

SECTION 5.0

MITIGATION MEASURES

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5.1 INTRODUCTION

The Council on Environmental Quality (CEQ) NEPA Regulations define mitigation as “avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating, or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing or providing substitute resources or environments” (40 CFR § 1508.20). These principles have been applied to guide design and siting criteria for the project alternatives.

As described more fully in **Chapter 2.0**, alternatives integrate regulatory requirements, conditions of the Intergovernmental Agreement (IGA), Memorandum of Agreement (MOA), and Best Management Practices (BMPs) into the overall project design in an effort to minimize the potentially adverse environmental effects identified in **Chapter 4.0**, including indirect and cumulatively adverse effects. When appropriate, mitigation measures have been recommended. Relevant regulatory requirements, conditions of the IGA and MOA, BMPs, and recommended mitigation measures are summarized below. All mitigation is enforceable because it is 1) inherent to the project design, 2) under terms of the IGA or MOA (**Appendix C**), and/or 3) required through provisions of federal or state statute, where applicable.

5.2 MITIGATION MEASURES

5.2.1 GEOLOGY AND SOILS

The following BMP shall be implemented for Alternatives 1, 2, and 3:

- A. An Erosion Control Plan (ECP) shall be created and implemented prior to start of any site disturbance. The ECP shall identify the locations of erosion control features recommended to direct and filter stormwater runoff. The features used during construction include, but are not limited to, silt fences, fiber rolls, and rock bag dams. The locations of permanent erosion control features such as sediment/grease traps, vegetated drainage swales, and riprap shall also be identified. The ECP would be implemented during project construction and operation, thus assuring that adverse effects resulting from erosion are minimized.

The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternatives 1, 2, and 3:

- B. A General Construction National Pollutant Discharge Elimination System (NPDES) permit shall be obtained from the U.S. Environmental Protection Agency (EPA) under the Federal

requirements of the Clean Water Act (CWA). As required by the NPDES permit, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared that addresses potential water quality impacts associated with construction and operation of the project alternatives. The SWPPP shall make provisions for erosion prevention and sediment control and control of other potential pollutants.

The SWPPP shall describe construction practices, stabilization techniques and structural Best Management Practices (BMPs) that are to be implemented to prevent erosion and minimize sediment transport. BMPs shall be inspected, maintained, and repaired to assure continued performance of their intended function. Reports summarizing the scope of these inspections, the personnel conducting the inspection, the dates of the inspections, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP.

To minimize the potential for erosion to occur on the project site, the following items shall be addressed and implemented:

1. Stripped areas shall be stabilized through temporary seeding using dryland grasses.
2. Conveyance channels and severe erosion channels shall be mulched or matted to prevent excessive erosion.
3. Exposed stockpiled soils shall be covered with plastic covering to prevent wind and rain erosion.
4. The construction entrance shall be stabilized by the use of rip-rap, crushed gravel, or other such material to prevent the track-out of dirt and mud.
5. Construction roadways shall be stabilized through the use of frequent watering, stabilizing chemical application, or physical covering of gravel or rip-rap.
6. Filter fences shall be erected at all onsite stormwater exit points and along the edge of graded areas to stabilized non-graded areas and control siltation of onsite stormwater.
7. Dust suppression measures included in Section 5.2.3 Air Quality shall be implemented to control the production of fugitive dust and prevent wind erosion of bare and stockpiled soils.

5.2.2 WATER RESOURCES

Construction Impacts

The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternatives 1, 2, and 3:

- A. As described under **Section 5.2.1**, Geology and Soils, Mitigation Measure B, prior to construction, an NPDES permit shall be obtained from the EPA and a SWPPP shall be prepared. The SWPPP

shall describe construction practices, stabilization techniques and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.

Operational Impacts

The following project design measures shall be implemented in accordance with Section 2.4 of the IGA for Alternatives 1, 2, and 3:

- B. The following measures shall be implemented in conformance with the City's Public Works Standards (City of Airway Heights, 2000):
 - 1. Stormwater conveyance shall be designed to limit the flow capacity to 70 percent to allow for settling of sediment and debris.
 - 2. Catch basins shall be designed in a "sump" condition to allow for greater inlet capacity.
 - 3. Detention swales shall be designed to allow for a minimum of 1.0 foot of freeboard, and shall be vegetated with a grassy bottom with enough area to provide "bio-filtration."
 - 4. Stormwater shall be routed from poorly drainable soils to those areas with higher infiltration and permeability rates for better disposal of stormwater.
 - 5. Conveyance channels shall be designed at "non-erosive" velocities to eliminate soil erosion, and shall have at a minimum 12 inches of freeboard to minimize overtopping and out of channel flow.

5.2.3 AIR QUALITY

Construction

The following BMPs shall be implemented for Alternatives 1, 2, and 3:

- A. The following dust suppression measures shall be implemented by the Tribe to control the production of fugitive dust (PM10) and prevent wind erosion of bare and stockpiled soils:
 - 1. Spray exposed soil with water or other suppressant.
 - 2. Minimize dust emissions during transport of fill material or soil by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, and/or covering loads.
 - 3. Promptly clean up spills of transported material on public roads.
 - 4. Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways.
 - 5. Locate construction equipment and truck staging areas away from sensitive receptors as practical and in consideration of potential effects on other resources.

6. Provide wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways.
 7. Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.
- B. The following measures shall be implemented by the Tribe to reduce emissions of criteria pollutants, green house gases (GHGs) and diesel particulate matter (DPM) from construction of Alternatives 1, 2, and 3.
1. It is recommended that the Tribe control criteria pollutants and GHG emissions whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.
 2. Require all construction equipment with a horsepower rating of greater than 50 be equipped with diesel particulate filters, which would reduce approximately 85 percent of diesel particulate matter (DPM).

Operation and Climate Change

The following BMPs shall be implemented for Alternatives 1, 2, and 3:

- C. The Tribe shall reduce emissions of criteria air pollutants and GHGs during construction and operation through the following actions, as applicable:
1. The Tribe shall use clean fuel vehicles in the vehicle fleet where practicable.
 2. The Tribe shall provide preferential parking for vanpools and carpools, which would reduce criteria pollutants and GHGs.
 3. The Tribe shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable. The project proponent shall use drought resistant landscaping where practicable and provide "Save Water" signs near water faucets throughout the development.
 4. It is recommended that the Tribe control criteria pollutants, GHG, and DPM emissions during operation whenever reasonable and practicable by requiring all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use; unless per engine manufacturer's specifications or for safety reasons more time is required. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.

5. The Tribe shall use energy efficient lighting, which would reduce indirect criteria pollutants and GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions.
6. The Tribe shall install recycling bins throughout the hotel and casino for glass, cans and paper products. Decorative trash and recycling receptacles shall be placed strategically outside to encourage people to recycle and not to litter. Security guards shall be trained to discourage littering on site.

5.2.4 BIOLOGICAL RESOURCES

The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives 1, 2, and 3:

- A. In accordance with the Migratory Bird Treaty Act, a qualified biologist will conduct a preconstruction survey within 100 feet around the vicinity of the project site for active nests should construction activities commence during the nesting season for birds of prey and migratory birds (between February 15 and September 15). The preconstruction survey will be conducted within 14 days prior to commencement of construction activities. If surveys show that there is no evidence of nests, then no additional mitigation will be required. If active nests are identified, a 100-foot buffer zone should be established around the nests. A qualified biologist should monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist should delimit the buffer zone with construction tape or pin flags within 100 feet of the active nest and maintain the buffer zone until the end of breeding season or the young have fledged. Guidance from the USFWS will be requested if establishing a 100-foot buffer zone is impractical.
- B. Ornamental trees anticipated for removal will be removed between September 15 and February 15, prior to the nesting season. If trees are anticipated to be removed during the nesting season, a preconstruction survey will be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree will be removed within 10 days following the survey. If active nests are located within trees identified for removal, a 100 foot buffer will be installed around the tree and guidance from the USFWS will be requested.
- C. A focused botanical survey will be conducted within the evident and identifiable blooming period for Spalding's silene. If the survey shows that there is no evidence of this species, then no additional mitigation will be required. In the unlikely event that this species is detected, then a 50-foot buffer zone should be established around the individual plants to ensure that construction activities would not result in take. The Tribe will refrain from installing the ornamental landscaping within the established buffer area.

5.2.5 CULTURAL AND PALEONTOLOGICAL RESOURCES

The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives 1, 2, and 3:

- A. In the event of any inadvertent discovery of prehistoric or historic archaeological resources or paleontological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist can assess the significance of the find. If any find is determined to be significant by the archaeologist, then representatives of the Tribe shall meet with the archaeologist to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist according to current professional standards.
- B. If human remains are discovered during ground-disturbing activities on Tribal lands, the Tribal Official and BIA representative shall be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.
- C. In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.

5.2.6 SOCIOECONOMIC CONDITIONS

The following provision of the IGA is applicable to Alternatives 1, 2, and 3 and would avoid, minimize, or mitigate adverse socioeconomic effects:

- A. In accordance with Section 5.1 of IGA (Annual Payment), the Tribe agrees to pay the City and the County an aggregate total payment of \$14,500 on or before the date upon which the City receives the Agreement by the United States to Annexation of the Property (hereinafter “the effective date”). On or before the effective date of each subsequent year for the following 14 years, the aggregate joint payment shall be increased by \$14,500 per year. The annual \$14,500 payment increases shall end at Year 15. Beginning in Year 11, and each year thereafter, the aggregate joint payment shall be increased by three percent. Additionally, the Tribe agrees to meet at Year 25 to reconsider the annual payment amounts and to adjust such amounts, as necessary to reasonably approximate actual impacts to the City and the County. If within six months of initiating negotiation of such adjustment the parties do not agree to an adjustment, either party may initiate binding arbitration as provided by the IGA. The arbitrators shall make an award that adjusts such annual payment amount as necessary to reasonably approximate actual impacts to the City and the County, including, if the arbitrators so determine, annual adjustments based on reasonable estimates of annual increases in costs of such impacts. Each 25 year anniversary thereafter, the Tribe, City, and County shall meet and reconsider the annual payment amounts.

The following provision of the MOA is applicable to Alternatives 1 and 2, and would avoid, minimize, or mitigate adverse socioeconomic effects:

- B. In accordance with Section 6.1 of the MOA, the Tribe agrees to pay the City, beginning with the first full calendar quarter subsequent to commencement of any gaming activities authorized under the Compact, as follows:
1. \$600,000 for the first full year
 2. \$700,000 for the second full year
 3. \$800,000 for the third full year
 4. \$900,000 for the fourth full year
 5. \$1,000,000 for the fifth full year
 6. \$1,100,000 for the sixth full year
 7. \$1,200,000 for the seventh full year, and for each year thereafter
 8. Beginning in Year 8, and each year thereafter, the payment shall be increased by three percent per year
 9. Upon the annual payment exceeding \$2,000,000, the parties pursuant to Section 8.0 of the MOA shall review the terms of the MOA and Annual Payment and upon mutual agreement modify the same. If the parties do not agree to modify the MOA, the annual payment shall continue in the above amount plus each year be adjusted by the annual consumer price index for the Western United States as reported by the U.S. Department of Commerce, instead of the three percent annual increase set forth above.

The following provisions of the Tribal-State Compact are applicable to Alternatives 1 and 2, and would avoid, minimize, or mitigate adverse socioeconomic effects:

- C. In accordance with the Tribal-State Compact, the Tribe recognizes that the operation of Class III gaming activities may adversely impact individuals who suffer from problem or pathological gambling addiction disorders. Moreover, the Tribe is committed to supporting problem gambling education, awareness, and treatment for such individuals. The Tribe shall set aside 0.13 percent of the gross gaming revenues from its Class III gaming activities for contributions dedicated to problem gambling support services. Contributions shall be made to the Washington State Department of Social and Health Services' Division of Alcohol and Substance Abuse (DSHS/DASA). The Tribe shall be credited for payments, if any, made to other organizations that are directly related to helping to reduce problem gambling. The balance of the 0.13 percent of gross gaming revenues shall be paid to DSHS/DASA annually, starting with the 12-month anniversary of the Compact's effective date, and shall be paid by the 15th day of the month following said effective date.

- D. In accordance with the Tribal-State Compact, the Tribe shall determine the wager limit for any allowed higher stakes gaming stations. However, only qualified patrons shall be allowed to play at higher stakes tables. A qualified patron is one who: (1) Meets the criteria set forth in a memorandum of understanding between the State Gaming Agency and the Tribe, as may be amended from time to time. The criteria shall be reasonably commensurate with the financial risks at stake. Dispute over such provisions shall be resolved pursuant to the expedited dispute resolution process set forth in Section XII of the compact; and (2) Is not identified by the Tribal Gaming Commission as a person demonstrating significant characteristics associated with problem gambling.

The following optional mitigation measures shall be implemented for Alternatives 1 and 2 at the Tribe's discretion:

- E. The Tribe shall adopt a policy statement on problem gambling.
- F. Written information that includes a list of professional gambling treatment programs and self-help groups shall be made available to casino customers. Brochures shall be made available in prominent locations inside of the casino and near all automated teller machines (ATMs).
- G. Procedures shall be implemented to allow for voluntary self-exclusion, enabling gamblers to ban themselves from the gaming establishment for a specified period of time.

5.2.7 TRANSPORTATION/CIRCULATION

Construction

The following mitigation measure shall be implemented in accordance with regulatory requirements for Alternatives 1, 2, and 3:

- A. The following measures shall be implemented in conformance with the Washington Department of Transportation (WSDOT) requirements for work within federal and state right-of-ways:
1. Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
 2. Plans for any proposed access or construction within US-2 right-of-way must be reviewed and approved by WSDOT and Federal Highway Administration (FHWA) prior to beginning work.
 3. Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer.
 4. Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal construction manual.
 5. Construction inspection will be performed by WSDOT at the Tribe's expense.

6. A Traffic Management Plan (TMP) shall be prepared to identify where construction routes are proposed, and other standards set forth in the 2009, Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways*. The TMP shall be submitted to the City of Airway Heights (City), Spokane County (County) and the Washington State Department of Transportation.

Operational Traffic

In accordance with the IGA between the Tribe, City and County, the following traffic mitigation measures shall be implemented as identified within the Traffic Impact Analysis (TIA) and Addendum for the project alternatives (**Appendix D**).

- B. Traffic volumes in the buildout year for each project phase shall be monitored and the traffic impact analysis shall be updated to assess the necessity for mitigation outlined below. If the results of the updated TIA determine that the traffic mitigation identified below should be adjusted due to changes in future traffic background conditions, the recommendations shall be subject to review and approval by WSDOT and the City prior to any modifications to the traffic mitigation plan. Any modifications to the mitigation plan for work within County owned right-of-ways shall be subject to Spokane County approval.
- C. Prior to operation of Alternative 1, Phase I (2012), or Alternative 2 (2012), the Tribe shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in a less than significant impact at all study intersections:
 1. From US-2/Craig Road to Western Project Site boundary: The Tribe shall fully fund the construction of a roundabout at the Craig Rd. intersection and two site access intersections with roundabout intersection control. The location of access intersections shall be reconfigured as follows: the three roundabouts should be equally spaced, with the western access positioned near the property boundary and the main access located in the center of the property. Frontage improvements shall be constructed along the northern side of US-2 including curbing, drainage improvements, and pedestrian facilities as applicable. With implementation of this measure, the US-2/Craig Road intersection would function at a LOS A, and the access intersections would function at LOS B. The Tribe's calculated fair share contribution to the Craig Road/US-2 intersection is approximately 34.2%; therefore, funding contributed by the Tribe in excess of this percentage shall be credited towards fair share mitigation requirements at other impacted facilities or reimbursed by the City to the extent feasible through traffic impact fees or latecomer agreements.
 2. Craig Road from US-2 to 6th Avenue: Widen Craig Road to accommodate a three lane roadway section and bike lanes. Install access driveways as indicated in the site plan (Figure 2-4 of the DEIS) and ensure that none of these accesses align with 12th Avenue. Construct frontage improvements along the western side of Craig Road including curbing, drainage

- improvements, and pedestrian facilities as applicable. The Tribe's fair share contribution to this mitigation measure would be 100 percent.
3. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City.
 4. Craig Road/State Route 902: The Tribe shall fully fund the construction of a traffic signal, which would result in LOS B or construction of a roundabout, which would result in LOS A. The Tribe's calculated fair share contribution to this mitigation measure is approximately 23.7 percent; therefore, funding contributed by the Tribe in excess of this percentage shall be credited towards fair share mitigation requirements at other impacted facilities or reimbursed by the City to the extent feasible through traffic impact fees or latecomer agreements.
 5. 6th Street: In the event that the 6th Street extension is not completed prior to project implementation, the Tribe shall fully fund development of the unfinished portion of the 6th Street extension from approximately South Aspen Street to Craig Road. The City shall enter into an agreement with the Tribe to reimburse the Tribe for cost of development of the 6th Street extension through development of local traffic impact fee assessment areas.
 6. 12th Avenue: The Tribe shall fully fund the posting of a sign for the eastbound traffic on 12th Avenue and Craig Road stating "Local Access Only." 12th Avenue shall be considered within the future traffic impact analysis described under Traffic Mitigation Measure B. If the results of the updated TIA determine that the traffic mitigation identified for 12th Avenue should be adjusted due to changes in future traffic background conditions, the recommendations shall be subject to review and approval by the City prior to any modifications to the traffic mitigation plan.
- D. In order to provide a consistent and conservative analysis of potential effects, the analysis of Alternative I, Phase II (2015) used the assessment criteria provided in **Section 4.8.1** for the arterial intersections as they currently exist today. Therefore the analysis did not incorporate the mitigation provided in Mitigation Measure C for Alternative 1, Phase I (2012). Prior to operation of Alternative 1, Phase II (2015), the Tribe shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in a less than significant impact at all study intersections:
1. US-2/Craig Road: Improvements installed as a result of Phase I mitigation would result in LOS B. No additional measures are necessary.
 2. US-2/Lundstrom Road: Restripe and widen approaches to accommodate exclusive NB and SB right turn lanes, which would result in LOS F/Delay 63.3 seconds. The Tribe's fair share contribution to this mitigation measure would be 29.8 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or

- equivalent alternative route approved by the City and WSDOT, which will relieve traffic from US-2, eliminating the need for improvements to the intersection. Funding in excess of the project's proportional share for Phase I mitigations shall be applied to off-set this requirement.
3. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City.
 4. Craig Road/State Route 902: Improvements installed as a result of Phase I mitigation would result in LOS A. No additional measures are necessary
 5. US-2/Access Intersections: Improvements installed as a result of Phase I mitigation would result in LOS B at the western access and LOS C at the eastern access. No additional measures are necessary.
- E. In order to provide a consistent and conservative analysis of potential effects, the analysis of Alternative 1, Phase III (2019) used the assessment criteria provided in **Section 4.8.1** for the arterial intersections as they currently exist today. Therefore the analysis did not incorporate the mitigation provided in Mitigation Measure C and D for Alternative I, Phases I and II (2012 and 2015). Prior to operation of Alternative 1, Phase III (2019), the Tribe shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in a less than significant impact at all study intersections:
1. US-2/Craig Road: Improvements installed as a result of Phase I mitigation would result in LOS D. No additional measures are necessary.
 2. US-2/Lundstrom Road: Restripe and widen approaches to accommodate exclusive NB and SB right turn lanes resulting in LOS F/Delay 179.6 seconds, which is less than the "without project" delay. The Tribe's fair share contribution to this mitigation measure would be 29.4 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT, which will relieve traffic from US-2, eliminating the need for improvements to the intersection. Funding in excess of the project's proportional share for Phase I mitigations shall be applied to off-set this requirement.
 3. US-2/Garfield: Optimize signal timing, which would result in a LOS D. The Tribe's fair share contribution to this mitigation measure would be 23.7 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT, which will relieve traffic from US-2, eliminating the need for improvements to the intersection. Funding in excess of the project's proportional share for Phase I mitigations shall be applied to off-set this requirement.

4. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City.
 5. Craig Road/State Route 902: Improvements installed as a result of Phase I mitigation would result in LOS B. No additional measures are necessary.
 6. US-2/Access Intersections: Improvements installed as a result of Phase I mitigation would result in LOS D at each access intersection. No additional measures are necessary. Craig Road/6th Avenue: Widen the intersection approach to provide an exclusive NB right turn lane, which would result in LOS D, or installation of a roundabout, which would result in LOS E. The Tribe's fair share contribution to this mitigation measure would be 28.8 percent.
- F. The Tribe shall implement and pay a fair share contribution to the following mitigation measures for Alternative 3 (2012), which would result in a less than significant impact at all study intersections:
1. From US-2/Craig Road to Western Project Site boundary: The Tribe shall fully fund the construction of a roundabout at the Craig Rd. intersection and two site access intersections with roundabout intersection control. The location of access intersections shall be reconfigured as follows: the three roundabouts should be equally spaced, with the western access positioned near the property boundary and the main access located in the center of the property. Construct frontage improvements along the northern side of US-2 including curbing, drainage improvements, and pedestrian facilities as applicable. With implementation of this measure, the US-2/Craig Road intersection would function at LOS A, and access intersections would function at a LOS B. The Tribe's calculated fair share contribution to the Craig Road/US-2 intersection is approximately 26.8%; therefore, funding contributed by the Tribe in excess of this percentage shall be credited towards fair share mitigation requirements at other impacted facilities or reimbursed by the City to the extent feasible through traffic impact fees or latecomer agreements.
 2. Craig Road/State Route 902: The Tribe shall fully fund the construction of a traffic signal, which would result in LOS B, or construction of a roundabout, which would result in LOS A. The Tribe's calculated fair share contribution to this mitigation measure is approximately 18.1 percent; therefore, funding contributed by the Tribe in excess of this percentage shall be credited towards fair share mitigation requirements at other impacted facilities or reimbursed by the City to the extent feasible through traffic impact fees or latecomer agreements.'
 3. Craig Road from US-2 to 6th Avenue: Widen Craig Road and install access driveways as indicated in the site plan (Figure 2-7 of the DEIS) and ensure that none of these accesses align with 12th Avenue. Construct frontage improvements along the western side of Craig

- Road including curbing, drainage improvements, and pedestrian facilities as applicable. The Tribe's fair share contribution to this mitigation measure would be 100 percent.
4. US-2/Hayford Avenue: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City.
 5. 6th Street: In the event that the 6th Street extension is not completed prior to project implementation, the Tribe shall fully fund development of the unfinished portion of the 6th Street extension from approximately South Aspen Street to Craig Road. The City shall enter into an agreement with the Tribe to reimburse the Tribe for cost of development of the 6th Street extension through development of local traffic impact fee assessment areas.
 6. 12th Avenue: The Tribe shall fully fund the posting of a sign for the eastbound traffic on 12th Avenue and Craig Road stating "Local Access Only." 12th Avenue shall be considered within the future traffic impact analysis described under Traffic Mitigation Measure B. If the results of the updated TIA determine that the traffic mitigation identified for 12th Avenue should be adjusted due to changes in future traffic background conditions, the recommendations shall be subject to review and approval by the City prior to any modifications to the traffic mitigation plan.

Cumulative

G. In order to provide a consistent and conservative analysis of potential cumulative effects, the analysis of Alternative 1, in the cumulative year 2032, used the assessment criteria provided in **Section 4.8.1** for the arterial intersections as they exist in the cumulative year 2032. Therefore the analysis did not incorporate the mitigation provided in Mitigation Measure C, D, or E for Alternative 1 in the buildout years 2012, 2015, and 2019. The Tribe shall implement and pay a fair share contribution to the following mitigation measures for Alternative 1 (2032), which would result in a less than significant impact at all study intersections:

1. US-2/Craig Road: Improvements installed as a result of Phase I mitigation would result in LOS F/Delay 94.9 seconds, which is less than the "without project" delay. No additional measures are necessary.
2. US-2/Lundstrom Road: Restripe and widen approaches to accommodate exclusive NB and SB right turn lanes resulting in LOS F/Delay exceed model output value, which is equal to the without project delay or restriction of NB and SB left turn movements, which would result in LOS E. The Tribe's fair share contribution to this mitigation measure would be 25.5 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and

- WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
3. US-2/Lawson: Modify the signal timing and modify and widen NB and SB approaches as needed to provide dedicated left turn lanes, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 25.1 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
 4. US-2/Garfield: Optimize signal timing, resulting in a LOS F/Delay 131.5 seconds, which is greater than the without project delay or modify signal timing and add third EB and WB auxiliary thru lanes, which would result in a LOS C. The Tribe's fair share contribution to this mitigation measure would be 20.4 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
 5. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City.
 6. Craig Road/State Route 902: Improvements installed as a result of Phase I mitigation would result in LOS B. No additional mitigation is necessary.
 7. US-2/Fairchild Air Force Base (AFB) Entrance: Modify signal timing, add a second NB right turn lane, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 11.6 percent.
 8. US 2/Access Intersections: Improvements installed as a result of Phase I mitigation would result in LOS D. No additional measures are necessary.
 9. Craig Road/6th Avenue: Widen the intersection approach to provide an exclusive NB right turn lane, which would result in LOS E or install a roundabout, which would result in LOS C. The Tribe's fair share contribution to this mitigation measure would be 33.5 percent.
 10. Craig Road/North Driveway: Add second NB thru lane from Highway 2 to 6th Avenue, which would result in LOS E or install a roundabout, which would result in LOS B. The Tribe's fair share contribution to this mitigation measure would be 100 percent.
 11. In order to provide sufficient access/connectivity to adjacent properties, the Tribe shall provide cross connections with adjacent properties and construct a future North-South road located along the western property line to provide access to the properties to the west as well as connectivity to a future extension of 6th Ave.

H. In order to provide a consistent and conservative analysis of potential cumulative effects, the analysis of Alternative 2, in the cumulative year 2032, used the assessment criteria provided in **Section 4.8.1** for the arterial intersections as they exist in the cumulative year 2032. Therefore the analysis did not incorporate the mitigation provided in Mitigation Measure C for Alternative 2 in the buildout year 2012. The Tribe shall implement and pay a fair share contribution to the following mitigation measures for Alternative 2 (2032), which would result in a less than significant impact at all study intersections:

1. US-2/Craig Road: Improvements installed as a result of Phase I mitigation would result in LOS D. No additional measures are necessary.
2. US-2/Lundstrom Road: Restripe and widen approaches to accommodate exclusive NB and SB right turn lanes and restriction of NB and SB left turn movements, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 18.9 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
3. US-2/Lawson: Modify the signal timing, add EB and WB right turn lanes, and reconfigure NB and SB approaches, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 18.6 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
4. US-2/Garfield: Optimize signal timing, add EB right turn lane, add separate NB left turn lane, and reconfigure SB approach resulting in a LOS E/Delay 57.2 seconds, which is less than the without project delay. The Tribe's fair share contribution to this mitigation measure would be 14.8 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
5. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City..
6. Craig Road/State Route 902: Improvements installed as a result of Phase I mitigation would result in LOS B. No additional measures are necessary.
7. US-2/Fairchild AFB: Modify signal timing, add a second NB right turn lane, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 8.2 percent.

8. US-2/Access Intersections: Improvements installed as a result of Phase I mitigation would result in LOS E. No additional measures are necessary.
 9. Craig Road/6th Avenue: Widen the intersection approach to provide an exclusive NB right turn lane, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 25.6 percent.
- I. In order to provide a consistent and conservative analysis of potential cumulative effects, the analysis of Alternative 3, in the cumulative year 2032, used the assessment criteria provided in **Section 4.8.1** for the arterial intersections as they exist in the cumulative year 2032. Therefore the analysis did not incorporate the mitigation provided in Mitigation Measure F for Alternative 3 in the buildout year 2012. The Tribe shall implement and pay a fair share contribution to the following mitigation measures for Alternative 3 (2032), which would result in a less than significant impact at all study intersections:
1. US-2/Craig Road: Improvements installed as a result of Phase I mitigation would result in LOS C. No additional measures are necessary.
 2. US-2/Lundstrom Road: Restripe and widen approaches to accommodate exclusive NB and SB right turn lanes and restriction of NB and SB left turn movements, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 14.2 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
 3. US-2/Garfield: Optimize signal timing, add EB right turn lane, add separate NB left turn lane, and reconfigure SB approach resulting in a LOS E/Delay 58.0 seconds, which is less than the without project delay. The Tribe's fair share contribution to this mitigation measure would be 11.0 percent. Alternatively, the Tribe may contribute a proportional share to improvements to the 21st Ave./18th Ave. corridor or equivalent alternative route approved by the City and WSDOT which will relieve traffic from US-2, eliminating the need for improvements to the intersection.
 4. US-2/Hayford Road: The Tribe shall fund a proportional share (based on project and phase generated traffic) to improvements to the 21st Ave./18th Ave. corridor at the time of construction of said improvements. In the event that the 21st Ave./18th Ave corridor is not incorporated into local traffic improvement plans, the Tribe shall provide fair share payment to an equivalent alternative traffic improvement measure that shall be approved by WSDOT and the City..
 5. Craig Road/State Route 902: Improvements installed as a result of Phase I mitigation would result in LOS B. No additional measures are necessary.

6. US-2/Fairchild AFB: Modify signal timing, add a second NB right turn lane, which would result in LOS D. The Tribe's fair share contribution to this mitigation measure would be 6.0 percent.
7. US-2/Access Intersections: Improvements installed as a result of Phase I mitigation would result in LOS D. No additional measures are necessary.

Pedestrian and Transit Facilities

- J. The Tribe shall implement and pay a fair share contribution to the following mitigation measures for all alternatives in the buildout and cumulative years (2032), which would reduce effects associated with pedestrian and transit facilities:
 1. The Tribe shall work with the Spokane Transit Authority to provide additional public transportation to and from the project site as needed. This may include the addition of a transit stop and the use of shuttles.
 2. The Tribe shall install pedestrian pathways and bike lanes along US-2 and Craig Road project site frontages in accordance with applicable requirements of WSDOT, City of Airway Heights and Spokane County in order to comply with local bike/pedestrian plans developed by WSDOT and/or the City of Airway Heights in the vicinity of the project. Pedestrian facilities along the frontage of US-2 shall consist of a separated multi-use pathway that aligns with other planned and existing pedestrian pathways along the US-2 corridor consistent with the Spokane Regional Transportation Council "Smart Routes" regional planning process.
 3. Sidewalks and pathways shall be planned and constructed on the site to connect site development to transit stops and public path and bikeways to encourage and facilitate use of transit and non-motorized travel modes.
 4. The Tribe shall implement the regional Commute Trips Reduction (CTR) programs already in place in the Spokane Region, including employee trip reductions programs, employee shuttles and other similar means of achieving commute trip reduction.

5.2.8 LAND USE COMPATIBILITY

The following mitigation measures shall be implemented for Alternatives 1, 2, and 3 and would minimize potential land use compatibility issues with Fairchild AFB.

- A. The Tribe shall make a good faith effort to enter into a memorandum of understanding, or similar agreement, with the Fairchild AFB that addresses compatibility issues associated with potential nuisances that may be caused by AFB operations on proposed land uses within the project site. In the event that an agreement cannot be negotiated, the Tribe may adopt a tribal ordinance as an alternative mechanism for implementation of equivalent mitigation commitments. The MOU, agreement and/or Tribal Ordinance shall contain the following acknowledgements and commitments:

- The Tribe shall acknowledge that the subject property is located in an area impacted by aircraft noise and that present and future aircraft noise may interfere with the unrestricted use and enjoyment of the subject property. The Tribe shall further acknowledge that aircraft noise may change over time by virtue of greater numbers of aircraft, louder aircraft, variations in airfield operations, and changes in airfield and air traffic control procedures.
 - The Tribe shall discharge the Fairchild AFB from any liability for injuries to persons or damages to the project site by reason of noise, vibrations, odors, vapors, exhaust, smoke, dust or other effects that may be inherent in the operation of aircraft, caused or created by the flight or passage of aircraft in or through the airspace above the project site. Nothing in the agreement shall operate to preclude claims by the Tribe for any physical injuries or damages caused by aircraft crashing into or otherwise coming into direct physical contact with the project site or persons located thereon.
- B. The Tribe shall incorporate appropriate sound attenuation measures into the design and construction of the proposed hotel tower. Refer to Mitigation Measure E in **Section 5.2.10**.
- C. The Tribe shall implement measures to prevent the attraction of birds within the project site. As recommended by the Fairchild AFB, measures shall include, but are not limited to, the installation of a natural, man-made or vegetative cover/netting over the proposed bio-filtration swales.

5.2.9 PUBLIC SERVICES

The following provisions of the IGA are applicable to Alternatives 1, 2, and 3, and would avoid, minimize, or mitigate adverse effects associated with public services:

- A. The Tribe shall make payments to the City as specified within Section 5.2.6, Mitigation Measures A and B. These payments are intended to compensate the City and/or County for upgrades to facilities and any additional staffing as needed to serve development of the property, allowing the City to maintain public services at existing levels or better.
- B. The final design of the sewer and water system shall be in reasonable conformity with Chapters 13.06 and 13.04, respectively of the City of Airway Heights Municipal Code and the City Public Works Standards.
- C. Upon connection to the City sanitary and water systems, the Tribe shall pay the current water and sewer capital connection charge, as established by City Council Resolution and Ordinance. The Tribe shall additionally pay monthly service fees for water and sewer service based upon rates adopted annually by the City Council.

The following provisions of the MOA are applicable to Alternatives 1, and 2, and would avoid, minimize, or mitigate adverse effects associated with public services:

- D. The Tribe shall provide an adequate level of on-site security at the project site during all hours of operation.
- E. The Tribe shall use best efforts to assist the City in law enforcement matters and to detain individuals when requested by the City, to the extent allowable under applicable law.
- F. The Tribe shall meet with the City at least once a year to discuss ways to improve police services and prosecution of crimes associated with the project.
- G. The Tribe shall have medical technicians on staff at the project site.
- H. The Tribe will provide medical and fire training to staff.
- I. The Tribe shall maintain standards no less stringent than any City or County ordinances and Washington State Law addressing fire safety, including applicable building code provisions.

The following provision of the Tribal-State Compact for Class III Gaming is applicable to Alternatives 1 and 2 and would minimize and/or mitigate adverse effects associated with public services:

- J. In accordance with Item C-1 Section XIV, Public Health and Safety, of the Tribal-State Compact for Class III Gaming, the Tribe shall continue to contribute to an existing fund for purposes of providing assistance to non-tribal service agencies. This “Impact Mitigation Fund” shall provide fair share assistance to Fire District 10 – West Plains District to address excessive and/or unanticipated call volumes.

The following mitigation measure is applicable to Alternative 3, and would avoid, minimize, or mitigate adverse effects associated with fire protection and law enforcement services:

- K. The Tribe shall enter into an agreement with the City of Airway Heights for law enforcement and fire protection services. The provisions and payments for services within this agreement shall be similar to conditions included within the 2007 Tribal/City MOA.

5.2.10 NOISE

The following BMPs shall be implemented during construction for Alternatives 1, 2, and 3:

- A. Construction using heavy equipment shall not be conducted between 10:00 p.m. and 7:00 a.m.
- B. All engine-powered equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake (a.k.a. “Jake Brake”) use shall be limited to emergencies.
- C. Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible.
- D. All diesel engine generator sets shall be provided with enclosures.

The following mitigation measures shall be implemented for Alternatives 1 and 3.

- E. The Tribe shall ensure through contractual obligations that contractors construct exterior walls and roof/ceiling assemblies on the hotel tower proposed under Alternatives 1 and 3 to achieve an interior noise level of 45 dB Ldn. This shall be accomplished through the use of sound reduction materials with a Sound Transmission Class (STC) rating of 39 and exterior doors and windows with a STC rating of 25 as recommended in the 2009 Fairchild JLUS and the 2005 Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations, US Navy.

5.2.11 HAZARDOUS MATERIALS

The following construction BMPs shall be implemented for Alternatives 1, 2, and 3 and will minimize potential effects associated with hazardous materials:

- A. Personnel shall follow best management practices (BMPs) for filling and servicing construction equipment and vehicles. The BMPs, that are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:
 - 1. To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site.
 - 2. Catch-pans shall be placed under equipment to catch potential spills during servicing.
 - 3. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
 - 4. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
 - 5. Vehicle engines shall be shut down during refueling.
 - 6. No smoking, open flames, or welding shall be allowed in refueling or service areas.
 - 7. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
 - 8. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
 - 9. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
 - 10. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly.
 - 11. Results of inspections shall be recorded in a logbook that shall be maintained on site.

- B. In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, representatives of the Tribe shall consult with the EPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Any and all contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.

5.2.12 AESTHETICS

The following BMPs shall be implemented for Alternatives 1, 2 and 3 and will minimize potential effects associated with lighting and views of the project site:

- A. Placement of lights on buildings shall be designed so as not to cast light or glare offsite.
- B. Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.
- C. Timers shall be utilized so as to limit lighting to necessary times.
- D. All exterior glass shall be non-reflective low-glare glass.
- E. Screening features and natural elements should be integrated into the landscaping design of the alternatives to screen the view of the facilities from existing residences directly adjacent to the project site.
- F. Comply with any applicable light and glare controls developed to protect the operational environment near the Fairchild AFB established prior to project construction.