FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Jamul Indian Village

VOLUME I

June 2016

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Jamul Indian Village

National Indian Gaming Commission
90 K Street, Suite 200
Washington DC 20002

VOLUME I

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APPENDICES

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ACRONYMS

A

AB - Assembly Bill
ADT - Average Daily Trips
AHJ - Authorities Having Jurisdiction
AIRFA - American Indian Religious Freedom Act
ARFA - Archaeological Resources Protection Act
ALS - Advanced Life Support
AMR - American Medical Services
APCD - Air Pollution Control District
ARB - California Air Resources Board
ASTs - aboveground storage tanks

B

BACT - Best Available Control Technology
BIA - Bureau of Indian Affairs
BMPs - best management practices
BMO - Biological Mitigation Ordinance
B.P. - before present

C

CAA - Clean Air Act
CAAQS - California Ambient Air Quality Standards
Caltrans - California Department of Transportation
CAPCOA - California Air Pollution Control Officers Association
CBC - California Building Code
CCR - California Code of Regulations
CDF - California Department of Forestry and Fire Protection
CDFW - California Department of Fish and Wildlife
CEC - California Electrical Code
CERCLA - Comprehensive Environmental Response, Compensation Liability Act
CERFA - Community Environmental Response Facilitation Act
CEQ - Council on Environmental Quality
CEQA - California Environmental Quality Act
CESA - California Endangered Species Act
CFC - California Fire Code
CFR - Code of Federal Regulations
CHP - California Highway Patrol
CH_4 - Methane
CIE2 - Cieneba loam
CIWMP - County of San Diego Integrated Waste Management Plan
CMC - California Mechanical Code
CmrG - Cieneba loam
CNDDB - California Natural Diversity Database
CNEL - Community Noise Equivalent Level

CNPS	-	California Native Plant Society
CMP	-	Construction Management Plan
CO	-	carbon monoxide
CO_2	-	carbon dioxide
CO_{2e}	-	carbon dioxide equivalent
COSE	-	Conservation and Open Space Element
CPC	-	California Plumbing Code
CRHR	-	California Register of Historic Places
CSE	-	Countywide Sitting Element
CWA	-	Clean Water Act

D

DaE, DaD	-	Diablo clay
dB	-	decibels
Diesel PM	-	diesel particulate matter

E

EA	-	Environmental Assessment
Ec	-	Eocene sandstone
EIS	-	Environmental Impact Statement
EO	-	Executive Order
ESA	-	environmentally sensitive area
Esc	-	Escondido loam

F

FaD2	-	Fallbrook sandy loam
FaC2	-	Fallbrook loam
FaE2	-	Fallbrook sandy loam
FCF	-	Flow Control Facility
FeE2	-	Fallbrook loam
FEMA	-	Federal Emergency Management Agency
FESA	-	Federal Endangered Species Act
FHWA	-	Federal Highway Administration
FIFR	-	Federal Insecticide, Fungicide, and Rodenticide Act
Final EIS	-	Final Environmental Impact Statement
FONSI	-	Finding of No Significant Impact
FvE	-	Fallbrook-Vista sandy loam
FxG	-	Friant loam

G

gb	-	gabbro
GHG	-	greenhouse gases
GIS	-	Geographic Information System
GMA	-	Gaming Management Agreement
gpm	-	gallons per minute
gr-m	-	gneiss
grMZ	-	granodiorite and quartz monzonite

H

HAPs - hazardous air pollutants
HCFA - Heartland Communication Facility Authority
HCM - Highway Capacity Manual
HET - high efficiency toilet
HrD2 - Huerhuero loam
HU - hydraulic unit

I

IBC - International Building Code
IFC - International Fire Code
ILV - Intersecting Lane Vehicle
IPCC - Intergovernmental Panel on Climate Change
ITE - Institute of Transportation Engineers

J

JIV - Jamul Indian Village

K

KHA - Kimley-Horn and Associates
kWh - kilowatt hours

L

LKAR-CA - Lakes Kean Agrovitz Resorts – California
LOS - level of service
LpC2 - Las Posas loam
LpD2 - Las Posas fine sandy loam
LpE2 - Las Posas loam

M

m - schist/gneiss
Mc - sandstone
MSATs - mobile source air toxics
MBR - membrane bioreactor
MG - million gallons
MHPA - Multiple Habitat Planning Areas
MPH - miles per hour
MSCP - Multi-Species Conservation Plan
MT - metric tons
MVC - mechanical vapor compression
MWD - Metropolitan Water District of Southern California
Mzv - felsic volcanic rock

N

NAGPRA - Native American Graves Protection and Repatriation Act
NAHC - Native American Heritage Commission
NAQQS - National Ambient air Quality Standards

NEC	-	National Electric Code
NEPA	-	National Environmental Policy Act
NFPA	-	National Fire Protection Association
NIGC	-	National Indian Gaming Commission
NHPA	-	National Historic Preservation Act
NO	-	nitric oxide
NOA	-	Notice of Availability
NO_X	-	nitrogen oxides
NO_2	-	nitrogen dioxide
NPDES	-	National Pollutant Discharge Elimination System
NRCS	-	Natural Resource Conservation Service
NRHP	-	National Register of Historic Places
N_2O	-	nitrous oxide
NSR	-	New Source Review
NTU	-	nephelometric turbidity units

O

OSHA	-	Occupational Safety and Health Act
O_3	-	Ozone

P

P	-	Pleistocene sandstone
Pb	-	lead
PCB	-	poly-chlorinated biphenyl
PCE	-	passenger car equivalent
PeC_2, PfC	-	Placentia sandy loam
PHF	-	peak-hour factor
PHV	-	percent of heavy vehicle
PM	-	particulate matter
$PM_{2.5}$	-	fine particles
PM_{10}	-	inhalable particles
PPE	-	personal protection equipment
PRC	-	Public Resources Code

Q

Q	-	Quaternary alluvium

R

RaC	-	Ramona sandy loam
RaC2	-	Ramona loam
RCRA	-	Resource Conservation and Recovery Act
RJER	-	Rancho Jamul Ecological Reserve
ROD	-	Record of Decision
ROW	-	right-of-way
RPO	-	Resource Protection Ordinance
RTP	-	Regional Transportation Plan
RWQCB	-	Regional Water Quality Control Board

S

SanBIOS	-	San Diego County database
SANDAG	-	San Diego Association of Governments
SCIC	-	South Coastal Information Center
SDAB	-	San Diego Air Basin
SDCWA	-	San Diego County Water Authority
SDG&E	-	San Diego Gas and Electric Company
SDGV	-	San Diego Gaming Ventures
SDRFD	-	San Diego Rural Fire Protection District
SEIS	-	Supplemental Environmental Impact Statement
SHPO	-	State Historic Preservation Office
SO_2	-	sulfur dioxide
SR-94	-	State Route 94
SWAMP	-	Surface Water Ambient Monitoring Program
SWQCB	-	State Water Quality Control Board
SWPPP	-	Storm Water Pollution Prevention Plan

T

TAC	-	toxic air contaminant
Tribal EE	-	Tribal Environmental Evaluation
Tribal EIS/R	-	Tribal Environmental Impact Statement/Report
TSCA	-	Toxic Substance Control Act

U

UBC	-	uniform building code
UCMP	-	University of California Museum of Paleontology
USA	-	Underground Service Alert
USACE	-	United States Army of Corps of Engineers
USC	-	United States Code
USDA	-	United States Department of Agriculture
U.S. EPA	-	United States Environmental Protection Agency
USFWS	-	United States Fish and Wildlife Service
USGS	-	United States Geological Survey
UST	-	underground storage tanks

V

VaA	-	Visalia sandy loam
VMT	-	vehicles miles traveled
VOC	-	volatile organic compounds
VsE, VsG	-	Vista course sandy loams

W

WmC	-	Wyman loam

SECTION 1.0

EXECUTIVE SUMMARY

SECTION 1.0

EXECUTIVE SUMMARY

1.1 INTRODUCTION

This Final Supplemental Environmental Impact Statement (Final SEIS) has been prepared to address revisions to the Proposed Action previously addressed in the *Final Environmental Impact Statement: Jamul Indian Village*, which was completed in 2003. The 2003 version of the Proposed Action included a federal action for a 101-acre fee-to-trust followed by development of a gaming facility and ancillary uses ("Gaming Facility") on the existing Jamul Indian Village (JIV) Reservation and newly acquired trust lands. Significant changes to that original Proposed Action have been made since the original application was made to the Bureau of Indian Affairs (BIA) in 2003. Most significant is that the 101-acre fee-to-trust component has been removed and the Gaming Facility complex has been revised to fit entirely on-Reservation. This revised Gaming Facility was evaluated through the 1999 Tribal-State Compact process. Through this process, the Tribe prepared a Draft Tribal Environmental Evaluation (Draft TEE) in 2012 and provided it to the public for review and comment. Incorporating the comments that were received from agencies, organizations and individuals, the Tribe provided responses and a final environmental evaluation in the 2013 Final Tribal Environmental Evaluation (Final TEE). The Gaming Facility is currently under construction and is scheduled to open in summer 2016. Thus, the scope of the current Proposed Action is limited to the Gaming Management Agreement (GMA) between JIV and the proposed operator (San Diego Gaming Ventures [SDGV]) subject to approval by the National Indian Gaming Commission (NIGC).

The Final SEIS has also been prepared to update environmental conditions from when the 2003 Final Environmental Impact Statement (Final EIS) was prepared.

1.2 LOCATION

The JIV Reservation is located in the unincorporated portion of southwestern San Diego County approximately one mile south of the community of Jamul on approximately six-acres of land held in federal trust. **Figure 1-1** and **Figure 1-2** show the location of the Reservation site on a regional and local scale. The Reservation is located within portions of Section 10 and un-sectioned areas of Township 17 S, Range 1 East, San

Bernardino Baseline and Meridian, Dulzura, CA and Jamul Mountains, CA, U.S. Geological Survey (USGS) 7.5-minute Quadrangles.

1.3 GAMING FACILITY PLANNING HISTORY

Since the late 1990s, JIV has planned to develop a Gaming Facility on its Reservation. In 2001, the BIA and the NIGC issued an Environmental Assessment (EA) for a Proposed Action that would have brought 101+/- additional acres adjacent to the Reservation into federal trust, while the existing 6+/- acre Reservation would have been developed with a Gaming Facility. The EA addressed proposed development of a Gaming Facility and other land uses on what would be an expanded Reservation. The BIA initially issued a Finding of No Significant Impact (FONSI), but subsequently determined on appeal that the mitigation proposed for traffic impacts associated with construction and operation of the Gaming Facility were beyond the ability of the Tribe to implement independently of State and local agencies. Therefore, JIV's ultimate implementation of the traffic mitigation measures was considered too provisional and that an Environmental Impact Statement (EIS) was required.

In August 2003, the BIA completed a Final EIS for the 101-acre Fee-to-Trust Transfer, Gaming Project, and GMA. The Final EIS evaluated the environmental consequences associated with placing 101+/- acres into federal trust for JIV and subsequent development of the proposed Gaming Facility, which was to include a 205,194 square-foot Gaming Facility together with a 222,985 square-foot 300-room hotel. The 2003 project also included a 2,550 space parking structure on an adjacent 87-acre parcel to the north of the Reservation, as well as 18 homes for Tribal members on a 10-acre parcel north of Melody Road.

The 2003 Final EIS represented the completion of the environmental review process for the BIA/NIGC. A final BIA/NIGC decision was never rendered on the 2003 version of the project. JIV eventually withdrew the BIA fee-to-trust application and instead moved forward in 2006 with a revised project that placed a Gaming Facility entirely on the existing Reservation. In terms of square footage, the 2006 version of the Gaming Facility was identical to the 2003 proposal at 205,194 square feet, while the hotel was increased to 400-rooms totaling 361,900 square feet. The overall size of the 2006 proposal represented a 32% increase from the 2003 version. Proposed Tribal housing on the 10-acre lot north of Melody Road was removed in the 2006 version. This revised plan also eliminated the previously proposed federal trust request for addition of 101 +/- acres to the Reservation.

Following redesign, JIV commenced preparation of the 2006 Tribal Environmental Impact Statement/Report (Tribal EIS/R) pursuant to the Tribal-State Compact. The

project revisions resulted in the elimination of BIA authority because BIA approval of the fee-to-trust transfer was no longer proposed. The Tribal EIS/R analyzed the off-reservation impacts of the development and operation of the gaming facility, hotel and supporting land uses on the Reservation. JIV initiated construction of the Gaming Facility following completion of the environmental work and Tribal approval of the on-Reservation gaming/hotel project; however, JIV did not continue with the project due to unresolved access issues on State Route 94 (SR-94).

In 2010, JIV made changes to the 2006 project design, including the removal of the hotel component and proposing to construct the project in a single phase rather than multiple phases. The result was a 203,000 square-foot Gaming Facility, which was 64% smaller than the 2006 version and 53% smaller than the 2003 version. In 2012, JIV prepared a Draft TEE pursuant to the 1999 Tribal-State Compact that addressed impacts associated with the revised project. In January 2013, JIV certified the Final TEE as adequate/ complete and approved the Gaming Facility. The Final TEE identified traffic mitigation measures, including improvement of an existing access road from SR-94 to the Reservation known as Daisy Drive and located on a 4-acre parcel adjacent to the JIV Reservation

As project plans moved forward following the January 2013 approval of the Final TEE, minor modifications were made to the project, which resulted in JIV's processing of four addenda to the Final TEE in 2014 and 2015. The first addendum addressed issues related to a shift in uses on the project site, the addition of a south bridge over Willow Creek on the Reservation, and other construction related adjustments such as increased excavation hauling and the use of the adjacent 4-acre parcel for construction related staging and possible redevelopment of the fire station. It also became clear that more than one disposal facility for excavation materials would be used during the construction period. To address this issue from an air quality standpoint, JIV had an air quality supplement prepared to ensure all air quality effects were adequately analyzed. The first Addendum including the Air Quality Supplement was approved by the Tribal Council in February 2014. All features of the February 2014 Addendum have been completed except for the construction of the fire station on the adjacent 4-acre parcel.

As excavation of the Reservation for the Gaming Facility moved forward in early 2014, JIV proposed replacing the use of short soil nails with long soil nails that would extend underground beyond the southern boundary of the Reservation into adjoining California Department of Fish and Wildlife (CDFW) land. This modification was proposed to shorten the construction period and to enhance safety and reduce site disturbance during construction. The *Addendum: Long Soil Nails* document addressed the effects of this project design modification. This Addendum was adopted by JIV in June 2014. A subsequent agreement was approved between JIV and the State of California for a

subsurface easement into adjacent State property for the soil nails. The placement of the long soil nails is complete.

As construction planning progressed, it was determined that a change in the location of temporary employee parking and material laydown areas would increase site-related efficiencies during construction of the Gaming Facility. As a result, JIV analyzed the temporary use of approximately 2.1 acres of the adjacent 87-acre parcel during construction of the Gaming Facility for possible staging/laydown and parking. The document *Addendum: Temporary Construction Staging*, which addressed the effects of the project modification, was completed in October 2014 and adopted by JIV in November 2014. The temporary parking and laydown area was constructed in late 2014. Due to objections raised by San Diego County, the temporary parking area has been removed from the 87-acre parcel. Temporary construction parking was relocated east of SR-94 within the Peaceful Valley Ranch Property. The use of the Proctor Valley Ranch property for construction parking ceased in January 2016, when parking was relocated to the completed gaming parking structure on the JIV Reservation.

Finally, JIV proposed refinements to their previously used treated water generation estimates and water balance estimates. Modifications were made to the size and location of the on-site treated water storage tank, as well as the treated water disposal method. The water generation estimates were reduced due to calculation refinements made during construction, which resulted in changes to the water balance estimates. An above ground 130,000 gallon storage tank that measures 24 feet in height is now proposed instead a 200,000 gallon below ground storage tank. The treated wastewater disposal method changes from use of a mechanical vapor compression (MVC) system to a combination of on-site sub-surface disposal and water trucking. The wastewater treatment plant is currently under construction.

The list below presents the environmental study documents prepared for the current Gaming Facility:

1. Jamul Indian Village Final Environmental Impact Statement (August 2003);
2. Tribal Environmental Impact Statement/Report (December 2006);
3. Jamul Indian Village Gaming Development Final Tribal Environmental Evaluation (January 2013);
4. Addendum to Final Tribal Environmental Evaluation; Jamul Indian Village Gaming Development Project (February 2014);
5. Addendum: Long Soil Nails (June 2014);

6. Addendum: Temporary Construction Staging (October 2014); and

7. Wastewater Addendum: Tribal Environmental Evaluation (May 2015).

The Final TEE analyzed three access options to improve access to the Reservation and mitigate and/or avoid traffic impacts that would occur by using the intersection of Reservation Road with SR-94. The three options were: (1) Improve Reservation Road, (2) Improve Daisy Drive, and (3) New Access from Melody Road. Based on the analysis presented in the Final TEE, JIV selected Daisy Drive in its approval of the Final TEE. The California Department of Transportation (Caltrans) is currently conducting engineering and environmental review on these three access options, as well as other intersection improvements, and issued a Draft Environmental Impact Report in July, 2015. Caltrans environmental study documents prepared and released to-date include:

1. State Route-94 Improvement Project Preliminary Environmental Analysis Report (January 2014);

2. Project Study Report-Project Development Support (PSR-PDS) To Request Scope Approval for Project-Funded-by-Others On Route 94 (Campo Road) Between Post Mile 20.4 And Post Mile 21.4 (March 2014);

3. State Route-94 (Jamul) Improvement Project Air Quality Study Report (May 2014);

4. State Route-94 (Jamul) Improvement Project Visual Impact Assessment (May 2014);

5. State Route-94 Improvement Project Community Impact Assessment (June 2014);

6. State Route-94 Improvement Project Natural Environment Study (June 2014);

7. Phase 1 Environmental Site Assessment for the Access Alternatives, State Route 94 Improvement Project (June 2014);

8. Noise Study Report, SR-94 Improvement Project (August 2014); and

9. State Route-94 Improvement Project Draft Environmental Impact Report (July 2015).

Each of these studies can be accessed through the Caltrans District 11 website at: http://www.dot.ca.gov/dist11/Env_docs/94Improvement.html.

1.4 PURPOSE AND NEED

The Purpose and Need for approving the GMA between JIV and SDGV is to provide for a level of professional management of the Gaming Facility that would ultimately improve the long-term economic condition of JIV and its members through the development of a stable, sustainable source of employment and revenue. Revenues generated from the economic development will be used to support social and educational programs for the elderly, the poor and younger Tribal members. The Proposed Action serves the need of the NIGC to ensure that the operator of the Gaming Facility meets federal standards for such practices.

1.5 PROPOSED ACTION

The Proposed Action is the implementation of a fully executed GMA, whereby JIV and SDGV agree that SDGV will assume responsibility for operation and management of the Gaming Facility. If the GMA is approved by the NIGC, SDGV would have the "…exclusive authority to conduct and direct all business and affairs in connection with the day-to-day operation, management and maintenance of the Gaming Facility…" SDGV would have control and operation of the Gaming Facility, the property on which the Gaming Facility is located, and the adjacent 4-acre parcel during the 7-year term of the contract.

1.6 NO ACTION ALTERNATIVE/BASELINE CONDITIONS

A No Action Alternative, which includes Tribal operation of the JIV Gaming Facility, is also considered in this Final SEIS. Section 3.0 *Proposed Action and No Action Alternative*, notes that JIV would operate the Gaming Facility should the Proposed Action (approval of the GMA) not go forward. JIV would assume responsibility for the day-to-day operation, management and maintenance of the Gaming Facility under the No Action Alternative. The environmental effects of this Alternative are presented in Section 5.3 *Environmental Consequences of the No Action Alternative/Baseline Conditions*.

The JIV Gaming Facility is considered as part of the No Action Alternative baseline conditions. The Gaming Facility has undergone complete environmental review through the preparation of the Final TEE and related addenda and has been approved by JIV in accordance with the Tribal-State Compact process. The Gaming Facility is currently under construction and is expected to open for business in summer 2016. A complete discussion of the environmental effects associated with construction and operation of the JIV Gaming Facility can be found in Section 5.3 *Environmental Consequences of the No Action Alternative/Baseline Conditions*.

1.7 ISSUES TO BE RESOLVED AND AREAS OF CONTROVERSY

The topic of a Gaming Facility on the JIV Reservation has garnered local interest since JIV originally made a fee-to-trust application to the BIA in early 2000. Area residents, Caltrans, San Diego County and others have all expressed concern over the increase of traffic that would result as a consequence of the operation of the Gaming Facility. Public comments concerning environmental issues received during the scoping period (April 10, 2013 through May 10, 2013) for this Final SEIS raised the following environmental concerns related to gaming on the JIV Reservation:

- Transportation/circulation,
- Biology,
- Socioeconomic effects,
- Cultural Resources,
- Visual Resources,
- Public Services and Utilities,
- Noise, and
- Air Quality.

It should be noted, however, that these issues relate to the environmental effects of the Gaming Facility, which is a component of the No Action Alternative baseline conditions, not Proposed Action (GMA approval).

1.8 SUMMARY OF ENVIRONMENTAL EFFECTS

Neither the Proposed Action nor the No Action Alternative would result in an impact to the environment. The GMA approval contemplated under the Proposed Action deals exclusively with the operation and maintenance of the Gaming Facility. Should the NIGC not approve the GMA, JIV would simply assume management responsibilities for the Gaming Facility under the No Action Alternative, instead of delegating such responsibilities to SDGV. In no case is either the Proposed Action or the No Action Alternative expected to result in greater patronage than presented for the baseline conditions.

SOURCE: Microsoft Streets and Trips, 2012; EDS, 2016

Figure 1-1
Regional Location Map

SOURCE: Digital Globe, 2012; EDS, 2016

Figure 1-2
Vicinity Map

SECTION 2.0

INTRODUCTION

SECTION 2.0

INTRODUCTION

2.1 INTRODUCTION

The Proposed Action consists of NIGC consideration and possible approval of a GMA between JIV and SDGV to permit SDGV to manage the JIV Gaming Facility on the JIV Reservation. The Final SEIS supplements the Final EIS released in August 2003, which evaluated a previous version of the GMA and Gaming Facility on the Reservation and adjoining land. The Final SEIS has been prepared to address the revised Proposed Action (GMA). The Final SEIS also updates the existing environmental conditions from when the original Final EIS was prepared.

The NIGC is the Lead Agency under NEPA and has prepared this Final SEIS to identify and evaluate the potential environmental effects associated with implementation of the Proposed Action. The purpose of this document is to inform the public and the permitting agencies about the potential adverse and beneficial environmental impacts of the Proposed Action, and to recommend feasible mitigation measures, if needed. Adoption of the Final SEIS is required before the NIGC can undertake action to approve/deny the JIV GMA application (Proposed Action).

This document was prepared in accordance with the requirements of NEPA (42 United States Code 19 [USC] 4341 *et seq*.) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA 20 (40 Code of Federal Regulations [CFR] 1500-1508). An SEIS is required when there are substantial changes in a proposed action that are relevant to environmental concerns, or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (NEPA Sec. 1502.9(c)). The NIGC, in consultation with JIV, determined that a SEIS was needed to update the environmental baseline and evaluate potential significant environmental impacts given the time that has passed and the changes that have been made to the scope of the Proposed Action.

2.2 STATEMENT OF PURPOSE AND NEED

The August 2003 statement of Purpose and Need has been updated to reflect the changes to the scope of federal approval sought. The **previous** Purpose and Need read as follows:

> The purpose and need for taking the property into federal trust and approving the Development and Management Contract is to carry out the federal government's trust responsibilities to the Tribe [JIV] and to develop uses that will improve the long-term economic condition of the Tribe and its members through the development of stable, sustainable source of employment and revenue that takes advantage of the Tribe's reservation. Revenues generated from the economic development would be used to support social and educational programs for the elderly, the poor and younger JIV members. Additionally, the JIV Government desires to acquire some of its historical territory and incorporate the land back into its Indian Village for spiritual purposes. The project would also support the Tribe's desire to preserve and upgrade biological features on the 101+/- acre site. The Proposed Action serves the needs of the BIA and NIGC to promote economic development and the self-governance capability of the JIV through the highest and best use of the Tribe's land.

Given that the fee-to-trust action and Gaming Facility construction and operation are no longer a component of the Proposed Action, the Purpose and Need has been revised to now read:

> The Purpose and Need for implementing the GMA with SDGV is to provide for a level of professional management of the Gaming Facility that will ultimately improve the long-term economic condition of JIV and its members through the development of stable, sustainable source of employment and revenue. Revenues generated from the economic development will be used to support social and educational programs for the elderly, the poor and younger JIV members. The Proposed Action serves the need of NIGC to ensure that the operator of the Gaming Facility meets federal standards for such practices.

2.3 DESCRIPTION OF REVISED PROPOSED ACTION

2.3.1 LOCATION

The JIV Reservation is located in the unincorporated portion of southwestern San Diego County approximately one mile south of the community of Jamul on approximately six-acres of land held in federal trust. **Figure 1-1** and **Figure 1-2** show the location of the Reservation on a regional and local scale. The Reservation is located within portions of Section 10 and un-sectioned areas of Township 17 S, Range 1 East, San Bernardino

Baseline and Meridian, Dulzura, CA and Jamul Mountains, CA, USGS 7.5-minute Quadrangles.

SR-94 provides regional access to the Reservation from downtown San Diego, which is located approximately 20 miles to the west where it intersects with Highway 5. Local access to the Reservation is provided directly from SR-94 via Daisy Drive. From the Reservation, SR-94 travels briefly north and then west to Downtown San Diego, passing through the unincorporated communities of Jamul, Casa de Oro, Spring Valley and Lemon Grove.

2.3.2 PROPOSED ACTION EVOLUTION

As shown in Section 1.3, the Proposed Action has evolved over the years since the 2003 Final EIS was completed. The list below presents the **previous** Gaming Facility proposal and the original Development and Management Contract proposal as they appeared in the original 2003 Final EIS:

1. Phase A Development

    a. Land Trust Action: JIV sought BIA approval to take three adjacent parcels totaling 101+/- into federal trust on behalf of JIV. Parcel 1 was a 4-acre parcel (APN#597-060-04-00), Parcel 2 was a 87 acre parcel (APN#597-060-05-00) and Parcel 3 was a 10 acre parcel (APN#597-042-13-00).

    b. Development and Management Contract: A Development and Management Contract was submitted to the NIGC for JIV to enter into with Lakes Kean Argovitz Resorts-California (LKAR-CA).

    c. Development of Gaming Facilities: The proposed Gaming Facility, to be located on the existing Reservation, was sized at 205,194 square feet and would have employed an estimated 1,819 employees.

    d. Conservation and Revegetation Program: JIV worked with the United States Fish and Wildlife Service (USFWS) to have 57.7-acres of trust land set-aside north of the Reservation for a conservation easement, which was to include a revegetation program.

    e. Parcel #2 Development: Parcel #2 was the adjacent parcel north of the Reservation and would be developed with a 30,000 square-foot human resource building, a new fire station, a wastewater treatment and disposal facility and bus and recreational vehicle parking.

f. Parcel #3 Development: Parcel #3 was a 10-acre parcel located north of Melody Road and was to be developed with 18 JIV housing units and a 10,000 square-foot JIV Government and Health Center.

2. Phase B Development

a. Hotel: Development of a 300-bed hotel on adjacent trust property.

b. Event Center: Development of a 24,000 square-foot event center on the existing Reservation.

c. Employee Parking: Development of 300+/- parking spaces on adjacent trust property.

The current Proposed Action as evaluated in this Final SEIS is:

1. Gaming Management Agreement (GMA): A GMA submitted to the NIGC for JIV to enter into a contract with SDGV for the purpose of managing the Gaming Facility.

As previously discussed in Section 1.0, the JIV Gaming Facility has moved forward on a separate path governed by the 1999 Tribal/State Compact. In addition, JIV has selected Daisy Drive on the adjacent 4-acre parcel as its preferred access route to and from SR-94, subject to Caltrans review[1].

2.4 ENVIRONMENTAL DOCUMENTATION

2.4.1 SCOPE AND CONTENT OF THE SEIS

A SEIS is required when an agency makes substantial changes in a proposed action that are relevant to environmental concerns, or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (NEPA Sec. 1502.9(c)). Accordingly, NIGC, in consultation with JIV, determined that it was necessary to prepare this Final SEIS to address changes in the scope of the Proposed Action and to update the analysis presented in the 2003 Final EIS. The Final SEIS supplements the 2003 Final EIS that evaluated a previous design for constructing and operating a Gaming Facility and other uses on the Reservation and adjoining land. The intent of this Final SEIS is to update the analysis of the environmental setting and impacts based on changes that have occurred since the Final EIS was completed in 2003. NEPA compliance is required before the NIGC can approve the GMA between JIV and SDV (the Proposed Action).

[1]/ The Final TEE (January 2013) identified access road mitigation, which includes shifting access to the Reservation to one of three locations, including Daisy Drive, Reservation Road and Melody Road. These options are currently undergoing engineering and environmental review by Caltrans (District 11), which has idenfied Daisy Drive as its preferred access alternative.

2.4.2 LEAD AND COOPERATING AGENCIES

NIGC is the Lead Agency for evaluating potential impacts and proposing mitigation measures under NEPA. JIV is serving as the Cooperating Agency for this Proposed Action. The BIA is providing environmental staffing services to the NIGC; however, the BIA does not have approval authority over the Proposed Action.

2.4.3 INTENDED USES OF THIS SEIS

The NIGC will consider the Final SEIS when deciding whether to approve or disapprove the proposed GMA. The final decision on the Proposed Action may be made no sooner than 30 days following publication of the Notice of Availability (NOA) of the Final SEIS in the Federal Register. The final decision will be announced in a Record of Decision (ROD) issued by the NIGC. If the Proposed Action is approved with conditions, the ROD will contain those conditions. These conditions would be made legally binding in connection with the NIGC's action on the GMA.

2.4.4 SEIS ORGANIZATION

The Final SEIS is organized into three volumes: (1) Volume I: Final SEIS Text, (2) Volume II: Final SEIS Appendices, and (3) Volume III: Final SEIS Public Comments Received and Responses to Comments.

Volume I of the Final SEIS consists of five main sections following the Executive Summary and Introduction: (1) *Proposed Action and Alternatives* (Section 3.0), which describes the components of the Proposed Action, describes the No Action Alternative and makes a comparison of alternatives; (2) *Description of Affected Environment* (Section 4.0), which updates the setting from the 2003 EIS for each technical section; (3) *Environmental Consequences* (Section 5.0), which addresses the effects of the Proposed Action and No Action Alternative; and (4) *Mitigation Measures* (Section 6.0), which identifies any measures designed to reduce the impacts of the Proposed Action, as needed.

Volume II of the Final SEIS consists of the thirteen appendices listed in the Table of Contents.

Volume III of the Final SEIS consists of all public comments received during the Draft SEIS comment period (see Section 1.0 *Public Comments Received*), and detailed responses to comments (see Section 2.0 *Responses to Comments*). A total of nine comment letters/e-mails were received during the Draft SEIS 45-day public comment period. The Notice of Availability (NOA) was published in the Federal Register by the NIGC on March 14, 2016. The public comment period ran until April 28, 2016. The

NOA was also published by the Environmental Protection Agency (EPA) on April 8, 2016, which extended the comment period until May 23, 2016. No changes to the Draft SEIS resulted from the public comments received (see Section 3.0 *Revisions to Draft SEIS Text (SEIS Errata*).

SECTION 3.0

PROPOSED ACTION AND NO ACTION ALTERNATIVE

SECTION 3.0

PROPOSED ACTION AND NO ACTION ALTERNATIVE[1]

3.1 INTRODUCTION

This section presents a detailed description of the Proposed Action and the No Action Alternative, while also presenting a comparison of the two. As previously stated, several changes to both the physical components of JIV's development plans and the agency approvals needed to effectuate those plans have occurred since the 2003 Final EIS was completed. Several major items have been removed from JIV's overall development program, including the 101-acre fee-to-trust, hotel, housing and the conservation/ revegetation plan. The JIV Gaming Facility has been redesigned to fit entirely within the existing Reservation, and all environmental effects of the Gaming Facility have been evaluated through preparation of a Final TEE (2013) for the redesigned facility in accordance with the 1999 Tribal/State Compact. No BIA action is now needed for construction and operation of the JIV Gaming Facility and associated improvements.

3.2 BACKGROUND

In 2000, JIV proposed construction and operation of a gaming complex and approval of a gaming development and management agreement for operation of that Gaming Facility. The Gaming Facility proposal was evaluated in a Final EIS prepared in 2003. The 2003 Final EIS described the proposals as follows:

- BIA consideration of placing 101+/- acres into federal trust status for gaming-related uses;
- NIGC consideration of a Gaming Development and Management Contract;
- Casino development on the existing JIV site;
- Development of Tribal housing on adjacent land;
- Implementation of a Conservation and Revegetation Plan; and

[1] / Consistent with NEPA Regulations, including Sections 1502.14 and 1508.25, the NIGC has determined that the only reasonable alternative to the Proposed Action - the approval of a GMA - is no GMA approval.

- Development of various gaming related facilities[2] on adjacent land.

Several years ago, JIV withdrew its 101-acre fee-to-trust application. In doing so, this removed the possibility of using the adjacent land for gaming related uses. Subsequent to removal of the fee-to-trust application, JIV revised its Gaming Facility design to locate all gaming related uses on its existing Reservation. The revised JIV Gaming Facility was evaluated under the 1999 Tribal-State Compact and a Final TEE was duly prepared and approved by JIV in early 2013 in accordance with the terms of the 1999 Tribal-State Compact. Consequently, construction and operation of the JIV Gaming Facility is not subject to BIA approval. However, the proposed GMA between JIV and SDGV for the day-to-day management of the JIV Gaming Facility does require NIGC approval.

Under the authority of the 1999 Tribal-State Compact, the JIV Gaming Facility is being constructed on the existing JIV Reservation. The construction and operation of the JIV Gaming Facility development is not dependent on approval of the GMA; the Gaming Facility can readily be constructed and operated in its absence, and is, in fact, already under construction in the absence of an approved GMA. JIV expects to complete and open the JIV Gaming Facility in summer 2016. There is already in place between JIV and SDGV a loan and development agreement. Additionally, SDGV could provide Gaming Facility operational consulting services to JIV with or without the GMA. For these reasons, the JIV Gaming Facility can, and is expected to, proceed without the GMA such that the JIV Gaming Facility is not required to be viewed as a connected action to the GMA. In other words, the GMA does not give rise to the construction or operation of the JIV Gaming Facility.

This following discussion describes the Proposed Action as revised since the *Jamul Fee-to-Trust and Gaming Project Final EIS* was completed in 2003. The No Action Alternative is also described. No other alternatives are described in the Final SEIS.

3.3 PROPOSED ACTION

JIV and SDGV have executed the proposed GMA that is under review by the NIGC. If approved, SDGV will have the "…exclusive authority to conduct and direct all business and affairs in connection with the day-to-day operation, management and maintenance of the Gaming Facility…" In other words, SDGV will control operation of the Gaming Facility during the term of the contract, which is 7 years. Examples of the matters that SDGV would control include: use of vendors; rates; pricing; charges to guests or patrons; concessioners; the issuance of credit; the granting of complementaries; the terms of admittance to the Gaming Facility for purposes of entertainment; staffing levels; organizational structure; and the type and character of publicity, marketing, advertising, entertainment and promotion.

[2] / Including parking structure, wastewater treatment plant and disposal facility, hotel, and RV surface parking.

The Gaming Facility is described in Section 3.4.1 of the Final SEIS. SDGV would secure expert, licensed services for operation/ maintenance of items such as the wastewater facility, fire services, electrical/heating, food services, etc. SDGV would not attempt to operate/manage these facilities itself. Additionally, the external appearance of the facility would be maintained by SDGV in a manner consistent with the description provided in the Final TEE and Section 3.4.1 of the Final SEIS. The GMA does not grant SDGV the authority to construct or operate gaming related facilities beyond those identified in the Final TEE and already approved for construction by JIV.

3.4 NO-ACTION ALTERNATIVE

The Final Rule for the Department of Interior's Implementation of NEPA (October 15, 2008) states that the No Action Alternative is not the alternative that results in no change to the environment; rather, it represents the state of the environment without the Proposed Action or any of the alternatives. The Council on Environmental Quality's (CEQ) *Forty Most Asked Questions* concerning NEPA also addresses the issue of the No Action Alternative (Question Number 3). In its response, the CEQ stated that "*(w)here a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative*." Therefore, this Final SEIS, evaluates what predictable action would be made by the JIV should its GMA request be denied by the NIGC.

For purposes of the Final SEIS, the No Action Alternative baseline is assumed to result in the JIV's completion of Gaming Facility construction and Tribal management of the Gaming Facility's day-to-day operations. The JIV would assume responsibility for selection of all vendors; setting of prices/rates; charges to guests/patrons; concessioners; issuance of credit; granting of complementaries; the terms of admittance to the Gaming Facility for purposes of entertainment; staffing levels; organizational structure; and the type and character of publicity, marketing, advertising, entertainment and promotion. The facility would be run in a manner consistent with the description presented in Section 3.4.1 of the Final SEIS. The JIV would secure expert, licensed services for operation/maintenance of items such as the wastewater facility, fire services, electrical/heating, food services, etc. Additionally, the external appearance of the facility would be maintained by JIV in a manner consistent with the description provided in the Final TEE and Section 3.4.1 of the Final SEIS.

3.4.1 JAMUL GAMING FACILITY

The Final TEE (2013) and 2014/2015 Addenda have fully analyzed the environmental effects of the construction and operation of the Gaming Facility, which is part of the No Action Alternative baseline conditions. Relevant technical information from the following documents is used and incorporated by reference into the Final SEIS as follows:

1. *Jamul Indian Village Gaming Development Final TEE* (January 2013): Addressed the environmental impacts (that have the potential to occur both on and off the Reservation) associated with the construction and operation of the proposed Gaming Facility and associated facilities. The JIV Gaming Facility Project was approved by JIV in early 2013 and is under construction.

2. *Addendum to Final Tribal Environmental Evaluation; Jamul Indian Village Gaming Development Project* (February 2014): Addressed the construction of temporary and permanent features on the Reservation and adjacent 4-acre parcel. Activities on the Reservation included the relocation of the wastewater treatment plant from the east to west side of the Reservation (underway), reconfiguration of surface parking on the west surface lot (completed), construction of a new Willow Creek crossing on the south side (completed), relocation of the bridge pilings within the 100-year floodplain (completed), and revised quantity and schedule of excavated material (completed). Activities to occur on the adjacent 4-acre parcel include temporary construction staging (currently in operation), optional construction of a fire station (not yet constructed), and construction of a temporary haul route (constructed and currently in use). This modification also includes a habitat restoration plan for affected areas of the 4-acre parcel. An Air Quality Supplement to this Addendum (February 2014) addressed the air quality effects associated with the transport of excavated material from the Reservation to disposal facilities (completed).

3. *Addendum: Long Soil Nails* (June 2014): Addressed the proposed modification of using “long” soil nails to secure below-grade walls along the south and east-side of the Reservation. This modification was proposed to shorten the construction period and to enhance safety and reduce site disturbance during construction. The installation of the long soil nails has been completed.

4. *Addendum: Temporary Construction Staging* (October 2014): Addressed the temporary use of approximately 2.1 acres of the adjacent 87-acre parcel during construction of the Gaming Facility for possible staging/laydown and parking. The temporary parking and laydown was constructed in late 2014. This modification also includes a habitat restoration/enhancement plan for affected areas of the 87-acre parcel.

5. *Wastewater Addendum: Tribal Environmental Evaluation* (April 2015): Addressed the refinement of treated water generation estimates, water balance estimates, modification of on-site treated water storage tank capacity and location, and modification of treated water disposal methods. The only physical changes that result to the Reservation would be the size/location of the treated water tank, as well as the method of treated water disposal. Rather than being a 200,000 gallon below ground storage tank, the proposal is now for an above-ground 130,000 gallon storage tank that measures 24 feet in height. The storage tank would be located within the current footprint of the wastewater treatment plant on the west side of the Reservation. The treated wastewater disposal method changes from use of a mechanical vapor compression (MVC) system to a combination of on-site subsurface disposal on the west side of the Reservation and water trucking. The wastewater treatment plant is currently under construction.

The Gaming Facility is currently being constructed on the Reservation, and JIV is proceeding with plans to implement Final TEE mitigation measures related to Gaming Facility traffic impacts by working with Caltrans as Caltrans undertakes preparation of engineering plans for proposed roadway improvements and conducts its environmental review of the effects of implementation of those roadway improvements. The construction of the JIV Gaming Facility is expected to be completed in the summer of 2016. A detailed description of the JIV Gaming Facility can be found in: (1) Section 3.0 of JIV's Final TEE; (2) Section 4.0 of *Addendum: Jamul Final Tribal Environmental Evaluation* (February 2014); (3) Addendum Project Description in *Addendum: Long Soil Nails* (June 2014); (4) Addendum Project Description in the June 2014 Addendum; (4) Addendum Project Description in *Addendum: Temporary Construction Staging* (October 2014), and (5) Addendum Project Description in *Addendum: Wastewater Addendum* (May 2015). These descriptions are hereby incorporated into the Final SEIS by reference and are available for review on the JIV Website: http://www.jamulindianvillage.com/relevant-documents/.

The JIV Gaming Facility is expected to employ approximately 1,600 employees when fully operational. Features of the JIV Gaming Facility approved by JIV in accordance with the 1999 Tribal/State Compact include:

1. 203,000 square-foot gaming building on the (east side of the Reservation);

2. Eight-level, 1,888 parking space parking structure located under the gaming building;

3. Fifty-three (53) space surface parking lot (on the west side of the Reservation);

4. Membrane bioreactor wastewater treatment facility, storage tank and subsurface disposal (on the west side of the Reservation);

5. Two bridge crossings of Willow Creek on the north and south sides of the Reservation;

6. Water delivery from the Otay Water District via a 12-inch water line within Reservation Road;

7. New fire station either on-Reservation (Option 1) or the adjacent 4-acre parcel (Option 2);

8. Improved access to/from the SR-94/Reservation as described in Section 3.4.1 below;

9. Compliance with 2012 International Building Code and 2013 California Building Code (CBC): Title 24, including all California fire (2013), plumbing (2013), electrical (2013), mechanical (2013), building energy efficiency standards (2010), green building standards (2013) and related codes;

10. Implementation of "Problem Gaming Measures" consisting of policies and procedures to address the issue of problem gaming;

11. Implementation of a Habitat Restoration Plan for activities on the adjacent 4-acre and 87-acre parcels[3]; and

12. Good faith efforts by JIV to implement all mitigation measures identified in the Final TEE in accordance with the Tribal-State Gaming Compact.

Subsequent to the Final TEE, the JIV has been in discussions with the San Diego Rural Fire Protection District to provide services to the Gaming Facility in lieu of the JIV developing its own fire station. As such, the Final SEIS assumes that either fire protection and emergency medical services would be provided by the San Diego Rural Fire Protection District or by the development of a JIV fire station on the 4-acre parcel.

The JIV Gaming Facility is being constructed in one phase and includes one main structure on the east side of the Reservation (gaming/parking building). A wastewater treatment plant and disposal fields are being constructed on the west side of the Reservation. **Figure 3-1** provides an overview of the Gaming Facility and access road options. Construction activities are limited to 7 am to 5 pm Monday through Friday. The Gaming Facility will measure approximately 105 feet from the lowest to the highest levels of the structure; however, the visible height will be approximately 45 feet from the surrounding grade as viewed from passersby on SR-94. The difference in height is caused by the sloping topography on the Reservation and underground portion of structures.

JIV is responsible for regulating development of the Gaming Facility and implementation of mitigation measures. Mitigation Measures identified in the Final Tribal Environmental Evaluation and included within a Mitigation Monitoring and Reporting Plan are identified in Section 6 of the

[3] / The Restoration Plans for the 4-acre and 87-acre sites would be implemented following cessation of temporary construction staging/parking.

Final SEIS. JIV committed to implementation of theses mitigation measures when adopting the Mitigation Monitoring and Reporting Plan in January 2013. The JIV Environmental Agency has been appointed by the General Council of JIV to monitor the JIV's obligations and report on the status to the Executive Council and General Council.

3.4.2 ACCESS ROAD OPTIONS

Mitigation measures analyzed in the Final TEE include three access road options that would provide improved access to the JIV Reservation. The three access options were identified as potential mitigation options to improve access and avoid traffic impacts that would occur by using the existing intersection of Reservation Road with SR-94. The existing intersection of Reservation Road with SR-94 provides inadequate access due to the sharp angle at which the Reservation Road meets SR-94 and the curves and hill on SR-94 near the intersection, which taken together, result in inadequate sight distances. The three access road options reviewed in the Final TEE are summarized below.

Option 1. Improve Reservation Road

This option would improve the intersection of Reservation Road and SR-94 to meet Caltrans' design standards (**Appendix 1, Figures 1a** and **1b**). This option includes improvements to SR-94 and the intersection of SR-94 and Melody Road/Peaceful Valley Ranch Road. Approximately 0.9 miles of SR-94 would be improved. The roadway would be realigned to reduce curves, re-graded to flatten hills and improve slopes, and widened to provide wider shoulders and lanes. An exclusive left-turn lane would be added on SR-94 to provide for the north to west turn onto Reservation Road. A second southbound through lane would be added between Reservation Road and Melody Road. At the intersection of SR-94 and Melody Road/Peaceful Valley Ranch Road, exclusive left-hand turn lanes would be added in all four travel directions. Traffic lights would be installed at intersections of SR-94 and Reservation Road and SR-94 and Melody Road/Peaceful Valley Ranch Road. Retaining walls (to support a cut) would be utilized along 850 feet of the east side of SR-94 between Peaceful Valley Ranch Road and Reservation Road and would vary from 10 to 20 feet in height. Another retaining wall (to support fill) would be used along 200 feet of the south side of Melody Road and would vary from 8 to 16 feet in height (Caltrans, 2014).

Option 2. Improve Daisy Drive

This option would improve the existing road (Daisy Drive) that currently provides access to the Reservation (**Appendix 1, Figures 2a** and **2b**). The intersection of Daisy Drive with SR-94 would be developed to Caltrans design standards. Similar to Option 1, this option includes improvements to SR-94 and the intersection of SR-94 and Melody Road/Peaceful Valley Ranch Road. Approximately 0.8 miles of SR-94 would be

improved. The roadway would be realigned to reduce curves, re-graded to flatten hills and improve slopes, and widened to provide wider shoulders and lanes. An exclusive left-turn lane would be added on SR-94 to provide for the northwest to south turn onto Daisy Drive. Additional southbound and northbound lanes would be added between Daisy Drive and Melody Road/Peaceful Valley Ranch Road. At the intersection of SR-94 and Melody Road/Peaceful Valley Ranch Road, exclusive left-hand turn lanes would be added in all four travel directions. Traffic lights would be installed at intersections of SR-94 and Daisy Drive and SR-94 and Melody Road/Peaceful Valley Ranch Road. Retaining walls (to support a cut) would be utilized along 400 feet of the east side of SR-94 between Peaceful Valley Ranch Road and Daisy Drive and would vary from 10 to 16 feet in height. Another retaining wall (to support fill) would be used along 200 feet of the south side of Melody Road and would vary from 8 to 16 feet in height. Under this option, Reservation Road would no longer connect to SR-94 (Caltrans, 2014).

Option 3. New Access from Melody Road

This option would provide access from Melody Road instead of from SR-94 directly. A new access road would be constructed from Melody Road across the adjacent 87-acre and 4-acre parcels to the Reservation (**Appendix 1, Figures 3a** and **3b**). Similar improvements to the intersection of SR-94 and Melody Road/Peaceful Valley Ranch Road; however, additional improvements would be made along SR-94 and Melody Road. This option would provide an additional northbound through lane on SR-94 north of Melody Road to accommodate a second exclusive left-turn lane on Melody Road. A second exclusive left-turn lane would provide for the north to west move from SR-94 to Melody Road. A second through lane would be needed for westbound Melody Road leading to the proposed access driveway. Approximately 0.8 miles of SR-94 would be improved. Retaining walls (to support a cut) would be utilized along 250 feet of the east side of SR-94 north of Daisy Drive and would vary from 8 to 10 feet in height. A retaining wall (to support fill) would be used along 150 feet of the south side of Melody Road and would vary from 6 to 12 feet in height (Caltrans, 2014).

Based on the analysis presented in the Final TEE, JIV selected Option 2: Daisy Drive in its approval of the Final TEE. Caltrans District 11, which is currently conducting engineering and environmental review on these access options, has also formally selected Daisy Drive as its Preferred Alternative. Accordingly, the Final SEIS assumed Daisy Drive would be approved and built. Nevertheless, because the Caltrans has yet to complete its review and formal approval of an improved Reservation access design option, all three access options are included within the analysis of the No Action Alternative baseline. Additionally, SR-94 intersection improvements that would also be completed by JIV as traffic mitigation for the JIV Gaming Facility are also part of Caltrans' current review and are included in the No Action Alternative baseline. The environmental impacts of these intersection improvements are analyzed within Section 7 of the Final SEIS.

The No Action Alternative baseline presented in the Final SEIS, which will be used for comparison of environmental effects of the Proposed Action, assumes the gaming traffic use of an improved Daisy Drive as proposed in the Caltrans SR-94 Improvement Project EIR. **Figure 3-1** shows what those improvements would be for the No Action Alternative within Daisy Drive and adjoining SR-94.

3.5 PERMITS AND APPROVALS NEEDED FOR PROPOSED ACTION

Besides NIGC GMA approval, the Proposed Action would not require any other federal, state and local permits and approvals.

3.6 COMPARISON OF ALTERNATIVES

Selection of the Proposed Action or No Action Alternative could result in different management approaches for the JIV Gaming Facility. Observation of the gaming industry suggests that the main difference between the Proposed Action and No Action Alternative is expected to be a difference in net operating profits realized. The initial net operating profits would be expected to be less under the No Action Alternative given that a “learning curve” would be experienced by JIV at the outset. JIV is pursuing the GMA in the Proposed Action in order to maximize profits from the beginning of operation by having a professional organization, SDGV, operate the facility. However, there would be no difference in environmental effects between the Proposed Action and the No Action Alternative since possible differences in initial profitability are unrelated to environmental impacts. As described in **Section 5.0**, neither the Proposed Action nor the No Action Alternative would result in environmental effects.

SOURCE: Digital Globe, 2012; Natural Investigations Co., 2015; EDS, 2016

Figure 3-1 Jamul Gaming Facility Site Plan