

**Minutes of Public Scoping Meeting  
Placer County Planning Department  
Thunder Valley Casino Expansion Project (SCH #2007062072)**

**July 11, 2007**

Prepared by Jennifer Bowden (AES)

A public meeting was conducted to solicit input on the scope of the Tribal Environmental Impact Report (TEIR) for the proposed Thunder Valley Casino Expansion Project. The meeting was held at the administrative offices of the Western Placer Waste Management Authority (3033 Fiddymont Road, Roseville, CA 95747).

Dr. Shelley McGinnis (AES) called the meeting to order at 10:05 AM. Also present from AES were Robert Eckard, David Sawyer, Jennifer Bowden, and David Zwieg. Scott Garawitz (General Manager), Robert Almo (Marketing Director) and John McCormick (Director of Operations) attended, representing Thunder Valley Casino. Doug Elmets and Kim Nickols from Elmets Communications also attended on behalf of the casino and the United Auburn Indian Community (UAIC).

Dr. McGinnis introduced herself and stated the purpose for the meeting, which was to solicit public input on the scope of the TEIR being prepared for the proposed expansion of Thunder Valley Casino. Dr. McGinnis stated that the date of publication for the Notice of Preparation (NOP) was June 15, 2007, and that the public comment period would remain open until July 16, 2007. Meeting attendees were encouraged to add their names and addresses to the mailing list to receive the Notice of Availability (NOA) following the completion of the draft TEIR. A brief description of the proposed expansion project followed, which included a display of five posterboard figures prepared by AES showing the location and conceptual designs for the casino expansion. Dr. McGinnis then opened the floor for comments.

Mr. Jeff Asay, attorney for Union Pacific Railroad (UPRR), introduced himself and began his comments by stating that UPRR was not taking a stand for or against the casino or the expansion project *per se*, but that they were very concerned with access to the casino. Specifically, they are concerned about the Athens Avenue/Industrial Avenue intersection, which is directly east of a UPRR track crossing. Mr. Asay stated that UPRR representatives had contacted the Tribe about this intersection during the initial casino planning process, and feels that their concerns and recommendations for a grade separation were ignored or minimized. Mr. Asay noted that for the expansion project, UPRR will accept no less than a grade separation at this intersection (or another intersection designated as the main casino entrance). Mr. Asay continued by explaining that the tracks at the intersection in question are part of the Valley Subdivision Main Line, a

major freight route connecting the northwestern U.S. with central California. At this time, there are approximately 20-30 trains per day on this route. The maximum capacity for this line, and the projected level of increase in the near future, is 40-50 trains per day. He stated that many trains switch tracks at the Roseville Classification Yard not far to the south of the project area, and therefore proceed slowly through the project vicinity. He anticipates that without a grade separation at the Athens Avenue/Industrial Avenue interchange, many casino patrons would be forced to wait for slow trains, and would become frustrated, with traffic backed up on Industrial Avenue. Mr. Asay noted that the City of Reno recently completed a grade separation trench for a portion of UPRR track through that city, and recommends that the Tribe explore similar options. The UPRR will be working closely with the Public Utilities Commission to push for a grade separation plan.

Ms. Simona Farrise, an attorney from Oakland, introduced herself and stated that her comments stem from her experiences as a private citizen who sees advertising for Thunder Valley Casino in the Bay Area, as well as from her professional capacity as an attorney for a group of women, all former Thunder Valley Casino employees, who have filed suit against the casino for various workers' issues. One of the issues of concern is the indoor air quality of the casino- specifically, secondhand smoke. Ms. Farrise noted that this is an issue for casino patrons as well as employees, and asked that the TEIR contain specific information on ventilation and respiration within the casino, and an analysis of whether casino employees and patrons are fully notified of any indoor air pollution issues. Ms. Farrise noted that her clients had been told by casino management that they had no legal recourse for their complaints against the casino, because of the UAIC's tribal sovereignty. She requested an inquiry as to whether all casino employees and patrons are fully notified that because of this sovereign status, they do not have the same legal recourse against the casino that is provided by the State of California in any other commercial venue. Ms. Farrise requested that the Placer County Planning Commission deny permission for the proposed expansion unless the Tribe is willing to waive their sovereign immunity, and agrees to abide by the worker and consumer protection laws of the State of California.

Ms. Farrise continued by stating that the concerns about casino access and transportation raised by Mr. Asay are also of concern to her, as another issue that affects both casino patrons and employees. She notes that railroad crossings are very dangerous, a condition that is exacerbated by drivers leaving the casino after drinking, and/or at night. She believes that under the current conditions, it is likely that someone will be killed at the railroad crossing, and emphasized that the UAIC's tribal sovereignty should also be waived to provide legal recourse for anyone affected by unsafe traffic conditions.

Mr. Lee ~~Basyan~~ Bastien, representing the Sheridan Municipal Advisory Council, introduced himself and noted that the tribe should follow Placer County's policies regarding water use by

new developments. His concerns are in regard to local ~~surface~~ ground water; he recommended that the tribe's existing two wells [on the casino property] should be checked.

Mr. Nick Hayhurst introduced himself as an owner of a parcel on the northeast side of the casino. The owners plan on developing this parcel, and are concerned about getting/maintaining access to their property along an easement through the Orchard Creek Mitigation Bank. Dr. McGinnis inquired as to whether Mr. Hayhurst's property was the parcel being developed by John Nixon's company; Mr. Hayhurst confirmed that it was. Dr. McGinnis noted that Mr. Nixon has already been in contact with AES regarding this issue, and that it will be addressed in the TEIR. To clarify for other meeting attendees, Mr. Hayhurst explained that currently, Athens Avenue is divided by a raised median at the point where access to his property would occur, thereby prohibiting a left turn by east-bound Athens Avenue traffic into the property, or a left turn by traffic exiting the property onto Athens Avenue eastbound. Furthermore, he is concerned that a grade separation over or under the UPRR tracks would prevent any access at all, as the driveway to his property is quite close to the railroad tracks. Mr. Hayhurst expressed his concern that his property not become "landlocked."

Mr. Ralph Novak introduced himself as a resident of the City of Lincoln, and noted that his concerns have to do with the wastewater treatment options available to the casino. Mr. Novak is apprehensive about increased discharge to Orchard Creek, and suggested that the Tribe consider both an expansion of the capacity of the existing wastewater treatment facility on the casino parcel, and a hookup to the City of Lincoln sewer system to dispose of additional treated effluent, rather than discharging it to the creek.

Ms. Irma Herrera, attorney for Equal Rights Advocates in San Francisco, introduced herself as another representative for the group of women (former Thunder Valley Casino employees) who have filed suit against the casino. Ms. Herrera stated that the announcement of this meeting posted in the local newspapers was not sufficient notice, and did not reach everyone that will be affected by the proposed project. She suggested that the Tribe should ensure that proper notice of such meetings and public comment periods reaches all affected parties, by mailing notices to everyone in the community. She feels this would be appropriate, given the effects on community public safety that she expects will result from the project. Ms. Herrera noted that, compared with the overall costs of the expansion project, the cost to the Tribe for mailing such notices to all local residents would be relatively low.

Dr. McGinnis replied that the Notice of Preparation and the public announcement of the scoping meeting had been published according to the guidelines set by Placer County; i.e., all property owners within 400 feet of the casino parcel had received the NOP by mail, and the announcement of the scoping meeting had been published in three local newspapers.

Ms. Herrera inquired as to where the Placer County guidelines on this are written, and whether they are readily accessible to the public. Mr. Michael Johnson of the Placer County Planning Department interjected that he could make a copy of the guidelines available to Ms. Herrera, if she would like. Ms. Herrera responded affirmatively.

Union Pacific Railroad representative Terrel Anderson stated that he had not received a copy of the NOP in the mail; as an adjacent landowner, UPRR should have been on the mailing list. Dr. McGinnis replied that everyone on the list of landowners provided by Placer County had been mailed a copy of the NOP, and that she clearly remembered sending a package to UPRR. It was speculated that UPRR's copy had gone to a different address than Mr. Anderson's office. Dr. McGinnis offered to send a copy of the original transmittal letter and another copy of the NOP to Mr. Anderson; he supplied Dr. McGinnis with a business card with the proper address.

At this point, there were no further comments, and the meeting was closed at 10:35 A.M.