

RTP Expansion Projects

Program	Projects	RTP Request	Total Cost (in 2011 \$)
Transfer Centers			
	Richmond Parkway ¹	\$3,300,000	\$32,000,000
	New Transfer Facility Central and Northern Alameda County	10,000,000	30,000,000
Additional Fleet Vehicles			
	To Support Improved Transit Service	\$74,644,051	\$74,644,051
Environmental Programs			
	Alternative Fueling Facilities (D3, D6, CMF)	\$37,000,000	\$37,000,000
	Facilities Greening (effluence and emmissions)	\$24,000,000	\$30,000,000
	Greening of Vehicles ²	\$25,740,000	\$180,000,000
IT Systems			
	CAD/AVL Upgrade (includes radio/communications for mobile and fixed end)	\$17,000,000	\$27,500,000
	Bus Enhancements (includes Farebox upgrade with CAD/AVL and Clipper, Automatic Passenger Counters, Internal Text Messaging)	13,600,000	27,200,000
Transit Priority Measures			
	East Bay BRT ³	\$80,000,000	\$216,000,000
	San Pablo Dam Transit Priority	12,200,000	12,200,000
	San Pablo Avenue Rapid to Hilltop Implementation	18,246,450	18,246,450
	Speed Protection in Urban Core	48,000,000	300,000,000
	College/ Broadway Corridor Improvements	5,000,000	34,807,585
	Contra Flow Lane on Bay Bridge	5,000,000	500,000,000
	Grand/MacArthur Corridor Improvements	3,600,000	36,000,000
	Foothill TSP	2,000,000	20,000,000
Maintenance Facility Efficiency Upgrades			
	D-2, D-3, D-4 and CMF	\$10,000,000	\$30,000,000
	66th Avenue Upgrade to Operational Facility	12,000,000	\$12,000,000
	West County Facility Expansion	4,000,000	40,000,000
Safety and Security			
	Site hardening (card key access, etc.)	\$24,511,101	\$24,511,101
Passenger Amenities			
	Telegraph/International/E.14th ped improvements (non pavement)	\$26,000,000	\$26,000,000
	Livable Communities/Complete Streets Treatments/ADA	\$15,000,000	\$150,000,000
Operating Programs			
	HOT lane express service	\$268,000,000	\$1,675,000,000
	Restore Service Levels to 2009 levels to higher density neighborhoods	\$120,000,000	\$900,000,000
	Supplemental School Bus Service to support SCS density	\$43,350,000	\$270,937,500
	Frequent Transit Network-to support SCS density	\$1,602,909,600	\$10,018,185,000
	Night Owl Network to support SCS density	\$29,039,400	\$181,496,250
	Weekend Network to support SCS density	\$418,431,200	\$2,615,195,000
	Neighborhood Circulator to Targeted Developments	\$24,208,000	\$151,300,000
	Complementary Paratransit Service	\$140,000,000	\$900,000,000
	Ecopass programs for targeted developments	\$62,500,000	\$10,000,000

Notes:

- 1) Richmond Parkway P&R is funded at \$28.5 million but project delays associated with regional review are likely to increase construction costs
- 2) MTC models the cost of the California Air Resource Board's Zero Emission Bus rule. The costs included in this item reflect the difference between standard diesel and diesel-electric hybrid
- 3) Includes current STIP commitment of \$50 million



TO: WCCTAC Board

DATE: March 24, 2011

FR: Christina Atienza, Executive Director *cma*

RE: Correction Regarding Point Molate Casino Resort FEIR

In the staff memo to the Board dated March 18 on the subject project, staff erroneously noted that Richmond certified the Final EIR without the additional monitoring and mitigations requested by WCCTAC. Attached to this memo are traffic and transportation-related excerpts from the Errata to the Final EIR that Richmond adopted as part of Final EIR that was certified on March 8, which addresses the aforementioned additional monitoring and mitigations. (The error was a result of staff referring to an older version of the Errata, which was ultimately superseded.) The following highlights relevant portions of the errata:

- Acknowledgement of the uncertainty in the trip generation rates for the gaming alternatives has been included.
- Acknowledgement that traffic impacts could be worse if the trip generation or reduction assumptions are incorrect has been included.
- New mitigation measures have been included:
 - Working with the City and WCCTAC, the Tribe shall monitor the project's trip generation and traffic impacts over time, and determine if additional mitigations are needed.
 - The Tribe shall work cooperatively with WCCTAC and CCTA to develop Principles of Agreement for specific actions, timing, and responsibilities for monitoring impacts and for implementing mitigation measures for Regional Routes for inclusion in the Monitoring and Mitigation Reporting Program and any additional legal instruments that may be needed to ensure enforceability.
- Acknowledgement that the cost of mitigation measures for the project is not eligible to be used as a STMP credit, even if the mitigation is outside of Richmond's jurisdiction, has been included.

It is staff's opinion that the above represents Richmond and the project proponent's good faith efforts to abide by and comply with the principles and provisions of the Measure J Growth Management Program. It should be noted however that even if the above process were followed, an overarching issue remains of whether, from technical, financial, and legal perspectives, it is feasible to ensure that the project would not result in unmitigated impacts outside of Richmond and unincorporated Contra Costa County's jurisdiction.

Errata to Final EIR Prepared for the Point Molate Mixed-Use Tribal Destination Resort and Casino

Erratum 3 – Traffic Impacts

In the interest of providing full information, the *Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County* (Dowling, 2007) shall be included in full as part of the Final EIR in a new Appendix KK. To reflect this addition, the following changes will be made to the Final EIR.

Final EIR Volume II, at pg. 4.8-2 shall be revised as follows:

However, the ITE method does not have a standard trip generation rate that would apply to the gaming portion of the Proposed Project. The *Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County* (Dowling, 2007) was considered during the development of a trip generation rate for the Project. ~~However, it was determined that the~~ Because of a lack of reliable historical data for trip generation for a large urban casino combined with destination resort in the San Francisco Bay Area, predicting trip generation rates required the exercise of professional judgment on the part of the traffic engineer. The traffic engineer considered the Dowling study, but disagreed with the way in which it did not characterized some of the trip generation projections for the Proposed Project. in a correct manner and is predicated on a number of inaccurate assumptions (refer to Section 3.12.2 of Final EIR Volume I). In the interest of providing full disclosure, the Dowling study is included as Appendix KK. While predicting traffic impacts always involves a degree of forecasting and hence uncertainty, due to the lack of historical data for a similar casino and destination resort in the Bay Area, it is recognized that there is more uncertainty relating to the conclusions in the traffic analysis than there is with traffic analysis for a more traditional project. Despite this uncertainty, the traffic analysis represents a good faith and reasonable effort to understand the traffic impacts of the Proposed Project. Therefore In order to estimate traffic related to the Proposed Project, data was collected from several existing and proposed Indian gaming facilities, which are listed in the TIA, included as Appendix S. The existing and proposed facilities were chosen due to some similarities to the Proposed Project, but, due to the unique nature of the Proposed Project, none were comparable in every sense. While the approach is reasonable because it is based upon what is the best available information at this time, it is recognized that there is some uncertainty relating to the trip generation rates.

All trips calculated by the above mentioned ITE method are not necessarily new trips; some are pre-existing trips that are diverted to the casino. As documented in the STIA (**Appendix S**), it was determined that 15 percent pass-by diverted link, 15 percent traffic demand management (TDM), and 15 percent ferry trip reduction should be used as reductions to account for trips not originally destined for the project site or patrons/employee using public transit. A 70 percent internal trip reduction was used for the project hotels, and a 50 percent internal trip reduction

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was used for retail uses. Internal trip reduction is for patrons who come to the casino and visit other amenities provided on the property, such as the hotel or retail outlets. A retail pass-by diverted link trip reduction of 28.3 was used for Alternative A, 28 percent for Alternative B, 62 percent for Alternative C, and 39 percent for Alternative D. Trip generation is discussed further in the TIA provided in **Appendix S**. As with the trip generation rates, due to the unique nature of the Proposed Project, it is recognized that there is uncertainty regarding these trip reduction assumptions. If the trip generation or reduction assumptions are incorrect, traffic impacts could be worse. While experts may reasonably differ in their analysis, these trip generation rates and reductions represent good faith and reasonable assumptions by the traffic engineer.

Final EIR Volume I, at pg. 3-31 shall be revised as follows:

Response: The Dowling (2007) study was reviewed by the engineers that prepared the transportation analyses presented in the Draft EIS/EIR and Final EIR. A reference to the study has been added to **Section 4.8** of the Final EIR and the study has been included in its entirety as a new **Appendix KK**. The Dowling (2007) study is a report detailing predictions regarding transportation impacts in the event that three tribal casinos operated in the greater Richmond area. As such-discussed-below, it is recognized that there are disagreements among transportation engineers, and in this case the traffic engineer who prepared the Traffic Impact Analysis for the EIR found that careful review of application of the findings of the Dowling (2007) study indicates that application of its findings' to the present analysis would be inappropriate and misleading. If the Dowling study is accurate, the findings of the FEIR could be understated. Nonetheless, even if the Dowling study came to different conclusions, substantial evidence supports the approach and findings in the FEIR.

The following additional traffic Mitigation Measures shall be added as follows:

7-26 Working with the City and West Contra Costa Transportation Advisory Committee ("WCCTAC"), the Tribe shall monitor the Project's trip generation and traffic impacts over time. If the actual trip generation is more than the trip generation forecasted in the EIR, the Tribe shall have a traffic study conducted by a consultant approved by the City to reanalyze impacts, and determine if additional mitigations are needed. Once built out, if the actual trip generation is less than the EIR trip generation, the Tribe shall be given commensurate credits to account for any overpayment.

7-27 To the extent the agencies that make up the West Contra Costa Transportation Advisory Committee, including the City of Richmond and Contra Costa Transportation Authority, develop "Principles of Agreement" or any other similar agreement, the Tribe shall work cooperatively with such agencies, including to develop specific

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actions, timing, and responsibilities for monitoring impacts and for implementing mitigation measures on Regional Routes for inclusion in the MMRP and any additional legal instruments that may be needed to ensure enforceability.

Final EIR Volume II, at page 5-38 shall be revised as follows:

CUMULATIVE YEAR

Completion of the following traffic improvements would result in all study intersections operating at an acceptable LOS for Alternatives A, B, C, D, and B1. Table 5-6 shows the resulting mitigated LOS and unmitigated LOS for intersections that are affected by implementation of all alternatives. Table 5-7 shows the Tribe's fair share contribution for Mitigation Measures 7-8 through 7-17 as calculated using Caltrans' fair share contribution methodology. This would be the expected fair share contribution; however, the share could be adjusted in the future. For sake of clarity, the cost of a mitigation measure for the Project is not eligible to be used as a Subregional Transportation Mitigation Fee Program credit, even if the mitigation is outside of Richmond's jurisdiction, as STMP credits should be provided only for the cost of STMP-related improvements that go above and beyond what is required for a local approval.

The following clarification regarding use of the ferry service shall be made at Final EIR Volume I, page 3-30:

Section 2.14 of the Transportation Impact Analysis (TIA) states there are 27 round trips throughout the day from Vallejo to San Francisco. ~~It is conservatively~~ The FEIR estimated that ferries on the route to Point Molate are at half capacity (refer to **Appendix S**, Blue and Gold Fleet letter). Using a 400 passenger ferry, there would be approximately 200 seats per trip available for patrons to the project site, or 27 trips multiplied by 200 passengers (5,400 passenger trips daily). While the TIA and information provided by the Blue and Gold Fleet service provider indicate that there is capacity for up to 5,000+ daily passenger trips to Point Molate are within reason, a more conservative estimate was used in the Draft EIS/EIR that assumes 15 percent (approximately 3,000 trips), of average daily trips to the site would be made by ferry. It is recognized that projecting ferry use to access the casino project presents challenges due to the lack of data for similar large destination resorts accessible by ferry. While recognizing this uncertainty, the estimate that 15 percent of the average daily trips to the site (approximately 3,000) would be by ferry represents the traffic engineer's reasoned, good faith projection of ferry ridership. While the Blue and Gold Fleet indicated that this increased capacity could be served with minimal new equipment purchases and described transporting people to the site by ferry as a "tremendous opportunity," given the uncertainty with ferry ridership, subsidies or other

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incentives may be required to achieve the 3,000 daily trips. A new Mitigation Measure 7-28 has been included to help insure that 15 percent of visitors and employees arrive by ferry.

The following additional traffic Mitigation Measure shall be added as follows:

7-28 The Tribe shall pay for studies to monitor ferry use by visitors and employees to the Project and submit results to the City and ferry service providers. If after the first year fewer than 15 percent of visitors and employees arrive to the Project by ferry, the Tribe shall work with the ferry service providers to implement an incentive program to meet the 15 percent. The incentive program may include items such as fare subsidies, altered schedules, an information awareness program, or other programs designed to increase ridership. Within two years of commencing operations, at least 15 percent of visitors/employees shall arrive by ferry.

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Erratum 6 – Areas of Controversy

In Volume II, page x, two new paragraphs shall be added immediately preceding the title “ES.5 Summary Matrix” as follows:

In addition to these areas of controversy raised during the scoping period, it should be noted that an advisory vote on Measure U was held in November 2010 regarding whether the project site should be developed with a casino use. According to the vote results, 41.7% of the voters supported a project including a casino at Point Molate, while 58.3% voted against the casino. Although the ballot measure was not directed towards environmental impacts of the EIR, but rather the proposed project as a whole, the vote may indicate that the project itself is controversial within the community. Copies of the certified results for Measure U are included as **Appendix LL.**

Next to Ballot Measure U, the greatest area of controversy was failure to include in the project and/or mitigation measures closure of the Bay Trail gap between the community and the project as needed to mitigate air quality and traffic impacts of the project and its alternatives. This subject was the focus of more comments than any other bearing on impacts of the project. Commenters on this topic included, but were not limited to, West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments Bay Trail Project, East Bay Regional Park District, Trails for Richmond Action Committee, East Bay Bicycle Coalition and more than 40 other organizations and individuals.

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Erratum 12 – Bay Trail

The last paragraph on page 3.10-17 (Final EIR Volume II) shall be revised as follows:

The existing Bay Trail within the City runs along the southern shoreline from Point Isabel through Marina Bay, turning inland at Garrard Avenue and running north along Richmond Parkway. Separated sections are established along Keller Beach and Seacliff Drive to the South and around a section of the West County Landfill to the North. An easement has been ~~provided~~ committed but not yet granted or located through Chevron property, creating the potential for a future trail spur from Marine Street and Tewksbury under Interstate 580 (I-580) connecting with Western Drive (City of Richmond 2008b). A 2001 Baseline Feasibility Study of Bay Trail Routes to the Point San Pablo Peninsula was created to plan for the future Bay Trail spur. In 2005 the Bay Trail Gap Study Analysis evaluated the current gaps along the trail system, these segments were then numbered and designated a priority level, for which planning and construction is based. The Proposed Project is located within segments 5038 and 5040 of the Gap Study. Segment 5038 is defined as a short-term, Class I project with a distance of 1,425 feet. The 5038 Segment is characterized as an eight on the beneficial scale, determining that the segment holds a high value of shoreline exposure and continuity with existing or planned segments (ABAG, 2005). Segment 5040 is noted as a Class I long-term project, encompassing 8,078 feet of trail with a benefit level of eight (ABAG, 2005). At this point, the potential future trail spur has not been funded or designed.

Mitigation Measure 3-20(i) at Final EIR Volume II, page 5-16 shall be revised as follows:

3-20(i) To the maximum extent permitted by applicable law, The Tribe shall assist in funding the improvements necessary to connect the Bay Trail south of I-580 to the proposed segment north of the freeway make a fair share contribution towards the cost of designing, permitting and building the planned San Francisco Bay Trail connection between the southern property boundary at Point Molate Beach and the bus stop at Castro Street and Tewksbury Avenue. “Fair share” shall be determined by assessing the reasonable relationship between the Proposed Project’s impact on traffic conditions and the extent to which completing this Bay Trail segment will relieve traffic congestion by providing an alternative means for accessing the project.

A new Mitigation Measure 7-20a shall be added at Final EIR Volume II, page 5-41 as follows:

7-20a To the maximum extent permitted by applicable law, the Tribe shall be required to make a fair share contribution towards the cost of designing, permitting and building the planned San Francisco Bay

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Trail connection between the southern property boundary at Point Molate Beach and the bus stop at Castro Street and Tewksbury Avenue. "Fair share" shall be determined by assessing the reasonable relationship between the Proposed Project's impact on traffic conditions and the extent to which completing this Bay Trail segment will relieve traffic congestion by providing an alternative means for accessing the project.

Erratum - Executive Summary, General Response to Comments Sec. 3.4 San Francisco Bay Trail on page 3.8:

The first sentence under the heading "3.4 San Francisco Bay Trail" on page 3-7 (Final EIR Volume I) shall be revised as follows:

Summary of Comments: Comments were received from West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments Bay Trail Project, East Bay Regional Park District, Trails for Richmond Action Committee, East Bay Bicycle Coalition and more than 40 other organizations and individuals stating ~~Several of the comments received state~~ that the Proposed Project should be required to provide the funds to design, permit, and construct an approximately 2-mile segment of the San Francisco Bay Trail south of the project site to Point Richmond. In addition, some commenters suggest that such off-site improvements are required by the City of Richmond's General Plan.

The second paragraph in the "Response" section within "3.4 San Francisco Bay Trail" on page 3-7 (Final EIR Volume I) shall be revised as follows:

In November 2009, Chevron agreed to donate 1.5 miles of its property to the East Bay Regional Park District (EBRPD) for Bay Trail easements on the west side of the San Pablo Peninsula. The two easements are located between the Richmond San Rafael Bridge to the Point Molate property south of the project site, and between the Point Molate property and the City's Terminal 4 property on the north. The EBRPD Board of Directors voted to accept Chevron's donation and appropriated \$100,000 for trail alignment engineering, surveying and title costs. ~~In the absence of associated significant impacts, it is not the responsibility of the project proponents to complete the off-site segments of the Bay Trail, nor can the project proponents compel EBRPD to build the proposed segment.~~ Closure of the Bay Trail gap between the southern project boundary and the community is necessary to implement both air quality and traffic impacts of the Proposed Project and the Alternatives. This would be feasible once funds are secured given that Chevron has committed to provide the necessary trail easements and that the City of Richmond and East Bay Regional Park District each have started right of way and design studies, as well as made commitments to designing and building the necessary Bay Trail segments when funding is available. However, in light of these recent developments regarding the easement conveyance,

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Improvement Measure 7-20 has been added to the Final EIR clarifying requirements for bicycle and pedestrian access to the site from the existing path under I-580. The improvement measure provides for the construction of bicycle lanes and sidewalks along Western Drive to the project site if the Bay Trail segment north of I-580 is not in place at the commencement of operations at Point Molate. Alternatively, the bike lanes and sidewalks would not be built along Western Drive north of I-580 if the Bay Trail connection between the project site and I-580 is functional upon the beginning of operations.

analyzed as part of the construction phase of the Proposed Project. Text has been added to the Final EIR to highlight the ways in which remediation is analyzed for in the impact analysis and mitigation measures. Please refer to **General Response 3.16.1** for additional information concerning analysis of environmental impacts related to site remediation and **Response I104-61** for information on the source of the assumptions used to calculate the amount of exported soil under each alternative.

5. Biological Resources

Mitigation Measure 4-5 in Section 5.2.4 of Volume II of the Final EIR shall be revised as follows:

- 4-5** Under the current project description of each alternative, ~~the~~ beach strand habitat on-site shall be ~~is~~ completely avoided to the maximum extent feasible. Replacement/restoration is not appropriate for this habitat type due to its inherent intrinsic value, role as habitat for plant and wildlife species (including special-status species), increasing threats by development, and its currently limited distribution within the region. ~~Under the current project description, total avoidance of beach strand habitat is accomplished.~~ To assure avoidance and avoid impacts to the beach strand habitat on-site (and Bay Conservation and Development Commission [BCDC] jurisdictional areas), the existing roadways shall be used to the degree feasible. Improvement of the existing roadways may be implemented as necessary, but no new roadways shall be built in the vicinity of the beach strand habitat on-site.

6. Transportation/Traffic

Response I 104-81 in Section 4.0 of Volume I of the Final EIR shall be modified as follows:

Response 104-81

Please refer to **General Responses 3.12.1, 3.12.2 and 3.12.4** and **Response A14-1** regarding trip generation rates and trip reductions, respectively.

General Response 3.12.2 shall be modified as follows:

It was determined, using Highway Capacity Software (HCS) consistent with Caltrans requirements using ~~Traffix~~ traffic modeling software, that project-related traffic would not degrade the level of service (LOS) on SR-4 below LOS D, nor would project-related traffic increase by two percent on any roadway segment that is currently operating below LOS D (refer to **Appendix HH** of the Final EIR).

General Response 3.12.2 shall be modified as follows:

With implementation of **Mitigation Measures 7-24 and 7-25** impacts to U.S. 101 Northbound On- and Off-Ramps at Sir Francis Drake Boulevard and Larkspur Landing Circle (Ferry Terminal) at Sir Francis Drake Boulevard would be *less-than-significant*.

7. Utilities and Public Services

Mitigation Measure 9-23 in Section 5.2.9 of Volume II of the Final EIR shall be revised as follows:

- 9-23** The Tribe shall purchase and install onsite fuel cells on the roof of the casino or parking garage, providing a source of clean alternative energy to the Proposed Project.

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Erratum 3 – Traffic Impacts

In the interest of providing full information, the *Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County* (Dowling, 2007) shall be included in full as part of the Final EIR in a new Appendix KK. To reflect this addition, the following changes will be made to the Final EIR.

Final EIR Volume II, at pg. 4.8-2 shall be revised as follows:

However, the ITE method does not have a standard trip generation rate that would apply to the gaming portion of the Proposed Project. The *Phased Transportation Study for Proposed Urban Casinos in West Contra Costa County* (Dowling, 2007) was considered during the development of a trip generation rate for the Project. ~~However, it was determined that the~~ Because of a lack of reliable historical data for trip generation for a large urban casino combined with destination resort in the San Francisco Bay Area, predicting trip generation rates required the exercise of professional judgment on the part of the traffic engineer. The traffic engineer considered the Dowling study, but disagreed with the way in which it did not characterized some of the trip generation projections for the Proposed Project. in a correct manner and is predicated on a number of inaccurate assumptions (refer to Section 3.12.2 of Final EIR Volume I). In the interest of providing full disclosure, the Dowling study is included as Appendix KK. While predicting traffic impacts always involves a degree of forecasting and hence uncertainty, due to the lack of historical data for a similar casino and destination resort in the Bay Area, it is recognized that there is more uncertainty relating to the conclusions in the traffic analysis than there is with traffic analysis for a more traditional project. Despite this uncertainty, the traffic analysis represents a good faith and reasonable effort to understand the traffic impacts of the Proposed Project. Therefore In order to estimate traffic related to the Proposed Project, data was collected from several existing and proposed Indian gaming facilities, which are listed in the TIA, included as Appendix S. The existing and proposed facilities were chosen due to some similarities to the Proposed Project, but, due to the unique nature of the Proposed Project, none were comparable in every sense. While the approach is reasonable because it is based upon what is the best available information at this time, it is recognized that there is some uncertainty relating to the trip generation rates.

All trips calculated by the above mentioned ITE method are not necessarily new trips; some are pre-existing trips that are diverted to the casino. As documented in the STIA (**Appendix S**), it was determined that 15 percent pass-by diverted link, 15 percent traffic demand management (TDM), and 15 percent ferry trip reduction should be used as reductions to account for trips not originally destined for the project site or patrons/employee using public transit. A 70 percent internal trip reduction was used for the project hotels, and a 50 percent internal trip reduction

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Final EIR Volume I, at pg. 3-31 shall be revised as follows:

Response: The Dowling (2007) study was reviewed by the engineers that prepared the transportation analyses presented in the Draft EIS/EIR and Final EIR. A reference to the study has been added to **Section 4.8** of the Final EIR and the study has been included in its entirety as a new **Appendix KK**. The Dowling (2007) study is a report detailing predictions regarding transportation impacts in the event that three tribal casinos operated in the greater Richmond area. As such-discussed-below, it is recognized that there are disagreements among transportation engineers, and in this case the traffic engineer who prepared the Traffic Impact Analysis for the EIR found that careful review of application of the findings of the Dowling (2007) study indicates that application of its findings' to the present analysis would be inappropriate and misleading. If the Dowling study is accurate, the findings of the FEIR could be understated. Nonetheless, even if the Dowling study came to different conclusions, substantial evidence supports the approach and findings in the FEIR.

The following additional traffic Mitigation Measures shall be added as follows:

7-26 Working with the City and West Contra Costa Transportation Advisory Committee ("WCCTAC"), the Tribe shall monitor the Project's trip generation and traffic impacts over time. If the actual trip generation is more than the trip generation forecasted in the EIR, the Tribe shall have a traffic study conducted by a consultant approved by the City to reanalyze impacts, and determine if additional mitigations are needed. Once built out, if the actual trip generation is less than the EIR trip generation, the Tribe shall be given commensurate credits to account for any overpayment.

7-27 To the extent the agencies that make up the West Contra Costa Transportation Advisory Committee, including the City of Richmond and Contra Costa Transportation Authority, develop "Principles of Agreement" or any other similar agreement, the Tribe shall work cooperatively with such agencies, including to develop specific

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CUMULATIVE YEAR

Completion of the following traffic improvements would result in all study intersections operating at an acceptable LOS for Alternatives A, B, C, D, and B1. Table 5-6 shows the resulting mitigated LOS and unmitigated LOS for intersections that are affected by implementation of all alternatives. Table 5-7 shows the Tribe's fair share contribution for Mitigation Measures 7-8 through 7-17 as calculated using Caltrans' fair share contribution methodology. This would be the expected fair share contribution; however, the share could be adjusted in the future. For sake of clarity, the cost of a mitigation measure for the Project is not eligible to be used as a Subregional Transportation Mitigation Fee Program credit, even if the mitigation is outside of Richmond's jurisdiction, as STMP credits should be provided only for the cost of STMP-related improvements that go above and beyond what is required for a local approval.

The following clarification regarding use of the ferry service shall be made at Final EIR Volume I, page 3-30:

Section 2.14 of the Transportation Impact Analysis (TIA) states there are 27 round trips throughout the day from Vallejo to San Francisco. ~~It is conservatively~~ The FEIR estimated that ferries on the route to Point Molate are at half capacity (refer to **Appendix S**, Blue and Gold Fleet letter). Using a 400 passenger ferry, there would be approximately 200 seats per trip available for patrons to the project site, or 27 trips multiplied by 200 passengers (5,400 passenger trips daily). While the TIA and information provided by the Blue and Gold Fleet service provider indicate that there is capacity for up to 5,000+ daily passenger trips to Point Molate are within reason, a more conservative estimate was used in the Draft EIS/EIR that assumes 15 percent (approximately 3,000 trips), of average daily trips to the site would be made by ferry. It is recognized that projecting ferry use to access the casino project presents challenges due to the lack of data for similar large destination resorts accessible by ferry. While recognizing this uncertainty, the estimate that 15 percent of the average daily trips to the site (approximately 3,000) would be by ferry represents the traffic engineer's reasoned, good faith projection of ferry ridership. While the Blue and Gold Fleet indicated that this increased capacity could be served with minimal new equipment purchases and described transporting people to the site by ferry as a "tremendous opportunity," given the uncertainty with ferry ridership, subsidies or other

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incentives may be required to achieve the 3,000 daily trips. A new Mitigation Measure 7-28 has been included to help insure that 15 percent of visitors and employees arrive by ferry.

The following additional traffic Mitigation Measure shall be added as follows:

7-28 The Tribe shall pay for studies to monitor ferry use by visitors and employees to the Project and submit results to the City and ferry service providers. If after the first year fewer than 15 percent of visitors and employees arrive to the Project by ferry, the Tribe shall work with the ferry service providers to implement an incentive program to meet the 15 percent. The incentive program may include items such as fare subsidies, altered schedules, an information awareness program, or other programs designed to increase ridership. Within two years of commencing operations, at least 15 percent of visitors/employees shall arrive by ferry.

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Erratum 6 – Areas of Controversy

In Volume II, page x, two new paragraphs shall be added immediately preceding the title “ES.5 Summary Matrix” as follows:

In addition to these areas of controversy raised during the scoping period, it should be noted that an advisory vote on Measure U was held in November 2010 regarding whether the project site should be developed with a casino use. According to the vote results, 41.7% of the voters supported a project including a casino at Point Molate, while 58.3% voted against the casino. Although the ballot measure was not directed towards environmental impacts of the EIR, but rather the proposed project as a whole, the vote may indicate that the project itself is controversial within the community. Copies of the certified results for Measure U are included as **Appendix LL**.

Next to Ballot Measure U, the greatest area of controversy was failure to include in the project and/or mitigation measures closure of the Bay Trail gap between the community and the project as needed to mitigate air quality and traffic impacts of the project and its alternatives. This subject was the focus of more comments than any other bearing on impacts of the project. Commenters on this topic included, but were not limited to, West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments Bay Trail Project, East Bay Regional Park District, Trails for Richmond Action Committee, East Bay Bicycle Coalition and more than 40 other organizations and individuals.

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Erratum 12 – Bay Trail

The last paragraph on page 3.10-17 (Final EIR Volume II) shall be revised as follows:

The existing Bay Trail within the City runs along the southern shoreline from Point Isabel through Marina Bay, turning inland at Garrard Avenue and running north along Richmond Parkway. Separated sections are established along Keller Beach and Seacliff Drive to the South and around a section of the West County Landfill to the North. An easement has been ~~provided~~ committed but not yet granted or located through Chevron property, creating the potential for a future trail spur from Marine Street and Tewksbury under Interstate 580 (I-580) connecting with Western Drive (City of Richmond 2008b). A 2001 Baseline Feasibility Study of Bay Trail Routes to the Point San Pablo Peninsula was created to plan for the future Bay Trail spur. In 2005 the Bay Trail Gap Study Analysis evaluated the current gaps along the trail system, these segments were then numbered and designated a priority level, for which planning and construction is based. The Proposed Project is located within segments 5038 and 5040 of the Gap Study. Segment 5038 is defined as a short-term, Class I project with a distance of 1,425 feet. The 5038 Segment is characterized as an eight on the beneficial scale, determining that the segment holds a high value of shoreline exposure and continuity with existing or planned segments (ABAG, 2005). Segment 5040 is noted as a Class I long-term project, encompassing 8,078 feet of trail with a benefit level of eight (ABAG, 2005). At this point, the potential future trail spur has not been funded or designed.

Mitigation Measure 3-20(i) at Final EIR Volume II, page 5-16 shall be revised as follows:

3-20(i) To the maximum extent permitted by applicable law, The Tribe shall assist in funding the improvements necessary to connect the Bay Trail south of I-580 to the proposed segment north of the freeway make a fair share contribution towards the cost of designing, permitting and building the planned San Francisco Bay Trail connection between the southern property boundary at Point Molate Beach and the bus stop at Castro Street and Tewksbury Avenue. “Fair share” shall be determined by assessing the reasonable relationship between the Proposed Project’s impact on traffic conditions and the extent to which completing this Bay Trail segment will relieve traffic congestion by providing an alternative means for accessing the project.

A new Mitigation Measure 7-20a shall be added at Final EIR Volume II, page 5-41 as follows:

7-20a To the maximum extent permitted by applicable law, the Tribe shall be required to make a fair share contribution towards the cost of designing, permitting and building the planned San Francisco Bay

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Trail connection between the southern property boundary at Point Molate Beach and the bus stop at Castro Street and Tewksbury Avenue. "Fair share" shall be determined by assessing the reasonable relationship between the Proposed Project's impact on traffic conditions and the extent to which completing this Bay Trail segment will relieve traffic congestion by providing an alternative means for accessing the project.

Erratum - Executive Summary, General Response to Comments Sec. 3.4 San Francisco Bay Trail on page 3.8:

The first sentence under the heading "3.4 San Francisco Bay Trail" on page 3-7 (Final EIR Volume I) shall be revised as follows:

Summary of Comments: Comments were received from West Contra Costa Transportation Advisory Committee, Association of Bay Area Governments Bay Trail Project, East Bay Regional Park District, Trails for Richmond Action Committee, East Bay Bicycle Coalition and more than 40 other organizations and individuals stating ~~Several of the comments received state~~ that the Proposed Project should be required to provide the funds to design, permit, and construct an approximately 2-mile segment of the San Francisco Bay Trail south of the project site to Point Richmond. In addition, some commenters suggest that such off-site improvements are required by the City of Richmond's General Plan.

The second paragraph in the "Response" section within "3.4 San Francisco Bay Trail" on page 3-7 (Final EIR Volume I) shall be revised as follows:

In November 2009, Chevron agreed to donate 1.5 miles of its property to the East Bay Regional Park District (EBRPD) for Bay Trail easements on the west side of the San Pablo Peninsula. The two easements are located between the Richmond San Rafael Bridge to the Point Molate property south of the project site, and between the Point Molate property and the City's Terminal 4 property on the north. The EBRPD Board of Directors voted to accept Chevron's donation and appropriated \$100,000 for trail alignment engineering, surveying and title costs. ~~In the absence of associated significant impacts, it is not the responsibility of the project proponents to complete the off-site segments of the Bay Trail, nor can the project proponents compel EBRPD to build the proposed segment.~~ Closure of the Bay Trail gap between the southern project boundary and the community is necessary to implement both air quality and traffic impacts of the Proposed Project and the Alternatives. This would be feasible once funds are secured given that Chevron has committed to provide the necessary trail easements and that the City of Richmond and East Bay Regional Park District each have started right of way and design studies, as well as made commitments to designing and building the necessary Bay Trail segments when funding is available. However, in light of these recent developments regarding the easement conveyance,

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Improvement Measure 7-20 has been added to the Final EIR clarifying requirements for bicycle and pedestrian access to the site from the existing path under I-580. The improvement measure provides for the construction of bicycle lanes and sidewalks along Western Drive to the project site if the Bay Trail segment north of I-580 is not in place at the commencement of operations at Point Molate. Alternatively, the bike lanes and sidewalks would not be built along Western Drive north of I-580 if the Bay Trail connection between the project site and I-580 is functional upon the beginning of operations.

analyzed as part of the construction phase of the Proposed Project. Text has been added to the Final EIR to highlight the ways in which remediation is analyzed for in the impact analysis and mitigation measures. Please refer to **General Response 3.16.1** for additional information concerning analysis of environmental impacts related to site remediation and **Response I104-61** for information on the source of the assumptions used to calculate the amount of exported soil under each alternative.

5. Biological Resources

Mitigation Measure 4-5 in Section 5.2.4 of Volume II of the Final EIR shall be revised as follows:

- 4-5** Under the current project description of each alternative, ~~the~~ beach strand habitat on-site shall be is completely avoided to the maximum extent feasible. Replacement/restoration is not appropriate for this habitat type due to its inherent intrinsic value, role as habitat for plant and wildlife species (including special-status species), increasing threats by development, and its currently limited distribution within the region. ~~Under the current project description, total avoidance of beach strand habitat is accomplished.~~ To assure avoidance and avoid impacts to the beach strand habitat on-site (and Bay Conservation and Development Commission [BCDC] jurisdictional areas), the existing roadways shall be used to the degree feasible. Improvement of the existing roadways may be implemented as necessary, but no new roadways shall be built in the vicinity of the beach strand habitat on-site.

6. Transportation/Traffic

Response I 104-81 in Section 4.0 of Volume I of the Final EIR shall be modified as follows:

Response 104-81

Please refer to **General Responses 3.12.1, 3.12.2 and 3.12.4** and **Response A14-1** regarding trip generation rates and trip reductions, respectively.

General Response 3.12.2 shall be modified as follows:

It was determined, using Highway Capacity Software (HCS) consistent with Caltrans requirements using ~~Traffix~~ traffic modeling software, that project-related traffic would not degrade the level of service (LOS) on SR-4 below LOS D, nor would project-related traffic increase by two percent on any roadway segment that is currently operating below LOS D (refer to **Appendix HH** of the Final EIR).

General Response 3.12.2 shall be modified as follows:

With implementation of **Mitigation Measures 7-24 and 7-25** impacts to U.S. 101 Northbound On- and Off-Ramps at Sir Francis Drake Boulevard and Larkspur Landing Circle (Ferry Terminal) at Sir Francis Drake Boulevard would be *less-than-significant*.

7. Utilities and Public Services

Mitigation Measure 9-23 in Section 5.2.9 of Volume II of the Final EIR shall be revised as follows:

- 9-23** The Tribe shall purchase and install onsite fuel cells on the roof of the casino or parking garage, providing a source of clean alternative energy to the Proposed Project.