

CHAPTER 2.0

COMMENT LETTERS

AGENCY LETTERS

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



RECEIVED

JUL 12 11 34 AM '11

July 8, 2011

PACIFIC REGIONAL
OFFICE

Mr. John Ryzdik, Environmental Manager

U.S. Department of the Interior

Bureau of Indian Affairs – Pacific Region

2800 Cottage Way
Sacramento, CA 95825

Re: SCH#2006041149; NEPA/Joint Tribal EIR Notice of Completion; draft Environmental Impact Statement (EIS) & Tribal Environmental Impact Report (TEIR) for the proposed "Los Coyotes Casino Project" located in the Barstow Community; San Bernardino County, California

Dear Mr. Ryzdik:

The Native American Heritage Commission (NAHC) is the California State 'Trustee Agency' pursuant to Public Resources Code §21070 for the protection of California's Native American Cultural Resources. The NAHC is also a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq*), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106 [f] 110 [f] [k], 304). The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 apply to this project if Native American human remains are inadvertently discovered.

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq*) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological, including Native American items than the California Environmental Quality Act (CEQA.). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within one-half mile of the 'area of potential effect' (APE), based on the USGS coordinates data provided. However, the NAHC Sacred Lands File search is not exhaustive; the absence of surface archaeological features does not indicate that they do not exist at the subsurface level. NAHC "Sacred Sites," are defined by the Native American Heritage Commission and the California Legislature pursuant to California Public Resources Code §§5097.94(a) and 5097.96.

Culturally affiliated tribes are to be consulted to determine possible project impacts. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as

A1-1

part of 'due diligence', that you also contact the nearest Information Center of the California Historical Resources Information System (CHRIS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the California Office of Historic Preservation at 916-445-7000).

Enclosed is a list of Native American contacts is attached to assist you that may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a 'trust' relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

A1-1
Cont.

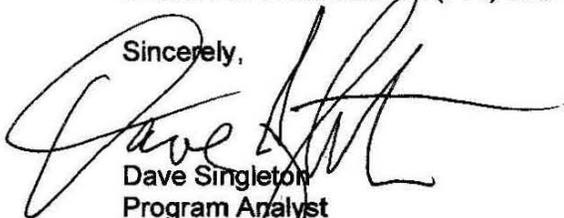
Lack of surface or subsurface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 *et seq* Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful

NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 may apply.

A1-2

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contacts list for Consultation

California Native American Contact List
San Bernardino County
July 8, 2011

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Fort Mojave Indian Tribe
Nora McDowell, Cultural Resources Coordinator
500 Merriman Ave Mojave
Needles, CA 92363
g.goforth@fortmojave.com
(760) 629-4591
(760) 629-5767 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning, CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

Serrano Nation of Indians
Goldie Walker
P.O. Box 343 Serrano
Patton, CA 92369

(909) 862-9883

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006041149; NEPA and Tribal EIR Notice of Completion; draft Environmental Impact Statement (DEIS) and draft Tribal Environmental Impact Report (TEIR) for the Los Coyotes Casino Project proposed for the Barstow, Mojave Desert location; San Bernardino County, California.

State of California
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

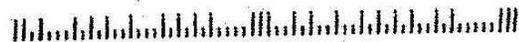


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JUL 12 2011

PACIFIC REGIONAL
OFFICE

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California Native American Contact List

San Bernardino County

July 8, 2011

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman

P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com

(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson

26569 Community Center Drive Serrano
Highland, CA 92346

(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Chemehuevi Reservation
Charles Wood, Chairperson

P.O. Box 1976 Chemehuevi
Chemehuevi Valley CA 92363
chair1clt@yahoo.com

(760) 858-4301
(760) 858-5400 Fax

Fort Mojave Indian Tribe
Tim Williams, Chairperson

500 Merriman Ave Mojave
Needles, CA 92363

(760) 629-4591
(760) 629-5767 Fax

Colorado River Indian Tribe
Ginger Scott, Museum Curator; George Ray, Coor

26600 Mojave Road Mojave
Parker, AZ 85344 Chemehuevi
crit.museum@yahoo.com

(928) 669-9211-Tribal Office
(928) 669-8970 ext 21
(928) 669-1925 Fax

San Fernando Band of Mission Indians
John Valenzuela, Chairperson

P.O. Box 221838 Fernandefio
Newhall, CA 91322 Tataviam
tsen2u@hotmail.com Serrano

(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director

P.O. Box 5990 Mojave
Mohave Valley AZ 86440
(928) 768-4475

LindaOtero@fortmojave.com
(928) 768-7996 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.

12700 Pumarra Road Cahuilla
Banning, CA 92220 Serrano

(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed CH#2006041149; NEPA and Tribal EIR Notice of Completion; draft Environmental Impact Statement (DEIS) and draft Tribal Environmental Impact Report (TEIR) for the Los Coyotes Casino Project proposed for the Barstow, Mojave Desert location; San Bernardino County, California.

Comment Letter A2

From: Debbie.Allen@nps.gov [mailto:Debbie.Allen@nps.gov]
Sent: Wednesday, August 17, 2011 2:53 PM
To: Rydzik, John
Cc: Schmierer, Alan C.; WASO_EQD_ExtRev; Pendurthi, Susmita; Port, Patricia
Subject: Fw: DEC-11/0128:Los Coyotes Band of Cahuilla and Cupeño Indians' 23-Acre Fee-to-Trust Transfer and Casino-Hotel Project, City of Barstow

PWR has no comment regarding subject document.

A2-1

Debbie Allen
National Park Service
Partnerships Programs, PWR
1111 Jackson Street #700
Oakland, CA 94607
510/817-1446
510/817-1505 Fax

"Don't dwell on what went wrong. Instead, focus on what to do next. Spend your energies on moving forward toward finding the answer." -- Denis Waitley

----- Forwarded by Debbie Allen/OAKLAND/NPS on 08/17/2011 02:44 PM -----

Dale_Morlock@nps.gov
To
07/12/2011 03:10 PM
Debbie.Allen@nps.gov
cc

Subject
DEC-11/0128:Los Coyotes Band of
Cahuilla and Cupeño Indians'
23-Acre Fee-to-Trust Transfer and
Casino-Hotel Project, City of
Barstow
NPS External Affairs Program: ER2000 Program Email Instruction Sheet
United States Department of the Interior
National Park Service Environmental Quality Division
7333 W. Jefferson Avenue
Lakewood, CO 80235-2017

EIS/Related Document Review: Detail View
<http://er2000/detail.cfm?ernum=15901>

Document Information

Record #15901

ER Document Number

DEC-11/0128

Document Title

Los Coyotes Band of Cahuilla and Cupeño Indians' 23-Acre
Fee-to-Trust Transfer and Casino-Hotel Project, City of
Barstow

Location

State

County

California

San Bernardino County

Document Type

Notice of Intent, Prepare a Draft Environmental Impact Statement

Doc. Classification

Federal Management Plan

Applicant

Bureau of Indian Affairs

Web Review Address

<http://www.gpo.gov/fdsys/pkg/FR-2011-07-01/html/2011-16364.htm>

http://www.loscoyoteseis.com/documents/draft_eis-teir/files/Document.pdf

http://www.loscoyoteseis.com/documents/draft_eis-teir/files/Appendices.pdf

<http://www.loscoyoteseis.com/>

Document Reviewers

WASO Lead Reviewer

WASO Reviewers

Fred Sturniolo(2420), Tokey Boswell(2510), Thomas Flanagan(2310), Nancy Brian(2340), Kerry Moss(2360), Pat Gillespie(2225), David Vana-Miller(2380), Patricia F Brewer(2350), Steven Elkinton(2220), Bill Commins(2200), Paul Wharry(2033), Dale Morlock(2310)

Regional Lead Reviewer

Alan Schmierer (PWR-O)

Regional Reviewers

Alan Schmierer(PWR-O), Martha Crusius(PWR-O), Debbie Allen(PWR-O), Lee Kreutzer(PWR-O), Michael Elliott(PWR-O)

Cultural Lead Reviewer

Daniel Odess

Cultural Reviewers

Daniel Odess

Action

Lead Bureau

Bureau of Indian Affairs

Response Type

Regional Response

Instructions

Comments to Lead DOI Bureau. NPS Lead consolidates NPS comments, prepares comment/no comment memo, and emails to Lead DOI Bureau

with copy to EQD (WASO-2310). See DI Remarks Section below for specifics.

Topic Context

The Bureau of Indian Affairs (BIA) as lead agency, with the Los Coyotes Band of Cahuilla and Cupeño Indians, National Indian Gaming Commission (NIGC), U.S. Environmental Protection Agency (USEPA), and the City of Barstow as cooperating agencies, filed a Draft Environmental Impact Statement with the USEPA for the Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project proposed to be located within the City of Barstow, San Bernardino County, California.

The Los Coyotes Band of Cahuilla and Cupeño Indians (Tribe) has requested that the BIA take into trust 23 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a gaming facility, hotel, parking areas and other facilities.

The approximately 23.1-acre project site is located within the incorporated boundaries of the City of Barstow, San Bernardino County, California, just east of Interstate 15.

The proposed project includes the development of a casino with approximately 57,070 square feet of gaming floor.

Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space.

Food and beverage facilities would include two full service restaurants, a drive-in restaurant, a buffet, a coffee shop, three service bars, and a lounge.

The hotel tower would have approximately 100 rooms and a full-service restaurant.

Both the gaming facility and the hotel would be open 24 hours a day, seven days a week.

A total of 1,405 parking spaces would be provided.

DI Remarks

Reviewers: Please Email comments to NPS Lead Alan Schmierer (PWR-O), Alan_Schmierer@nps.gov by September 1, 2011.

NPS Lead: Alan Schmierer please consolidate NPS comments (no comment) in memo format and send directly to BIA, Sacramento, CA by September 14, 2011, with copy to: waso_eqd_extrev@nps.gov Susmita_Pendurthi@ios.doi.gov and patricia_

port@doi.gov

Applicant Address for Alan Schmierer: Amy Dutschke, Regional Director,
Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way,
Sacramento, California 95825.

BIA CONTACT: John Rydzik, Bureau of Indian Affairs, Pacific Regional Office,
2800 Cottage Way, Sacramento, California 95825.

* Telephone: (916) 978-6051.

Workflow

Send Comments to Lead Office: PWR-O
Send to: Alan Schmierer (PWR-O) by 09/01/11

Lead DOI Bureau: Bureau of Indian Affairs
DUE TO: Lead Bureau by 09/14/11
DATE DUE OUT: 09/14/11

OEPC Memo to EQD: 07/11/11
Comments Due To Lead WASO Div:
Comments Due Out to
OEPC/Wash or Applicant: 09/14/11
Comments Due To Lead Region: 09/01/11
Comments Due in EQD:
Comments Due to REO:

Tracking Dates

Rcvd. Region Comments:
Comments Sent to OEPC, REO, or Applicant:
New Instructions:
Rcvd. Ext. Letter:
Reg. Cmets. to Bureau:
Cmets. Called In:
Comments Sent to EQD Chief:
Comment Letter/Memo Signed:
Rcvd. Extension:
Sent Add. Info:
Reg. Cmets. Listed:
Rcvd. Bureau Cmets:

Tracking Notes

Reviewer Notes

Documentation

Document Last Modified: 07/12/2011
Complete: False

Date Created: 07/11/2011
Date Last Email Sent:

Comment Letter A3

From: Brenda J Johnson [<mailto:bjjohnso@usgs.gov>]
Sent: Friday, August 26, 2011 6:47 AM
To: Rydzik, John
Cc: Lecain, Gary D
Subject: 2011 Los Coyotes Band and Casino Hotel Project-California

John,

The United States Geological Survey has reviewed the Draft Environmental Impact Statement for the Proposed Los Coyotes Band of the Cahuilla and Cupeno Indians Fee-To-Trust and Casino-Hotel Project, City of Barstow, San Bernardino, California. We have no comments at this time.

If you have any questions please contact Gary LeCain, USGS Coordinator for

Environmental Document Reviews, at (303) 236-1475 or at gdlecain@usgs.gov

Thanks

Brenda

A3-1

Brenda Johnson
Environmental Management Branch (EMB)
Administrative Assistant
U.S. Geological Survey Mail Stop 423
Room 5A326
12201 Sunrise Valley Dr.
Reston, VA 20192
Tele (703) 648-6832
Fax (703) 648-5644
bjjohnso@usgs.gov



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

August 8, 2011

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

PACIFIC REGIONAL OFFICE
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 AUG 10 PM 3:40
 DECEMS
 NO
 Required
 Date
 Name
 Title

NOTICE OF AVAILABILITY OF A DRAFT TRIBAL ENVIRONMENTAL IMPACT REPORT FOR THE LOS COYOTES BAND OF CAHUILLA AND CUPENO INDIANS FEE-TO-TRUST AND CASINO-HOTEL PROJECT, (SCH #2006041149), SAN BERNARDINO COUNTY

Dear Ms. Dutschke:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Tribal Environmental Impact Report (TEIR) for the above-mentioned project. The following project description is stated in your document: "The Los Coyotes Band of Cahuilla and Cupeno Indians (Tribe) proposes to build a new casino/hotel facility on land located within the incorporated boundaries of the City of Barstow, San Bernardino County, California. The Tribe has requested that the Bureau of Indian Affairs (BIA) take into trust 23 acres of land currently held in fee by the Tribe, on which the Tribe proposed to construct a gaming facility, hotel, parking area and other facilities. The Tribe expects to negotiate a Class III gaming compact with the State of California. The proposed project includes the development of a casino with approximately 57,070 square feet of gaming floor. Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space. The hotel tower would have approximately 100 rooms and a full service restaurant. The site is bordered on the north by vacant land located south of Mercantile way; on the west by Lenwood Road and commercial/light industrial development; on the south by vacant land; and on the east by Stoddard Valley Off-Highway Vehicle area, under the jurisdiction of the Bureau of Land Management (BLM). Businesses in the vicinity include two outlet malls, restaurants, and hotels. The project site is located in an area designated as Commercial-Recreational/Transition in the Lenwood Specific Plan Boundary".

A4-1

Based on the review of the submitted document DTSC has the following comments:

1) The TEIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The TEIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the TEIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United

A4-3
Cont.

A4-4

Mr. Amy Dutschke
August 8, 2011
Page 4

States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

A4-4
Cont.

9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

A4-5

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3271

DEPARTMENT OF TRANSPORTATION

DISTRICT 8
PLANNING

464 WEST 4th STREET, 6th FLOOR, MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300



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2011 AUG 29 PM 4:04
PACIFIC REGIONAL
OFFICE

August 18, 2011

Attn: Amy Dutschke
Bureau of Indian Affairs,
Pacific Regional Office
2800 Cottage Way,
Sacramento, CA 95825

08-SBD-15 P.M. 68.37

Reg Dir _____

Dep Reg Dir _____

Reg Adm Ofcr _____

Route Decems

Response Required no

Due Date _____

Memo _____ Ltr _____

Tele _____ Other _____

Subject: DEIS Comments, Los Coyotes ~~Band of Cahuilla~~ and ~~Cupeno Indians Fee-to-Trust~~ and Casino Hotel Project

The California Department of Transportation (Caltrans) reviewed the project draft EIS/TEIR prepared for the proposed Los Coyotes Casino Project, in the City of Barstow, please consider the following comments:

Traffic Operations

- 1. Please provide ramp junction analysis at I-15 SB off-ramp / Lenwood Road and at I-15 NB off-ramp / Lenwood Road, for opening year 2013 and horizon year 2035. A5-1
- 2. Provide the queue analysis at I-15 NB/SB off-ramps to Lenwood Road and at I-15 NB/SB off-ramps to Outlet Road which is accessed to the project site for opening year 2013 and horizon year 2035. A5-2
- 3. Please ensure the value of delay on Table 4.7-2 of the EIS matches Table 9-1 in the TEIR for background intersection conditions – 2013 project and other conditions tables for all scenarios, (for example the delay at Main St / SR-58 WB ramps for 2013 weekday PM indicates 18.0 seconds in Table 9-1 in the TEIR, but indicates 17.8 seconds in Table 4.7-2 in the EIS). A5-3
- 4. Both Tables 4.7-10 and 4.7-11 were titled Background plus Alternative B Roadway Analysis, please verify. A5-4
- 5. Please include the horizon year 2035 analysis in the EIR Report. A5-5
- 6. All comments should be addressed and a Traffic Impact Study should be resubmitted prior to proceeding with the Encroachment Permit process. A5-6

Forecasting

Appendix H: Traffic Impact Study for Barstow Site (Alternatives A & B)

- | | | |
|---|---|-------|
| 1. Page 10, could not verify the 2008 traffic count in Appendix C |] | A5-7 |
| 2. Peak Hour traffic analysis should include the Sunday PM traffic which is impacting traffic traveling to and from Las Vegas |] | A5-8 |
| 3. Figures 5-2, 5-3a and 5-3b; please include the existing year information (i.e. 2009). Missing I-15 NB and SB on-ramp traffic volumes (see intersection numbers 5 and 6). |] | A5-9 |
| 4. Page 20, could not verify the existing intersection analysis worksheets in Appendix E. |] | A5-10 |
| 5. Page 23, Table 6-3; existing freeway traffic volume should be consistent with other existing traffic network volumes (i.e. 2009), and please include the existing year information on the table title. |] | A5-11 |
| 6. Table 6-3, 9-3 and 11-3; freeway segment should be divided into two segments from L Street to SR-58, and from SR-58 to Lenwood Road, instead of L Street to Lenwood Road. The traffic volume changes after the I-15 / SR-58 Interchange. |] | A5-12 |
| 7. Page 23, Table 6-3; ADT volume seems to be one directional ADT. It should include total ADT of NB and SB. |] | A5-13 |
| 8. Page 24, could not verify Appendix F for trip generation excerpts in the report from the Shingle Rancheria Interchange Transportation / Circulation report. |] | A5-14 |
| 9. All the existing and horizon years turning peak hour volumes need to be balanced. We are aware of the roadway entry and exit points between study intersections, but unbalanced vehicles will disappear during the traffic simulation if volumes are not balanced. Therefore volumes must be balanced. |] | A5-15 |
| 10. Please note that revised Traffic Impact Analysis report dated May 19, 2010 should be reviewed and concurred by the District 8 Traffic Operational Surveillance unit prior to the FIS/TEIR report approval. |] | A5-16 |

If you have any questions regarding this letter, please contact Dan Kopulsky at (909) 383-4557 for assistance.

Sincerely,



DANIEL KOPULSKY
Office Chief
Community Planning/Local Development Review

c: Scott Morgan, Senior Planner, State Clearinghouse
Sara Drake, California Department of Justice
Brandon Walker, Caltrans HQ Legal,
Lonora Graves, Chief, Native American Liaison Branch
Josh Pulverman, Statewide LD-IGR Coordinator

California Regional Water Quality Control Board
Lahontan Region



Victorville Office

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(760) 241-6583 • FAX (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Pro
received
9-1-11

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

Reg Dir _____
Dep Reg Dir _____ T _____
Reg Adm Ofcr _____
Route Decrms
Response Required NO File: Environmental Doc Review
Due Date _____ San Bernardino County

August 29, 2011

Bureau of Indian Affairs memo _____ Ltr _____
Pacific Regional Office file _____ Other _____
c/o Amy Dutschke, Regional Director _____
2800 Cottage Way _____
Sacramento, CA 95825 _____

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND TRIBAL ENVIRONMENTAL IMPACT REPORT, LOS COYOTES BAND OF CAHUILLA AND CUPENO INDIANS HOTEL-CASINO PROJECT, BARSTOW, SAN BERNARDINO COUNTY

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the draft Environmental Impact Statement and Tribal Environmental Impact Report (EIS/TEIR) on July 5, 2011, for the above-referenced project (Project). The EIS/TEIR, dated July 1, 2011, was prepared by Analytical Environmental Services on behalf of Los Coyotes Band of Cahuilla and Cupeno Indians and submitted in compliance with provisions of the National Environmental Policy Act (NEPA). The proposed Project consists of the development of a hotel and casino on approximately 23 acres in the City of Barstow.

Water Board staff has reviewed the EIS/TEIR for the above-referenced project submits the following comments as a cooperating agency. Water Board staff requests that the following comments be addressed and incorporated into the final environmental document for the Project.

A6-1

Authority

The State Water Resources Control Board (SWRCB) and the Water Board regulate discharges of waste in order to protect water quality and, ultimately, the beneficial uses of waters of the State. State law assigns responsibility for protection of water quality in the Lahontan Region (Region) to the Water Board.

An alternate location for the Project was proposed near Warner Springs on the Los Coyotes Reservation. Please note that coordination with the California Regional Water Quality Control Board, San Diego Region, would be required if the alternate location is selected for the Project.

Basin Plan

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect water quality within the Region. The Basin Plan provides guidance regarding water quality and how the Water Board may regulate activities that have the potential to affect water quality within the region. All surface waters and groundwaters are considered waters of the State, which include, but are not limited to, aquifers, drainages, streams, washes, ponds, pools, or wetlands. Surface water bodies may be permanent or intermittent. All waters of the State are protected under California law. Additional protection is provided for waters of the United States (U.S.) under the Federal Clean Water Act (CWA). The Basin Plan sets forth water quality standards for the surface and groundwaters of the Region, which include both designated beneficial uses of water and the narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan includes prohibitions and policies for implementation of standards. The Basin Plan identifies general types of water quality problems which can threaten beneficial uses in the Region, and identifies required or recommended control measures for these problems. In some cases, it prohibits certain types of discharges in particular areas. The Basin Plan includes a program of implementation to protect beneficial uses and to achieve water quality objectives.

A6-2

The current Basin Plan was adopted by the Water Board in 1995 and has since been amended several times; the last amendment was adopted in May 2008. The Basin Plan can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml). Water Board staff request that the final environmental document reference the Basin Plan, and that the Project complies with all applicable water quality standards, prohibitions, and provisions of this Basin Plan.

Permits

A number of activities associated with the Project may require permits issued by the State Water Board or Lahontan Water Board. A Clean Water Act, section 402, subdivision (p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, may be required for land disturbance associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).

A6-3

Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal waters, both issued by the Lahontan Water Board. Some waters of the State are "isolated" from waters of the U.S.; determinations of the jurisdictional extent of the waters of the U.S. are made by the United States Army Corps of

Engineers. Projects that have the potential to impact surface waters will require the appropriate jurisdictional determinations. These determinations are necessary to discern if the proposed surface water impacts will be regulated under section 401 of the CWA or through dredge and fill WDRs issued by the Water Board.

A6-3
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Information regarding these permits, including application forms, can be downloaded from the Water Board's web site (<http://www.waterboards.ca.gov/lahontan/>). If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters, including drainage channels, may still be subject to state permitting.

Potential Impacts to Waters of the State and Waters of the U.S.

The Project proposes, according to section 2.2.1 of the EIS/TEIR, to discharge stormwater through a 36-inch diameter pipe to Lenwood Wash, which may be a water of the State. Surface waters include, but are not limited to, drainages, streams, washes, ponds, pools, or wetlands, and may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the U.S. Army Corps of Engineers (USACE).

The EIS/TEIR does not provide specific information regarding impacts to surface water resources, specifically the channelization, piping, and discharge of stormwater into a wash. The environmental document needs to quantify these impacts and discuss the purpose of the project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances, and mitigation). We request that measures be incorporated into the Project to avoid surface waters and provide buffer zones where possible. If the proposed Project impacts and alters drainages, then we request that the Project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible. The Project proponent must consult with the USACE, the Department of Fish and Game, and the Water Board prior to issuing a grading permit.

A6-4

Watersheds are complex natural systems in which physical, chemical, and biological components interact to create the beneficial uses of water. Poorly planned development and redevelopment upsets these natural interactions and degrades water quality through a network of interrelated effects. The primary impacts of poorly planned development and redevelopment projects on water quality are:

- Direct, indirect, and cumulative impacts – plans must include a comprehensive analysis of the direct, indirect, and cumulative physical impacts of filling and excavation of wetlands, riparian areas, and other waters of the State, performed from the site to the watershed level;
- Pollutants – the generation of pollutants during and after construction and during operation of the hydroelectric facility;
- Hydrologic modification – the alteration of flow regimes and groundwater; and
- Watershed-level effects – the disruption of watershed-level aquatic function, including pollutant removal, floodwater retention, and habitat connectivity.

These impacts have the potential to degrade water quality and impair a number of beneficial uses by reducing the available riparian habitat and eliminating the natural buffer system to filter runoff and enhance water quality. These impacts typically result in hydrologic changes by decreasing water storage capacity and increasing water flow velocity, which in turn leads to increases in the severity of peak discharges. These hydrologic changes tend to exacerbate flooding, erosion, scouring, sedimentation and may ultimately lead to near-total loss of natural functions and values, resulting in the increased need for engineered solutions to re-establish the disrupted flow patterns. Many examples of such degradation exist in California and elsewhere. The Water Boards are mandated to prevent such degradation. The environmental document must analyze effects of changes in flow regime on the downstream surface waters.

Low Impact Development Strategies and Storm Water Control

The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are to maintain a landscape functionally equivalent to predevelopment hydrologic conditions and to minimize generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge;
- Reducing the impervious cover created by development and the associated transportation network; and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID. We request you require LID principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

Please include both on-site and off-site stormwater management strategies and BMPs as part of the planning process for both pre-and post-construction phases of the project. The project must incorporate measures to ensure that stormwater generated by the project is managed on-site both pre-and post-construction. Please state who will be responsible for ensuring post-construction BMPs and required maintenance.

Wastewater

The Project proposes to discharge wastewater generated at the site to the City of Barstow's sewage system, which would be treated at Barstow Water Treatment Facility (WTF). At the present time Barstow has adequate capacity to treat wastewater generated from any of the proposed alternatives. However, Barstow may have to

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upgrade its treatment system since it is having difficulty in meeting the effluent limits required by their waste discharge requirements for the existing discharges. The EIS should evaluate the effect of additional wastewater treatment to the effluent limits and groundwater pollution.

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CLOSING

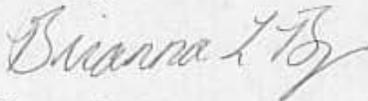
The proposed Project may result in discharges of waste that may affect water quality. The environmental document must disclose these potential impacts and analyze alternatives to reduce any potentially significant water quality impacts. Further, the environmental document should identify any mitigation measures to prevent the water quality impacts. The Water Board may impose additional requirements under its regulatory authority to protect water quality.

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the BMPs and other mitigation measures used to mitigate project impacts.

A6-6

Thank you for the opportunity to comment on your Project. If you have any questions regarding this letter, please contact me at (760) 241-7305 (bbergen@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,



Brianna Bergen
Engineering Geologist

cc: David Barker, P.E., San Diego RWQCB

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 13, 2011

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SEP 15 PM 3:27

PACIFIC REGIONAL

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Dep RD Trust _____

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Response Required NO

Due Date _____

Memo Ltr

Fax _____

Amy Dutschke
Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria Fee-to-Trust Transfer and Casino-Hotel Project, Draft Environmental Impact Statement, San Bernardino County, California, (CEQ # 20110201).

Dear Ms. Dutschke:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria Fee-to-Trust Transfer and Casino-Hotel Project (Project). Our review and comments are pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed alternative (Alternative B, Barstow Reduced Casino Hotel Complex) would place three assessor's parcels in the City of Barstow (City) totaling approximately 23.1 acres into federal trust status on behalf of the Tribe. Based on our review, we have rated the proposed project as Lack of Objections (LO) (see enclosed "Summary of Rating Definitions").

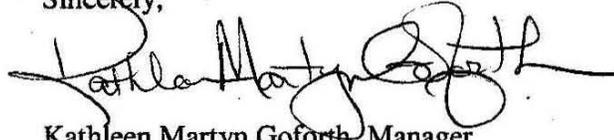
The DEIS describes a variety of BMPs that would retain pre-project site hydrology for up to the 100-year rainfall event. EPA acknowledges and commends the project proponent for design plans to incorporate stormwater best management practices so as to avoid impacts to receiving waters. As proposed, the BMPs include parking filter strips and end basins, landscaping areas, oil /water separators, and detention basins to capture and treat runoff from buildings and parking areas. In addition to avoiding impacts to nearby Lenwood Creek, a tributary to the Mojave River, various infiltration facilities would be incorporated to capture building and parking lot runoff and preserve pre-project hydrology. We recommend that the Final EIS and Record of Decision include commitments to implement these BMPs.

We appreciate that BIA and the Tribe have minimized impacts to the 10.5 acres of Mojave River 100-year flood plain that lie in the southwest portion of the Barstow site. To minimize 100-year floodplain impacts, no structures other than parking and stormwater infiltration facilities would be constructed in the floodplain portion of the project site.

We appreciate the opportunity to review this DEIS and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and two CDs to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3800 or munson.james@epa.gov.

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Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.



County of San Diego
LAND USE AND ENVIRONMENT GROUP

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Reg Dir _____ *adV*

Dep Reg Dir _____

Reg Adm Officer _____

Route _____

Response Required *DELRMS*

Due Date _____ *Nb*

Memo _____

Tele _____

September 13, 2011

Amy Dutschke, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

DEIS COMMENTS, LOS COYOTES BAND OF CAHUILLA AND CUPEÑO INDIANS FEE-TO-TRUST AND CASINO-HOTEL PROJECT (RESPONSE ONLY TO ALTERNATIVES C AND D LOCATED IN SAN DIEGO COUNTY)

Dear Ms. Dutschke:

The County of San Diego (County) received the Notice of Availability (Notice) from the Bureau of Indian Affairs (BIA) for the Draft Environmental Impact Statement (DEIS) for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians (Los Coyotes Band) 23-Acre Feet-to-Trust (FTT) Transfer and Casino-Hotel Project on July 6, 2011 and the 75-day public comment period. The proposed acquisition by the United States for the Los Coyotes Band is to transfer a 23.1 acre property to trust for purposes of constructing a gaming facility, hotel, parking areas and other facilities.

Since the property is located in the City of Barstow in San Bernardino County, the County of San Diego does not wish to provide comments about the trust acquisition. The County of San Diego also does not wish to comment on Alternatives A (Barstow Casino and hotel complex project) and B (Barstow reduced casino hotel complex) as provided in the DEIS because these actions will be located in San Bernardino County. However, Alternatives C (smaller casino project on Reservation) or D (campground facility on Reservation) would be sited on the Los Coyotes Reservation located in the unincorporated area in San Diego County near the community of Warner Springs.

The County of San Diego (the County) appreciates the opportunity to comment on Alternatives C and D as they are located within San Diego County. The County is a political subdivision of the State of California responsible for the governance, health, and welfare of the people of San Diego County. The County's comments relate to issues within our statutory responsibilities in regards to potential off-site impacts caused by Alternatives C and D and details inadequacies related to the analysis provided within the DEIS.

Tribal gaming as proposed by Alternative C of the DEIS has the potential to affect the resources of San Diego County in both positive and negative ways. The proposed gaming facilities on the Los Coyotes Reservation will provide an increased job base in an area of the county where jobs are scarce. In addition, the new facilities have the potential to provide new tax bases and

A8-1

promote local businesses in the county as discussed on page 4.6-21 of the DEIS. However, the development needed to support these facilities has the potential to adversely affect County resources and the environment as detailed in this letter. In order to create an adequate balance between the needs of the Tribe and the needs of the residents of San Diego County, the County would like to work with the Los Coyotes Band to further analyze the potential impacts of the proposed project on sensitive resources and develop agreements to offset such adverse impacts if Alternative C is chosen as the preferred project over Alternatives A (Barstow Casino-Hotel Complex) and B (Barstow Reduced Casino-Hotel Complex).

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The County does not believe that the smaller casino project option in Alternative C, or the proposed campground facility in Alternative D, was adequately analyzed in the DEIS since all of the data is outdated (from 2006) and the proposed mitigation measures in the DEIS are inadequate to protect our residents and the environment. The location of Alternative C is not appropriate given the sensitive habitat which may support federally and locally sensitive species such as the Arroyo Toad, Dulzura pocket mouse, Southwestern willow flycatcher, Least Bells Vireo, and Stephen's kangaroo rat. In addition, Alternative C is adjacent to a blue-line stream and coast live oak woodland habitat. As such, the County is opposed to Alternative C and urges denial of the request that Alternative C be chosen as the preferred project.

A8-2

Further environmental review is needed to ensure that project impacts are thoroughly evaluated and properly mitigated if the land were to be developed for a casino under Alternative C or D as detailed in the following comments. Further, the County requests that the Los Coyotes Band enter into a binding agreement with the County of San Diego if Alternatives C and D are considered in lieu of Alternatives A and B to ensure that appropriate mitigation measures are in place.

A8-3

Additional reasons for the County's opposition to the proposed project alternatives to develop on the Reservation are detailed as follows:

General Comments

1. A study by the County of San Diego Health and Human Services Agency conducted between 1999 through 2007 found that there is a statistically significant increase in both total number of motor vehicle crashes and in alcohol related crashes during construction and operation of a new casino in a rural area. In addition, there is also an increase in emergency medical response for motor vehicle crashes, alcohol involved motor vehicle crashes, cardiac pain and falls. The study found that head-on collisions, rollovers, and collisions with objects, all of which are associated with more severe outcomes, made up a substantially higher proportion of crashes in State Route 76 (SR-76) between Interstate 15 (I-15) and Julian than in San Diego County overall. This is correlated with the openings of casinos at Pala, Pauma, San Pasqual and Rincon tribal lands between 2001 and 2002. From 1999 through 2007, there was an average of 29 injury crashes per year along this stretch of roadway. Five of these crashes per year included alcohol. In 2008, the number of injury crashes rose to 46, with 12 involving alcohol. Both of these were statistically significant increases from the previous nine years. The addition of a restaurant and casino would also increase the need for 9-1-1 response in this area. Historically, the addition of casino properties in rural areas, has led to increase in 9-1-1 response for motor vehicle injuries, alcohol involved vehicle injuries, cardiac pain, and

A8-4

falls. These impacts have not been analyzed in the DEIS under Alternative C and must be evaluated further since they are potentially significant.

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2. Municipal Services Agreement (MSA), Page 2-23, this section states that the "*Tribe has not entered into a MSA for Alternative C, but would be willing to negotiate appropriate compensation to San Diego County for services provided to the casino development.*" The County would also like to ensure that we are appropriately compensated for services provided and would like to enter into a MSA if Alternative C is chosen as the proposed project.

A8-5

3. The DEIS fails to adequately address problem gambling prevention and alcohol abuse. The probability of being a problem gambler roughly doubles for those living within ten miles of a casino compared to those who do not (Volberg, 1994). The DEIS does not provide information for in-casino problem gambler intervention, awareness and prevention programs that are industry accepted practices such as self-exclusion and casino-exclusion programs, refusal to cash welfare and child support payments, etc. In addition, the Tribe should provide a clearly visible written policy statement on the perils of drunk driving and gambling addiction in the proposed casino and hotel. The DEIS should be revised to include a problem gambling prevention program for Alternative C.

A8-6

4. The DEIS fails to address gambling addiction treatments. State Compacts require that tribes with casinos provide contributions for County's gambling addiction treatment programs. The proposed project will increase the need for such treatment services. The DEIS should include gambling addiction treatment for Alternative C and its impacts on the County.

5. As discussed on page 4.6-25 of the DEIS, the County of San Diego consists of approximately ten existing casinos and two known proposed casinos. Since the establishment of Indian gaming casinos and resorts throughout San Diego County, crime related to these facilities has increased. The District Attorney's (DA's) Office is responsible for prosecuting crime and has therefore been impacted by an increased workload, at times involving new and unique crimes. In general, Indian gaming brings with it an upsurge of gambling law violations such as cheating, employee theft and embezzlement. Other common violations include trespassing, theft, the use of stolen credit cards and checks, auto burglaries, assaults and batteries, narcotics use, and driving under the influence. With the proposed addition of a casino on the Los Coyotes reservation, the impact to the DA's Office would include an increased workload as well as tasks associated with maintaining open communication between the Los Coyotes Band, other law enforcement agencies and the DA's office. These impacts have not been adequately addressed in the DEIS for Alternative C.

A8-7

6. Page 4.9-9 of the DEIS states that "*demands to law enforcement would not be offset by property tax or development fees and thus the Tribe should compensate the Department based on the level of service needed.*" The County agrees with this statement and if Alternatives C or D are chosen in lieu of the preferred Barstow project than the County would like to discuss appropriate compensation for services provided to off-set the impacts to the already overextended law enforcement services of the County.

7. Page 2-33 identifies that Alternatives C and D "*are located in a more rural, less developed area where the potential for adverse environmental consequences would be more significant.*" The DEIS also states "*Alternatives C and D would both have the potential to adversely affect waters of the U.S., wetland features on-site, and the Quino checkerspot butterfly, the Laguna Mountain skipper, arroyo toad, coastal California gnatcatcher, and the Stephen's kangaroo rat.*" The County believes that the environmental consequences of Alternatives C and D are significant and that the proposed Alternatives C and D should be revised to be located in a less rural, more developed location on the Los Coyotes reservation which will eliminate the potential impacts identified in the DEIS on sensitive biology and wetlands. The County believes that the location of Alternatives C and D in the DEIS are not appropriate and make the alternatives infeasible given their larger impact on the environment than the preferred Barstow project.
8. Page 3.1-17 identifies the Los Coyotes site as located in an area that is "*seismically active.*" There is a mapped fault, Hot Springs Fault, which crosses the Los Coyotes Reservation and may intersect the property per Figure 3.1-8 which is proposed for development under Alternatives C and D. It is recommended that structures proposed meet seismic requirements within the California Building Code.

A8-8

A8-9

Water Resources

9. Alternative C could generate off-site impacts into County lands in regards to Hydrology and Water Quality. The project site is located adjacent to the San Ysidro Creek. There are no mapped Federal Emergency Management Agency (FEMA) or County Floodplains for the San Ysidro Creek, but the 100-year water surface elevations across the site should be evaluated. The proximity of Alternatives C and D to the creek requires a discussion of the 100-year water surface elevation in comparison to the finished floor elevation of the project site. In Appendix E, Alternatives 1 and 2 have an "Assessment of Flood Plain Impacts" and Alternatives 3 and 4 have a "Flooding" discussion. However, Alternative 5 (Alternative C in DEIS) and Alternative 6 (Alternative D in DEIS) do not have these sections. The possible off-site impacts generated from on-site debris and objects running downstream of the site due to a 100-year storm with a low finished floor elevation compared to the water surface elevation of the San Ysidro Creek should be revised in the DEIS.
10. The significance criteria for Alternative C should be reevaluated per the guidelines below. The criteria are based on the California Environmental Quality Act (CEQA) Checklist in Appendix G to the CEQA Guidelines (14 CCR 15000 et seq.) and off-site water resource impacts may be generated if Alternative C would:
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County floodplain maps.
 - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

A8-10

11. In addition to the San Diego County Hydrology Manual (dated June, 2003), it is strongly encouraged that the Los Coyotes Band follow County Ordinances and Design Manuals in order to address off-site impacts into County lands in regards to Hydrology and Water Quality:
 - a. County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO), Ordinance 10096 (N.S.), December, 2010.
 - b. County of San Diego Resource Protection Ordinance (RPO), Ordinance 9842 (N.S.), March, 2007
 - c. County of San Diego Standard Urban Stormwater Mitigation Plan (SUSMP), January, 2011
 - d. Final Hydromodification Management Plan (HMP) for County of San Diego, January, 2011
 - e. San Diego County Drainage Design Manual, July, 2005

12. Mitigation recommendations listed in the DEIS Section 4.2.3 and 4.2.4 (Water Resources) along with Appendix E are not complete and need additional analysis to ensure that Alternatives C and D comply with what is required under local and state water quality regulations. Alternatives C and D in the DEIS do not take into account the County of San Diego's Standard Urban Stormwater Mitigation Plan (SUSMP) criteria as follows:
 - a. Potential hydromodification impacts to receiving waters (San Ysidro Creek) have not been adequately addressed. Project does not adequately address and mitigate hydromodification impacts of the proposed project. A Hydromodification Management Plan (HMP) study would demonstrate that post-project runoff shall not exceed estimated pre-project rates and/or durations, where increased runoff would result in increased potential for erosion or other adverse impacts to beneficial uses. An HMP study should be based on the County of San Diego's Final Hydromodification criteria (Appendix G) located here:
<http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmp.html>

 - b. Post-construction treatment control BMPs (Parking End Basins and Stormwater Interceptors) are not sufficient to meet the County of San Diego's SUSMP standards for Alternatives C and D. All proposed treatment control BMPs (and potential hydromodification facilities) should be designed and sized according to the unified low impact development (LID) design procedure approach outlined in the County's SUSMP which is located here:
<http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmp.html>. It appears a "Parking End Basin" would need to be designed as an infiltration trench. The "stormwater interceptor" is not considered a LID technique and LID BMPs, such as, bioretention BMPs and infiltration BMPs, could be substituted.

13. Page iv of the DEIS Water Resources section are identical for both Alternative C and D which describe two very different uses and would have different impacts to the surrounding area. The DEIS should be revised for each alternative to better describe BMPs and mitigation proposed for each alternative on an individual basis based on use.

A8-10
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14. Page iv, the mitigation proposed under the Stormwater section states mitigation is also intended to protect groundwater resources. The County is uncertain that all stormwater BMPs described in this section can directly translate from stormwater protection to ground water protection. The DEIS should be revised to demonstrate how the stormwater mitigation techniques and BMPs will be applied, and will improve and/or protect ground water resources. A8-10
Cont.
15. Page iv, a detailed description of the wastewater facilities for Alternatives C and D should be completed at the same level of analysis as was completed for Alternatives A and B. The DEIS should be revised to show that the wastewater facilities may have minor impacts to water quality, as well, given that the proposed uses and treatment plants and discharge ponds would be located in close proximity to San Ysidro Creek. A8-11
16. Page 2-23 and 2-29 of the DEIS describe treated wastewater as "*disposed of through a subsurface disposal system that includes drip irrigation used in landscaping and a leach field area beneath the parking lot.*" The term "*beneath*" should be clarified in the DEIS as it appears from Figure 2-11 that the leach fields are actually located south and slightly west of the parking lot, not "*beneath*" as described in the text. A8-12
17. Alternative C and D in the DEIS discuss the installation of a new well to serve the proposed projects. The well should meet or exceed all requirements set forth in the California Water Well Standards, bulletin 74-81 & 74-90.
18. Any proposed use of well water for potable use should conform to or exceed the applicable standards for drinking water. A8-12
19. Page 3.9-3 of the DEIS states that the well field, to the southwest of the proposed site, has 24 wells present. It also states that "*there are concerns of depleting groundwater resources due to groundwater pumping in this area.*" Despite this, the DEIS makes the statement repeatedly that there would be "*no adverse impact to the groundwater supply*" for Alternatives C and D. This seems contradictory and though the impact may be minimal, it is unlikely that there would be no impact from increased pumping of local groundwater supplies at 10,000 gallons per day or more. A8-12
20. Alternatives C and D propose the use of a Membrane Bio Reactor wastewater tertiary treatment system followed by drip irrigation and/or leach fields. The DEIS mentions that the area that is adjacent to and extends slightly into the proposed leach field area is a "*seasonally wet depression.*" This coupled with the nearby stream and several nearby springs raises a concern related to the proposed leach field area being in an area of high groundwater during at least portions of the year. The DEIS should evaluate the groundwater levels on the site and discuss how the Los Coyotes Band will ensure adequate separation can be maintained from the bottom of any on-site wastewater disposal system to the highest level to which groundwater could be expected to rise. A8-13
21. The DEIS shows that the leach field will be located under the parking lot for Alternatives C and D. Leach field designs are typically discouraged from being placed under impermeable material due to the elimination of root uptake and evapotranspiration of the effluent in the subsurface dispersal area.

22. The DEIS makes mention of "recycling" treated wastewater but makes no specific statements about what uses the recycled water would serve. Further explanation on this matter is needed to ensure that no unapproved use is proposed or allowed for Alternatives C and D.
23. The DEIS states repeatedly that Alternatives C and D would pose "no adverse impact to the groundwater quality". While the impact may be minimal based on information, there is no evidence to state that "no adverse impact" will occur to the groundwater quality.
24. The DEIS states that the Los Coyotes site proposed for Alternatives C and D currently utilize individual septic systems and that the "restrooms at campgrounds were closed due to septic system problems." No explanation was given as to why the systems had problems and why the bathrooms were closed as a result. The DEIS should be revised with further explanation of why these systems failed to ensure that there would not be additional problems associated with restrooms at the Los Coyotes site.

A8-13
Cont.

Air Quality

25. The project descriptions provided for Alternatives C and D on page iii in the Executive Summary and page 2-19 in the Alternatives section are inadequate to accurately determine air quality impacts and do not provide any information regarding the amount of grading necessary to construct the facilities or any off-site improvements serving the facilities. The project descriptions should be revised to indicate the location of all on- and off-site improvements and the amount of grading necessary to construct the proposed facilities.
26. The DEIS does not adequately evaluate the impacts from the proposed construction and operation of Alternatives C and D. The DEIS should evaluate each construction phase and include the proposed grading (windblown dust), road construction (off-gassing) and fugitive dust emissions from haul trucks to determine air quality impacts.
27. The DEIS does not include an evaluation of whether the emissions from Alternatives C and D would result in a violation or contribute substantially to an existing air quality violation of the National and California Ambient Air Quality Standards. The DEIS should evaluate whether Alternatives C and D result in emissions that would violate an air quality standard or contribute substantially to an existing or project air quality violation. For example, the San Diego County Air Basin (SDCAB) is classified as non-attainment for Ozone (O₃), Particulate Matter 10 (PM₁₀), and Particulate Matter 2.5 (PM_{2.5}). The DEIS should evaluate the emissions of PM₁₀, PM_{2.5}, Carbon Monoxide, Lead and Lead Compounds and Volatile Organic Compounds (VOC) resulting from the proposed project.
28. The DEIS does not include any meteorological or air quality data pertaining to the existing air quality at Alternatives C and D. The DEIS should include data regarding the existing meteorology and air quality existing at these alternatives.
29. The DEIS does not indicate whether Alternatives C and D would conflict with or obstruct the implementation of the San Diego Regional Air Quality Strategy (RAQS) and/or

A8-14

applicable portions of the State Implementation Plan (SIP). The DEIS should evaluate the potential impacts of these alternatives on the implementation of the RAQS and SIP.

A8-14
Cont.

30. The DEIS does not include an analysis of impacts on sensitive receptors and does not include a Health Risk Assessment (HRA) for Alternatives C and D. The DEIS should include an analysis of whether there are any significant risks to sensitive receptors (residents, schools, hospitals, resident care facilities, or day-care centers) from the proposed project on- and off-site from Alternatives C and D. The HRA should also include an analysis of whether these alternatives would result in a significant health risk resulting from the disturbance of soils that may be contaminated from previous pesticide exposure. The HRA should also include an analysis of whether the project would result in an exposure to Toxic Air Contaminants (TACs) resulting in a maximum incremental cancer risk greater than 1 in 1 million without application of Toxics-Best Available Control Technology or a health hazard index greater than one would be deemed as having a potentially significant impact.

A8-15

31. The DEIS does not analyze the cumulative air quality impacts resulting from Alternatives C and D. The DEIS should evaluate whether the project may have a cumulatively considerable impact on air quality if emissions of concern from the proposed project, in combination with the emissions of concern from other proposed projects or reasonably foreseeable future projects are in excess of the National or California Ambient Air Quality Standards.

A8-16

32. The DEIS does not include an analysis of whether Alternatives C and D would either generate objectionable odors or place sensitive receptors next to existing objectionable odors, which could affect a considerable number of persons or the public. The DEIS should also include an analysis of the odors resulting from the proposed on-site wastewater treatment plant identified in these alternatives.

A8-17

33. The DEIS should be updated with a Greenhouse Gas (GHG) analysis for Alternatives C and D which includes a quantitative analysis that estimates the percent reduction associated with the project's Air Quality implementation measures. Although the project is not subject to the County's environmental & land use regulations, the DEIS should disclose additional information so the public can better assess the project's environmental impact. The Climate Change section in the DEIS should reference the County's Interim Approach to Climate Change, which identifies a 900 metric ton screening threshold criteria. The DEIS should be revised to explain that the County requires projects which exceed 900 metric tons Carbon Dioxide equivalent (CO₂e), to reduce GHG emissions 33% below a "business as usual scenario". The DEIS should identify and disclose the GHG reductions that will be attained with the projects proposed Air Quality implementation measures.

A8-18

Biological Resources

34. General biological surveys were conducted in May of 2006 of the Los Coyotes site. Updated focused surveys are required in order to accurately determine current biological impacts from Alternatives C and D since five years have passed since the general surveys were completed. In addition, the surveys for Arroyo toad, southwestern willow

A8-19

flycatcher, and Least Bell's vireo for Alternatives C and D were not executed using established protocol. Due to the potential for these species to occur on-site all surveys should be completed using existing protocol established from the wildlife agencies in order to determine their presence or absence. The surveys must be conducted in the field at the time of year when species are both evident and identifiable. According to the Department of Fish and Game, surveys should take place during flowering or fruiting of plants and should be spaced throughout the growing season to accurately determine what plants exist on-site. Many times this may involve multiple visits to the same site (e.g. in early, mid, and late-season for flowering plants) to capture the floristic diversity at a level necessary to determine if special status plants are present. The timing and number of visits are determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which the surveys are conducted. Surveys should be comprehensive over the entire site, including areas that will be directly or indirectly impacted by the project.

A8-19
Cont.

35. In the Executive Summary Table (Table ES-1, Page xvi, *Federally Listed Species row, and Alternative C and D Column*) of the DEIS Quino Checkerspot Butterfly (*Euphydryas editha quino*) is not included in the mitigation. Quino Checkerspot Butterfly should be included in the mitigation to ensure this species is addressed in the Section 7 consultation with U.S. Fish and Wildlife Service.

A8-20

36. In the Executive Summary Table (Table ES-1, Page xiv, *Alternative C and D Column*) of the DEIS no habitat based mitigation is proposed for impacts to non-native grasslands, coast live oak woodland, intermittent channel and wetlands. These are considered sensitive biological resources and proposed impacts are significant. Therefore, habitat based mitigation is required and should be addressed in the DEIS analysis.

37. A full biological assessment must be completed for Alternatives C and D in order to evaluate the extent of the impacts to biological resources. The DEIS indicates that a biological assessment was only completed for the Barstow site (Alternatives A and B).

A8-21

38. Page 3.4-16 of the DEIS states that "*Otay Manzanita is the only state and/or CNPS listed plant species that is reported to occur within five miles of the project site and has potential habitat on and within the immediate vicinity of the project site.*" The DEIS should also indicate whether surveys were conducted for Nevins Barberry and San Bernadino Bluegrass for Alternatives C and D as these are also state and/or California Native Plant Society listed plant species that could be found on-site.

A8-22

39. Page 4.4-4 of the DEIS states that "*potential impacts to the Coast live oak woodland habitat would be minimal due to the relatively common and abundant nature of this habitat type in the region.*" The County disagrees with this statement and requires 3:1 mitigation for impacts to this important resource on County lands. The mitigation ratio for Coast live oak woodland habitat reflects the regional importance of the habitat, its overall rarity, and the number, variety and sensitivity of species it supports. Mitigation for habitat loss is required to compensate for direct impacts as well as cumulative loss of habitat within San Diego County. Cumulative impacts are often more significant than direct impacts since the cumulative habitat losses from several projects may result in a dramatic loss of habitat in an area. The County encourages the Los Coyotes Band to

A8-23

protect this valuable resource and for the Tribe to propose a more suitable location if Alternatives C or D are chosen for the project.

A8-23
Cont.

40. Page 4.4-4 of the DEIS indicates that the San Ysidro Creek flows immediately west of the Los Coyotes site which contains Alternatives C and D. The San Ysidro Creek is considered to be a potentially jurisdictional water of the U.S. according to the DEIS. The Resource Protection Ordinance (RPO) was adopted by the County in 1989 and amended in 1991 and 2007. The RPO restricts to varying degrees impacts to various natural resources including wetlands, wetland buffers, floodplains, steep slopes, sensitive habitat lands and historical sites. In addition, the ordinance requires that a wetland buffer be provided to further protect the wetland resources. Although Alternatives C and D are located on reservation lands and RPO compliance is not required, the County urges that in order to maintain the ecosystem as a functioning unit, wetlands and their adjacent upland habitats should be preserved together so that it encompasses the natural diversity of type, function and structure of habitats. If Alternatives C and D are considered in favor of the Barstow projects (Alternatives A or B), the County urges a formal wetland delineation of the San Ysidro Creek and verification by the U.S. Army Corps of Engineers to determine buffers and project impacts.

A8-24

41. Page 5-9 of the DEIS identifies mitigation measures for impacts to Stephen's kangaroo rat only. This section should include mitigation measures for the potential impacts to all sensitive plant and animal species identified in the DEIS such as the Arroyo Toad and coast live oak woodland habitat. Care should also be taken to protect state and locally sensitive plants and animals located on the site.

A8-25

Cultural and Paleontological Resources

42. The DEIS does not include the cultural resources technical report relied upon for the evaluation of cultural resources as an Appendix. The report should have been included in the DEIS (without the confidential information). The County is requesting permission for the release of these documents.

A8-26

43. Page 3.5-11 of the DEIS should include what record search radius was used (e.g. 1 mile radius) around the project site. The document just states "*within the radius of the records search.*" Also, it is unclear if the entire record search area radius had been previously surveyed for cultural resources which could account for the low number of sites found (five prehistoric and one historic period) within the area. The DEIS should be revised to clarify the records search results.

A8-27

44. The cultural resource survey for Alternatives C and D were conducted in 2006. The County requires that cultural resource surveys be updated every five years to ensure that cultural resources are adequately identified. Therefore, a new cultural resource study should be completed to ensure that previously undiscovered archaeological sites are not disturbed during the proposed project alternatives.

A8-28

45. Page 3.5-12 of the DEIS states that the sacred lands request was conducted on March 27, 2006. A new sacred lands request and tribal letters should be sent out since it has

been five years since the original sacred lands request was completed and new information may be available.

A8-28
Cont.

46. A review of County of San Diego Geographic Information System map shows that there is a marginal likelihood of uncovering significant paleontological resources on the Los Coyotes site. The area is composed of pre-cretaceous metasedimentary rocks. In order to mitigate for potential impacts to paleontological resources on the project site, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program should be completed.

A8-29

Socioeconomics Conditions and Environmental Justice

47. Page 3.6-6 of the DEIS utilizes data compiled from 2004 to discuss the demographics of the labor force in San Diego County. The data used is seven years old and should be updated to reflect current data from at least 2010 since the economy has changed dramatically since the data was obtained.

A8-30

Transportation/Circulation

48. Camino San Ignacio Road is a County maintained road from State Route 79 to Camino Ortega. The paved width of the road is only 24 feet wide. Substantial increases in traffic volume, such as that anticipated from Alternative C, would warrant consideration of widening the road to the interim public road standard of 28 feet. The DEIS should indicate the need to widen the road or should discuss how the tribe would mitigate the impacts to this County maintained road if Alternative C is chosen as the proposed project.

A8-31

49. The proposed Eagle Rock Military Camp project that also proposes access from Camino San Ignacio Road should be analyzed in the DEIS under cumulative traffic impacts.

A8-32

50. The DEIS/TIA should note that project Alternatives C and D will have cumulative impacts to regional roadways in San Diego County and mitigation must be proposed to alleviate these impacts.

51. The TIA (page 21 in Appendix H) does not clearly state the method/rate used to calculate the estimated trip generation of 986 weekday daily vehicle trips. In the County of San Diego's *Traffic Needs Assessment of Tribal Development Projects in the San Diego Region - April 2003 Update*, 100 daily vehicle trips per 1,000 square feet of gaming area is the regional trip generation rate for Indian casinos in San Diego County. Based on the project's 16,000 square feet of Casino Gaming area (DEIS, Page. 2.23, Table 2-5), the project would have an estimated daily trip generation of 1,600 vehicles.

A8-33

52. An encroachment and construction permit is required for any work done within the County road right of way for Alternatives C and D.

A8-34

Fire Protection and Emergency Services

53. Delivery of emergency services (fire and emergency medical services) within Alternatives C and D should be consistent with nationally recognized service delivery objectives, including specific time objectives for each major service component (i.e. fire suppression, emergency medical services (EMS), special operations, etc.) (ref. National Fire Protection Association 1710 4.1.2). The Los Coyotes Reservation is within a State Responsibility Area and is therefore protected by CAL FIRE for wildland fires. The Reservation is not within County Service Area 135; however, it is conceivable that the Los Coyotes Reservation could enter into a contractual agreement with the San Diego County Fire Authority for services. This would require a limited waiver of sovereignty.
54. The DEIS identifies in very general terms the need for adequate fire suppression and emergency medical services (EMS) for Alternatives C and D. The document indicates that there will be minimal impact on fire and emergency medical services, and that it will be handled by CalFire Warner Springs station and County Fire Authority Sunshine Summit volunteer station. A Technical Report including a Critical Incident tasking/Staffing analysis should be conducted by a qualified fire expert or fire consultant organization mutually acceptable to the Los Coyotes Band and to the County of San Diego. The report should evaluate building construction, occupant load, access, water supply, defensible space, built in fire protection, exiting, Emergency Medical needs including service and impacts, Fire Suppression, apparatus, personal, training, travel time, aid agreements, and outside contracts. The level of emergency service, fuel management, water supply, etc. for Alternatives C and D must be enhanced in the DEIS. An adequate number of apparatus of the appropriate type, coupled with an adequate number of properly trained personnel located in reasonable proximity to the site will be necessary to keep an incident from progressing beyond the capabilities of the first responding units to control which would endanger civilians and responders alike.
55. Alternative C (and to a lesser extent Alternative D) will provide a significant increase in vehicular travel on the sole access road, with a potential for vehicle fires, wildland fires, vehicle collisions and rescues, and general emergency medical calls.
56. Off-reservation impacts on fire and EMS services could be significant with the increase in number of visitors utilizing the highways. Additional collisions, extrication rescues, emergency medical services, wildland fires and related incidents will occur. The same resources identified in the emergency response travel time discussion above are responders to all of these incidents. Rural fire resources are historically very limited, and will be stretched even further, unless mitigation is provided with fire suppression and EMS apparatus and staffing at the project site.
57. Building construction should be to recognized standards (e.g. California or International Building Code) with inspection services provided by neutral parties independent of the Tribe or developer. Critical building issues include but are not limited to structural integrity, exiting, compartmentalization (smoke and fire isolation), building exterior ignition resistance (Wildland Urban Interface area), fire sprinkler system(s) (life safety/property conservation), standpipe system(s), etc. More specific details of building construction to California Building Code standards should be addressed in the DEIS. All

A8-35

A8-36

A8-37

structures should be constructed with ignition-resistant exterior construction to reduce the potential for ignition by wildfire. It is important that the interior be protected with a commercial fire sprinkler system meeting nationally recognized standards. Fire sprinklers can keep a fire at a manageable level during protracted fire responses typical of the rural County. They also greatly reduce the chance of an interior fire from spreading beyond the structure to adjacent buildings or wildland fuels.

A8-37
Cont.

58. While fire sprinklers significantly reduce the potential for an interior fire becoming a major incident, fire systems can fail, or are shut down too early. Life-safety issues in assembly occupancy fires are identical in an urban setting (e.g. downtown Los Angeles/San Diego) and in a rural reservation setting. The existing limitations in currently available emergency resources does not change the fire threat to life (civilians and firefighters), which expands exponentially with extended response time.

59. Staffing for emergency operations should be consistent with nationally recognized standards, including adequate on-duty personnel assigned to fire suppression, insuring sufficient staffing within appropriate response levels and response time, and sufficient appropriate apparatus. (NFPA 1710 5.2)

60. Emergency response time from the three nearest fire stations are shown below (Comment 61) calculated per NFPA 11720 A.3.2.1 or Insurance Service Organization emergency travel time formula at 35 Miles Per Hour (MPH) average speed, which is appropriate for emergency response of heavy fire apparatus. The intensity of the casino use under Alternative C makes a greater fire and EMS response appropriate than more typical rural residential fire fighting. The same applies to the campground option under Alternative D, but to a lesser extent. The depth of the response (number of engines, personnel, specialized equipment) must be appropriate to the project. This should be addressed in a revised DEIS.

A8-38

61. Alternatives C and D are clearly in a rural area, where emergency resources are minimally staffed and far-spread. If any engine is out of service or committed to another incident, response times are dramatically increased. Distance and travel time shown here for the nearest three stations is calculated per NFPA 1720 @ 35 MPH average speed unless otherwise noted:

CalFire Warner Springs	6.1 miles	11 minutes
SDCFA Sunshine Summit Volunteers	14.4 miles	25.1 minutes
SDCFA Ranchita Volunteers	17.8 miles	30.3 minutes

62. Fire access is critical to firefighting and other emergency services. Fire access roads meeting operational needs (width, turning radius, support capability, grade, paving, etc.) are essential to the safety of the project and the occupants. Local and state codes establish maximum allowable dead-end length based on intensity of use (County Consolidated Fire Code section 503.1.2; CCR Title 14 section 1273.09).

A8-39

63. Water supply for firefighting should be designed to nationally recognized standards appropriate to the intensity of the use. The firefighting water supply discussion in the DEIS should include expanded analysis in a revised DEIS. Water mains and water

supply (meeting NFPA 24) must be adequate for calculated fireflow (firefighting water demand). Fireflow calculations should be per nationally recognized standards. Hydrant type and locations should be consistent with County Fire Code to be consistent with regional fire operational procedures. Typical spacing is 300 foot intervals along fire access roads (surrounding the casino), plus intersections, cul-de-sacs. Hydrant design for consistency with responding agencies should be standard bronze, with minimum 2 ½" and 4" outlets, National Standard thread.

64. The DEIS does not indicate that fire clearing of vegetation around structures will be completed for Alternatives C and D. Alternatives C and D are in a wildland urban interface area, and is clearly subject to wildfire on a recurring basis. Vegetation on the project site should be controlled to minimize wildfire transmission to structures, or structural fire to wildland. Fuel Management Zones (FMZ) appropriate for calculated flame length of native vegetation should be incorporated into project design and maintained in perpetuity. Landscaping should be appropriate for wildland area (ignition resistant, low fuel) and should be limited to those approved on lists developed or endorsed by fire agencies in the region to be consistent with local climate and fuels. FMZs on fire access roads should be studied in a revised DEIS and be established and maintained around structures and along fire access roads, on Reservation and on the access from Highway 79.

A8-39
Cont.

65. Page 3.9-9 identifies that the nearest hospital to Alternatives C and D is Palomar Medical Center located in Escondido which is approximately 55 miles from the Los Coyotes site. If an emergency were to occur it could be disastrous given the distance from a hospital on rural winding roads. Employees of the casino or campground must be given emergency response training to ensure that patrons are stabilized in case emergency services are not able to respond quickly enough to a disaster.

A8-40

Agricultural Resources

66. The DEIS should include a discussion on impacts to off-site agricultural resources from Alternatives C and D. This information should be provided in a DEIS to ensure that the proposed project presents a negligible and not significant impact, to off-site agricultural resources within the County's jurisdiction.

A8-41

67. Page 3.8-8 of the DEIS identifies that Alternatives C and D contain soils that qualify as Prime Farmland or Farmland of Statewide Importance; as a result; the project may result in conversion of these soils and impair the viability of the site for agricultural use. It is recommended that the location of Alternatives C and D be revised to avoid these soils by locating structures and roads on non-Prime Farmland or Farmland of Statewide Importance soils or the least productive agriculture soils.

A8-42

Noise

68. Additional information is required to determine whether off-site impacts caused by build-out of Alternatives C and D would comply with the County Noise Element and determine whether the proposed impacts would be considered cumulatively significant. The

A8-43

following information should be provided in a revised DFIS to determine off-site noise impacts.

- a. On a figure illustration, identify and label the existing noise sensitive receptors locations along Camino San Ignacio Road in relation to the project site.
- b. Describe what type of noise sensitive receptors are located along Camino San Ignacio Road and the existing Community Noise Equivalent Level sound level conditions.
- c. Determine whether project related traffic would elevate noise levels exceeding the County Noise Element thresholds at these existing noise sensitive receptors on County maintained roads. Additionally, identify whether these existing noise sensitive receptors are exposed to direct and cumulative noise impacts pursuant to the thresholds specified within the County Noise Guidelines.
- d. Substantial increases in traffic volume along Camino San Ignacio Road associated with Alternative C would warrant consideration of road widening. The DEIS should discuss the processes of road widening activities and how the operations of construction equipment would comply with the County Code Noise Ordinance, Section 36.408 and 36.409.

A8-43
Cont.

Solid Waste/Recycling

69. The County recommends that the DEIS for Alternatives C and D include the recycling of 90% of all inert material such as concrete and asphalt, and 70% of all other types of debris. It is also recommended that the DEIS incorporate a detailed Waste Management Plan describing how the construction and demolition debris will be handled. Reusing materials on-site or salvaging them for reuse is considered the highest and best use. If this is not possible, it is recommended that the Los Coyotes Band source separate materials on-site to achieve the highest recycling percentages. If source separation is not possible, materials may be sent to be processed at one of the region's mixed Construction and Demolition (C&D) facilities. To best record recycling efforts, it is recommended that a daily log of all materials disposal and recycling be kept on-site. C&D recycling resources, including a sample Waste Management Plan, are available at www.sdcounty.ca.gov/dpw/recycling/cdhome.html. A list of construction and demolition recycling facilities is available at http://www.sdcounty.ca.gov/reusable_components/images/dpw/recyclingpdfs/CDGuideEnglish.pdf and <http://www.sandiego.gov/environmental-services/recycling/pdf/101130certifieddirectory.pdf>

A8-44

Hazardous Materials

70. Page 3.11-3 of the DEIS states that the Los Coyotes site (Alternatives C and D) was visited in May 2006 for review of hazardous materials. The hazards section of the DEIS should be revised to include current data to ensure that no changes to the Los Coyotes site have occurred since the 2006 site visit.

A8-45

Cumulative Effects

71. Page 4.13-31 of the DEIS states that cumulative impacts would not occur due to local projects complying with County of San Diego's ordinances and regulations which reduce impacts to less than significant. However, the County of San Diego does not take into account off-site impacts from non-County lands on reservations and other jurisdictions which impact County facilities when enforcing County policies. As a result, the cumulative analysis is completely inadequate in the DEIS for Alternatives C and D as it should review the impact of these alternatives with all non-County lands such as reservations in addition to County lands. Furthermore, projects on reservations are subject to Federal law which is much less restrictive than State and local law in regards to environmental regulations. As a result, land uses unanticipated by the County's General Plan can have much more extensive impacts than those that were planned for in the County's General Plan.

A8-46

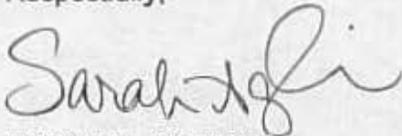
The County appreciates the 75-day comment period and the opportunity to comment on the proposed actions in Alternatives C and D. It is the County's opinion that the DEIS is not adequate as drafted, and that the document should be revised as requested in this comment letter and a second review of the document be undertaken if Alternatives C and D are considered.

While the County appreciates the Los Coyotes Band's efforts for economic development, we must work together to balance environmental preservation and economic development needs. The County opposes the expansion of tribal lands and Indian gaming activities where mitigation for resulting impacts are not sufficiently addressed. It is important that the Los Coyotes Band enter into discussions with the County to lessen impacts to the community relating to traffic and circulation, the environment and public safety, and to mitigate these impacts through a binding agreement.

A8-47

Thank you for the opportunity to comment on this proposed action and for your consideration of the County's concerns. If you have any questions, please contact Teresa Brownyard, Tribal Liaison at (619) 685-2287.

Respectfully,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

cc:

- Honorable Chairperson Shane Chaparrosa, Los Coyotes Band of Cahuilla and Cupeño Indians
- Honorable Dianne Feinstein, United States Senate
- Honorable Barbara Boxer, United States Senate
- Honorable Darrell Issa, United States House of Representatives
- Supervisor Bill Horn, Fifth Supervisorial District, County of San Diego
- Secretary Ken Salazar, U.S. Department of the Interior
- Assistant Secretary Larry Echo Hawk, Indian Affairs, U.S. Department of the Interior
- Director Michael S. Black, Bureau of Indian Affairs
- Superintendent Robert Eben, Southern California Agency, Bureau of Indian Affairs
- Mr. Jonathan Renner, Legal Affairs Secretary, Office of the Governor
- Mr. Jacob Appelsmith, Senior Advisor to the Governor, State Capitol
- Department of Justice, Office of the Attorney General, Attn. Peter Kaufman
- Mr. Ron Rector, Director of Community and Economic Development, City of Barstow
- Edmund Pert, Regional Manager, California Department of Fish and Game (South Coast Region)
- Karen Goebel, Assistant Field Supervisor, U.S. Fish and Wildlife Service (Carlsbad Office)
- Dan Silver, MD, Executive Director, Endangered Habitats League (EHL)
- Claudia Anzures, Chief Deputy County Counsel
- Richard Haas, Assistant Director, County Department of Planning and Land Use
- Teresa Brownyard, Tribal Liaison, County of San Diego

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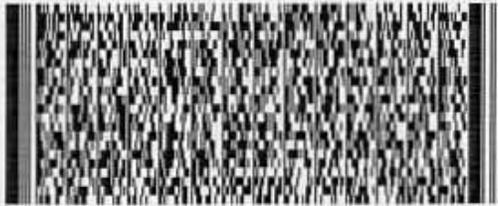
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LAND USE SERVICES DEPARTMENT

385 N. Arrowhead Avenue, San Bernardino, CA 92415-0182
(909) 387-8311 Fax (909) 387-3223
http://www.sbcounty.gov/landuseservices



Comment Letter A9

COUNTY OF SAN BERNARDINO

CHRISTINE KELLY
Director

OK ✓

DECEMBER 10

701 SEP 19 2 20
PACIFIC REGIONAL OFFICE

September 13, 2011

Amy Dutschke, Regional Director
Pacific Region Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Draft Environmental Impact Statement Comments, Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project

Dear Ms. Dutschke:

Thank you for providing the County of San Bernardino with the opportunity to review the Draft Environmental Impact Statement (DEIS) Tribal Environmental Impact Report (TEIR) for the Los Coyotes Band of Cahuilla and Cupeño Fee-to-Trust and Casino-Hotel Project. The project proposes to take 23.1± acres in Barstow, California, into Federal trust for the development of Class III gaming facility and hotel.

Since the County of San Bernardino does not have jurisdiction over Los Coyotes Band of Cahuilla and Cupeño Indians trust lands, comments for this review are based on the resources usage, traffic impact or environmental impact within the County unincorporated areas sphere of influence. The County unincorporated area surrounds the proposed Barstow site to the north, east and west. The two alternates, Alternative A and Alternative B, were both reviewed. Alternative C and Alternative D are on the Los Coyotes Indian Reservation located in County of San Diego.

It is our understanding that the Bureau of Indian Affairs (BIA) is the federal agency that is charged with reviewing and approving tribal application to take land into federal trust status. Additionally the Indian Gaming Regulatory Act (IGRA) is being considered along with the trust application which will require the Secretary of the Interior to make a "two-part determination" after consultation with the Tribe and appropriate state and local officials, including officials of other nearby tribes. Furthermore, the Governor of the State of California must concur in the determination before gaming could occur on the trust lands.

Currently, the proposed project sites are located in the incorporated area of the City of Barstow. The County of San Bernardino does not have jurisdiction over the General Plan and Land Use Zoning Designation in which Alternative A and Alternative B are located. According to the Barstow Zoning Ordinance, the site is designated as Visitor-Serving Commercial, which is intended to provide retail and service facilities for persons traveling along nearby highways (City of Barstow, 2009). According to the Barstow General Plan, the following is a complete description of the Visitor-Serving Commercial land use designation: CV - Visitor-Serving Commercial (50% lot coverage, 25-ft maximum building height): This designation corresponds with the Highway Commercial zone classification. It is intended to provide retail and service facilities for persons traveling on I-15, I-40 and State Highway 58. The maximum lot coverage is 50% with a height limitation of 25-feet or two stories (City of Barstow General Plan - Part B, 1997). Barstow's local land use policies would not have jurisdiction over lands taken into federal trust, only federal or Tribal land use regulation would be applicable. The EIS does state however that the, impacts to the community may occur in terms of a federal project's relation to growth and development visions as described in these guidance documents.

A9-1

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
BRAD MITZELFELT.....First District NEIL DERRYThird District
JANICE RUTHERFORD.....Second District GARY C. OVITT.....Fourth District
JOSIE GONZALES.....Fifth District

Comment Letter for the Draft EIS/TEIR Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project
9/13/2011
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A9-1
Cont.

As stated in the EIS, land use planning and development for the Barstow Alternative A and Alternative B proposed project sites are guided by the City of Barstow General Plan Community Development Element, Lenwood Specific Plan, City of Barstow Zoning Ordinance, and the applicable Redevelopment Plan. The potable water supply would be obtained from Golden State Water Company in both Alternative A and B; along with the wastewater treatment plant would be provided by the City of Barstow. In addition, the Tribe and the City of Barstow have entered into a Municipal Service Agreement (MSA) in which the project development on trust lands *will be in a manner that is consistent with the Barstow Municipal Code and to adopt building standards and codes no less stringent than those adopted by the City.*

The County of San Bernardino Public Works Traffic Division has reviewed the Traffic Study of the Los Coyotes Casino dated May 19, 2010 in the City of Barstow. The review prompted the following comments:

1. For clarity, it should be noted in the Traffic Study regarding the *5.0 Existing Roadway Network*; Lenwood Road is within the County's Jurisdiction and is classified as a Major Highway.
2. Main Street is also within the County's Jurisdiction and is classified as a Major Highway.
3. San Bernardino Associated Governments (SANBAG) is currently working on the Lenwood Grade Separation Project. As part of this project, an addition southbound through lane will be added.
4. The restaurant should be classified as a fast-food restaurant for project trip generation.
5. Mitigation for the Lenwood Grade Separation shall be included in the study.
6. Additionally, mitigation for the Lenwood Bridge over the Mojave River shall be included in the study. The EIS should be updated as well to reflect these additions and request for defined mitigation measures.

A9-2

The San Bernardino County Fire Department has reviewed the EIS and is suggesting that even though this project is in Barstow Fire Protection District (BFPD), if a significant event occurs, BFPD will be relying on mutual aid from the San Bernardino County Fire Department and will be requesting resources, staffing and equipment, to respond to the incident. To provide an adequate level of service, and to reduce the impacts to below significant, County Fire (see attached) would recommend the following additional staffing and equipment needs:

1. Require a staffing upgrade at Hinkley Station 53. Hinkley Station 53 is currently staffed with all part time firefighters, that staffing would need to be upgraded to three full time positions, a Captain, an Engineer and a Fire Fighter/Paramedic.
2. Station 4 is in Helendale and since it already has a full time Captain and Engineer there would only need to be an upgrade of one part time Fire Fighter position to a full time Fire Fighter/Paramedic position.
3. In addition, to assist with keeping the emergency response apparatus in a reliable condition and state of readiness, the proponent should contribute to a vehicle replacement fund for both the Hinkley and the Helendale Stations.

A9-3

This would give San Bernardino County Fire the appropriate personnel to support a mutual aid call from Barstow Fire Protection District to respond to the Casino or Hotel and would reduce the potential adverse environmental impacts to less than significant.

Comment Letter for the Draft EIS/TEIR Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project
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Finally, the County of San Bernardino Land Use Services has reviewed the project and finds the following:

1. A Water Supply Analysis was not listed in the Appendices or referenced in the EIS/TEIR for the Golden State Water Company or for the Watermaster of the Golden State Water Company, Mojave Water District. In the Municipal Service Agreement (MSA) with the City of Barstow in Section 8, there is not an indication that a Water Supply Analysis has been performed or that it is to be provided in the future.
2. In the 2010 Urban Water Management Plan-Barstow for the Golden State Water Company in the Projected Total Water Demand and SBX7-7 Compliance Projections Table 3-14 through 2035. The total baseline water demand amounts are based on population projections. Projections for commercial projects were not specifically addressed. Since the estimated water demand for Alternative A would be 225.49 acre feet per year, this usage would be substantial and it appears to not be reflected in this projection.
3. Golden State Water Company obtains its water supply for the Barstow system from the Basin's Centro Subarea and its Watermaster is the Mojave Water Agency which regulates the amount of groundwater pumped from the basin through the Mohave Basin, Adjudication, (City of Barstow, et al. vs. City of Adelanto al. (Riverside Superior Court, Case No. 208568, Appendix F.a.) Under the judgment GSWC may produce as much groundwater as is needed to satisfy its customer demands within the Barstow Service Area. The planned water supply for the Barstow System through 2035 does not provide any indication that a large commercial proposed project usage has been incorporated into the planned water supply projections.
4. A Water Supply Analysis was not listed in the Appendices or referenced in the EIS/TEIR for the City of Barstow's Waste Water Treatment Plant. In the Municipal Service Agreement (MSA) with the City of Barstow in Section 7, there is not an indication that there is a Water Supply Analysis or that it is to be provided in the future.
5. A description or reference for landscape water efficiency plan required either by the City of Barstow Municipal Code or the State of California Model Water Efficient Landscape Ordinance, Pursuant to AB 1881 Section 6557, Dec 2010; was not included in the either Alternative A or Alternative B.

A9-4

It should be noted that Alternative B which is the Barstow Reduced Casino-Hotel Complex provides less impact in many categories. The EIS states that under Alternative B, there are no adverse effects related to Topography and Landslides, Expansive Soils, Soil Corrosivity, Seismicity, Liquefaction, Lateral Spreading, Seismically Induced Flooding, Agriculture, Effects to Existing Land uses, or Mineral Resources. The environmental effects associated with Alternative B are less than those of Alternative A regarding traffic congestion, mobile air emissions and traffic related noise effects. Therefore the footprint of Alternative B is smaller than Alternative A, so during construction the traffic impact is less.

A9-5

Since water supply and wastewater are highly regarded areas of concern in reviewing the environmental impact of the proposed projects, the feasibility study comparing Alternative A to Alternative B indicates that the water demand would be approximately 34 percent less for Alternative B, which provides an option for less of an impact to the water resources and wastewater treatment.

Comment Letter for the Draft EIS/TEIR Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project
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The Draft EIS/TEIR also states that *Alternative B is the alternative that best meets the purpose and need of the Tribe, as it is the most cost efficient. Additionally, Alternative B would result in fewer environmental effects.* The County would assess that Alternative B definitely has less impact on the environment.

The County commends the Bureau of Indian Affairs (BIA) and the Los Coyotes Band of Cahuilla and Cupeño Indians for an otherwise well prepared document, including a thorough cumulative impacts section. We also commend BIA and the Tribe for the commitment to work cooperatively with and consider input from local agencies on this project.

In conclusion, the County of San Bernardino understands that it does not have jurisdiction over Los Coyotes Band of Cahuilla and Cupeño Indians trust lands if the project is approved for either the Barstow site or the Los Coyotes Indian Reservation site located in the County of San Diego. The County does appreciate the opportunity to comment on water supply issues, the impacts regarding traffic concerns and San Bernardino County Fire Department potential resource needs if either Alternative A or Alternative B is approved for the Barstow site which is in the sphere of influence of the unincorporated area of the County of San Bernardino.

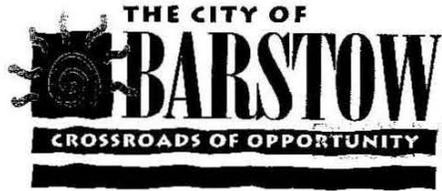
A9-5
Cont.

Sincerely,



ROBERT A. LEWIS, Planning Director
Land Use Services Department

cc: David Zook, Chief of Staff, First Supervisorial District
Gregory C. Devereaux, Chief Executive Officer
Christine Kelly, Director, Land Use Services Department
Peter Brierty, County of San Bernardino Fire Marshall
Granville M. Bowman, Director, Department of Public Works



September 23, 2011

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PACIFIC REGIONAL OFFICE

Reg Dir	awl
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Route	Dec 26
Response Required	NO
Due Date	
Memo	Ltr
Tele	Other

Amy Dutschke, Regional Director
Pacific Regional Office, Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Telephone: (916) 978-6000
Fax: (916) 978-6099
Email: Amy.Dutschke@bia.gov.us

Subject: Comments on the *Draft Environmental Impact Statement / Tribal Environmental Impact Report (DEIS/TEIR), Los Coyotes Band of Cahuilla and Cupeño Indians Fee-To-Trust and Casino Hotel Project.*

I would like to apologize for the lateness of this letter. Unfortunately we had some technical issues and we hope that these comments will be considered.

The City of Barstow has reviewed the *Draft Environmental Impact Statement / Tribal Environmental Impact Report (DEIS/TEIR), Los Coyotes Band of Cahuilla and Cupeño Indians Fee-To-Trust and Casino Hotel Project* documentation pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), including our authority as a Cooperating Agency (40 CFR Parts 1508.5) for the DEIS/TEIR. We appreciate the fact that the BIA has kept the City apprised of the project, and solicited our comments on an ongoing basis throughout a process that has now lasted over five years. The comprehensiveness of this process has resulted in detailed consideration of a variety of local concerns leading to a potentially beneficial project with minimal adverse environmental effects.

Of the four project alternatives considered in the DEIS/TEIR the City of Barstow has limited its review to Alternative A (expanded casino/hotel) and Alternative B (proposed project, i.e. the preferred alternative,) since Alternatives C and D are outside the City's geographic area of influence.

According to the DEIS/TEIR, Alternative B (proposed project) would not result in any potentially significant adverse environmental impacts that cannot be reduced to below a level of significance. The distinction between Alternatives A (160-room hotel) and Alternative B (100-room hotel) is relatively minor. While Alternative A would require greater traffic mitigation, as well as infrastructure needs, the impacts can also apparently be reduced to below levels of environmental significance.

A10-1

However, we have identified several flaws in the trip generation methodology used in Section 4.7 Transportation/Circulation (see discussion which follows concerning Section 4.0 - Environmental Consequences.) The implications of these flaws on the subject reports conclusions and mitigation are not clear. This necessitates a reevaluation of traffic impact factors to verify that the DEIS/TEIR impact assessment is accurate and that mitigation measures for the proposed project are in fact able to reduce potential impacts to below levels of significance.

A10-2

Over the course of the last five years the project has been reduced in size rather dramatically, i.e. from two hotels, totaling 220 rooms with 97,000 square feet (sf) of gaming, to the currently proposed project evaluated in the DEIS/TEIR of one hotel, totaling 100 rooms with 57,000sf of gaming area. Project evaluations over the years have looked at a number of project scope permutations. The final reduction in project size has greatly reduced potential physical impacts, in particular traffic.

The Los Coyotes Band of Cahuilla and Cupeño Indians (Tribe) has entered into a Municipal Services Agreement (MSA) with the City of Barstow (Barstow) which provides for conformance with the City of Barstow Municipal Code; mitigation of any environmental impact of planned use of the Trust Lands; compensation to the City for public services and utilities to be provided on the Tribe's Trust Lands; and, payment of development and processing fees, (see DEIS/TEIR Appendix D.) The MSA is, to a great extent, based on the "Report on the Barstow Economic Stimulus Initiative" prepared by the City of Barstow Community Development, Economic Development, Finance and Legal staff and presented to the Barstow City Council on September 14, 2005. The 2005 report analyzes the proposed Initiative entitled "Indian Gaming: Preference for Tribes in San Bernardino County." The MSA is intended to ensure that any impacts of the project within Barstow are fully mitigated and is illustrative of the cooperative working relationship between the City and the Tribe.

A10-3

COMMENTS ON THE DEIS/TEIS

The following sections of this letter contain the City's comments on specific sections of the DEIS/TEIS:

Executive Summary

ES-1 through ES-4 (pgs. i – iv):

The environmental process for the subject project has now exceeded five years, with several "stops and starts." The discussion under ES-1 through ES-4 would be clarified by the inclusion of a flow chart to illustrate in a graphic form key project milestones, including document notification, review periods, inclusion of public comments, and publication of documents in a temporal context.

A10-4

Table ES-1 (pgs. v – xlix):

Identify mitigation using the alpha/numeric identifier that they will appear in the project Mitigation Monitoring and Enforcement Program (MMEP) so that individual measures can be easily referenced and tracked for monitoring.

A10-5

For any impacts requiring mitigation, Table ES-1 should clearly indicate the residual level of impact. It should be clearly stated in the table whether the mitigations reduce the impact to a level considered less than significant, or whether the impact remains significant and unavoidable.

A10-6

Scoping

The scoping process (Scoping Meeting May 4, 2006) for the subject project is reported in a separate Scoping Report published in September 2006. The results of this process are reported in Section 1.0 of the DEIR/TEIS (ES.4 Areas of Controversy, pg iii), as being complete and that no further scoping was needed once the project resumed in 2008. A subsequent revised Notice of Intent (NOI) in the form of a Notice of Correction (NOC) was published on March 27, 2009 and allowed for an additional 30-day public comment period. It is noted that the initial Scoping process addressed projects that are larger than those considered in the subject DEIS/TEIR, although the physical site is the same in both cases: Alternative A was described during Scoping as a 220 room hotel, whereas it has been reduced in the DEIS/TEIR to a 160 room hotel; and, Alternative B was described during Scoping as a 110 room hotel, whereas it has been reduced for the DEIS/TEIR to a 100 room hotel. The scoping process appears to have been adequately noticed, reported and documented.

A10-7

Section 2.0 – Alternatives

As noted previously, this review is limited to Alternative A and Alternative B (Proposed Project) as these are the alternatives within the Barstow area. It does not consider Alternatives C and D located on the Los Coyotes Band of Cahuilla and Cupeño Indian Reservation in San Diego County. Many of the impacts of Alternatives A and B are similar since both the Alternative A and the Reduced (Proposed Project) Alternative B would result in total development coverage of the project site. While certain impacts would be reduced by Alternative B, the overall order of magnitude of reductions would be relatively minor.

A10-8

The discussion in Section 2.4 needs to clearly indicate for each alternative the impacts that are less than significant without mitigation, the impacts that are significant but can be mitigated to a level considered less than significant, and the impacts that are significant unavoidable impacts.

A10-9

Additional discussion on the relationship between Alternatives A and B would be helpful in understandings why Alternative B is considered the Preferred Alternative, although it is not referred to specifically in the DEIS/TEIR using this terminology.

A10-10

A graphic illustration needs to be provided to show the site, location and potential easements of infrastructure service lines, including water, sewer, gas, electricity and communications that will service Alternatives A and B. We also note that there are no such graphics pertaining to utility service lines found in applicable subsections of Section 4.0 Environmental Consequences.

A10-11

Section 3.0 – Affected Environment

This section describes the existing environment pertaining to the Barstow development site and serves as the basis for the identification of project related environmental consequences contained in Section 4.0.

A10-12

Section 4.0 - Environmental Consequences

A letter dated May 25, 2005 by than Barstow Community Development Director Scott Priester, AICP to Christine Nagle, Senior Associate, Analytical Environmental Services responds to the formal Notice of Preparation (NOP) for the subject project, see Scoping Report September 2006, pgs. 137-139. As this letter articulates specific areas of concern the City of Barstow had pertaining to the initial project, we have used it as a starting point in evaluating the adequacy of the DEIS/TEIS. The Roman numeral headings below correspond with the organization of the Priester letter, while the numeric/page number designations refer to the DEIS/TEIR.

A10-13

(I.) 4.12 Aesthetics (pgs. 4-12-1 to 2): The discussion of the relationship between the proposed project and the guidelines found in the Lenwood Specific Plan (LSP) need to more clearly presented. Specifically, a graphic illustration showing how the project would conform with LSP guidelines, and how the project would be viewed from the nearby Interstate Highway, would greatly improve an understanding of the projects impact. The LSP guidelines are generally intended to minimize, or at least underplay, visibility of urban development. While a multi-story casino/hotel will, due to it's sheer massing, be a prominent feature of the landscape, the LSP guidelines are a useful tool for determining whether the project's aesthetic impacts are less than significant.

A10-14

(III.) 4.3 Air Quality (pgs. 4.3-1 to 7): The DEIS/TEIR evaluates air emissions in accordance with relevant regional guidelines and modeling procedures. However, it does not compare project related emissions in relation to previously anticipated LSP "Transportation-Related Commercial" (TRC) development on the project site. This issue should be addressed.

A10-15

(VIII.) 4.2 Water Resources (pgs. 4.2-1 to 5) and 2.0 Alternatives, Water Supply (pg. 2-11 and pg. 2-18): The DEIS/TEIR quantifies water requirements for the project and recognized the Golden State Water Company (GSWC) is the water purveyor. However, as identified in the Priester letter, the Tribe may need to obtain a formal Water Supply Assessment from the GSWC “to ensure the Project and cumulative development in the Project’s vicinity will be able to be adequately served with a reliable water source, and what upgrades to the existing system will be needed to serve the Project.” The DEIS/TEIS should include a Water Supply Assessment or indicate why such an assessment is not required for the project.

A10-16

(XII. – Population and Housing) 4.6 Socioeconomic Conditions and Environmental Justice (pgs. 4.6 -1 to 19): This Section of the DEIS/TEIR appears to do a comprehensive job of quantifying and evaluating population, housing and related socioeconomic consequences of the proposed project.

A10-17

(XIII. – Public Services and XVI. Utilities and Service Systems – Wastewater and Stormwater) 4.9 Public Services (pgs. 4.9-1 to 7) and 4.2 Water Resources (pgs. 4.2-1 to 5): While the DEIS/TEIR describes potential impacts on utilities and public service systems, as previously mentioned, a graphic illustration(s) needs to be included showing the site, location and potential easements for infrastructure service lines, including water, sewer (wastewater), gas, electricity and communications that will service Alternatives A and B. An illustration showing stormwater collection systems is also needed.

A10-18

(XV. Transportation/Traffic) 4.7 Transportation/Circulation (pgs. 4.7-1 to 16): Hall & Foreman Inc. reviewed the Transportation/Circulation Section of the DEIS/TIER for the Barstow site. The Transportation/Circulation Section was based on a Traffic Study prepared for the project by Linscott, Law & Greenspan, dated May 19, 2010.

The analysis in the Traffic Study identified a reduction of 40% Pass-by Trips for the Casino, and a 20% Pass-by for the restaurant land uses, in the Trip Generation Tables (DEIS/TEIR pages 4.7-5 and 6) for the Alternative A and B projects. The report identifies the description of a pass-by trip as a trip that is already on the I-15 Freeway that patronizes the project. The proper designation of this trip is a “Diverted Link” trip. The pass-by trips would only apply to those vehicles that are directly adjacent to the project site on Lenwood Road. A diverted link trip is a trip that is already on the freeway, leaves the freeway and traverses on the local streets from the freeway to the project site, patronizes the site, and returns to the freeway in the same direction of the original trip. The trip generation table incorrectly uses the pass-by trip as a reduction of the trips added to the local street system. It appears that the Traffic Study accounted for those trips that were incorrectly identified as pass-by trips to the Lenwood Road interchange and Interstate 15 interchange. The DEIS/TIER and Traffic Study documents should clarify the distinction of the pass-by and Diverted Link trips. The Diverted Link trips need to be estimated as a separate trip purpose, and then added to the primary trips for the study intersections on the local street system. A 40% Diverted Link trip for all of the proposed uses would be reasonable.

A10-19

The Traffic Study included an analysis of the Weekday (Mid-day and PM) and Saturday (Mid-day and PM peak) peak hours. Though it is identified in the report that the proposed land use may peak on a Saturday, the existing traffic I-15 Freeway, and the local streets in the Lenwood Road interchange area, peaks on late Friday and Sunday afternoons (PM peak hour). The traffic analysis should consider the analysis of the Friday and Sunday PM peak hours.

A10-20

Tables 4.7-8 and 9, and Table 4.13-10 and 16, should show the Level of Service of the intersection of Lenwood Road and the Project Access Driveway with the proposed traffic signal mitigation.

A10-21

This review was of the Draft EIS/TIER document, and does not include a detailed review of the Traffic Study prepared for the project by Linscott, Law & Greenspan. As a result it is not possible to verify the accuracy of mitigation measures pertaining to potential trip generation. The relationship between potential peak hour trip generation and proposed mitigation in light of our recommended revisions to the project's analysis must be addressed. Additional mitigation to reduce proposed project impacts to below a level of significance may, or may not, be needed.

A10-22

(XVII. Cumulative Effects) 4.13 Cumulative Effects (pgs. 4.13 – 1 to 30): This Section of the DEIS/TEIR appears to present a comprehensive evaluation of cumulative effects.

A10-23

Section 5.0 – Mitigation

Barstow asks that a Mitigation Monitoring and Enforcement Program (MMEP) be developed and included in the Final Environmental Impact Statement (FEIS/FTEIR) and Record of Decision per 40 CFR 1505.2 (c). The MMEP should describe responsible parties for implementation and enforcement for individual and collective measures and identify how the success of mitigation measures will be monitored. To this end it is important that each mitigation measure in Section 5 be given a unique alpha/numeric identifier so that the subject mitigation can be easily identified and thus tracked.

All mitigation measures should be written in a manner that specifies the party responsible for mitigation, and the party responsible for monitoring, timing of the mitigation, as well as the specific mitigation requirements. Use of wording, such as “to the extent feasible,” which reduces the potential effectiveness of the mitigation measures should be deleted.

A10-24

Many of the mitigation measures found in Section 5, while all applicable to the subject project, are generic in nature. Measures when presented in the MMEP should be narrowed to make them specific to the Barstow site; e.g. one Mitigation Measure pertaining to surface water states “major grading activities will be scheduled during the dry season.” The MMEP must specify the time of execution of individual mitigation measures that have a time component, in this case seasonally only during certain

specified months.

A10-24
Cont.

The DEIS/TEIR indicates that all mitigation is to be in accord with the MSA between the Tribe and Barstow “in a manner that is consistent with the Barstow Municipal Code at the time of any project development,” as well as be in accord with Best Management Practices (BMP). Mitigation in Section 5.0 generally defines BMP for each environmental category. Specific Municipal Code section references should be included for each mitigation measure listed in the MMEP. In addition, we suggest that the following mitigation measure be included in the MMEP:

A10-25

Mitigation Measure: In concert with BMP definitions, all mitigation measures shall be reviewed by appropriate municipal staff in relationship to the Barstow Municipal Code prior to any physical project development. This is to insure inclusion of all applicable Barstow Municipal Code sections as they may relate to individual mitigation measures.

Although the mitigation measures included in the DEIS/TEIS are meant to mitigate potential impacts, relevant levels of significance are not clearly specified. To achieve identified levels of significance, we would request the addition of the following mitigation, which is designed to address any unforeseen impacts or incomplete implementation of mitigation measures:

A10-26

Mitigation Measure: In the event that during the construction or operation of the project, the City of Barstow identifies unmitigated impacts of the project, the City shall notify the Tribe and meet and confer with the Tribe to identify adequate mitigation. Any dispute as to mitigation requirements and responsibility shall be resolved as provided for in the Municipal Service Agreement.

Section 6.0 Preparers: 7.0 Acronyms and 8.0 References

These sections appear complete and we have no further comment.

We appreciate the opportunity to review this DEIS/TEISR, and we are available to answer questions you may have regarding our recommendations. When the FEIS/FTEIR is released for public review, please send one copy to the City of Barstow, 220 E. Mountain View St, Suite A, Barstow, CA 92311, attn: Michael Massimini, City Planner. If you have any questions, please contact Michael Massimini, (760) 255-5152 or mmassimini@barstowca.org.

A10-27

Sincerely,


Michael Massimini, City Planner
City of Barstow

Comment Letter A11

State of California

Business, Transportation and Housing Agency

Memorandum

*Clear
9/14/11
Lyle*



Date: August 23, 2011

To: Inland Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Barstow Area

File No.: 835.11501.13942

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2006041149

The Barstow Area has reviewed the Environmental Document Review and Response SCH# 2006041149. The proposed project is an Indian Gaming Casino which will be located within an incorporated portion of the City of Barstow. It is anticipated the project will result in increased traffic in the surrounding area.

This project is located near a factory outlet mall, strip malls, and several eating establishments. The area is a routine stop for numerous buses and travelers as an oasis in an otherwise barren desert drive. There are only two ingress/egress points to this new establishment. Lenwood Road is an improved highway consisting of multiple lanes in each direction with adequate traffic signals. Despite planning, the roadway is commonly congested and at times, has traffic backed up onto the northbound Interstate 15 off-ramp at Lenwood Road. The other route to this location is Outlet Center Drive. From Interstate 15, Outlet Center Drive is a small, two lane highway which has a rich history of significant injury collisions.

A11-1

To accommodate the expected increased traffic flow, to provide a safer roadway for travelers, and to minimize expected traffic backup in the area, the Barstow Area strongly recommends Outlet Center Drive receive significant improvements such as a multi-lane roadbed and signage in each direction to encourage travelers to utilize Outlet Center Drive and prevent increased traffic from backing up onto Interstate 15 at Lenwood Road.

Additionally, Area expects increased instances of driving under the influence and traffic collisions as a result of this project. The ability for gamers to gamble locally could result in a routine steadfast of loyal travelers to frequent the area. The symbiotic nature of alcohol usage and gambling would directly result in more intoxicated drivers operating vehicles upon Interstate 15. Based upon the success of this project, additional staffing may be needed to handle the extra incident factor resulting from increased traffic flows.

A11-2

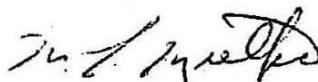


Inland Division
Page 2
August 23, 2011

In closing, the Barstow Area is supportive of this project, but only if the increased traffic can be safely addressed and if the increased volume of travelers is factoring into future staffing levels for the Barstow Area.

A11-2
Cont.

If you have any questions regarding this recommendation, please do not hesitate to contact me at (760) 255-8700.



M. L. MIELKE, Captain
Commander



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BOHMAN, Director



Rec Dir _____
Deputy Dir _____
Deputy Dir _____
Date _____
Response Required _____
Date Due _____
Mailing List _____
Fax _____
(PK)

November 30, 2012

Ms. Amy Dutscke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Subject: Los Coyotes Band of Cahuilla and Cupeno Indians of the
Los Coyotes Reservation Construction of an Off-reservation
Gambling Casino in Barstow, California

Dear Ms. Dutscke:

The Department of Fish and Game (Department) has received your letter regarding the Los Coyotes Band of Cahuilla and Cupeno Indian's proposed acquisition of land to construction of an approximately 57,070 square feet of gambling floor, a 100-room hotel, and associate facilities on approximately 23.1 acres on Lenwood Road in the City of Barstow.

The Department is providing comments as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

A12-1

Following is a list of species that would need to be surveyed for to determine if the construction and operation of the casino would impact these species: the state and federally listed desert tortoise (*Gopherus agassizii*); state listed Mohave ground squirrel (*Spermophilus mohavensis*), the burrowing owl (*Athene cunicularia*, BUOW), which is a Species of Special Concern and protected under Fish and Game Code Section 3503.5;

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Ms. Amy Dutscke, Regional Director
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sharp-shinned hawk (*Accipiter striatus*), prairie falcon (*Falco mexicanus*), ferruginous hawk (*Buteo regalis*), and Cooper's hawk (*Accipiter cooperi*) which are protected under Fish and Game Code Section 3503.5; LeConte's thrasher (*Toxostoma lecontei*) which is a Species of Special Concern; desert kit fox (*Vulpes velox*), which is protected under Title 14, California Code of Regulations, 460 Division 1 Subdivision 2 Chapter 5., and Mojave monkeyflower (*Mimulus mohavensis*).

A12-2
Cont.

The regional water supply is in an overdraft condition and development of any new project will increase conditions of groundwater overdraft due to new demands. Depending on the amount of water use predicted this could have a significant impact on the environment. The amount of water to be use and its impacts should be considered.

A12-3

Thank you for this opportunity to provide comments prior to the acquisition of this property for development. Questions regarding this letter and further coordination on these issues should be directed to Ms. Rebecca Jones, Environmental Scientist, at (661) 285-5867.

Sincerely,



Kimberly Nicol
Regional Manager

cc: Ms. Leslie MacNair, Environmental Program Manager
Department of Fish and Game
Ontario, CA

Ms. Rebecca Jones, Environmental Scientist
Department of Fish and Game
Palmdale, CA

