPCC) shall be developed, if necessary, which will identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site.</p> <p>f. Petroleum products shall be stored, handled, used, and disposed of properly.</p> <p>g. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater.</p> <p>h. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.</p> <p>i. Sanitary facilities shall be provided for construction workers.</p> <p>j. Disposal facilities shall be provided for soil wastes, including excess asphalt produced during construction.</p> <p>k. All workers and contractors shall be educated in the proper handling, use, cleanup,</p>			

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	<p>and disposal of all chemical materials used during construction activities.</p> <p>l. All contractors involved in the project shall be educated on the potential environmental damages resulting from soil erosion prior to development by conducting a pre-construction conference. Copies of the project’s erosion control plan shall be distributed at this time. All construction bid packages, contracts, plans and specifications shall contain language that requires adherence to the plan.</p> <p>m. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall to reduce erosion during the rainy seasons.</p> <p>n. Construction zones shall be created and only one part of a construction zone shall be graded at a time to minimize exposed areas. If possible, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.</p> <p>o. Utility installations shall be coordinated to limit the number of excavations.</p> <p>p. Disturbed soils shall be protected from rainfall during construction by preserving as much natural cover, topography, and drainage as possible. Trees and shrubs shall not</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>be removed unnecessarily.</p> <p>q. Disturbed areas shall be stabilized as promptly as possible, especially on long or steep slopes. Recommended plant materials and mulches shall be used to establish protective ground cover. Vegetation such as fast growing annual and perennial grasses shall be used to shield and bind the soil. Mulches and artificial binders shall be used until vegetation is established. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment off site.</p> <p>r. Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.</p> <p>s. Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>long enough for sediment particles to settle out.</p> <p>t. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events.</p> <p>u. The disturbance of soils shall be avoided and minimized as fully as possible.</p>			
A, B, C, D	D. Fertilizer use shall be limited to the minimum amount necessary, taking into account any nutrient levels in the recycled water source. Fertilizer shall not be applied prior to a rain event.	Tribe	Operation Phase	
A, B, C, D	E. Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.	Tribe	Operation Phase	
A, B, C, D	F. The sprayfield shall be designed so that any wastewater runoff is captured and not allowed to run off the site or enter waters of the U.S.	Tribe	Planning Phase Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	G. At least 15 percent of surface parking areas shall be constructed of pervious surfaces.	Tribe	Planning Phase Construction Phase	
D	H. The Tribe shall implement a stream flow monitoring program for all on-site streams as soon as is feasible after project approval and preferably at least one year before opening of the project facilities to the public (to allow for baseline monitoring).	Tribe	Planning Phase Construction Phase Operation Phase	
D	I. Should project pumping (considered separately from other new projects in the area and allowing for weather considerations) cause the reduction of on-site stream flows by 25 percent or more, the Tribe shall implement a program to reduce surface water flow impacts in consultation with the USEPA and Madera County.	Tribe	Operation Phase	
D	J. The sprayfield shall be designed so that any wastewater runoff is captured and not allowed to run off the site or enter waters of the U.S.	Tribe	Planning Phase Construction Phase	
D	K. At least 15 percent of surface parking areas shall be constructed of pervious	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	surfaces.		Construction Phase	
Groundwater				
A, B, C	<p>L. Stormwater BMPs that promote infiltration of water from stormwater runoff and on-site disposal of treated wastewater shall be implemented. BMPs for enhancing infiltration of stormwater runoff have the potential to increase the rate of natural recharge at the site, while on-site disposal of treated wastewater will return groundwater originating from the casino wells back to the aquifer. The effectiveness of these measures to reduce drawdown impacts is directly proportional to the rate of new recharge compared with the pumping rate (see Appendix L of the FEIS). Given the limited amount of rainfall received in Madera County, additional recharge from stormwater BMPs would have a minimal effect on the drawdown effects of on-site pumping, offsetting such effects by only 1.6 percent. Irrigating on-site landscaping combined with the use of on-site sprayfields and/or leachfields would have a far greater offsetting effect on the aquifer, reducing drawdown from 7 to 67 percent. Under each alternative, if treated wastewater is disposed via a leachfield, the recharge rate would be at the upper end of this range; whereas, if the treated wastewater is disposed in a sprayfield, the recharge rate would be in the lower end of the range (see Appendix L of the FEIS, Section 6.7.2 for a detailed breakdown of potential recharge</p>	Tribe	Planning Phase Construction Phase Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	rates for each disposal option)			
A, B, C	M. If on-site groundwater resources are used for water supply, groundwater sampling and analysis shall be performed to determine if treatment is necessary. If treatment is necessary, an on-site water treatment plant shall be constructed to treat drinking water to USEPA standards.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C	N. The Tribe shall adopt water conservation measures, such as electronic dispensing devices in faucets, low flow toilets, low flow showerheads, and the use of native plants in landscaping, to reduce the consumption of groundwater as mandated by the regional groundwater management plan.	Tribe	Planning Phase Construction Phase Operation Phase	
B, C	O. Effects to regional overdraft shall be reduced by Tribal contributions to a reserved water bank or groundwater recharge area in an amount at least equivalent to property pumping rates. Possible groundwater recharge areas include areas operated or proposed by the Madera Irrigation District (MID) (Appendix L of the FEIS). The Tribe has negotiated a Memorandum of Understanding (MOU) with Madera Irrigation District (Appendix C) that provides for equivalent water contributions to a MID recharge area should development under Alternative A occur. Therefore this	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	mitigation measure would not apply to Alternative A.			
A, B, C	<p>P. The Tribe shall implement a groundwater monitoring program (described in Appendix L of the FEIS) as soon as is feasible after project approval and preferably at least one year before opening of the project facilities to the public (to allow for baseline monitoring).</p>	Tribe	<p>Planning Phase</p> <p>Construction Phase</p> <p>Operation Phase</p>	
A, B, C	<p>Q. The Tribe shall implement a program to compensate neighboring well owners for impacts to well operation. The actual amount of interference drawdown associated with the project and the future rate of regional groundwater level decline shall be estimated from the groundwater monitoring program (Appendix L of the FEIS). At least one year of baseline data and one year of data after project pumping begins should be collected prior to implementation of the following well impact compensation program:</p> <p>a. Reduction in usable well life –The tribe shall reimburse the owners of wells that become unusable within 30 years of the onset of project pumping for a portion of the prevailing, customary cost for well replacement, rehabilitation or deepening. In order to be eligible, the well owner will need to provide the tribe</p>	Tribe/3rd Party Oversight	<p>Planning Phase</p> <p>Construction Phase</p> <p>Operation Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>with documentation of the well location and completion data, and prove that the well was constructed and usable before project pumping was initiated. The percentage of the cost reimbursed by the tribe shall depend upon the degree to which the well's usable life is shortened as determined from data gathered during the groundwater level monitoring program and water level data gathered by others. Specifically, the following approach shall be used:</p> <ul style="list-style-type: none"> i. Regional groundwater monitoring data for the period between the time that pumping for the project begins and the well becomes unusable will be analyzed using a best-fit line approach to determine the regional rate of groundwater level decline in feet per year; ii. Groundwater monitoring data for the project will be used to assess the amount of drawdown in feet experienced by the affected well for which the project is responsible; iii. The number of years by which the well's life is shortened due to the project will be calculated by dividing the amount of drawdown induced by the project by the calculated annual rate of regional water level decline; and 			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>iv. The Tribe shall reimburse the well owner for the cost of replacing or deepening the unusable well at a rate of 10 percent of the customary and prevailing cost for each year that the well life is shortened due to the project.</p> <p>b. Groundwater level falling near or below pump intake – The concept of usable well life can also be applied to this impact, except that the well’s usable life is extended by lowering the pump intake. The impact of project pumping on shortening this time period would be similar to the impact on shortening well life, and shall be determined by dividing the amount of interference drawdown at the off-Site well by the regional rate of groundwater decline. The tribe shall reimburse the owners of wells with pumps that require lowering within 30 years of the onset of project pumping for a portion of the prevailing, customary cost for this service. The percentage of the cost reimbursed by the tribe shall depend upon the degree to which the time period until a well’s pump intakes require lowering at a rate of 10% for each year. In order to be eligible, the well owner will need to provide the tribe with documentation of the well location and completion data, including pump intake depth, and prove that the well was constructed and usable before project pumping was initiated. The Tribe must</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>be made aware of the cost reimbursement claim prior to lowering of the pump intake, so that the need for possible well deepening, replacement or rehabilitation can be assessed and inefficiencies can be avoided. At the Tribe's discretion, compensation may be paid toward well deepening, replacement or rehabilitation in lieu of toward lowering the pump intake.</p> <p>c. Increased Electrical and Maintenance Cost – The Tribe shall reimburse well owners pumping more than 100 AF/year for their additional annual electrical costs (for no longer than 30 years) at the prevailing electrical rate based on the following formula:</p> $\text{KWhr/year} = \frac{(\text{gallons Pumped/year}) \times (\text{feet of interference drawdown})}{1621629}$ <p>In order to qualify for reimbursement, the well owner must provide proof of the actual annual volume of water pumped. As an alternative to annual payments, a one-time lump sum payment of a mutually agreeable amount could be made.</p> <p>d. No reimbursement would be made available for wells installed after operation</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>of the project.</p> <p>e. For any of the above impacts, the Tribe may choose at its discretion to provide the well owner with a connection to a local public or private water supply system in lieu of the above mitigation measures, at a reduced cost in proportion to the extent the impact was caused by project pumping.</p> <p>f. The known owners of identified wells within two miles of the project pumping well shall be notified of the well impact compensation program outlined above before project pumping begins.</p> <p>g. The Tribe shall contract with a third party such as the County of Madera to oversee this well impact compensation program.</p>			
D	<p>R. Stormwater BMPs that promote infiltration of water from stormwater runoff and on-site disposal of treated wastewater shall be implemented. BMPs for enhancing infiltration of stormwater runoff have the potential to increase the rate of natural recharge at the site, while on-site disposal of treated wastewater will return groundwater originating from the casino wells back to the aquifer.</p>	Tribe	<p>Construction Phase</p> <p>Operation Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
D	S. If on-site groundwater resources are used for water supply, groundwater sampling and analysis shall be performed to determine if treatment is necessary. If treatment is necessary, an on-site water treatment plant shall be constructed to treat drinking water to USEPA standards.	Tribe	Planning Phase Operation Phase	
D	T. The Tribe shall adopt water conservation measures, such as electronic dispensing devices in faucets, low flow toilets, and the use of native plants in landscaping, to reduce the consumption of groundwater as recommended by the regional groundwater management plan.	Tribe	Planning Phase Construction Phase	
D	U. The Tribe shall implement a groundwater monitoring program (described in Appendix L of the FEIS) as soon as is feasible after project approval and preferably at least one year before opening of the project facilities to the public (to allow for baseline monitoring).	Tribe	Planning Phase Operation Phase	
D	V. The Tribe shall implement a program to compensate neighboring well owners for impacts to well operation. The actual amount of interference drawdown associated with the project and the future rate of regional groundwater level decline shall be estimated from the groundwater monitoring program (Appendix L of the FEIS). At	Tribe/3rd Party Oversight	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>least one year of baseline data and one year of data after project pumping begins should be collected prior to implementation of the following well impact compensation program:</p> <ul style="list-style-type: none"> a. Reduction in usable well life –The tribe shall reimburse the owners of wells that become unusable within 30 years of the onset of project pumping for a portion of the prevailing, customary cost for well replacement, rehabilitation or deepening. The percentage of the cost reimbursed by the tribe shall depend upon the degree to which the well’s usable life is shortened: 5 % for one year, 10% for two years and 15 % for three years. In order to be eligible, the well owner will need to provide the tribe with documentation of the well location and completion data, and prove that the well was constructed and usable before project pumping was initiated. b. Groundwater level falling near or below pump intake – The concept of usable well life can also be applied to this impact, except that the well’s usable life is extended by lowering the pump intake. The impact of project pumping on shortening this time period would be similar to the impact on shortening well life, and shall be determined by dividing the amount of interference drawdown 		Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>at the off-Site well by the regional rate of groundwater decline. The tribe shall reimburse the owners of wells with pumps that require lowering within 30 years of the onset of project pumping for a portion of the prevailing, customary cost for this service. The percentage of the cost reimbursed by the tribe shall depend upon the degree to which the time period until a well’s pump intakes require lowering at a rate of 10% for each year. In order to be eligible, the well owner will need to provide the tribe with documentation of the well location and completion data, including pump intake depth, and prove that the well was constructed and usable before project pumping was initiated. The Tribe must be made aware of the cost reimbursement claim prior to lowering of the pump intake, so that the need for possible well deepening, replacement or rehabilitation can be assessed and inefficiencies can be avoided. At the Tribe’s discretion, compensation may be paid toward well deepening, replacement or rehabilitation in lieu of toward lowering the pump intake.</p> <p>c. Increased Electrical and Maintenance Cost – The Tribe shall reimburse well owners pumping more than 100 AF/year for their additional annual electrical costs (for no longer than 30 years) at the prevailing electrical rate based on the</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>following formula:</p> $\text{KWhr/year} = (\text{gallons Pumped/year}) \times (\text{feet of interference drawdown})$ <p>1621629</p> <p>In order to qualify for reimbursement, the well owner must provide proof of the actual annual volume of water pumped. As an alternative to annual payments, a one-time lump sum payment of a mutually agreeable amount could be made.</p> <p>d. No reimbursement would be made available for wells installed after operation of the project.</p> <p>e. For any of the above impacts, the Tribe may choose at its discretion to provide the well owner with a connection to a local public or private water supply system in lieu of the above mitigation measures, at a reduced cost in proportion to the extent the impact was caused by project pumping.</p> <p>f. The known owners of identified wells within two miles of the project pumping well shall be notified of the well impact compensation program outlined above</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>before project pumping begins.</p> <p>g. The Tribe shall contract with a third party such as the County of Madera to oversee this well impact compensation program.</p>			
5.2.3 – AIR QUALITY				
Construction Impacts				
A, B, C, D	A. All construction mitigation measures shall be incorporated into a Construction Emissions Mitigation Plan.	Tribe	Planning Phase Construction Phase	
A, B, C, D	B. During construction, the Tribe shall comply with San Joaquin Valley Air Pollution Control District (SVAPCD) Regulation VIII (Fugitive Dust Rules).	Tribe	Construction Phase	
A, B, C, D	C. Prior to the start of any construction activity on the site, the Tribe shall create a Dust Control Plan pursuant to SVAPCD Rule 8021. Implementation of SVAPCD Rule 8021 would limit visible dust emissions to 20 percent opacity.	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	<p>D. In addition to full compliance with all applicable Regulation VIII requirements, the Tribe shall implement the following dust control practices, drawn from Tables 6-2 and 6-3 of SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), during construction:</p> <ul style="list-style-type: none"> a. All disturbed areas, including soil stockpiles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of 	Tribe	<p>Planning Phase</p> <p>Construction Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>freeboard space from the top of the container shall be maintained.</p> <p>e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</p> <p>f. Following the addition of materials to, or the removal of materials from, the surface of outdoor soil stockpiles, piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</p> <p>g. Limit traffic speeds on unpaved roads to 15 mph; and;</p> <p>h. Install erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	E. The Tribe shall prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps control approximately 80 percent of diesel particulate matter. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of diesel particulate matter, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.	Tribe	Planning Phase	
A, B, C, D	F. The Tribe shall ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.	Tribe	Construction Phase	
A, B, C, D	G. The Tribe shall prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.	Tribe	Construction Phase	
A, B, C, D	H. The Tribe shall locate diesel engines, motors, and equipment staging areas as far as possible from the closest residences.	Tribe	Planning Phase Construction Phase	
A, B, C, D	I. The Tribe shall require the use of low sulfur diesel fuel (<15 parts per million sulfur) for diesel construction equipment, if available.	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	J. The Tribe shall reduce construction-related trips of workers and equipment, including trucks. A construction traffic and parking management plan shall be developed that minimizes traffic interference and maintains traffic flow.	Tribe	Planning Phase Construction Phase	
A, B, C, D	K. The Tribe shall lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.	Tribe	Planning Phase Construction Phase	
A, B, C, D	L. The Tribe shall use lower-emitting engines and fuels, including electric, liquefied gas, hydrogen fuel cells, and/or alternative diesel formulations.	Tribe	Construction Phase	
Operational Impacts				
A, B, C	M. The Tribe shall provide transportation (e.g., shuttles) to major transit stations and multi-modal centers.	Tribe	Operation Phase	
A, B, C	N. The Tribe shall provide transit amenities such as bus turnouts; shelter benches; street lighting, route signs, and displays in and around the transit shelter benches to encourage public use of the transit service.	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C	O. The Tribe shall contribute to dedication of land for off-site bicycle trails linking the project to designated bicycle commuting routes in accordance with the regional Bikeway Master Plan.	Tribe	Operation Phase	
A, B, C	P. The Tribe shall maximize the potential of passive solar design principles where feasible.	Tribe	Planning Phase	
A, B, C	Q. The Tribe shall ensure the use of clean fuel vehicles in the vehicle fleet where practicable.	Tribe	Operation Phase	
A, B, C	R. The Tribe shall provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C	S. The Tribe shall provide amenities such as personal lockers and showers, bicycle lockers and racks, bus pass subsidies and flexible schedules for employees who walk,	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	bike, or utilize public transit to work.		Operation Phase	
A, B, C	T. The Tribe shall provide electric vehicle charging facilities.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C	U. The Tribe shall provide preferential parking for vanpools and carpools.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C	V. The Tribe shall provide on-site pedestrian facility enhancements such as walkways, benches, proper lighting, vending machines, and building access, which are physically separated from parking lot traffic.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B	W. A parking structure is proposed in Alternatives A and B. If the parking structure includes mechanical ventilation and exhaust, the exhaust should be vented in a		Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	direction away from inhabited areas.	Tribe	Construction Phase	
A, B	X. The Tribe shall provide adequate ingress and egress at entrances to the Casino to minimize vehicle idling and traffic congestion.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B	Y. The Tribe shall contract only with commercial landscapers who operate equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use.	Tribe	Planning Phase Operation Phase	
C	Z. The Tribe shall encourage reduced setbacks for retail and employment land uses on streets with bus services consistent with zoning code requirements.	Tribe	Planning Phase Construction Phase	
C	AA. The Tribe shall provide adequate ingress and egress at entrances to public facilities to minimize vehicle idling and traffic congestion.	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
C	BB. The Tribe shall encourage a development pattern that discourages auto-oriented uses in areas adjacent to bus stops and other transit facilities.	Tribe	Planning Phase Construction Phase	
A, B, C, D	CC. The Tribe shall adopt an anti-idling ordinance for the facility. To help maintain compliance with this ordinance, the Tribe should consider creating a driver’s lounge, where drivers can wait and occupy themselves comfortably instead of sitting in their buses or trucks.	Tribe	Planning Phase Construction Phase	
A, B, C	<p>DD. The Tribe shall implement or fund the implementation of one or more of the following measures to reduce NOx, ROG, and PM10 emissions to less than the SJVAPCD thresholds, which would result in a less than significant impact from Alternatives A, B, and C. Table 5-1 shows the reductions necessary for each alternative.</p> <ul style="list-style-type: none"> a. Pave or resurface unpaved roadway(s) or roadway(s) in a deteriorated state within the San Joaquin Valley Air Basin, which have a minimum daily vehicle count of 100 vehicles. b. Contribute to a program to retrofit residential fireplaces that do not meet EPA 			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>certification standards within the San Joaquin Valley Air Basin.</p> <ul style="list-style-type: none"> c. Purchase low emission buses to replace older municipal or school buses used within the San Joaquin Valley Air Basin. d. Purchase hybrid vehicles to replace existing governmental fleet vehicles within the San Joaquin Valley Air Basin. e. Purchase and install on-site or within the San Joaquin Valley Air Basin; a photovoltaic array, wind powered energy, and/or other form(s) of renewable energy. f. Contribute a fair share percentage to the synchronization of traffic signals within the San Joaquin Valley Air Basin. g. Purchase Emission Reduction Credits that are available from sources within the San Joaquin Valley Air Basin. 			
Odor Impacts				

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	EE. The wastewater treatment plant shall be constructed with comprehensive odor control facilities, including the injection of odor control oxidants at the sewage lift station and construction of a covered headworks with odor scrubber at the wastewater treatment plant.	Tribe	Planning Phase Construction Phase	
A, B, C, D	FF. Spray drift from the wastewater treatment plant or spray disposal field shall not migrate out of the disposal field boundaries.	Tribe	Operation Phase	
A, B, C, D	GG. Spray field irrigation shall cease when winds exceed 30 mph.	Tribe	Operation Phase	
A, B, C, D	HH. The WWTP shall be staffed with operators who are qualified to operate the plant safely, effectively, and in compliance with all permit requirements and regulations. The operators shall have qualifications similar to those required by the State Water Resources Control Board Operator Certification Program for municipal wastewater treatment plants. This program specifies that for tertiary level wastewater treatment plants with design capacities of 1.0 MGD or less, the chief plant operator must be a Grade III operator. Supervisors and Shift Supervisors must be Grade II operators. An Operations and Maintenance Program must be followed by the plant operators. Emergency preparedness shall include all appropriate measures, including a high level	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	of redundancy in the major systems.			
C	II. Prior to construction, the Tribe shall obtain a letter from the SJVAPCD confirming that the proposed use will not create an objectionable odor.	Tribe/SJVAPCD	Planning Phase	
Toxic Air Contaminant Impacts				
A, B, C, D	JJ. Air intakes associated with the heating and cooling system for buildings shall not be located next to potential TAC-emitting locations (e.g., loading docks) in accordance with CARB's Air Quality and Land Use Handbook.	Tribe	Planning Phase Construction Phase	
Asbestos Impacts				
D	KK. Prior to any grading activities at the site, the Tribe shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos (NOA) is present within the construction area. Should NOA or evidence of NOA be found on-site, the primary contractor shall be notified of and required to comply with construction standards equivalent to CARB's Asbestos Airborne Toxic Control Measure (ATCM) regulating serpentine and asbestos-bearing ultramafic rock materials used for surfacing applications subjected to vehicular, pedestrian, or non-pedestrian use, such as cycling	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	and horse-back riding.			
Indoor Air Quality Impacts				
A, B, D	LL. The casino floor shall be ventilated to at least the standards of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), Ventilation for Acceptable Indoor Air Quality, ASHRAE Standard 62-2001.	Tribe	Planning Phase Construction Phase	
A, B, D	MM. The Tribe shall ensure that comfort levels are acceptable to most occupants, and consistent with ASHRAE Standard 55-1992, under all operating conditions.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, D	NN. The Tribe shall ensure that significant expected sources of pollutant emissions are isolated from occupants using physical barriers, exhausts, and pressure controls.	Tribe	Planning Phase Construction Phase	
A, B, D	OO. The Tribe shall ensure that outdoor air entering the building is protected from contamination from local outdoor sources and from building exhausts and sanitation vents.	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, D	PP. The Tribe shall ensure that provisions are made for easy access to heating, ventilation, and air conditioning (HVAC) equipment requiring periodic maintenance.	Tribe	Planning Phase Construction Phase	
A, B, D	QQ. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.	Tribe	Planning Phase Construction Phase	
A, B, D	RR. The Tribe shall ensure that occupant exposure to construction contaminants is minimized using protocols for material selection, preventive installation procedures, and special ventilation and pressure control isolation techniques.	Tribe	Planning Phase Construction Phase	
A, B, D	SS. A non-smoking gaming area shall be provided.	Tribe	Planning Phase Construction Phase	
A, B, D	TT. Signage shall be displayed or brochures made available to casino patrons describing the health effects of second-hand smoke.	Tribe	Operation Phase	
A, B, D	UU. The Tribe shall provide notice of the health effects of secondhand smoke	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	exposure to employees upon hire.			
C	VV. A non-smoking area shall be provided in restaurants.	Tribe	Planning Phase Construction Phase Operation Phase	
C	WW. Signage shall be displayed or brochures made available to restaurant (that permit smoking) guests describing the health effects of second-hand smoke.	Tribe	Operation Phase	
C	XX. The Tribe shall provide notice of the health effects of secondhand smoke exposure to employees upon hire.	Tribe	Operation Phase	
C	YY. The Tribe shall ensure that significant expected sources of pollutant emissions are isolated from occupants using physical barriers, exhausts, and pressure controls.	Tribe	Planning Phase Construction Phase	
C	ZZ. The Tribe shall ensure that outdoor air entering the building is protected from contamination from local outdoor sources and from building exhausts and sanitation	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	vents.			
C	AAA. The Tribe shall ensure that occupant exposure to construction contaminants is minimized using protocols for material selection, preventive installation procedures, and special ventilation and pressure control isolation techniques.	Tribe	Planning Phase Construction Phase	
C	BBB. The Tribe shall ensure that provisions are made for easy access to HVAC equipment requiring periodic maintenance.	Tribe	Planning Phase Construction Phase	
A, B, C, D	CCC. The Tribe shall seek LEED certification for project components, where possible.	Tribe	Planning Phase	
Climate Change Impacts				
As noted in Table 5-1 of the FEIS, a less than significant cumulative impact to global climate change would result for all Alternatives after the implementation of Mitigation Measure DDD (listed below). In addition, the implementation of mitigation measures DDD through JJJ are recommended for all Alternatives to further reduce project climate change impacts.				
A, B, C, D	DDD. Buses and other commercial diesel-fueled vehicles shall comply with the California Air Resource Board's (CARB) Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations,	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	Title 13, Division 3, Article 1, Chapter 10, Section 2485), which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. Furthermore, the Tribe will provide a “Drivers Lounge” for bus and truck drivers to discourage idling.			
A, B, C, D	EEE. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board’s Section 01350 where feasible.	Tribe	Construction Phase	
A, B, C, D	FFF. The Tribe shall ensure use of low-emission, central, or tankless water heaters and install wall insulation that shall exceed Title 24 requirements.	Tribe	Construction Phase	
A, B, C, D	GGG. The Tribe shall use energy efficient appliances in the hotel and casino.	Tribe	Construction Phase	
A, B, C, D	HHH. Environmentally preferable materials shall be used to the extent practical for construction of facilities.	Tribe	Construction Phase	
A, B, C, D	III. Implementation of Mitigation Measures P, Q, U, and V	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	JJJ. The Tribe shall maintain all vehicles to manufactures specifications. This mitigation measure would reduce emission that occurs when vehicles are not maintained.	Tribe	Operation Phase	
A, B, C, D	KKK. The Tribe shall ensure that the project will provide multiple and/or direct pedestrian access to adjacent, complementary land uses and throughout the project. This mitigation measure would encourage walking to destinations adjacent to the proposed project and thus, reducing vehicle trips.	Tribe	Construction Phase	
5.2.4 - BIOLOGICAL RESOURCES				
State Special Status Species				
Swainson's Hawk				
A, B, C	A. The pre-construction survey shall be conducted within 30 days prior to initiation of construction activity, and coverall all potential nesting trees. If active nests are found, consultation with USFWS shall occur. Appropriate measures shall be adopted similar to California Department of Fish & Game (CDFG) mitigation guidelines, regarding losses of suitable foraging habitat. Impacts within 10 miles of a Swainson's	Tribe/USFWS	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>hawk nest site shall be mitigated by protecting or creating equally suitable foraging habitat elsewhere within the territory's 10-mile radius (CDFG 1994). The acreage of Habitat Management (HM) lands provided shall be derived from the 1994 CDFG staff report.</p> <p>Projects within five miles of an active nest tree but greater than one mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development planned (0.75:1 ratio). All HM lands protected under this requirement shall be protected through fee title acquisition or conservation easement (acceptable to the CDFG) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's hawks. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands).</p>			
A, B, C	B. Informal consultation with CDFG shall occur prior to construction activities to discuss potential on-site impacts to state special-status species	Tribe/CDFG	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
Migratory and Nesting Birds				
A, B, C	<p>C. If feasible, vegetation removal activities shall occur outside of the nesting season (approximately March through September) for migratory birds. If vegetation removal activities are to be conducted during the nesting season, a qualified biologist shall conduct a pre-construction survey for active migratory bird nests in and around proposed disturbance areas within one month prior to vegetation removal. If vegetation removal activities are delayed or suspended for more than one month after the pre-construction survey, the site shall be resurveyed. If a migratory bird nest is present, consultation with USFWS shall occur. A disturbance-free buffer of 250 feet shall be established around the nest and demarcated with fencing or flagging. No project-related construction activities, including vegetation removal, shall occur within the buffer zone until a qualified biologist determines the young have fledged and are independent of the nest.</p>	Tribe/USFWS	Planning Phase Construction Phase	
A, B, C	<p>D. A pre-construction survey for Western burrowing owls shall be conducted to ensure that impacts to burrowing owls, if present, do not occur during the nesting season. The pre-construction survey shall be conducted within 30 days prior to</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>initiation of construction activity. If active burrows are found prior to the nesting season, consultation with USFWS shall occur. If feasible, passive relocation measures shall be provided for each burrow in the area of the Madera Site, as appropriate, that is rendered biologically unsuitable. Passive relocation measures shall include the creation of two natural or artificial burrows for each burrow rendered biologically unsuitable. Daily monitoring will be implemented until the owls have been relocated to the new burrows. This measure will reduce potential impacts to burrowing owl species.</p>			
A, B, C, D	<p>E. The following measures shall be implemented to minimize the effects of lighting and glare:</p> <ul style="list-style-type: none"> a. Install downcast lights with top and side shields to reduce upward and sideways illumination. This shall reduce potential disorientation affects from non-directed shine to birds and wildlife species. b. Turn off as many exterior and interior lights as possible during the peak bird migration hours of midnight to dawn to reduce potential building collisions with migratory birds. 			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
D	<p>N. If feasible, vegetation removal shall occur outside of the nesting season (the nesting season is approximately March through September) for migratory birds. If vegetation removal activities are delayed or suspended for more than one month after the pre-construction survey, the site shall be resurveyed. If a migratory bird nest is present, consultation with USFWS shall occur. A disturbance-free buffer of 250 feet shall be established around the nest and demarcated with fencing or flagging. No project-related construction activities, including vegetation removal, shall occur within the buffer zone until a qualified biologist determines the young have fledged and are independent of the nest.</p>	Tribe/USFWS	<p>Planning Phase Construction Phase</p>	
Waters of the U.S.				
A, B, C	<p>F. Permanent fencing shall be installed around areas of wetlands and identified jurisdictional waters of the U.S., as shown on the U.S. Army Corps of Engineers (USACE) verified, waters of the U.S. map. Fencing shall be located no closer than a minimum of 50 feet from boundaries of waters of the U.S. Fencing shall be installed prior to any construction to protect water quality and shall remain in place after construction to maintain the wetlands and waters of the U.S.</p>	Tribe/USACE	<p>Planning Phase Construction Phase Operation Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C	G. Construction staging areas shall be located at least 50 feet away from the wetlands and identified jurisdictional waters of the U.S. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. seeding and silt fences or straw bales).	Tribe	Planning Phase Construction Phase	
D	O. USACE verification of identified waters of the U.S shall be obtained and a Clean Water Act, Section 404 permit shall be obtained from USACE prior to any discharge of dredged or fill material into “waters of the U.S.” The Tribe shall comply with all the terms and conditions of the permit and compensatory mitigation shall be in place prior to any direct effects to “waters of the U.S.”	Tribe/USACE	Planning Phase Construction Phase	
D	P. A wetland mitigation plan to mitigate impacts to jurisdictional wetlands shall be developed as part of the USACE permit process. Wetland mitigation shall be accomplished through creation/restoration of seasonal wetlands within an open space preserve subject to conservation easements. This creation/restoration shall provide an	Tribe/USACE	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>increase in the inventory of seasonal wetlands for the area. The scale of seasonal wetland restoration (ratio to be set by USACE when they issue their permit) shall be sufficient to satisfy the ratio of replacement acreage to impacted acreage required by regulatory agencies based on wetland functions and values present on the North Fork site. However, the proposed 2:1 ratio is subject to USACE mitigation guidelines. A detailed mitigation plan shall be designed that shall include monitoring and reporting requirements, responsibilities, performance success criteria, reporting procedures and contingency requirements.</p>			
D	<p>Q. A Clean Water Act NPDES permit shall be obtained from the USEPA prior to the discharge of tertiary-treated effluent into any of the drainages on the site. The Tribe shall comply with all the terms and conditions of the permit as mitigation for all impacts to downstream habitat and fish species.</p>	Tribe	<p>Planning Phase Operation Phase</p>	
Aquatic Habitat				
A, B, C	<p>H. To prevent impacts to aquatic habitat due to a change in water temperature, the water temperature of Dry Creek above its confluence with Schmidt Creek shall be monitored. Measures such as a cooling pond or cooling tower shall be used if necessary to decrease the temperature of the effluent to within five degrees Fahrenheit</p>	Tribe	<p>Construction Phase Operation Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	of the temperature of the creek. In accordance with the RWQCB Basin Plan, at no time shall the temperature of the receiving body of water be altered more than five degrees Fahrenheit.			
D	R. To prevent impacts to aquatic habitat due to a change in water temperature, the water temperature of Willow Creek above its confluence with the unnamed stream shall be monitored. Measures such as a cooling pond or cooling tower shall be used if necessary to decrease the temperature of the effluent to within five degrees Fahrenheit of the temperature of the creek. In accordance with the RWQCB Basin Plan, at no time shall the temperature of the receiving body of water be altered more than five degrees Fahrenheit.	Tribe/USEPA	Construction Phase Operation Phase	
Roosting Bats				
A, B, C	I. Within one month prior to tree removal, a qualified bat biologist shall conduct surveys to determine whether special-status bat species are roosting in the trees. If tree removal activities are delayed or suspended for more than one month after the pre-construction survey, the trees shall be resurveyed. If special-status bat species are	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	roosting in trees at the site, a qualified bat biologist will remove or relocate the bats.			
D	S. Within one month prior to tree removal or building demolition, a qualified bat biologist shall conduct surveys to determine whether special-status bat species are roosting in the trees or buildings. If tree removal or building demolition activities are delayed or suspended for more than one month after the pre-construction survey, the trees or buildings shall be resurveyed. If special-status bat species are roosting in trees or buildings at the site, a qualified bat biologist will remove or relocate the bats.	Tribe	Planning Phase Construction Phase	
Native Species				
D	J. Where appropriate, vegetation removed as a result of project activities shall be replaced with native species that are of value to local wildlife. Native plants have a significant cultural value, are generally more valuable as wildlife food sources, and require less irrigation, fertilizers, and pesticides than exotic species.	Tribe	Planning Phase Construction Phase	
Mariposa Pussypawss				
D	K. Protocol-level plant surveys for the Mariposa pussypaws, the Federally-listed plant species identified in Section 4.5 shall occur prior to development activities. Surveys shall be conducted within the blooming period for this species (April to	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>August). If this species is not detected on site, no mitigation is necessary. However, if this species is detected and will be affected by the development of Alternative D, populations and/or individual plants of Mariposa pussypaws shall be flagged and a disturbance-free buffer of 50 feet surrounding each individual or population shall be established and demarcated with fencing or flagging. The project shall be redesigned to avoid all soil disturbance or other habitat impacts within the 50-foot buffer.</p>		Construction Phase	
Valley Elderberry Longhorn Beetle				
D	<p>Suitable habitat for the valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>) occurs on the North Fork site in the form of elderberry (<i>Sambucus</i> sp.) shrubs. Alternative D has the potential to impact 50 elderberry plants. The two elderberry shrubs at location eld7 shall be avoided. The following mitigation measures will reduce potential project impacts to less than significant impacts:</p> <p>L. Two of the elderberry plants on the North Fork site (location eld7) shall be avoided using the following measures.</p> <p>a. If feasible, the elderberry shrubs shall be completely avoided using a 100-foot buffer. This buffer shall be fenced using standard construction fencing</p>	Tribe/USFWS	<p>Planning Phase</p> <p>Construction Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>material. Signs shall be placed every 50 feet along the fencing with the following information:</p> <p>“This area is habitat for the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.”</p> <p>These signs shall be clearly readable from a distance of 20 feet and shall be maintained for the duration of the construction activity.</p> <p>b. If it is necessary to disturb areas within the 100-foot avoidance buffers, USFWS shall be consulted before any disturbance is begun. In areas where encroachment on the 100-foot avoidance buffer has been approved by the USFWS, a buffer at least 20 feet from the dripline of the shrubs shall be maintained. Any habitat within the 100-foot buffer that was damaged during construction shall be restored once the construction activities have been completed. This includes erosion control and re-vegetation with appropriate native plants.</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>c. Once the construction of the Alternative D facilities have been completed, permanent measures shall be taken to protect the elderberry shrubs from adverse impacts from the project. These measures can include fencing, signs, weeding, and trash removal. Additionally, no mowing shall take place within five feet of the driplines of the elderberry shrubs.</p> <p>As shown in Table 5.2-2 within the FEIS, mitigation measures for impacts to VELB from Alternative D would require the transplanting of 50 elderberry shrubs from the North Fork site and the additional planting of 241 elderberry seedlings or cuttings in a USFWS-approved conservation area. The mitigation measures would also require the planting of 146 native plants of various species that are associated with elderberry shrubs.</p>			
D	<p>M. Alternative D will impact 50 of the elderberry shrubs on the North Fork site. The following mitigation measures will ensure that the impacts to elderberry shrubs are less than significant:</p> <p>a. All elderberry shrubs with at least one stem greater than one inch in diameter at ground level and are healthy enough to survive transplanting shall be transplanted to a USFWS-approved conservation area. The transplanting shall</p>	Tribe/USFWS	<p>Planning Phase</p> <p>Construction Phase</p>	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>take place between November and January, when the shrubs will be dormant. Transplanting methods shall be in accordance with the USFWS' conservation guidelines (Appendix H). If it is not possible to transplant one or more of the elderberry shrubs, the USFWS may increase the minimization ratios shown in Table 5-1 to mitigate for the loss of the shrub.</p> <p>b. For each elderberry stem at least one inch in diameter at ground level that is impacted by Alternative D (e.g. pruned, damaged, or transplanted), additional elderberry seedlings or cuttings shall be planted in a USFWS-approved conservation area at the ratios given in Table 5-2. These ratios are based upon the ratios given in Table 1 of the USFWS VELB conservation guidelines (Appendix E). Additionally, for each elderberry stem at least one inch in diameter at ground level impacted by Alternative D, a variety of associated species native to the conservation area shall be interspersed with the elderberry seedlings. The number of individual plants (of the associated species) required to mitigate for the impacts to the elderberry shrubs is listed in Table 5-2.</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
5.2.5 - CULTURAL RESOURCES				
A, B, C, D	<p>A. Any inadvertent discovery of archaeological resources, shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR 800), the Native American Graves Protection and Repatriation Act (25 USC 3001 et seq.), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-mm). Specifically, procedures for post review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist can assess the significance of the find. If any find is determined to be significant by the archaeologist, then representatives of the Tribe, the NIGC and the BIA shall meet with the archaeologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, according to current professional standards.</p>	Tribe	Construction Phase	
A, B, C, D	<p>B. If human remains are discovered during ground-disturbing activities on Tribal lands, work shall halt in the vicinity, the Madera County Coroner should be notified immediately, and, pursuant to the Native American Graves Protection and</p>	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	Repatriation Act (NAGPRA), Section 10.4 Inadvertent Discoveries, a Tribal Official and BIA representative will be contacted immediately. No further ground disturbances shall occur until the Tribal Official and BIA representative have examined the findings and agreed on the appropriate course of action.			
A, B, C, D	C. Monitoring of construction activities by a qualified paleontologist shall occur during any trenching or excavation associated with development under the Alternatives.	Tribe	Construction Phase	
A, B, C, D	D. Shall paleontological resources be unearthed, a paleontological resource impact mitigation plan (PRIMP) shall be created prior to further earthmoving in the vicinity of the find. The PRIMP shall detail the procedures for collecting and preserving the discovered fossils. Any fossils discovered during construction shall be accessioned in an accredited scientific institution for future study.	Tribe	Construction Phase	
D	E. Temporary protective construction fencing shall be placed around site P-20-2358, including a 5 foot buffer, to prevent damage to the resource from slope stabilization activities. If the site can not be avoided during construction, a professional archaeologist will consult with the Tribe and the BIA to determine the appropriate	Tribe/BIA	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	action.			
5.2.6 – SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE				
Social Impacts				
A, B, C, D	A. The Tribe shall pay the fair-share cost of traffic mitigation, including the cost of any required land acquisition.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, D	B. The Tribe shall contract with a gambling treatment professional to train management and staff to develop strategies for recognizing and addressing customers whose gambling behavior may strongly suggest they are experiencing serious to severe difficulties.	Tribe	Operation Phase	
A, B, D	C. The Tribe shall refuse service to any customer whose gambling behavior convincingly exhibits indications of problem or pathological gambling.	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, D	D. The Tribe shall respectfully and confidentially provide the customer (as described above) with written information that includes a list of professional gambling treatment programs and self-help groups.	Tribe	Operation Phase	
A, B, D	E. The Tribe shall implement procedures to allow for voluntary self-exclusion, enabling gamblers to ban themselves from a gambling establishment for a specified period of time.	Tribe	Operation Phase	
A, B, D	F. The Tribe shall prominently display (including on any automatic teller machines (ATMs) located on-site) materials describing the risk and signs of problem and pathological gambling behaviors. Materials shall also be prominently displayed (including on any ATMs located on-site) that provide available programs for those seeking treatment for problem and pathological gambling disorders, including, but not limited to a toll-free hotline telephone number.	Tribe	Operation Phase	
A, B, D	G. The Tribe shall offer insurance coverage for problem/pathological gambling treatment programs to its casino employees.	Tribe	Operation Phase	
A	H. The Tribe shall reimburse Madera County in the following amounts: \$835,110 (one-time, prior to opening of the Alternative A developments to the public) and	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	\$1,038,310 (annually) for fiscal impacts.		Construction Phase Operation Phase	
B	I. The Tribe shall reimburse Madera County in the following amounts: \$1,988,560 (one-time, prior to the opening of the Alternative B developments to the public) and \$2,089,560 (annually) for fiscal impacts.	Tribe	Planning Phase Construction Phase Operation Phase	
B	J. The Tribe shall reimburse the City of Madera for \$110,656 annually for fiscal impacts.	Tribe	Operation Phase	
C	K. The Tribe shall reimburse Madera County in the following amounts: \$2,083,251 (one-time, prior to the opening of the Alternative C developments to the public) and \$1,470,885 (annually) for fiscal impacts.	Tribe	Planning Phase Construction Phase Operation Phase	
C	L. The Tribe shall reimburse the City of Madera for \$40,095 annually for fiscal impacts.	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
D	M. The Tribe shall reimburse Madera County in the following amounts: \$756,298 (one-time, prior to the opening of the Alternative D developments to the public) and \$2,436,264 (annually) for fiscal impacts.	Tribe	Planning Phase Construction Phase Operation Phase	
D	N. The Tribe shall reimburse the City of Madera for \$4,834 annually for fiscal impacts.	Tribe	Operation Phase	
B, C	O. The Tribe shall reimburse the MID in the amount of \$6,800 (annually) for fiscal impacts.	Tribe	Operation Phase	
B, C	P. The Tribe shall implement groundwater mitigation measures discussed in Section 5.2.2 of the FEIS.	Tribe	Construction Phase Operation Phase	
D	Q. The Tribe shall implement groundwater mitigation measures discussed in Section 5.2.2 of the FEIS.	Tribe	Construction Phase Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
5.2.7 – RESOURCE USE PATTERNS				
A, B, C, D	The Tribe shall pay for a proportionate share of costs for the recommended traffic improvements at intersections and roadway segments described in Section 5.0 of the FEIS.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C, D	A. A Traffic Management Plan (TMP) shall be prepared to identify which lanes require closure, where night construction is proposed, and other standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways (US DOT FHWA, 2003). The TMP shall be submitted to each affected local jurisdiction and/or agency. Also prior to the finalization of construction plans, the Tribe shall work with emergency service providers to avoid restricting emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the construction schedule, exact location of construction activities, duration of construction period, and any access restrictions that could impact emergency response services. Traffic Management Plans shall include details regarding emergency service coordination. Copies of the TMPs	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	shall be provided to all affected emergency service providers.			
A, B, C, D	B. Importation of construction material shall be scheduled outside of the area wide commute peak hours.	Tribe	Planning Phase Construction Phase	
A, B, C, D	C. Where feasible, lane closures or obstructions associated with the construction of the project shall be limited to off-peak hours to reduce traffic congestion and delays.	Tribe	Planning Phase Construction Phase	
A, B, C, D	D. Prior to construction, the Tribe shall work to notify all potentially affected parties in the immediate vicinity of the North Fork, or the Madera sites, as appropriate. Notification shall include a construction schedule, location of construction activities, the duration of construction period, and alternative access provisions.	Tribe	Planning Phase	
A, B, C, D	E. Debris along construction vehicle routes shall be monitored daily during construction and the roadways cleaned as necessary.	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
Land Use				
A, B, C	F. In order to reduce the amount of light that would otherwise escape from the Madera site, the Tribe shall provide nighttime lighting for the parking areas that shines only on the parking areas and not surrounding areas. This can be achieved by employing down pointing lighting fixtures and low-pressure sodium bulbs.	Tribe	Planning Phase Construction Phase Operation Phase	
A, B, C	G. The Tribe shall either maintain current aviation easements within Zones A, B1, and B2 on the Madera site or shall enter into an agreement with the City of Madera to allow for the actions contained in the current aviation easement. This will prevent impacts to human safety or to airport operations. The easement or agreement shall address: <ul style="list-style-type: none"> a. Overflight: A right-of-way for free and unobstructed passage of aircraft through the airspace of the property at any altitude above a surface specified in the easement (set in accordance with Federal Aviation Regulations Part 77 and/or criteria for terminal instrument approaches). b. Impacts: A right to subject the property to noise, vibration, fumes, dust, and 	Tribe/City of Madera	Planning Phase Construction Phase Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>fuel particle emissions associated with normal airport activity.</p> <p>c. Height Limits: A right to prohibit the construction or growth of any structure, tree, or other object that would enter the acquired airspace.</p> <p>d. Access and Abatement: A right-of-entry onto the property, with appropriate advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.</p> <p>e. Other Restrictions: A right to prohibit electrical interference, glare, misleading light sources, visual impairments, and other hazards to aircraft from being created in the property.</p>			
A, B, C	<p>H. The Tribe shall submit a “Notice of Proposed Construction or Alteration” to the Federal Aviation Administration (FAA) due to the temporary use of a crane to construct the projects on the Madera site prior to construction. Cranes shall not operate unless the FAA determines that their operation will not cause a hazard to air navigation.</p>	Tribe/FAA	<p>Planning Phase</p> <p>Construction Phase</p>	
D	<p>I. In order to reduce the amount of light that would otherwise escape from the North</p>	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	Fork site, the Tribe shall provide nighttime lighting for the parking areas that shines only on the parking areas and not surrounding areas. This can be achieved by employing down pointing lighting fixtures and low-pressure sodium bulbs.		Construction Phase Operation Phase	
Agriculture				
A, B, C	J. If feasible within the first year of operation, an agricultural conservation easement shall be purchased (either directly or through an organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements) that is at least as large as the area of agricultural land converted on the Madera site (approximately 85 acres). At least a portion of the agricultural conservation easement site shall be designed as prime farmland, unique farmland, farmland of statewide importance, or farmland of local importance.	Tribe	Planning Phase Construction Phase Operation Phase	
5.2.8 – PUBLIC SERVICES				
Wastewater Services				
A, B, C	A. The Tribe shall form an agreement with the City of Madera to pay the fair share cost of improvements and upgrades to connect to the City of Madera sewer line. The Tribe shall also pay the fair share cost of future expansion/improvements to increase	Tribe/City of	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
(off-site)	wastewater capacity of the City of Madera wastewater treatment plant	Madera	Construction Phase Operation Phase	
D (off-site)	B. The Tribe shall form an agreement with the County of Madera to pay the fair share cost of improvements and upgrades to connect to the County of Madera sewer line. The Tribe shall also pay the fair share cost of future expansion/improvements to increase wastewater capacity of the County of Madera wastewater treatment plant.	Tribe/Madera County	Planning Phase Construction Phase Operation Phase	
Solid Waste				
A, B, C, D	C. Construction waste shall be recycled to the fullest extent practicable by diverting green waste and recyclable building materials from the solid waste stream.	Tribe	Construction Phase	
A, B, C, D	D. Environmentally preferable materials shall be acquired to the extent practical for construction of facilities.	Tribe	Planning Phase Construction Phase	
A, B, C, D	E. Installation of a trash compactor for cardboard and paper products.	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
			Construction Phase	
A, B, C, D	F. Solid waste shall be recycled to the fullest extent practicable by diverting green waste and recyclable materials from the solid waste stream.	Tribe	Operation Phase	
A, B, C, D	G. Installation of recycling bins throughout the facilities for glass, cans and paper products.	Tribe	Planning Phase Construction Phase Operation Phase	
	H. A solid waste management plan shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have a goal of at least 50% diversion of materials from disposal, which includes reduction, recycling, and reuse measures.	Tribe	Planning Phase Construction Phase Operation Phase	
Law Enforcement				
A, B, C, D	I. The Tribe shall make one-time and annual payments to the City of Madera and Madera County as discussed previously under the mitigation measures for Socioeconomic Conditions, Section 5.2.6. These payments would fund increased	Tribe	Operation Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	demands on City and County law enforcement services.		Construction Phase	
Fire Protection/ Emergency Medical Services				
A, B, C, D	J. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to vehicles, heavy equipment, and chainsaws. During construction, staging areas, wilding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.	Tribe	Construction Phase	
A, B, C, D	K. The Tribe shall make one-time and annual payments to the City of Madera and Madera County as discussed above under the mitigation measures for Socioeconomic Conditions, Section 5.2.6. These payments would fund increased demands on City and County fire protection and emergency medical services.	Tribe	Construction Phase Operation Phase	
Food and Water Safety				
C	L. The Tribe shall adopt and comply with standards no less stringent than state public	Tribe	Planning Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	health standards for food and beverage handling.		Operation Phase	
C	M. The Tribe shall allow inspection of food and beverage services by state or county health inspectors, during normal hours of operation, to assess compliance with these standards, unless inspections are routinely made by an agency of the United States government to ensure compliance with equivalent standards of the United States Public Health Service.	Tribe	Operation Phase	
Schools				
A, B, C, D	N. The Tribe shall make annual payments to Madera County as discussed previously under the mitigation measures for Socioeconomic Conditions, Section 5.2.6. These payments would fund increased demands on County educational services.	Tribe	Operation Phase	
5.2.9 – OTHER VALUES				
Noise				
A, B, C, D	A. Where feasible, construction activities shall be restricted to weekdays and normal daytime hours (7:00 a.m. to 7:00 p.m.).	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
A, B, C, D	B. All mechanical equipment shall be designed, installed, and screened where feasible, so as to generate average noise levels of 52 dBA or less at the property lines of existing sensitive receptors. This sound level reduction can be achieved through the use of sound walls and berms, noise attenuating building materials, and vegetative screening as well as through regular monitoring of noise generating equipment.	Tribe	Planning Phase Construction Phase	
Hazardous Materials				
A, B, C, D	C. In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or a qualified individual can assess the extent of contamination. If contamination is determined to exceed USEPA preliminary remediation goals for residential land use, representatives of the Tribe shall consult with USEPA and BIA to determine the appropriate course of action, including the development of a Sampling Plan and Remediation Plan if necessary.	Tribe	Construction Phase	
A, B, C, D	D. In the event that suspected hazardous materials are encountered during construction-related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or an equivalent qualified individual can identify the material. If the material is determined, by USEPA standards, to be	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	hazardous to human health and welfare, a representative from the Tribe shall meet with USEPA and BIA to determine the appropriate course of action, including the appropriate disposal of the material according to State and Federal regulations.			
A, B, C, D	E. To reduce the potential for accidental releases, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment tanks and shall not otherwise be stored on-site. Paint, thinner, solvents, cleaners, sealants, and lubricants used during construction shall be stored in a locked utility building, handled per the manufacturers' directions, and replenished as needed. These materials will be stored at least one foot above the 100-year flood zone in water tight containers away from areas exposed to rain water, surface water, and groundwater.	Tribe	Construction Phase	
A, B, C, D	F. Personnel shall follow written standard operating procedures (SOPs) for filling and servicing construction equipment maintenance vehicles, and casino emergency generators. The SOPs, which are designed to reduce the potential for incidents involving the hazardous materials shall include the following: a. Refueling shall be conducted only with approved pumps, hoses, and nozzles. b. Catch-pans shall be placed under equipment to catch potential spills during	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>servicing.</p> <p>c. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.</p> <p>c. Vehicle engines shall be shut down during refueling.</p> <p>d. No smoking, open flames, or welding shall be allowed in refueling or service areas.</p> <p>e. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.</p> <p>f. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.</p> <p>g. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.</p> <p>h. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance and refueling areas shall</p>			

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	be inspected monthly. Results of inspections shall be recorded in a logbook that would be maintained on-site.			
A, B, C, D	G. The amount of hazardous materials used in project construction and operation shall be consistently kept at the lowest volumes needed. Project managers shall ensure the lowest volumes are maintained and that their uses are documented to ensure excessive volumes are not being applied as part of the overall hazardous materials and hazardous waste minimization program that would be developed for the project (see below).	Tribe	Construction Phase Operation Phase	
A, B, C, D	H. The least toxic material capable of achieving the intended result shall consistently be used to the extent practicable.	Tribe	Planning Phase Construction Phase	
A, B, C, D	I. A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.	Tribe	Planning Phase Construction Phase	
A, B, C, D	J. The Tribe shall avoid and minimize the use of hazardous materials during the	Tribe	Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	project's construction to the fullest extent practicable.			
A, B, C, D	K. The use of pesticides and toxic chemicals shall be minimized or less toxic alternatives shall be used to the greatest extent feasible in landscaping.	Tribe	Operation Phase	
A, B, C, D	L. If secondary diesel tanks are necessary for the emergency generators, the tanks shall have double walls with integrated leak detection systems. If a leak occurs within the inner tank, the outer tank shall contain the leak, while a pressure sensor signals the leak on the indicator panel of the generator unit. Security personnel and casino managers, trained in emergency response procedures, shall regularly monitor the generator units to ensure they are functioning as intended and no leaks are present.	Tribe	Construction Phase Operation Phase	
A, B, C, D	M. Excavation and proper disposal of stained soils shall occur on the Madera site as recommended in Appendix P.	Tribe	Planning Phase Construction Phase	
D	N. Before site development work begins groundwater and soil samples shall be collected in the area of the domestic well located on the site. Soil samples, groundwater samples, and water from the well shall be analyzed for total petroleum hydrocarbons and volatile organic compounds. In the event that contaminated soil	Tribe	Planning Phase Construction Phase	

Alternative	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>and/or groundwater are encountered a professional hazardous materials specialist or a qualified individual shall assess the potential risk in conjunction with USEPA and BIA. The risk would be based on laboratory analysis of soils and/or groundwater if detectable levels are present. If risks are determined to exceed USEPA preliminary remediation goals, a representative of the Tribe shall consult with USEPA and BIA to determine the appropriate course of action, including the development of a Sampling Plan and Remediation Plan if necessary.</p>			