

## Notice of Determination

## Appendix D

## To:

☒ Office of Planning and Research  
 U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814



County Clerk

County of: \_\_\_\_\_  
 Address: \_\_\_\_\_

## From:

Public Agency: Bishop Paiute Tribe  
 Address: 270 See Vee Lane  
 Bishop, CA 93514

Contact: Topah Spoonhunter  
 Phone: 760-872-4172

Lead Agency (if different from above):

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2016094002

Project Title: Bishop Paiute Casino Project - Tribal Environmental Assessment - Addendum

Project Applicant: Bishop Paiute Tribe

Project Location (include county): Bishop Paiute Reservation - Bishop, Inyo County, California

Project Description:

See attachment

This is to advise that the \_\_\_\_\_ has approved the above  
 ( ☒ Lead Agency or ☐ Responsible Agency )

described project on December 9, 2016 and has made the following determinations regarding the above  
 (date)  
 described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Bishop Paiute Development Corporation, 270 See Vee Lane, Bishop, CA 93514

Signature (Public Agency):



Title:

DIRECTOR

Date:

4/24/19

Date Received for filing at OPR:

Governor's Office of Planning &amp; Research

APR 26 2019

Authority cited: Sections 21083, Public Resources Code.

Reference Section 21000-21174, Public Resources Code.

STATE CLEARINGHOUSE

Revised 2011



### Project Description

#### Original Project Description:

The original Proposed Project consisted of the modernization of the 15,210 square foot Casino and the addition of 22,360 square feet of new construction. The expansion increased from 300 to a total of 500 slot machines, of which 349 are class III and 151 are class II machines, as well as card and table games. The Casino expansion also included a new 75-seat restaurant and a 75-seat bar area. In addition to the expansion, the Casino would be modernized and remodeled to include a 150 seat conference hall, newly upgraded offices, and additional service and employee use areas. The original Proposed Project also consisted of site improvements for new parking, improved site circulation, new sidewalks along the western perimeter of the Casino, and the relocation of existing site utilities.

#### Revised Project Description:

The revised project now consists of the modernization of the 15,120 square Casino and the addition of 28,800 square feet of new construction. The expansion increased will still include a total of 500 slot machines, of which 349 are class III and 151 are class II machines, as well as card and table games. The Casino expansion will now include a new 85-seat restaurant and a 70-seat bar area. In addition to the expansion, the Casino would still be modernized and remodeled to include an approximately 180 seat conference hall, newly upgraded offices, and additional service and employee use areas. The revised Proposed Project would continue to consist of site improvements for new parking for up to 140 spaces, improved site circulation, new sidewalks along the western perimeter of the Casino, and the relocation of existing site utilities.



# Bishop Paiute Casino Project Tribal Environmental Assessment

## Addendum

Prepared for:

**Bishop Paiute Development Corporation**

270 See Vee Lane  
Bishop, CA 93514

Prepared by:

**Garcia and Associates**

435 Lincoln Way  
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March 2019

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## 1.0 INTRODUCTION

The Bishop Paiute Tribe (Tribe) proposes to expand their existing Paiute Palace Casino (Casino) on the Bishop Paiute Reservation (Reservation) in Inyo County (County), California (Figure 1, *Project Location*; Figure 2, *Regional Location*).

The Tribal Environmental Assessment (Tribal EA) was completed in 2016 consistent with Section 10.8 of the Tribal-State Class III Gaming Compact between the Tribe and the State of California (Compact), as well as the Tribal Environmental Policy Ordinance (TEPO) No 98-02 (Bishop Paiute Development Corporation 2016; Bishop Paiute Tribe Environmental Management Office 2016, Bishop Paiute Tribe Environmental Management Office 2017; State Clearinghouse number 2016094002). The Tribal EA analyzed the potential for on-Reservation and off-Reservation environmental impacts to occur as a result of implementation of the Bishop Paiute Casino Project (Proposed Project), and was conducted pursuant to an Environmental Impact Analysis Checklist for off-Reservation impacts and the TEPO Environmental Checklist. These checklists provided an initial assessment of the potentially significant on-Reservation and off-Reservation impacts to determine which issue areas to carry forward for further analysis. Potentially significant impacts identified in the checklist were then evaluated in detail in Section 3 of the 2016 Tribal EA.

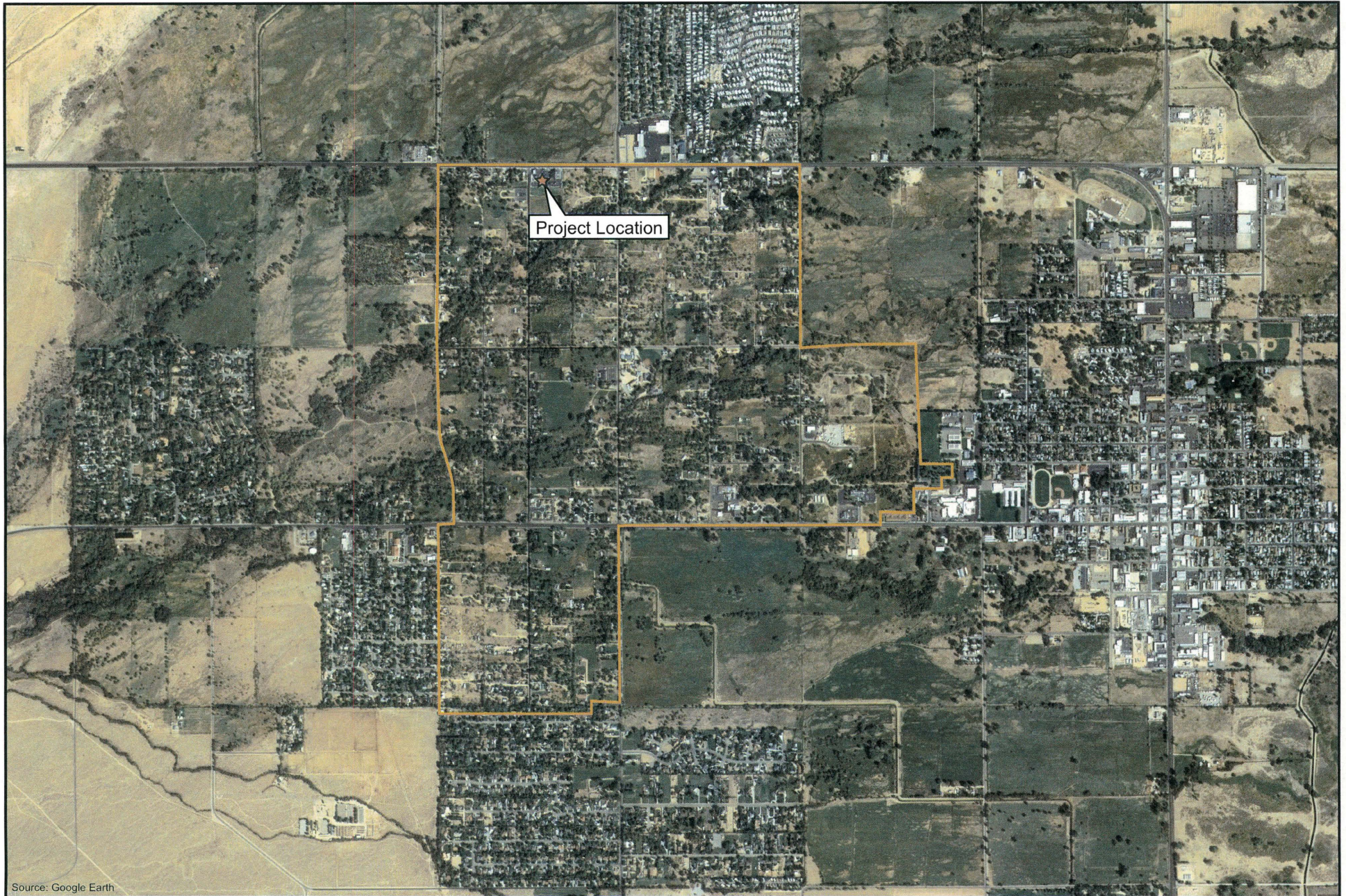
Section 10.8 of the Compact requires the Tribe to adopt an environmental ordinance and prepare an environmental study prior to “any expansion or any significant renovation or modification of an existing Gaming Facility, or any significant excavation, construction, or development associated with the Tribe’s Gaming Facility or proposed Gaming Facility.” According to the Tribal-State Compact, the Tribe shall:

- “Make a good faith effort to incorporate the policies and purposes of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) consistent with the Tribe’s governmental interests.”
- “Consult” with local jurisdictions (cities and counties), and if requested, “meet with them to discuss mitigation of significant adverse off-Reservation environmental impacts.”
- Make “good faith” efforts to mitigate off-Reservation impacts.

The Tribal EA fulfilled the requirements of both the Tribal-State Compact and the Bishop Paiute Tribe’s TEPO.

Since the completion of the Tribal EA, the Tribe has since revised the site plan for the Proposed Project. This Addendum addresses the changes to the site plan and reviews the environmental analysis for both the on-reservation and off-reservation impacts as it relates to the project changes.





Source: Google Earth



Bishop Paiute  
Reservation Boundary

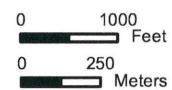
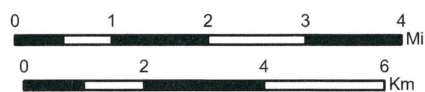
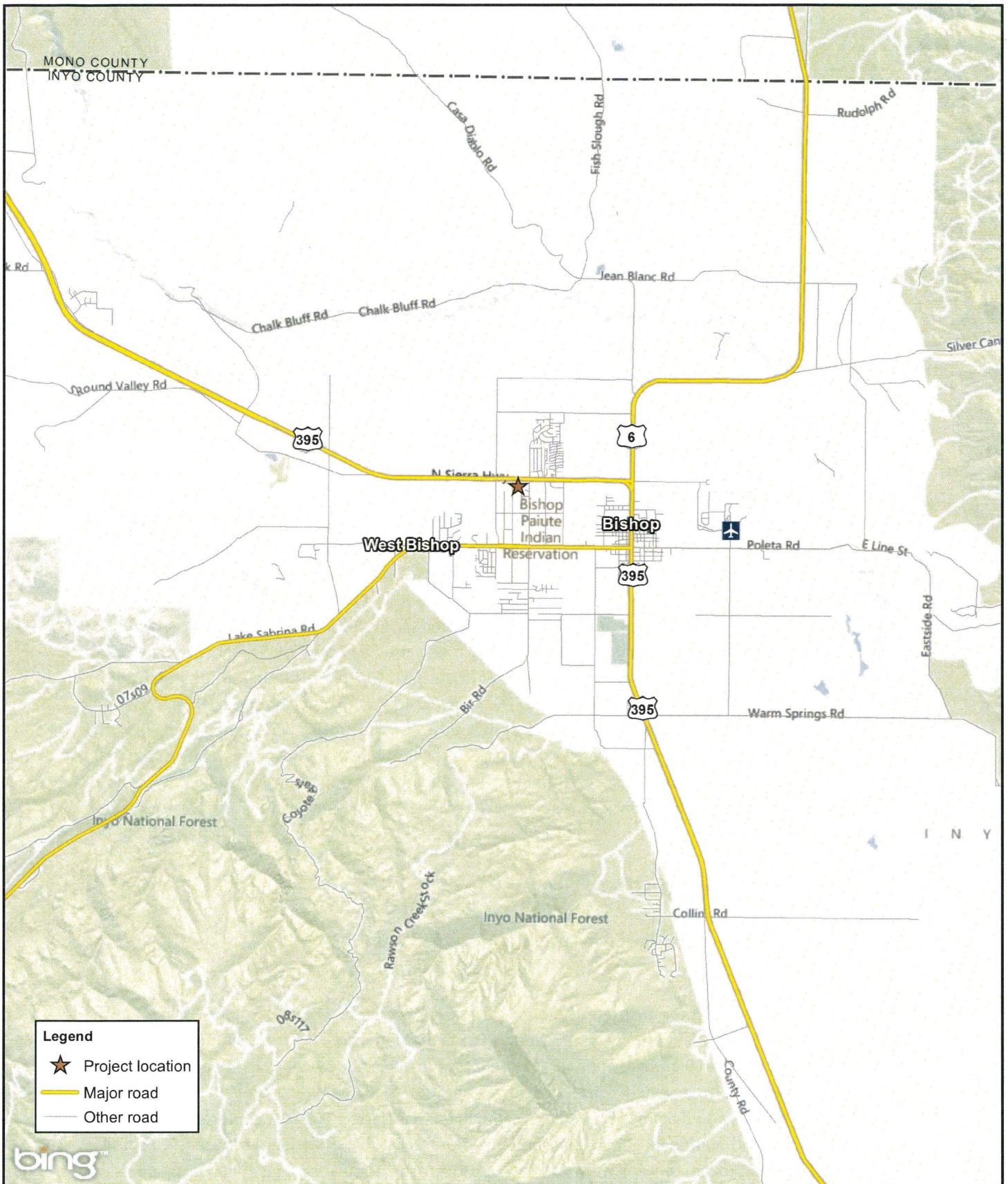


Figure 1: Project Location  
Bishop Paiute Reservation,  
Bishop, California  
Inyo County, CA  
March 2019





Legal Description: NE 1/4 Sec 2, T07S R32E



1:126,720  
One In = Two Mi

**Figure 2: Regional Location**

Inyo County, CA  
March 2019

## 2.0 REVISED PROJECT DESCRIPTION

### 2.1 PROJECT SETTING AND EXISTING CONDITIONS

The Reservation is located in the northern portion of the Owens Valley between the Sierra Nevada and White Mountain ranges, approximately 280 miles north of Los Angeles and 210 miles south of Reno (See Figure 2, *Regional Location*). The terrain is relatively flat, interrupted only by stream channels. The slope inclines towards the east at a gradient of 12 to 15 feet per 1,000 feet in the northern portions of the Reservation near the north and south forks of Bishop Creek, and about 25 feet per 1,000 feet in the southern part of the Reservation. The highest elevation on the Reservation is 4,288 feet at the southwestern corner. The low point at 4,167 feet, is located in the bed of the south fork of Bishop Creek at the eastern Reservation boundary.

The Proposed Project is located in the northern portion of the Reservation and consists of approximately 3 acres. Aside from the Casino, no permanent structures occur in the Proposed Project area. There are several mobile office trailers located on the western half of the proposed expansion. The western boundary of the Proposed Project area abuts North Winuba Lane. The eastern boundary is situated against residential allotments. An irrigation ditch and fence denote the boundary between the Proposed Project area and the eastern allotments. The southern boundary of the Proposed Project area would be the site of the proposed Bishop Paiute Hotel Project. It is currently a vacant lot. The northern extent of the Proposed Project area is adjacent to US Highway (Hwy) 395. North Pa-Ha Lane divides the eastern and western halves of the Proposed Project area. The topography throughout the surveyed area consists of flat, vacant fields, vegetated by short grasses and weeds. A row of cottonwood trees runs along the eastern boundary, and a few other trees grow in the filled-in ditch that runs east-west through the middle of the vacant field. Some of the Proposed Project area's ground surface shows evidence of recent minor filling and grading activities. Historically the area has been utilized to graze livestock and to grow agricultural crops.

### 2.2 DESCRIPTION OF THE PROPOSED PROJECT

The Tribe proposes to renovate the Casino and expand the facilities.

#### Original Project Description:

The original Proposed Project consisted of the modernization of the 15,210 square foot Casino and the addition of 22,360 square feet of new construction. The expansion increased from 300 to a total of 500 slot machines, of which 349 are class III and 151 are class II machines, as well as card and table games. The Casino expansion also included a new 75-seat restaurant and a 75-seat bar area. In addition to the expansion, the Casino would be modernized and remodeled to include a 150 seat conference hall, newly upgraded offices, and additional service and employee use areas. The original Proposed Project also consisted of site improvements for new parking, improved site circulation, new sidewalks along the western perimeter of the Casino, and the relocation of existing site utilities (Figure 3a, *Original Site Plan*).



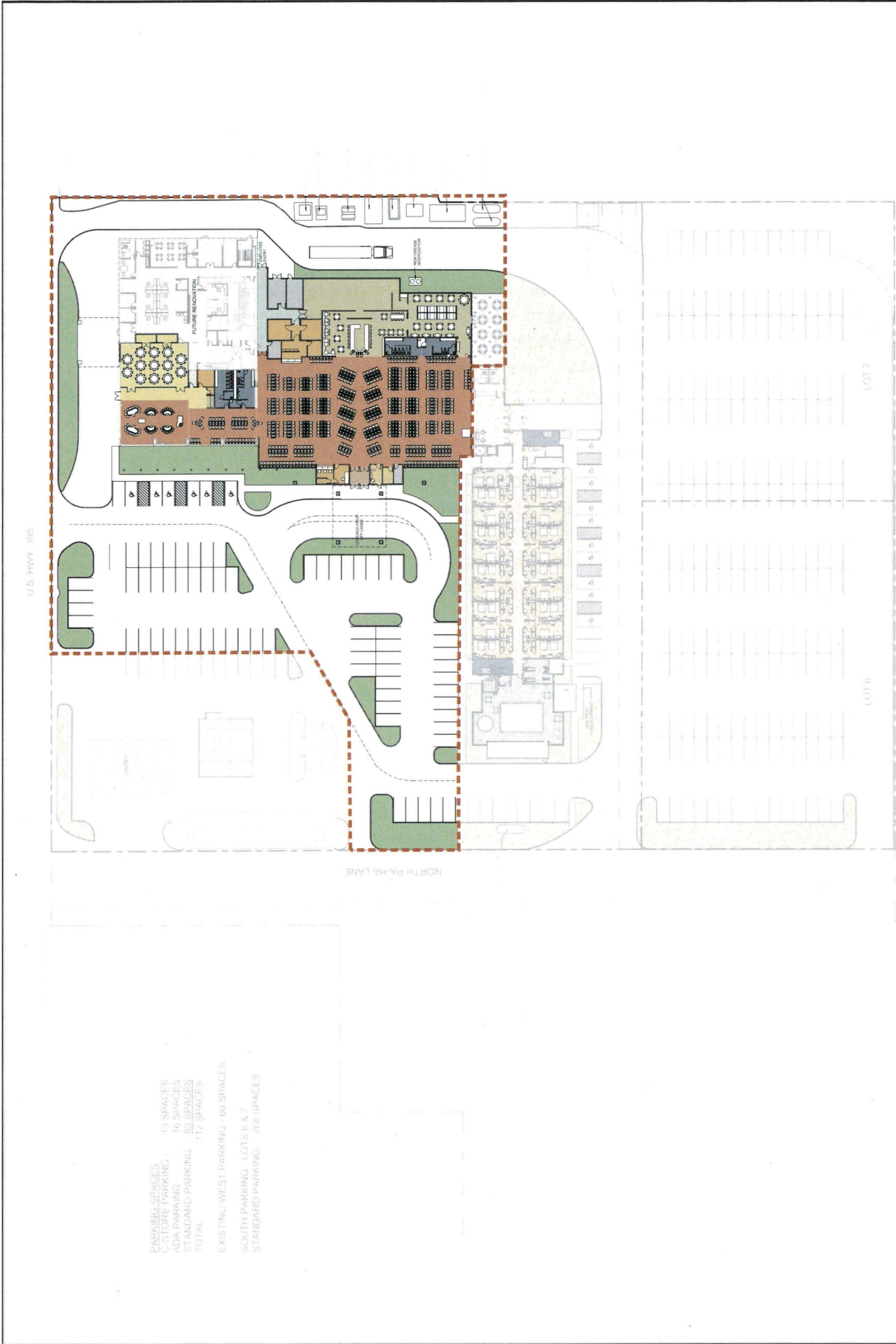


Figure 3a: Original Site Plan  
Bishop Paiute Casino Project

Inyo County, CA  
October 2015



Project  
Boundary



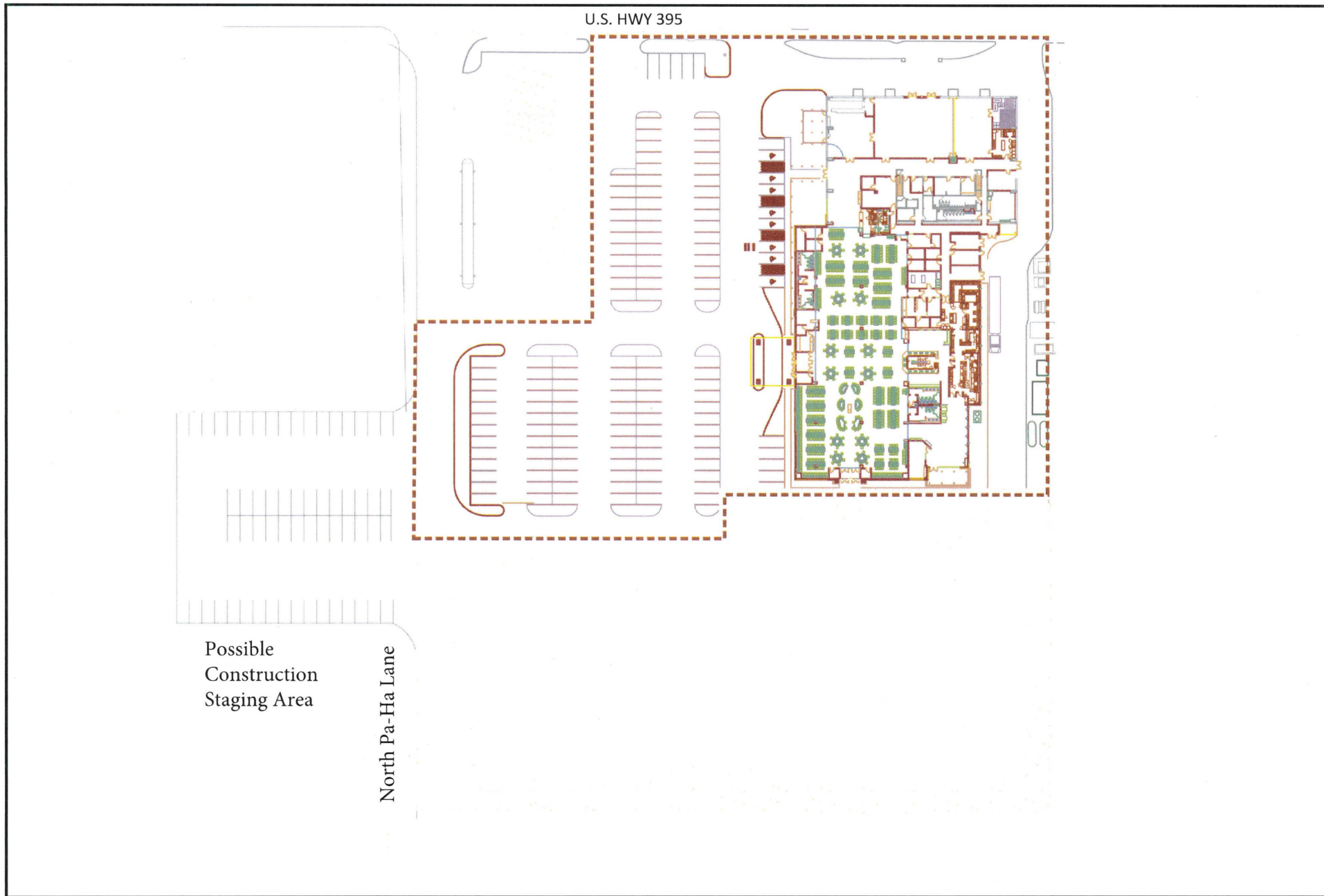
Revised Project Description:

The revised project now consists of the modernization of the 15,120 square Casino and the addition of 28,800 square feet of new construction. The expansion increased will still include a total of 500 slot machines, of which 349 are class III and 151 are class II machines, as well as card and table games. The Casino expansion will now include a new 85-seat restaurant and a 70-seat bar area. In addition to the expansion, the Casino would still be modernized and remodeled to include an approximately 180 seat conference hall, newly upgraded offices, and additional service and employee use areas. The revised Proposed Project would continue to consist of site improvements for new parking for up to 140 spaces, improved site circulation, new sidewalks along the western perimeter of the Casino, and the relocation of existing site utilities (Figure 3b, *Revised Site Plan*; Figure 4a, *Exterior Perspective View – From Highway 395*; and Figure 4b, *Exterior Perspective View – From Pa Ha Lane*).

## **2.3 CONSTRUCTION SCENARIO**

Construction of the Proposed Project is now expected to begin in summer 2019. Construction would involve typical activities including site preparation, excavation and grading for the expansion area, foundation building, framing, electrical and mechanical work, finishing and paving. Infrastructure upgrades would occur simultaneously with building construction and it would take approximately 12-14 months to complete the construction of the expanded facilities and the modernization of the Casino.





Project  
Boundary



Figure 3b: Revised Site Plan  
Bishop Paiute Casino Project

Inyo County, CA  
March 2019



GROUND VIEW



AERIAL VIEW



## EXTERIOR PERSPECTIVE VIEWS

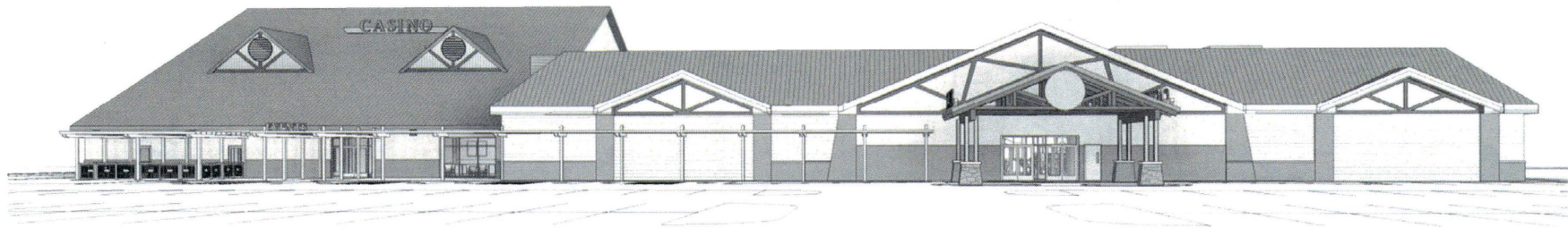
180160-0001

VIEW FROM HIGHWAY 395

February 26, 2019



Figure 4a  
Exterior Perspective  
View from Highway 395  
Inyo County, CA  
March 2019



## EXTERIOR PERSPECTIVE VIEWS

180160-0001

VIEW FROM PA-HA LANE

February 26, 2019



Project  
Location

Figure 4b  
Exterior Perspective View  
from Pa-Ha Lane

Inyo County, CA  
March 2019

### **3.0 ENVIRONMENTAL ANALYSIS**

The Off-Reservation Impact Analysis Checklist was used to determine the level of impact that the Proposed Project would have on the off-Reservation environment. In addition, the TEPO Environmental Assessment Checklist was used to review of potential on-Reservation impacts. These checklists allow for a brief analysis and dismissal of less-than-significant environmental issues. The following issues were determined to have less-than-significant on and off-Reservation impacts and therefore require no mitigation:

- Agriculture and Forestry Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

These revisions to the Proposed Project would continue to result in less-than-significant impacts to the above issue areas.

Several issues were identified as having potential for causing on and off-Reservation impacts, including the following:

- Aesthetics
- Air Quality/Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation and Traffic
- Cumulative Effects

These issue will continue to have a potential to result in on- and off-Reservation impacts and are discussed below in further detail.



### **3.1 AESTHETICS**

The revisions to the Proposed Project would continue to provide a noticeable visual contrast from the existing condition. Currently the site is developed with a 15,210-square-foot Casino built in 1996. The revised Proposed Project would include the modernization of the existing casino and the construction of approximately 28,800 additional square feet of space that would be located just south of the Casino. The new, modern facility would be set back from US Hwy 395 and would be constructed using a combination of wood, metal and glass. The Casino would be modernized to complement the expansion area. The elevations of the revised Proposed Project would not exceed the existing height. Therefore, there would be no significant impacts to existing viewsheds of the surrounding area.

Although implementation of the Proposed Project may involve short-term construction-related impacts to visual quality, the new facility would be designed to provide consistency with the surroundings and per the industrial/commercial land uses described in the Bishop Paiute's Overall Economic Development Plan for the area (BPDC 1994).

During operation, the Proposed Project would introduce new lighting sources. The area is currently surrounded with commercial development and limited residential development, and the lighting would be designed to avoid significant increases in nighttime light, as well as increases in glare. See Mitigation below.

#### **Mitigation**

There would be no additional mitigation required due to the revisions in the Proposed Project. The following Mitigation Measure would still apply:

Aesthetics – 1: The Casino shall ensure that the proposed new lighting, as well as the renovation of any existing lighting, would not result in excessive glare to nearby residences and drivers or increases in nighttime lighting to adjacent residences.

### **3.2 AIR QUALITY/GREENHOUSE GAS EMISSIONS**

The revisions to the Proposed Project would include the addition of approximately 6,000 additional square feet of construction. The previous results concluded that both the area and mobile emissions would not result in significant off-Reservation impacts related to air quality. This will continue to be the case with the revised project. However, construction of the Proposed Project would generate criteria air pollutants from the use of equipment, land disturbance and trip generation from workers. The total construction emissions without implementation of mitigation would continue to be below the County's thresholds of significance and therefore would not result in off-Reservation impacts. However, the best management practices (BMPs) listed below will continue to ensure a reduction of criteria pollutant emissions during construction. Therefore on and off-Reservation impacts associated with construction would not result in a significant adverse effect.

## **Mitigation**

There would be no additional mitigation required due to the changes in the Proposed Project. The following Mitigation Measure would still apply:

Air - 1: The Tribe will implement the following BMPs, which would periodically be monitored during construction by the Tribe's air quality program to ensure compliance at the site boundary with Great Basin unified Control District's prohibitions 401 for fugitive dust and 400 for visible emissions.

- Water all construction areas at least twice daily;
- Scheduled vacuum sweeping;
- Track-out control at site exit;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Apply non-toxic soil stabilizers to all unpaved parking areas and staging areas at construction sites; and
- Implement the following measures for all construction equipment that uses diesel fuel:
  - Use aqueous diesel fuel, if applicable;
  - Use only equipment with diesel oxidation catalysts;
  - Be properly maintained and minimize idling time to 5 minutes when equipment is not in use.

## **3.3 HAZARDS AND HAZARDOUS MATERIALS**

Revisions to the Proposed project would not result in an increase in impacts associated with hazards and hazardous materials. During construction, hazardous materials, such as solvents, paints, and fuel may still be used or stored on-site, which may still have the potential to spill or leak. Depending on the hazard of the material, it may pose a hazard to the environment and construction employees, as well as patrons and employees of the Casino. Appropriate BMPs would continue to be in place during construction to reduce impacts from accidental spills and leaks of hazardous materials.

During operation of the Proposed Project, similar hazardous materials would remain on-site, including fuels and cleaning products. The Tribe would adhere to the typical safety guidelines and standards for the storage and handling of these products and there would not be on or off-Reservation impacts from hazardous materials used during operation of the Proposed Project. In addition, the Casino has an emergency response plan in place (Paiute Palace Casino 1997), which includes a hazardous materials plan that would be applicable to the proposed expansion facilities.

## Mitigation

There would be no additional mitigation required due to the changes in the Proposed Project. The following Mitigation Measure would still apply:

Hazards – 1: Hazardous materials, such as solvents and fuels, shall be stored in covered containers and protected from accidental release from vandalism, rainfall, and runoff. All stored fuels and solvents shall be contained in an area of impervious surface with containment capacity equal to the volume of materials stored. In addition, spill clean-up kits and materials shall be readily available on site. Construction workers shall be properly trained in spill prevention and clean-up.

## 3.4 HYDROLOGY AND WATER QUALITY

### Surface Water, Water Supply and Drainage

The revisions to the Proposed Project include a larger footprint to the south than was previously analyzed in the 2016 Tribal EA. However, this change would not significantly increase impervious surfaces compared to what currently exists on the Proposed Project area. The expansion area would be located south of the Casino, on an area that is currently a combination of an existing paved parking area and some vacant land. Therefore, there would be some increases in impervious surfaces from the expansion of the Casino, as well as parking areas west of the Proposed Project area. Use of the Proposed Project property would change from an empty lot to buildings, paved parking lots, and associated water, sewer and electricity infrastructure. Rooftops and parking lots would increase the imperviousness of the Proposed Project site.

Construction and operation of the Proposed Project are not anticipated to result in long-term impacts to surface water. During construction, BMPs would prevent impacts to surface water quality from runoff during precipitation events. In addition, all proposed sediment and erosion control measures would be installed prior to initiating soil-disturbing activities, as well as incorporation of storm drains and oil water separation. A stormwater pollution prevention plan would be prepared that will identify potential sources of pollution and specify runoff controls, or BMPs, during construction for the purpose of minimizing the discharge of pollutants in storm water from the construction area.

### Groundwater

The Proposed Project area has been determined to have relatively high groundwater (Sierra Geotechnical Services 2015). Based on the depth of groundwater encountered during test pits, and general knowledge of the Proposed Project area's history, dewatering may be required. The construction contractor will be responsible for the selection, design, permitting, and construction of the dewatering system. In addition, the Preliminary Geotechnical Investigation (Sierra Geotechnical Services 2015) recommended that a permanent subdrain or footing drain system be installed along the building perimeters to mitigate against moisture intrusion. With the incorporation of the recommendations for groundwater management, the construction and operation of the revised Proposed Project would not result in permanent impacts to groundwater levels.

#### Drinking Water Quality

At the Proposed Project site, the Tribe would continue monitoring water quality for arsenic, bacteria, coliform, chemical constituents, radioactivity, and taste and odor. Due to the location and the lack of water features at the site, it is not expected that impacts to water quality would occur during construction and operation of the revised Proposed Project. BMPs including sediment and erosion control measures would be installed prior to ground-disturbing activities. Therefore, development of the revised Proposed Project would not result in short- and long-term on and off-Reservation impacts to drinking water quality.

#### Floodplains

The Proposed Project site is located within the Owens Valley floodplain. Drainage is similar to the entire region as water moves from the eastern face of the Sierra Mountains to the Owens River. In addition, there is a relatively high groundwater level in the area. Therefore, in years of high mountain snowpack and spring runoff, rivers may overflow their banks and flow into the floodplain. When this occurs, areas would be subject to flooding. However, the distance from the Proposed Project area to the nearest source of significant flooding (South Fork, Bishop Creek) is great enough to warrant no significant risk from flooding (U.S. Army Corps of Engineers 2002; Bishop Paiute Tribe 2010). In addition, the revised Proposed Project would be designed with storm water drainage systems that would manage storm water by infiltration into drainage swells or discharged into local drainage channels with adequate capacity and would not result in on and off-Reservation impacts related to placement of structures in floodplains.

#### **Mitigation**

There would be no additional mitigation required due to the changes in the Proposed Project. The following Mitigation Measure would still apply:

Hydrology – 1: U.S. Environmental Protection Agency (USEPA) Region 9 has authority to permit stormwater discharges to waterways through the Clean Water Act section 402 National Pollutant Discharge Elimination System (NPDES) program and should be contacted prior to construction to determine what level of permitting is required. If permitting requires certification of Tribal waters this can be obtained by contacting the Bishop Paiute Tribe Environmental Management Office, which has been granted Clean Water Act Section 401 programmatic authorization from the USEPA.

### **3.5 NOISE**

#### Construction Noise Impacts

Construction of the revised Proposed Project would continue to consist of grading, erection of foundations and buildings and the finishing work. The construction noise would be intermittent and temporary. The construction activity noise levels at and near the Proposed Project area would fluctuate depending on the particular type, number, duration of uses of various pieces of construction equipment. The nearest off-Reservation noise receptor to construction activities would continue to be the residences located approximately 1,000 feet to the northeast of the Proposed Project area, across US



Hwy 395. The nearest on-Reservation noise receptors would continue to be the residences located approximately 200 feet to the east of the Proposed Project area. Therefore, certain construction activities could impact those residences adjacent to the Casino.

Construction noise can have noise measured at 50 feet of up to 89 dBA. Noise from construction generally attenuates at a rate of 6-7.5 dBA per doubling of distance. The nearest on-Reservation sensitive receptors are residents located approximately 200 feet east of the construction activity, thereby resulting in approximately 75 dBA at the highest degree of noise level. The nearest off-Reservation sensitive receptors are approximately 1,000 feet northeast, therefore resulting in a discernable noise level.

Inyo County has adopted Policy NOI-1.1, which states that the County shall utilize certain noise levels for evaluating project compatibility related to noise. Residential Land Uses has an acceptable range of up to 70dBA. Therefore, residents on-site may experience levels of noise over 70dB that would be temporary in nature. In addition, construction noise would only occur during the weekdays from 7am to 7pm. There would not be any weekend or evening construction. Therefore, impacts from noise would be less than significant in relation to construction on both on and off-Reservation sensitive noise receptors.

#### Operational Noise Impacts

The primary source of noise from the revised Proposed Project would continue to be the increase in vehicle noise and parking lot noise during operation. The Casino will continue to operate 24 hours a day, seven days a week, and generate traffic on nearby streets and US Hwy 395. The Proposed Project would add trips and therefore, would increase noise levels from the additional trip generation along US Hwy 395. The additional noise generated would not be considered significant given the nature of the noise generated from major roadways. The increase in additional traffic that would be generated would not be considered significant and therefore would not significantly increase the noise levels on and off-Reservation.

#### **Mitigation**

There would be no additional mitigation required due to the changes in the Proposed Project. The following Mitigation Measure would still apply:

Noise – 1: Construction activities are limited to 7 am - 7pm weekdays.

### **3.6 TRANSPORTATION AND TRAFFIC**

The Traffic Study (Solaegui Engineers, LTD. 2015) prepared to support the 2016 Tribal EA calculated trip generation based on an increase of approximately 22,000 square feet of Casino floor area. A net increase in floor area was used due to the fact that traffic generated by the Casino is already accounted for in the existing intersection and driveway counts. The Traffic Study concluded that even with the incorporation of both the adjacent Bishop Hotel project and the Proposed Project, no significant on and off-Reservation impacts to any of the surrounding roadways or intersections would occur. This would continue to be the case with the revisions to the Proposed Project, as the changes are minor and would not increase traffic significantly than was previously analyzed. Although there would be impacts to the adjacent street network, there would not be anything significant. However, the traffic study suggested some recommendations to mitigate the impacts to traffic on and off-Reservation.

#### **Mitigation Measures**

There would be no additional mitigation required due to the changes in the Proposed Project. The following Mitigation Measure would still apply:

The following recommended improvements will be incorporated to reduce impacts from traffic on and off-Reservation.

1. Any required signing, striping, or traffic control improvements comply with Caltrans requirements.
2. US Hwy 395/Middle Driveway intersection be constructed with stop sign control at the south approach and contain one ingress lane and separate left and right turn egress lanes.
3. US Hwy 395/East Driveway intersection be constructed with stop sign control at the south approach and contain one ingress lane and one shared left/right turn egress lane.
4. Pa Ha Lane/Middle Driveway intersection be constructed as a four-leg intersection with stop sign control at the east and west approaches and contain one shared left turn-through-right turn lane at all approaches.
5. Pa Ha Lane/South Driveway intersection be constructed as a four-leg intersection with stop sign control at the east and west approaches and contain one shared left turn-through-right turn lane at all approaches.
6. Interior roadways and parking lots conform to Tribal standards.
7. Crosswalks be installed at the south leg of the Pa Ha Lane/Middle Driveway intersection and north leg of the Pa Ha Lane/South Driveway intersection in order to provide pedestrian access between the west parking lot and the hotel/casino.
8. It is recommended that if any site plan modifications be made in the gas station and convenience store area that the site civil engineering plans include design elements for turning movements of various design vehicles such as fuel trucks, RV's, car and trailers, and buses.

## 3.7 CUMULATIVE IMPACTS - UPDATED

### 3.7.1 Cumulative Setting

The following outlines relevant past, current and probable actions considered in the cumulative scenario.

#### County of Inyo

The current projects within the County of Inyo have been reviewed. There are no relevant past, present or future projects proposed, including the Inyo County North Sierra Highway Sustainability Coordinate Plan effort that would result in cumulative impacts when combined with the Proposed Project (County of Inyo Planning Department <http://inyoplanning.org/projects.htm>, accessed March 12, 2019).

#### City of Bishop

The current projects with the City of Bishop have been reviewed (City of Bishop <https://cityofbishop.com/Advertisements/ConstructionProjects/ConstructionProjects.html>, accessed March 12, 2019). There are no relevant past, present or future projects proposed that would result in cumulative impacts when combined with the Proposed Project.

#### Tribal Projects

The BPDC, a subdivision of the Tribe, has plans to construct an 80-room hotel and associates parking just south of the Proposed Project area. This project is being analyzed in accordance with the requirements of the TEPO. In addition, there may be future improvements to the existing gas station and convenience store on the west side of the Casino parking area. The environmental analysis within this Tribal EA assumes that the hotel would be constructed at the same time as the Proposed Project.

In addition, the BPDC has plans to construct to construct a new gas station and retail space on lots 8, 9, and 10 within the Bishop Paiute Commercial Park. This project was analyzed in accordance with the requirements of the TEPO, as well as the United States Economic Development Association's National Environmental Policy Act Procedure. This project is planned for construction in summer of 2019. The Proposed Project would be located approximately 1.5 miles northwest from the new Gas Station Project.

### 3.7.2 Environmental Consequences

#### Aesthetics

The Tribe has designed the Proposed Project to complement the existing development within the area and would be working together with the hotel project to provide complementary planning. Mitigation measures presented in Section 3.1 would ensure that off-Reservation impacts related to light and glare from the Proposed Project would be less than significant. Lighting plans for the hotel development would take into account the lighting proposed for the Casino and include mitigation measures for ensuring that there would be no significant impacts from increased lighting. Therefore, cumulative effects of this foreseeable development would be less than significant.

There may be future plans for the modernization of the adjacent gas station and convenience store. However, the analysis has not been undertaken. Similar measures would be required to be in place.

#### Air Quality

Air quality standards would not be violated due to the Proposed Project nor would the Proposed Project contribute to an existing or projected air quality violation. Mitigation measures presented in Section 3.2 would ensure that off-Reservation air quality impacts related to construction and operation of the Proposed Project would be less than significant. In addition, the Proposed Bishop Hotel project would include air quality measures during construction. Since the two projects would be constructed at the same time and both would have measures in place, cumulative air quality impacts would be less than significant.

#### Hazards and Hazardous Materials

Construction and operation of the Proposed Project would have potential impacts related to hazards and hazardous materials and therefore includes measures in place during construction and operation that would reduce these impacts. Construction and operation of the proposed Bishop Hotel project would have similar impacts and also includes the incorporation of similar measures to ensure impacts are reduced. Since the two projects would be constructed at the same time and both would have measures in place, cumulative hazards and hazardous materials impacts would be less than significant.

#### Hydrology and Water Quality

The Proposed Project, coupled with the proposed Bishop Paiute Hotel project, would contribute to increased stormwater drainage impacts that could result in the transport of pollutants and the increased drainage could result in localized flooding. As the Tribe would utilize independent on-site water and wastewater systems subject to federal regulation, there would be no cumulative impacts to off-site water and wastewater systems. In addition, both projects would comply with the requirements of the Tribe for the adherence of construction BMPs and acquiring permits prior to construction. Therefore, cumulative impacts related to hydrology and water quality would be less than significant.

#### Noise

Increased traffic and development would increase noise in the area. As discussed in Section 3.5, development of the project would remain within acceptable noise standards during construction and operation. Construction equipment noise attenuating devices and adherence to weekday work hours would be required for both projects. In addition, the increased traffic noise during operation would also be distributed throughout the day. Noise impacts are anticipated to be less than significant.

#### Traffic

The traffic analysis that was completed for the Proposed Project included construction and operation of the proposed Bishop Paiute Hotel project, as well (Solaegui Engineers 2015). The cumulative (year 2020) plus project volumes were calculated and future County growth anticipated by the year 2020 (cumulative conditions), both with and without both projects being developed. Under the cumulative plus project scenario, all intersections would continue to operate at an acceptable LOS.



No cumulatively significant impacts to local bicycle and pedestrian networks or transit systems are anticipated as a result of the development of the projects, as the projects would include improvements to local pedestrian and bicycle networks. Therefore, all cumulative traffic impacts would be less than significant.

### **3.7.3 Mitigation Measures**

No additional mitigation measures would be necessary.

## 4.0 REFERENCES

Bishop Paiute Tribe. 2010. *Bishop Paiute Tribe Multi-Hazard Mitigation Plan*.

Bishop Paiute Tribe Environmental Management Office. 2017. *Errata - Mitigated Negative Declaration: Bishop Paiute Casino Project Environmental Assessment*. June 23, 2017.

Bishop Paiute Tribe Environmental Management Office. 2016. *Mitigated Negative Declaration: Bishop Paiute Casino Project Environmental Assessment*. December 9, 2016.

Bishop Paiute Development Corporation. 2016. *Bishop Paiute Casino Project Final Tribal Environmental Assessment*. November 2016.

City of Bishop

<https://cityofbishop.com/Advertisements/ConstructionProjects/ConstructionProjects.html>, accessed March 12, 2019.

County of Inyo Planning Department <http://inyoplanning.org/projects.htm>, accessed March 12, 2019.

Paiute Palace Casino, 1997. *Paiute Palace Casino Policy #1000*.

Sierra Geotechnical Services. 2015. *Addendum Geotechnical Investigation; Bishop Paiute Tribe Hotel and Business Incubator Project and Casino Project, Bishop, Inyo County*. California. September 15.

Solaegui Engineers, LTD. 2015. *Bishop Paiute Tribe Hotel and Business Incubator Project and Casino Project Traffic Study*. September.

U.S. Army Corps of Engineers. 2002. *Flood Plain Delineation Study, North and South Forks Bishop Creek, Bishop Paiute Indian Reservation, Inyo County, CA*.