
**Soboba Band of Luiseño Indians
Horseshoe Grande Property
Fee-to-Trust Application**

**Prepared for
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region
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1.0 Introduction and Historical Overview

The Soboba Band of Luiseño Indians (hereinafter, "Tribe") has prepared this Fee-to-Trust application (hereinafter, "application") for the transfer of the Subject Property (also known as the "Horseshoe Grande" property) from fee-title to Federal trust status. The Subject Property consists of 34 parcels, totaling 534.91± acres of land to which the Tribe obtained deeds from June 2001 through January 2007. This application has been compiled for submission to the United States Department of the Interior, Bureau of Indian Affairs (BIA). Under 25 C.F.R. Part 151 pursuant to the authority of the Indian Reorganization Act, which was made applicable to all Indian tribes in the Indian Land Consolidation Act of 1983, 25 U.S.C. §2201, *et seq.*, the BIA has the authority to review and approve fee-to-trust applications for Indian tribes and individual Indians.

1.1 Identity of Parties and Status of Subject Property

The Subject Property is presently owned by the Tribe, which obtained deeds to the property from June 2001 through January 2007 (see **Table 1-1**). The Subject Property is located in the City of San Jacinto, Riverside County, California, and is contiguous to the existing Soboba Indian Reservation (hereinafter, "Reservation"). The property is specifically described in the preliminary title reports and deeds attached hereto, and incorporated herein as **Exhibit A** of this application. Proof of ownership is documented by the following records:

- Deed from Osborne Development Corp. to the Tribe recorded in the Riverside County Clerk's Office on June 22, 2001 as Instrument number 2001-285791 (Parcels 4, 5, and 6).
- Deed from Grima, A Partnership to the Tribe recorded in the Riverside County Clerk's Office on December 13, 2001 as Instrument number 2001-620785 (Parcels 7-13).
- Deed from Estate of Margaret Van Luven to the Tribe recorded in the Riverside County Clerk's Office on December 14, 2001 as Instrument number 2001-024157 (Parcels 14 and 15).

- Deed from Soboba Springs Royal Vista Golf Courses to the Tribe recorded in the Riverside County Clerk's Office on December 9, 2004 as Instrument number 2004-0978974 (Parcels 1-3).
- Deed from Advantage Group, Inc. to the Tribe recorded in the Riverside County Clerk's Office on June 22, 2006 as Instrument number 2006-0451539 (Parcels 16-18 and 29-34).
- Deed from Ramljak Family Trust to the Tribe recorded in the Riverside County Clerk's Office on January 4, 2007 as Instrument number 2007-0007622 (Parcels 19-28).

**Table 1-1
Horseshoe Grande Property Parcels**

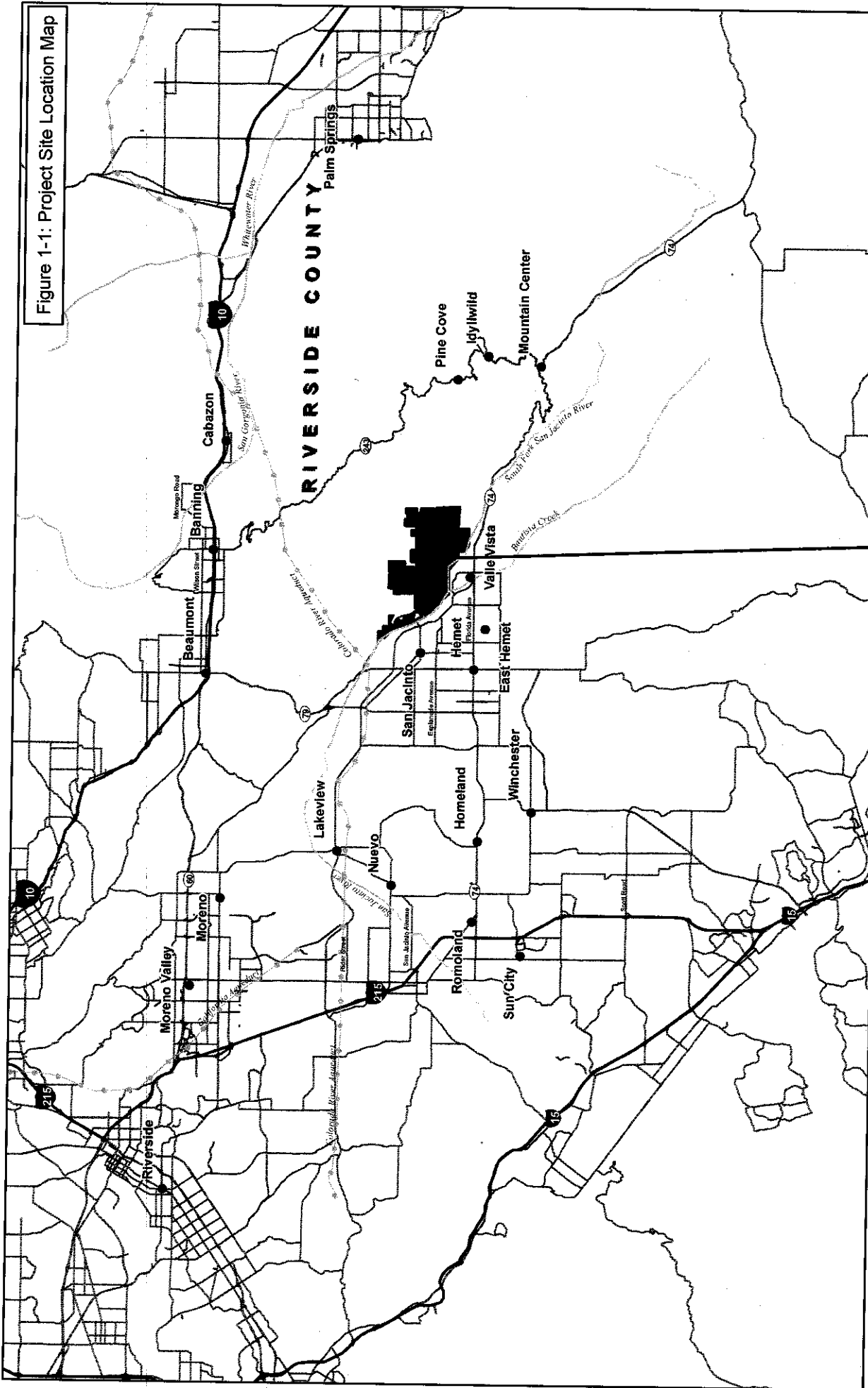
Parcel #	APN	Acreage	2008-2009 Prop. Taxes	Acquisition Date	Seller
1	722020300			12/09/2004	Soboba Springs Royal Vista Golf Courses
2	722020301			12/09/2004	Soboba Springs Royal Vista Golf Courses
3	722020302			12/09/2004	Soboba Springs Royal Vista Golf Courses
4	722020303			12/09/2004	Soboba Springs Royal Vista Golf Courses
5	722020304			12/09/2004	Soboba Springs Royal Vista Golf Courses
6	722020305			12/09/2004	Soboba Springs Royal Vista Golf Courses
7	722020306			12/09/2004	Soboba Springs Royal Vista Golf Courses
8	722020307			12/09/2004	Soboba Springs Royal Vista Golf Courses
9	722020308			12/09/2004	Soboba Springs Royal Vista Golf Courses
10	722020309			12/09/2004	Soboba Springs Royal Vista Golf Courses
11	722020310			12/09/2004	Soboba Springs Royal Vista Golf Courses
12	722020311			12/09/2004	Soboba Springs Royal Vista Golf Courses
13	722020312			12/09/2004	Soboba Springs Royal Vista Golf Courses
14	722020313			12/09/2004	Soboba Springs Royal Vista Golf Courses
15	722020314			12/09/2004	Soboba Springs Royal Vista Golf Courses
16	722020315			12/09/2004	Soboba Springs Royal Vista Golf Courses
17	722020316			12/09/2004	Soboba Springs Royal Vista Golf Courses
18	722020317			12/09/2004	Soboba Springs Royal Vista Golf Courses
Subtotal for Undeveloped Proper		140.58	\$119,172.60		
19	722020318			1/4/2007	Ramljak Family Trust
20	722020319			1/4/2007	Ramljak Family Trust
21	722020320			1/4/2007	Ramljak Family Trust
22	722020321			1/4/2007	Ramljak Family Trust
23	722020322			1/4/2007	Ramljak Family Trust
24	722020323			1/4/2007	Ramljak Family Trust
25	722020324			1/4/2007	Ramljak Family Trust
26	722020325			1/4/2007	Ramljak Family Trust
27	722020326			1/4/2007	Ramljak Family Trust
28	722020327			1/4/2007	Ramljak Family Trust
Subtotal of Ramljak Parcels		245.03	\$38,738.78		
29	722020328			6/22/2006	Advantage Group, Inc
30	722020329			6/22/2006	Advantage Group, Inc
31	722020330			6/22/2006	Advantage Group, Inc
32	722020331			6/22/2006	Advantage Group, Inc
33	722020332			6/22/2006	Advantage Group, Inc
34	722020333			6/22/2006	Advantage Group, Inc
Subtotal for Golf Course Property		149.30	\$193,447.50		
Total		534.91	\$351,358.88		

1.2 Soboba Reservation Property History

The Reservation was established by an Executive Order on June 19, 1883, which set aside 3,172.03 acres of land for the permanent use and occupation of the Mission Indians, of which the Soboba Band is a member (see **Exhibit B**). However, the Reservation did not receive a Trust Patent until August 22, 1911. Several modifications were made to the Reservation boundaries after its establishment in 1883, which included both the addition of new land and the removal of other lands. Presently, the Reservation includes 6,865 acres of Trust lands (see **Figure 1-1**). It is pertinent to note that substantial portions of the Subject Property were taken out of the original Reservation land by an Executive Order on March 22, 1886. The following outlines the additions and removals to the Reservation land since its establishment:

- On March 22, 1886, by an Executive Order, 320.00 acres were subtracted in Section 28 T. 4 S., R. 1 E;
- On January 29, 1887, by an Executive Order, 120.00 acres were subtracted in Section 28 T. 4 S., R. 1 E;
- On January 29, 1887, by an Executive Order, 120.00 acres were added in Section 28 T. 4 S., R. 1 E;
- On December 29, 1891, by an Executive Order, 1,456.91 acres were added in Section 20, also including all of Section 29, T. 4 S., R. 1 E. and in sections 3, 4, and 5 of T. 5 S., R. 1 E;
- On June 25, 1900, a Fee Patent was issued to the Southern Pacific Railroad, reducing the Reservation land by 32.84 acres in Section 9 T. 5 S., R. 1 E;
- On August 22, 1911, the Tribe purchased 709.65 acres in Tract No. 8 in sections 31 and 32 of T. 4 S., R. 1 E. from the State of California, including fractional interests in sections 4, 5, and 7 of T. 5 S., R. 1 E;
- On June 10, 1913, by Trust Patent No. 340660, 68.90 acres were added in Section 21 T. 4 S., R. 1 E;
- On July 2, 1963, by Declaration of Taking by Army Corps of Engineers, 19.97 acres were subtracted from Parcel No. 4020-125A in Book 33, pages 48 to 62; and
- On November 1, 1988, by Public Law 100-581, 880.00 acres were added in sections 20, 33, and 34 T. 4 S., R. 1 E.

Figure 1-1: Project Site Location Map



Project Site

Reservation Boundary

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County Boundaries, Cities, and Off-Reservation Streets: ESRI

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1.3 Soboba Reservation Location and Setting

The Reservation is located at the base of the San Jacinto Mountains, in the upper San Jacinto River Basin. The San Jacinto River flows along the western boundary of the Reservation. The irregular configuration of the Reservation stretches eastward to the boundary of the San Bernardino National Forest, and westward and southward to the cities of San Jacinto and Hemet, respectively, in Riverside County, California (see **Figure 1-1** above). The existing Reservation is comprised of rolling hills, deep ravines, river bottom, and a fairly level alluvial fan near the San Jacinto River. Elevations within the boundaries range from approximately 1,600 feet above sea level at the San Jacinto River to approximately 2,600 feet above sea level in the northeastern and southeastern portions of the Reservation. Groundcover in the area consists of native chaparral, salt-bush, small juniper, and some annual grasses. The Poppet and Indian creeks generally traverse the Reservation from the northeast to the southwest, flowing into the San Jacinto River. The San Jacinto River and both the above-mentioned creeks generally remain dry. The prevailing wind direction pattern on the Reservation is northeast to southwest.

1.4 Cultural Setting and Tribal Determination

The Tribe has a rich history along the foothills of the San Jacinto Mountains, where its ancestors cultivated Tribal land and utilized its resources to benefit the Tribe for generations to come. Tribal families have strong memories of and associations with this land, and have depended on the wealth of resources it offers for survival, recreation, and aesthetic fulfillment. The natural hot springs were popular with Tribal members of all age groups, who used to gather there to bathe and, when required, apply the mud from the edges of the springs to their bodies for healing purposes.

There was a period when Tribal families were forced out of their homes along the hillsides due to flooding from the watershed at higher elevations. It was not until the 1940s and 1950s that the watershed was re-routed by the current water management agency and the families were able to move back to this land. Unfortunately, by that time the Executive Order had been issued and the new Reservation boundary did not include this section of the property. Thus, the Tribe essentially lost a portion of its Reservation.

Through its numerous economic development projects, the Tribe is committed to improving its Reservation and preserving its aboriginal territory for future generations. This application meets the requirements of 25 C.F.R Part 151 and demonstrates that the impacts to the state and its political subdivisions are minor compared to the need of the Tribe, and that the proposed use will provide benefits to both the Tribe and the surrounding community. This warrants that the 534.91± acres be taken into Federal trust and declared a part of the Reservation.

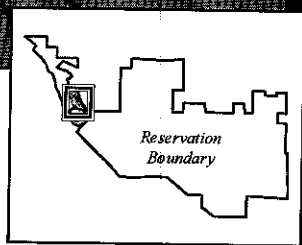
1.5 Description of the Proposed Action

The Proposed Action consists of the conveyance of 34 parcels, 534.91± acres of Tribally-owned property that is located adjacent to the boundaries of the existing Reservation into Federal trust status on behalf of the Tribal Government. The land transfer would be made in accordance with the procedures set forth in 25 C.F.R. Part 151. The Proposed Action also includes the relocation of the Tribe's existing casino, which presently resides on trust lands, to the Subject Property. Furthermore, the Proposed Action includes the development of a 300-room hotel complex that would be connected to the proposed casino. Within the proposed casino-hotel complex, various food and beverage establishments, retail businesses, an events arena, and a spa and fitness center are also proposed. The other proposed developments would be free-standing and set apart from the casino-hotel complex; these developments include a Tribal fire station and a 12-pump gas station and convenience store. These developments would be constructed south of the present Lake Park Drive. Development of the proposed hotel/casino complex near Soboba Springs Golf Course and Country Club (hereinafter, "the Golf Course and Country Club" collectively; and the "Golf Course" and the "Country Club" individually, respectively) would allow the Tribe to economically diversify by offering customers a destination resort. The Tribe may construct a convention center in the future, dependent on the level of success the events arena realizes, but has no plans to pursue this Phase II addition until the proposed developments are in operation.

Due to fault lines in the area, the realignment of Lake Park Drive may be necessary in order to accommodate the proposed developments on the Subject Property's available buildable land. There are two options being analyzed, with regards to Lake Park Drive, therefore, the Proposed Action accompanied by the realignment of Lake Park Drive is referred to as "**Proposed Action A**", while that without the realignment of Lake Park Drive is called "**Proposed Action B**". Additionally, in Proposed Action B, the events arena would be located across Lake Park Drive and be slightly smaller than in Proposed Action A by 15,000 square-feet to accommodate the events arena in the available building space south of Lake Park Drive. Both these versions of the Tribe's proposal are collectively referred to as the "**Proposed Action**". **Figures 1-2(a)** and **1-2(b)** present conceptual site plans and architectural renderings, respectively, of Proposed Action A, while **Figure 1-3** presents the conceptual site plan for Proposed Action B.

The structure of the existing Soboba Casino, located less than a half mile from the Subject Property, would be used for Tribal functions and programs, such as Tribal general membership meetings and gatherings. Essentially, this facility would serve as a "Great Hall" and cultural center and would no longer serve as a gaming establishment. Also, the office space for the existing casino staff would be made available for the Tribe's rapidly expanding Tribal administration.

Figure 1-2(a): Proposed Action A



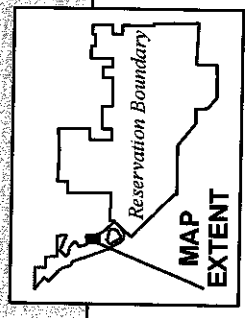
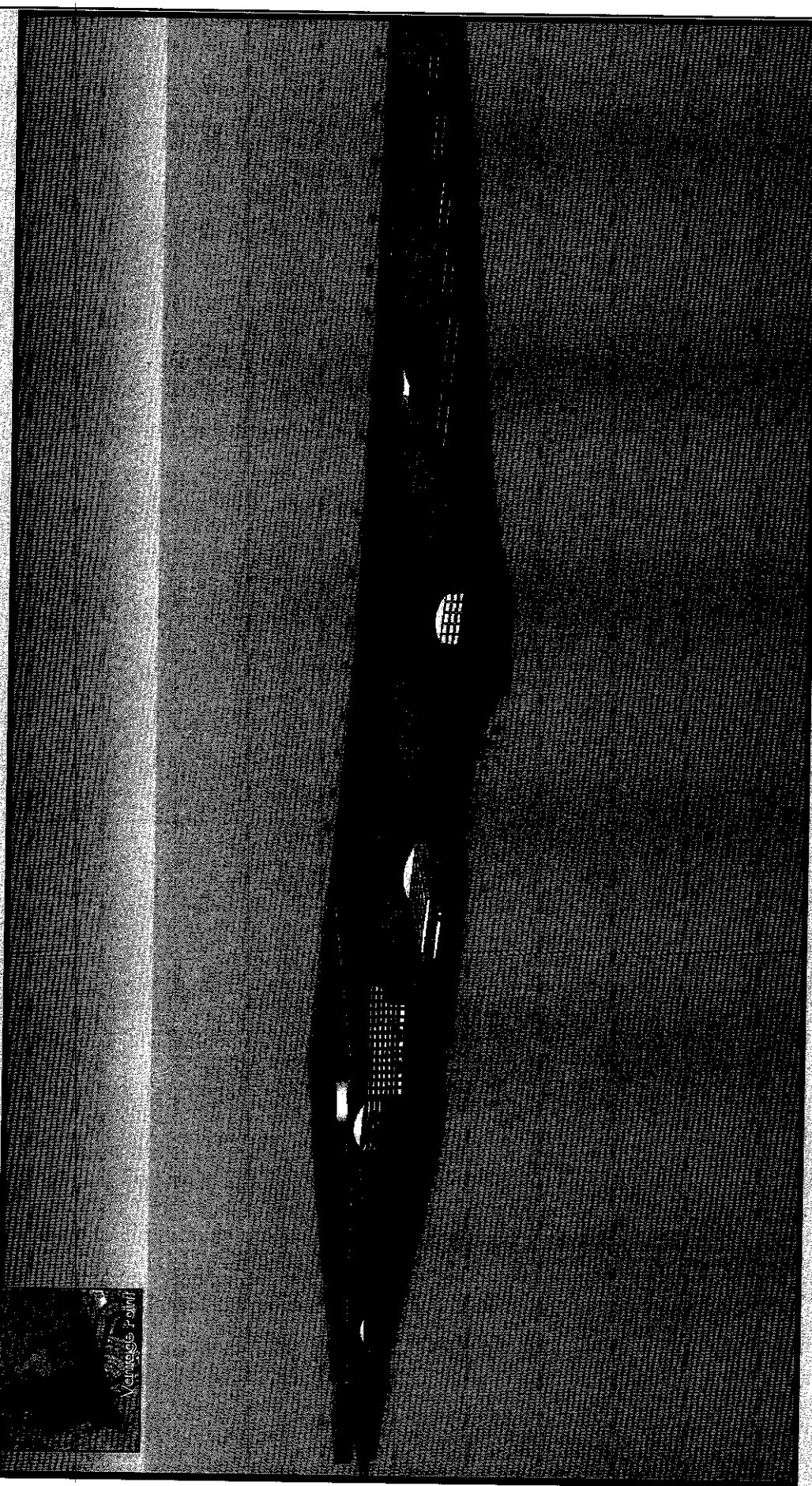

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0 500
 Feet

Aerial Imagery: Digital Globe, Inc. September 2007
 Proposed Site Plan: JMA

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Figure 1-2(b): Conceptual Architectural Rendering of Proposed Action



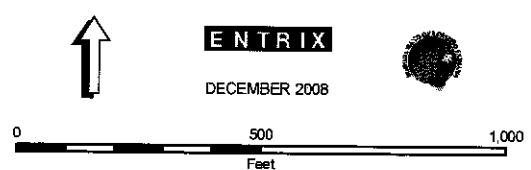
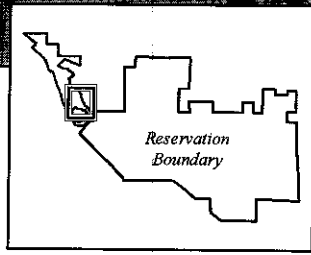
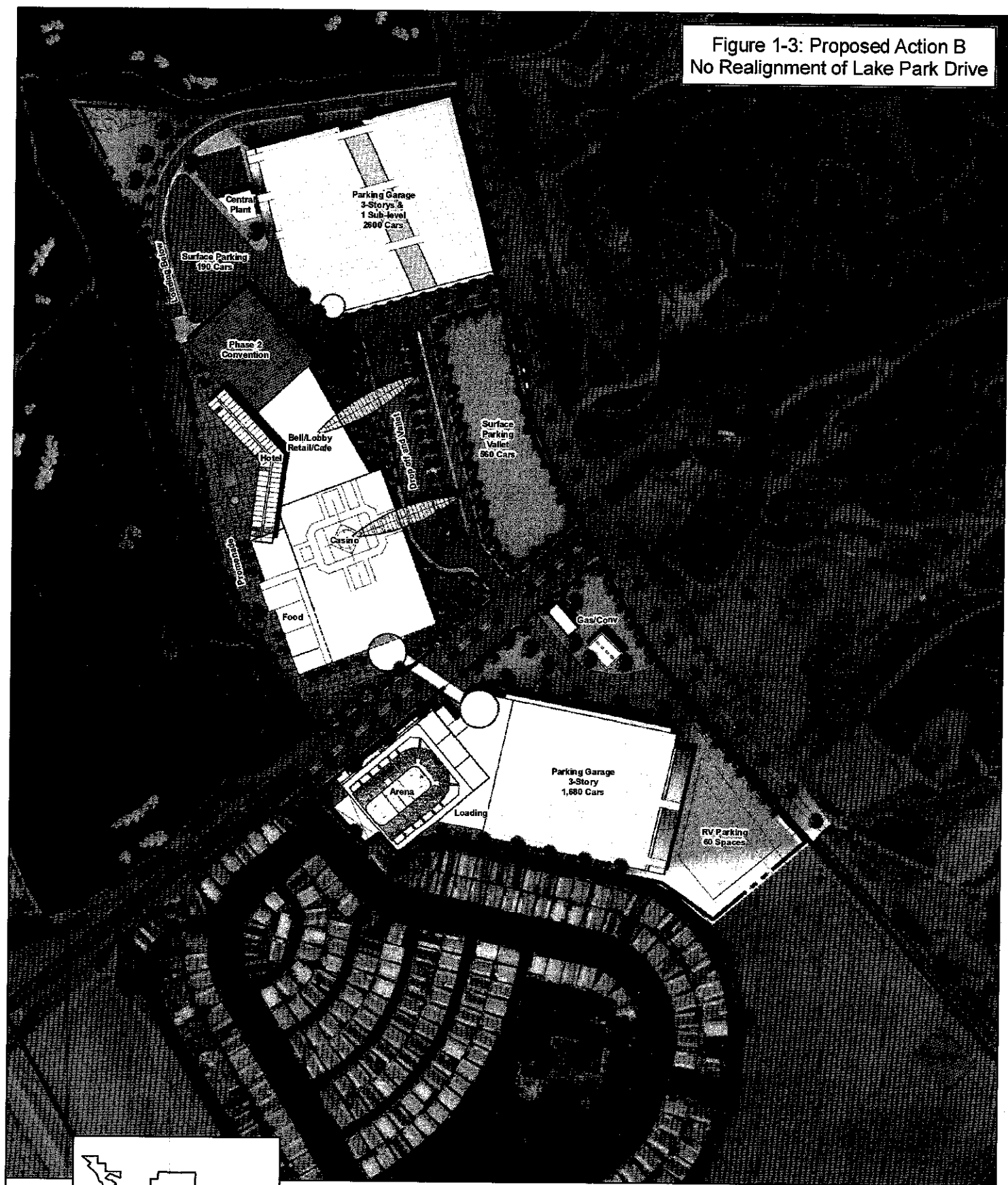
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Proposed Action - JMA

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Figure 1-3: Proposed Action B
No Realignment of Lake Park Drive



Aerial Imagery: Digital Globe, Inc. September 2007
Proposed Site Plan: JMA

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1.5.1 Proposed Developments

This section provides details of each of the proposed developments. **Table 1-2** presents the approximate square-footage for each of these developments. Brief descriptions of each element follow **Table 1-2**. Build-out is expected to occur in two phases of development. All proposed developments, except for the convention center, are to be constructed during Phase I of the build-out.

Table 1-2
Proposed Developments by Approximate Square-Footage

Phase I	Square-Feet
Casino	160,000
Hotel	170,000
Lounge/Lobby/Entertainment	30,000
Restaurants/Food Service	30,000
Retail	10,000
Events Arena	135,000
Spa and Fitness Center	20,000
Back-of-the-House	100,000
Administration	15,000
Gas Station & Convenience Store	6,000
Tribal Fire Station	13,500
Sub-Total	689,500
Phase II	
Convention Center	40,000
Overall Total	729,500

Source: Conceptual Engineering Designs of proposed developments provided by JMa Architecture Studios.

Phase I

Hotel Complex

The proposed five-story (70 feet above grade) hotel would include 300 rooms, a spa and fitness center, retail businesses, and various food and beverage establishments (buffet, coffee shop, steakhouse, specialty restaurant, noodle bar, night club, sports bar, lounge, etc.). This facility is proposed to be approximately 375,000 square-feet in total and would be accessed off of Lake Park Drive and Soboba Road. The complex would be constructed during Phase I of development over an approximate two year period where construction activities would occur from 7:00 AM to 7:00 PM, Monday through Saturday (consistent with the City of San Jacinto noise ordinances found in Section 8.40.040). The complex would utilize pile driven foundations. The proposed 160,000 square-feet of casino space would be connected to this facility. The hotel is designed to blend in with the natural setting of the surrounding area and can be considered a contemporary Mission style of development. This style of architecture

demonstrates some Mission influences, but with more modern interpretation of traditional detailing. The design will be cleaner and more refined style than the old style Mission that people associate with Southern California. Landscaping of the hotel would be integrated with that of the adjacent the Golf Course and Country Club to extend the park-like setting. Trees and shrubs would be planted in irregular groups to break up the outline of the building and parking areas, avoiding the use of tall linear hedges and tree plantings that would result in visual barriers. Lighting of the building and parking area would consist of shielded downcast lighting to reduce the spillover of light into adjacent areas. The hotel complex alone would support approximately 300 to 400 employees. This facility would use the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

Casino

The existing Tribal gaming operation, which resides less than one mile south of the Subject Property, would be relocated from its present location to the proposed 160,000 square-foot facility (approximately 32 feet above grade). Build-out would occur in Phase I of the development plan, along with the hotel complex, over an approximate two year period where construction activities would occur from 7:00 AM to 7:00 PM, Monday through Saturday (consistent with the City of San Jacinto noise ordinances found in Section 8.40.040). The casino would utilize pile driven foundations and be of the same architectural style as the hotel complex, which is contemporary Mission. Access to the casino would be provided by Soboba Road and Lake Park Drive. Additionally, two parking structures and surface parking are planned to accommodate a total of approximately 5,090 vehicles. The casino would employ approximately 1,200 employees. With the other proposed developments, staffing requirements could potentially exceed 1,600 employees in total. This facility would use the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

Events Arena

An enclosed, multiuse event arena capable of providing space for events ranging from business conferences to boxing matches would accompany the hotel/casino facility. Depending on the event and floor space needed, seating would range from 2,595 to 3,891 seats, with 1,715 fixed seats and the others either retractable or floor seating. Concessions, banquet, meeting, and pre-function spaces would also be included in the facility. The Tribe intends to market the event arena (and convention center, see below) to attract businesses, bringing non-local visitors into the area. The events arena would be connected to the hotel/casino complex and accessible by foot from many points of entry. The southern parking structure would be connected to the events arena. This facility would use the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

Gas Station/Convenience Store

A gas station and convenience store would be developed near the intersection of Soboba Road and Lake Park Drive. Access to the gas station and convenience store would be

provided by Lake Park Drive; direct access would not be provided to Soboba Road due to the embankment located along the western side of Soboba Road. The facility would consist of a 6,000 square-foot convenience store and a fueling station with approximately 12 pumps. These buildings would have a maximum height of 25 feet above grade. Twenty parking spaces would be provided for the convenience store. Typical commercial landscaping would be done near the convenience store and along the street frontages. Lighting of the building and parking area would consist of shielded downcast lighting consistent with local regulations and code. Build-out would occur in Phase I of the development plan along with the hotel/casino complex. This facility would use the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

Tribal Fire Station

A Tribal fire station will be developed under the Proposed Action and in accordance with the Draft Tribal Fire Operations Plan. The Tribal fire station would be developed on Soboba Road, towards the southeastern corner of the Subject Property, during construction of the hotel/casino complex. The station would total approximately 13,500 square-feet and will serve the Subject Property along with the entire Reservation. The two-story building would have a maximum height of 40 feet above grade, with sufficient pavement and parking made available to maneuver and house the necessary fire equipment and fire trucks, and to provide for employee parking. The station would include apparatus storage bays, equipment storage rooms, restrooms, and office space. These facilities would use the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

Phase II

Convention Center

The Tribe is considering the addition of a 40,000 square-foot convention center to the north wing of the hotel after the Phase I facilities are fully constructed. The feasibility of the convention center as a business will determine whether or not it will be constructed. However, as stated above, this DEIS assumes the facility will be constructed for analytical purposes. Prior to the construction of the convention center, the events arena would provide "bar and curtain" convention space. The Tribe intends to market the event arena and convention center to attract businesses, bringing non-local visitors into the area. The convention center would be connected to the hotel/casino complex and accessible by foot from many points of entry. The northern parking structure would be connected to the facility. All water would be supplied by the Tribe's existing water supply network and proposed on-Reservation wastewater facilities.

1.6 Current Gaming Operation and Suitability of the Subject Property

The existing casino, located on Reservation lands, contains 2,000 slot machines, 30 table games, and ten poker tables within a 62,400 Ft² complex (see **Figure 1-4**). Ancillary facilities within the existing facility include three restaurants and a sports lounge. The majority of the complex (40,400 Ft²) is set within a sprung structure. **Table 1-3** presents more details on the existing casino.

The present gaming parcel is insufficient because there is a need for additional parking to accommodate high demand and for a permanent structure to provide for improved air quality control and public safety. The location of the proposed hotel/casino complex near the intersection of Soboba Road and Lake Park Drive would also allow easier access to and from the facilities relative to the location of the existing casino. Furthermore, the location of the Subject Property would allow the Tribe to fully capitalize on the proposed hotel/casino complex's proximity to the Golf Course and Country Club in order to offer a destination resort.

Development and expansion of the present gaming parcel is severely restricted by surrounding land uses, Federal Emergency Management Agency (FEMA) floodplain easements surrounding the parcel, and land allotted to Tribal members (see **Figure 1-5**). Also, as discussed above, the Tribe intends to utilize the existing gaming facility for cultural and administrative purposes, and the existing parking lots would provide overflow parking for the proposed hotel/casino complex.

The Tribe has utilized most of its developable acreage for community services, such as recreation, public works, economic development, housing, education, and cultural enrichment. All remaining developable land in the vicinity is already allotted to Tribal members for residential use. Given both increases in the adult membership and the growing needs of emerging young families in the foreseeable future (see **Section 4.3**), it is unlikely that any of this residential land could be developed for commercial use. Hence, any addition to the casino facilities must take place outside of current Reservation boundaries.

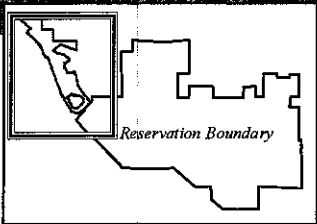
**Table 1-3
Existing Casino**

Name	Ft²	Structure	Use
Cedar Room	26,000	Sprung	Slot Gaming
Mesquite Room (including Soboba Café & Sage Bar)	13,000	Permanent	Table & Slot Gaming
Sage Room	9,600	Sprung	Slot Gaming
AC Sports Bar	7,000	Permanent	Food Service & Bingo
Poker Room	1,600	Permanent	Poker Matches
Gold Room	1,200	Sprung	Slot Gaming
Manhattan Restaurant	3,600	Sprung	Food Service
Cedar Room Bar	400	Permanent	Beverage Service
Total	62,400		

Figure 1-4: Horseshoe Grande Property Existing and Proposed Casino Locations



- Horseshoe Grande Property
- Reservation Boundary
- Ramijak Property
- Existing Casino
- Scoboba Springs Golf Course and Country Club
- Firestation Development Location
- Road



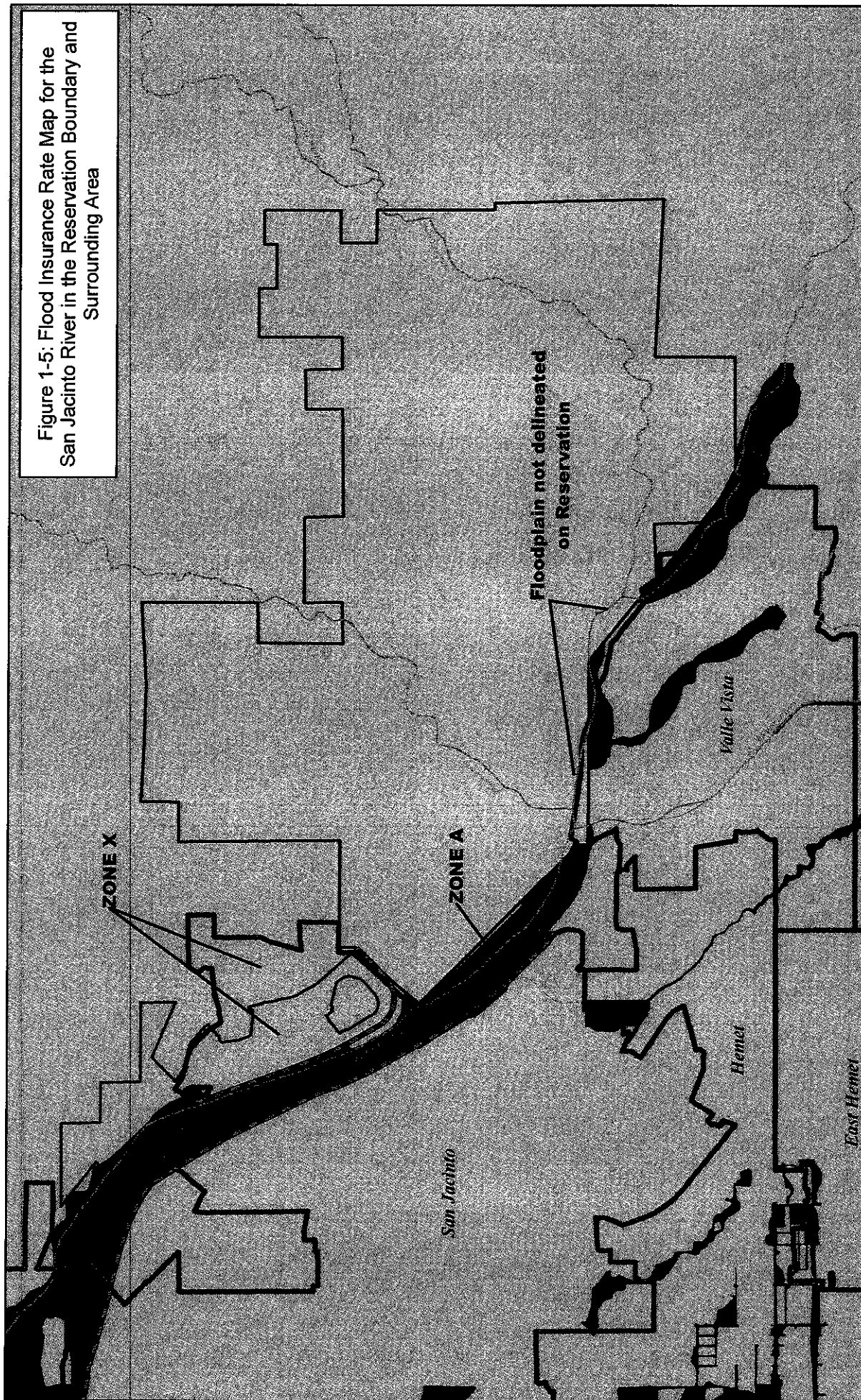
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Aerial Imagery - Digital Globe, Inc. September 2007
Proposed Site Plan: JMA

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Figure 1-5: Flood Insurance Rate Map for the San Jacinto River in the Reservation Boundary and Surrounding Area



- Special Flood Hazard Area**
- Zone A
 - Outside Zone A
- Reservation Boundary**
- Horseshoe Grande Property**
- City Boundary**
- Existing Levee**



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2.0 Statutory Criteria and Requirements

The BIA, as part of the U.S. Department of the Interior (DOI), is the Federal agency charged with reviewing and approving tribal fee-to-trust applications pursuant to 25 U.S.C. §465 and 25 C.F.R Part 151 to take land into Federal trust status. The Indian Land Consolidation Act, 25 U.S.C. § 2202, extended the authority to acquire land for Indians to tribes that did not adopt the Indian Reorganization Act.

25 C.F.R Part 151 states the authority, policy, and procedures governing the acquisition of land in trust status by the United States for Indian individuals and tribes. The applicability of the land acquisition policy outlined in 25 C.F.R Parts 151.3(a)(1) and 151.3(a)(2) applies to the proposed fee-to-trust transfer discussed herein because the subject properties are adjacent to the Tribe's existing Reservation and the Tribe already owns an interest in the land. Furthermore, acquisition of the land in trust is necessary for facilitating Tribal self-determination, economic development, or Indian housing [25 C.F.R Part 151.3(a)(3)].

The criteria for on-Reservation acquisitions have been established in C.F.R Part 151.10. The remainder of the application addresses the criteria.

2.1 Citation of Statutory Authority for Land Acquisitions [25 C.F.R Part 151.10(a)]

This application and request is submitted pursuant to the Indian Reorganization Act, Part 151 and Section 203 of the Indian Land Consolidation Act of 1983 [25 U.S.C §2205, *et seq.*]. The acquisition is requested specifically under the provision of 25 C.F.R Part 151.10, for lands "located within or contiguous to an Indian Reservation." The Tribe proposes to relocate its nearby existing casino from lands presently in trust to the adjacent Subject Property. Therefore, this acquisition does include a gaming aspect; the Tribe will not enter into a gaming management contract with a third party. Furthermore, the land meets the exception under Section 20(b)(1)(a) of the Indian Gaming Regulatory Act (IGRA) for land that is contiguous to the Reservation as it existed on October 17, 1988, and therefore is not subject to Section 20's prohibition against gaming on lands acquired after that date [25 U.S.C §2719]. As stated in 25 U.S.C. 2719(a), the subject property to be conveyed qualifies as

either: 1) land that is located within the boundaries of the tribe's reservation as the reservation existed on October 17, 1988, or 2) land that is contiguous to the boundaries of the tribe's reservation as the reservation existed on October 17, 1988. The Subject Property qualifies as the latter. The Tribe entered into a standing compact with the State of California on September 10, 1999 that allows for Class III gaming operations up to 2,000 gaming devices. This compact was approved and found to be in compliance with the Indian Gaming Regulatory Act of 1988 by the Assistant Secretary of BIA on May 5, 2000 (attached as **Exhibit C**).

2.2 Federally-Recognized Indian Tribe

The Soboba Band of Luiseño Indians is a Federally-recognized Indian tribe, possessing sovereign status and powers by virtue of such recognition (Federal Register, Vol. 70, No. 226, p. 71194, November 25, 2005 – attached as **Exhibit D** of this application).

2.2.1 Tribal Constitution

The Tribal Constitution has been approved and is recognized by the U.S. Federal Government (attached as **Exhibit E** of this application).

3.0 Tribal Action and Request for Trust Status

On July 24, 2007, the Soboba Tribal Council duly adopted Resolution #CR07-HSFTTAPP-32, granting authority to the Tribal Chairperson to execute deeds and authorize the submission of a fee-to-trust application to the BIA (see **Exhibit F**). This application requests that the Secretary accept title into trust for thirty-four parcels (totaling 534.91± acres) of land, which lands are contiguous to the Tribe's existing Reservation, for the benefit of the Tribe.

3.1 Description of the Subject Property and Project Location [25 C.F.R §151.13]

The Subject Property is adjacent to the northwestern portion of the existing Reservation (see **Figure 3-1**). The property contains structures associated with the Golf Course and Country Club, including a new golf course maintenance facility and a club house complex. In addition, the southern portion of the Subject Property contains an abandoned building as well as an outdoor storage area for RVs and vehicles. Access to the property is through Soboba Road, which runs north-south through the property, and through Lake Park Drive, which runs east-west.

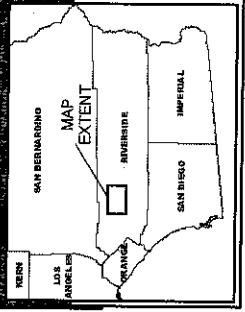
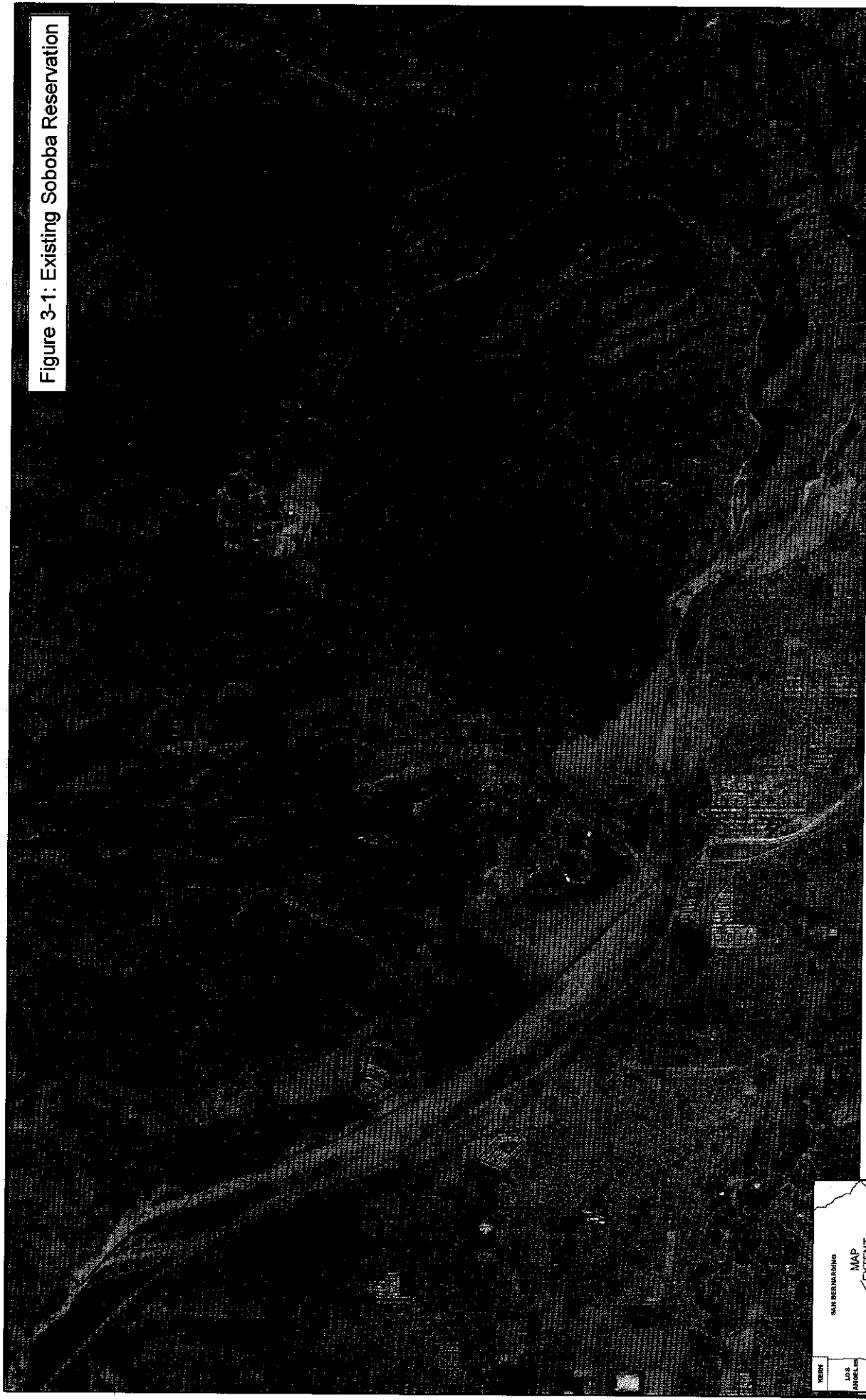
The Subject Property is located in the foothills on the west side of the San Jacinto Mountains, which separate the San Jacinto River Basin to the west from the Coachella Valley to the east, and is adjacent to the San Jacinto River. The property ranges in elevation from approximately 475 meters (1,560 feet) to 500 meters (1,650 feet) above mean sea level. Characteristic vegetation communities occurring within the regional vicinity include coastal sage scrub and non-native grassland. Riparian areas are also found within the project vicinity and include southern mixed riparian forest and mulefat scrub. The Subject Property is adjacent to the Soboba Indian community and is within approximately 1.6–4.8 kilometers (1–3 miles) of major urban and agricultural developments (i.e., the city of San Jacinto and the San Jacinto River Valley, respectively). The climate of the area is temperate and arid. The mean temperature is 11.1 degrees centigrade (52 degrees Fahrenheit) in the winter and 26.7




degrees centigrade (80 degrees Fahrenheit) in the summer with an average precipitation of approximately 31.8 centimeters (12.5 inches) per year.¹

The San Jacinto River runs parallel to the length of the Subject Property. The river channel is adjacent to and within a portion of the property. It is very wide (approximately 177–466 meters [580–1,530 feet] in the portion within and adjacent to the project area) and includes alluvium deposits and floodplain terraces. Land use within and surrounding the project area includes a golf course, small residential areas, and undeveloped land.

¹ Profile of U.S. cities at <http://www.city-data.com/>, accessed in 2007.

Figure 3-1: Existing Soboba Reservation



-  Reservation Boundary
-  Horseshoe Grande Property
-  Existing Casino



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The Tribe requests a total of thirty-four parcels encompassing 534.91± acres of land be taken into trust. These parcels of land were purchased by the Tribe from June 22, 2001 through January 4, 2007. The following describes the parcels proposed in this application to be taken into trust; legal descriptions and preliminary title reports for each parcel are attached as **Exhibit A** of this application:

Parcel 1: Three (3.25±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-120-023, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 9, 2004 and contains no structures or facilities.

Parcel 2: Twenty-nine (29.15±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-030, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 9, 2004 and contains no structures or facilities.

Parcel 3: Four (4.94±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-001, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 9, 2004 and contains no structures or facilities.

Parcel 4: Less than one (0.43±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-024, such parcel lying south of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2001 and contains no structures or facilities.

Parcel 5: Three (3.09±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-026, such parcel lying south of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2001 and contains no structures or facilities.

Parcel 6: Sixty-eight (68.64±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-020, such parcel lying south of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2001 and contains an abandoned building and an outdoor storage area for RVs and vehicles.

Parcel 7: Less than one (0.45±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-042, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 8: One (1.96±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-044, such parcel lying north of Lake Park Drive and west of Soboba

Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 9: One (1.18±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-045, such parcel lying north of Lake Park Drive and west of Soboba Road.. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 10: One (1.30±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-046, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 11: One (1.41±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-047, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 12: Two (2.05±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-048, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 13: One (1.17±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-049, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 13, 2001 and contains no structures or facilities.

Parcel 14: Two (2.30±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-120-009, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 14, 2001 and contains no structures or facilities.

Parcel 15: Seven (7.87±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-120-008, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on December 14, 2001 and contains no structures or facilities.

Parcel 16: Four (4.46±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-100-013, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and contains no structures or facilities.

Parcel 17: Less than one (0.68±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-100-002, such parcel lying north of Lake Park Drive and

west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and contains no structures or facilities.

Parcel 18: Six (6.25±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-100-014, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and contains no structures or facilities.

Parcel 19: Forty-three (43.12±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-080-002, such parcel lying west of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 20: Less than one (0.50±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-080-005, such parcel lying west of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 21: Four (4.59±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-080-006, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 22: Thirty-five (35.97±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-080-007, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 23: Seven (7.47±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-080-010, such parcel lying west of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 24: Four (4.41±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-080-011, such parcel lying west of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 25: Fifty-three (53.77±) acres located in Riverside County, California, found as Assessor Parcel Number No. 430-030-013, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 26: Sixteen (16.00±) acres located in Riverside County, California, found as Assessor Parcel Number No. 430-030-015, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 27: Thirty-eight (38.70±) acres located in Riverside County, California, found as Assessor Parcel Number No. 430-030-016, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 28: Forty (40.50±) acres located in Riverside County, California, found as Assessor Parcel Number No. 430-030-017, such parcel lying east of Soboba Road. This parcel was purchased by the Tribe on January 4, 2007 and contains no structures or facilities.

Parcel 29: Thirty-nine (39.18±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-100-015, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and includes a portion of the Soboba Springs golf course as well as some of the facilities associated with the club house complex.

Parcel 30: Three (3.72±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-110-013, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and includes a portion of the Soboba Springs golf course. No structures or facilities exist on this parcel.

Parcel 31: Seventy-six (76.39±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-120-031, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and includes a portion of the Soboba Springs golf course. In addition, the parcel contains a golf course maintenance facility as well as some of the facilities associated with the club house complex.

Parcel 32: Less than one (0.15±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-022, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and contains no structures or facilities.

Parcel 33: One (1.71±) acre located in Riverside County, California, found as Assessor Parcel Number No. 433-140-031, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and includes a portion of the Soboba Springs golf course. No structures or facilities exist on this parcel.

Parcel 34: Twenty-eight (28.15±) acres located in Riverside County, California, found as Assessor Parcel Number No. 433-140-041, such parcel lying north of Lake Park Drive and west of Soboba Road. This parcel was purchased by the Tribe on June 22, 2006 and includes a portion of the Soboba Springs golf course. No structures or facilities exist on this parcel.

Included as exceptions to the above named parcels are six easements for flood control. The Tribe has acknowledged said title exceptions and has made provisions that none of these will interfere with or be affected by future development (see **Exhibit G**).

The subject parcels are not part of any California Land Conservation Act [California Government Code §51201), or the "Williamson Act", contract; therefore, the Proposed Action will not impact Williamson Act land.

4.0 Tribal Need for Additional Land [25 C.F.R §151.10(b)]

The Tribe's need for this property exists for manifold reasons. The Tribe seeks to relocate its existing casino in order to promote economic growth; provide additional land for Tribal operations; reacquire former Reservation lands; preserve aboriginal territory; and to exercise complete sovereign powers over land that is owned by the Tribal government.

First and foremost, as discussed in **Section 1.6** above, the present gaming parcel is insufficient. There is a need for additional parking to accommodate high demand and for a permanent structure to house gaming activities and provide for enhanced air quality control and public safety. The Subject Property will provide the acreage necessary to meet these needs. The location of the proposed hotel/casino complex near the intersection of Soboba Road and Lake Park Drive would also allow easier access to and from the facilities relative to the existing casino and would increase customer safety in case of an emergency. Furthermore, the location of the Subject Property would allow the Tribe to fully capitalize on the proposed hotel/casino complex's proximity to the Golf Course and Country Club in order to offer a destination resort.

The purpose of the proposed hotel/casino complex is to diversify the economic enterprises of the Tribe. An integrated complex offers customers many possible activities in one location. Thus, the proposed development will act as a destination center for tourists and businesses while also catering to local interests. The intent of the Tribe is to differentiate its hotel, casino, golf course, and related facilities from those of nearby competing tribes.

Other advantages include the ability of guests to walk from the hotel to the casino, golf course, or spa rather than traveling by automobile. Also, traffic on Soboba Road south of its intersection with Lake Park Drive will be reduced significantly.

In addition to the relocation of the casino, the Tribe recognizes the need for additional land, given both increases in the adult membership and the growing needs of emerging young families in the foreseeable future (see **Section 4.3** and **Figure 4-1**). The Tribe has utilized most of its usable acreage for community services, such as recreation, public works,

economic development, housing, and perhaps most importantly, education and cultural enrichment.

It is documented fact that Tribal ancestors once inhabited this area. As established by the General Land Office surveyor, this property was an Indian settlement as early as the 1890s. The Tribe considers the protection of the land and resources as vital to the Tribal community. Accordingly, the Tribe acquired fee-title interest in the subject properties from June 22, 2001 through January 4, 2007. The Tribe's primary goal is the complete preservation and reacquisition of all aboriginal land and it recognizes the Subject Property as aboriginal territory. Trust status will allow the Tribe to fully accomplish its goal of controlling its aboriginal territory through the exercise of jurisdiction over the lands.

4.1 Tribal Self-Determination and Government Operations

Accepting the Subject Property into trust status will facilitate Tribal self-determination and allow the Tribe to exercise sovereignty over lands currently owned in fee-title. This expansion is, therefore, necessary in order to allow the Tribe to effectively preserve aboriginal lands, manage ongoing and future economic development initiatives, and provide recreational opportunities to Tribal members and local communities.

Owning the Subject Property in fee-title does not allow the Tribal Government to exercise its complete powers over historical aboriginal territory. The Subject Property was originally purchased to secure aboriginal lands and control the occupancy and development of these lands. These intentions can only be partially realized by retaining fee-title ownership because the Tribal Government cannot exercise complete sovereign authority over the Subject Property without intrusive influences from external governmental bodies. The conveyance of the Subject Property from fee-title to Federal trust status will provide the Tribe autonomy and, in turn, allow for greater self-sufficiency through economic development.

4.2 Economic Necessity

Tribal self-determination dictates the critical need to transfer the Subject Property from fee-title to Federal trust status. The future welfare of the Tribe depends upon its ability to sustain economic independence. As previously mentioned, the Tribe has utilized most of its usable acreage for community services, such as recreation, public works, economic development, housing, education, and cultural enrichment. Bringing the Subject Property into trust will allow the Tribe to expand and diversify its economy. Specifically, the development of the proposed hotel/casino complex near the Golf Course and Country Club would allow the Tribe to economically diversify by offering customers a destination resort. By diversifying operations and increasing revenues, the proposed hotel/casino complex would enhance Tribal self-sufficiency.

If the Subject Property is placed into trust, the Tribe will be able to develop the lands in a manner similar to state and local governments. The Tribe will have the opportunity to reinvest revenue into other Tribal ventures and in the development of the local community. Moreover, acquiring additional trust lands would allow the Tribe to pursue independent economic development initiatives. Economic development is necessary to support Tribal sovereignty, reinforce Tribal community, and assist Tribal members in reaching economic autonomy. Therefore, placing the Subject Property into trust is necessary for Tribal self-determination.

4.2.1 Suitability of the Subject Property for Economic Development

The Subject Property provides a sufficient gaming parcel for a permanent structure. However, the hotel/casino complex would provide the Tribe with economic opportunities other than gaming, such as the proposed restaurants, convention center, events arena, gas station, retail businesses, and the pool, spa, and fitness center. The location of the proposed hotel/casino complex near the intersection of Soboba Road and Lake Park Drive would also improve access to and from the facilities relative to the location of the existing casino. Furthermore, the location of the Subject Property would allow the Tribe to fully capitalize on the proposed hotel/casino complex's proximity to the Golf Course and Country Club in order to offer a destination resort.

The purpose of the proposed hotel/casino complex is to diversify the economic enterprises of the Tribe. An integrated complex offers customers many possible activities in one location. Thus, the proposed development would act as a destination center for tourists and businesses, while also catering to local interests. The intent of the Tribe is to differentiate its hotel, casino, golf course, and related facilities from those of nearby competing tribes.

4.3 Existing Demographic Characteristics and Land Uses

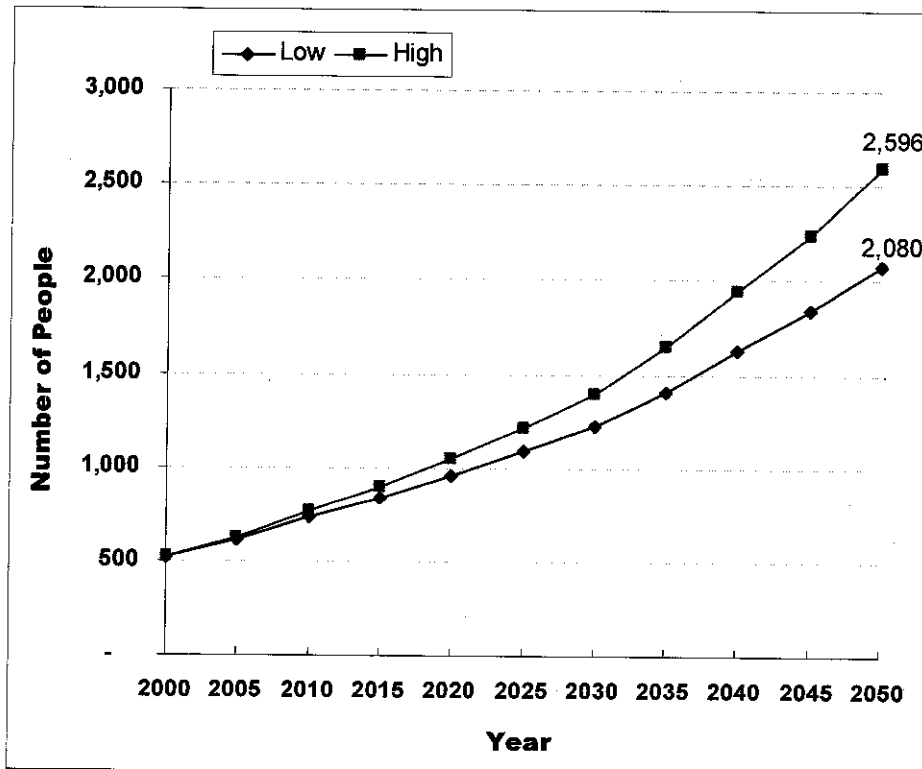
The population of the Tribe has increased in recent years. Concurrently, the population of eastern San Jacinto has also increased, and is expected to expand further. The eastern San Jacinto area has a few commercial locations, offering commonly used services such as food establishments, drug stores, and automobile cleaning and repair.

According to the U.S. Census Bureau, the total residential population on the Reservation was 522 individuals in the year 2000, of which 433 (83 percent) identified themselves as American Indian or Alaska Native (AIAN).² Of the AIAN population residing on the

² U.S. Bureau of Census, *Profile of General Demographic Characteristics – Geographic Area: Soboba Reservation, CA, Table DP-1, 2000.*

Reservation, approximately 374 of whom are Tribal members. The Reservation population grew by 41 percent between 1990 and 2000, compared to 13 percent growth in the United States and 21 percent growth in the Hemet-San Jacinto region during the same period. The average annual population growth rate on the Reservation of 3.5 percent during the decade also exceeded the rates for the nation and the region. The latest available data reveals that the housing inventory on the Reservation includes 128 wood framed single-family residences and 47 mobile homes on permanent foundations. The Tribal membership inventory recognizes 855 members, with 387 adult members (between ages 16 and 64), 273 members under 16 years of age, and 19 members over 65 years of age. The Tribe recognizes the need for additional land, given both increases in the adult membership and the growing needs of emerging young families in the foreseeable future. **Figure 4-1** provides a population forecast for the Tribe and reflects the expected growth.

**Figure 4-1
Soboba Tribe Population Forecast**



Source: Demographic Profile of the Soboba Indian Reservation (Preliminary Report), prepared for the Soboba Band of Luiseno Indians by Northwest Economic Associates (presently ENTRIX, Inc.), November, 2001.

The Tribe has utilized most of its usable acreage for community services, such as recreation, public works, economic development, housing, and perhaps most importantly, education and cultural enrichment. Education is a key priority, and the Tribe has made specific provisions to address its educational needs by committing a substantial amount of acreage for the DQ University campus, the Noli Indian School for Junior and Senior High School Grades, and the

Soboba Pre-School. The Tribe has also acknowledged the necessity to strengthen the competitive athletic program at the Noli Indian School, and the desire for recreational facilities serving the general membership. It has, therefore, constructed a sports complex designed to meet the needs of multiple groups. The sports complex provides such amenities as a swimming pool and a gymnasium containing an elaborate weight room organized with the finest fitness equipment available. Adjoining the sports complex are a picnic and barbeque area, a playground area, a pow-wow site, and paved parking sufficient for each facility. The Noli Indian School, sports complex, and surrounding recreational facilities are located in the same general area, cumulatively encompassing 16.8 acres.

Economic development ventures on the Reservation include agricultural production and the existing casino and entertainment facility. Currently, the Tribe's agricultural activities include a citrus grove of about 110 acres. The existing casino and entertainment facility encompasses approximately 20.8 acres and is located towards the east end of the existing Reservation (see **Figure 1-4**).

5.0 Purposes of the Proposed Transfer to Trust [25 C.F.R §151.10(c)]

In addition to utilizing the facilities that were present when the Tribe acquired the Subject Property, the land would be used for a gaming and hotel project, which would include a new casino facility, 300 room hotel, four restaurants, four retail establishments, events center, convention space, and spa and fitness center. The other proposed developments will not be attached to the hotel/casino facility and include a Tribal fire and police station, 12-pump gas station and convenience store, and 1.2± million gallon wastewater treatment plant and supporting facilities (i.e. parking garage). Of the 534.91± acres, 45 to 55 acres are proposed for development. The remaining acreage would remain in its current state, which is an existing golf course (156.36 acres), new club house development, open space, and maintenance facility. Access to the proposed hotel/casino facility would be via Lake Park Drive and Soboba Road. The proposed hotel/casino complex would be generally located at the intersection of Soboba Road and Lake Park Drive and abut the existing golf course. Lake Park Drive may or may not be realigned as part of the Proposed Action contingent upon ongoing geo-technical assessments and consultation with the City of San Jacinto. Not knowing what determinations will be arrived at, the Tribe is presently considering two conceptual site plans (see **Figure 1-2(a)** and **Figure 1-2(b)** above). The magnitude and composition of proposed facilities are very similar in each site plan with the greatest difference being the realignment of Lake Park Drive. Regardless of which scenario is pursued, the proposed gas station and Tribal fire station would be on the southern side of the present Lake Park Drive.

The proposed hotel/casino complex consists of approximately 750,000± square feet. The project would also include two multi-level parking structures that would contain a total of 3,870± parking spaces. The casino facility would be 115,000± square feet, the hotel would be 210,000± square feet, and the other establishments would make up the remaining 425,000± square feet. The gaming floor area would occupy approximately 90,000± square feet of the casino facility. The new gaming facility would replace the existing one located on Reservation lands. As discussed in **Section 4.0** above, the need for the Proposed Action is to allow the Tribe to relocate its existing casino to the Subject Property in order to promote economic growth; provide additional land for Tribal operations; reacquire former Reservation

lands; preserve aboriginal territory; and to exercise complete sovereign powers over land that is owned by the Tribal government.

5.1 Existing Environment

The Subject Property contains the Golf Course and Country Club, which manages an 18-hole, 7,053 yard golf course. Structures associated with the Golf Course and Country Club were recently completed in May 2008 and are present on the Subject Property, including a club house complex and a golf course maintenance facility. The golf course club house complex is located on the east side of the Subject Property along Soboba Road and consists of tennis courts, an in-ground pool, a pool house for storing pool care chemicals, banquet hall, formal dining, casual dining, lounge, kitchen, pro shop, administration offices, and golf cart storage, locker rooms, offices, storage areas, and a parking lot. The golf course maintenance facility contains the equipment for caring for the golf course landscaping. The facility is located in the central area of the course and consists of a metal/wood-framed building with an office area, employee break room, tool sharpening room, and storage and employee work areas. In addition to the structures associated with the Golf Course and Country Club, the Subject Property contains an abandoned building along its southernmost boundary that was once an operating stable.

5.2 Ongoing Developments

With the construction of the new club house and support facilities at the Golf Course and Country Club in May 2008, there are no ongoing developments on the Subject Property. It should be noted that the Tribe submitted plans to the City of San Jacinto for the necessary permits and that these developments have been completed prior to BIA action on the fee-to-trust request. Therefore, the new facilities are accurately described as part of the existing setting.

6.0 Impacts of Fee-To-Trust Transfer on State and Local Governments [25 C.F.R §151.10(e)]

If the Proposed Action is approved, the State of California and its political subdivisions will no longer have jurisdiction to tax the Subject Property. However, the lost revenues are negligible in comparison to the benefits that the Tribe will receive if the Subject Property is granted Federal trust status. Furthermore, the Tribe would provide primary fire protection and medical services to the Subject Property, which would relieve the local community of some financial burden.

Finally, the Tribe's gaming compact with the State requires that a portion of the revenues generated by the Tribe's gaming facilities must be remitted to two state-administered funds: (1) a Revenue Sharing Trust Fund that is distributed among non-gaming California tribes; and (2) a Special Distribution Fund that is used to compensate the State for the costs incurred in the administration and oversight of compact compliance, and for grants to gambling addiction programs and to governmental agencies impacted by tribal gaming.

Riverside County and local governmental agencies in the County receive in excess of \$10 million a year from the Special Distribution Fund for such purposes as law enforcement, fire and emergency medical services, environmental programs, water supplies and waste disposal, public health, roads, and recreation and youth programs. In 2007 alone, proceeds from the Soboba Casino accounted for nearly \$1.0 million of that amount, which was supplemented by another \$1.5 million that the Tribe voluntarily donated to local charities and nonprofit organizations.

6.1 Impacts on the State and Political Subdivisions Resulting from Removal from Property Tax Roles [25 C.F.R Part 151.10(e)]

As part of the evaluation of the Tribe's request for the acquisition of additional trust lands, the reviewing agencies will consider impacts to the state and political subdivisions, including any jurisdictional problems and potential conflicts of land use which may arise [25 C.F.R §151.10(f)]. Any negative impact to the State of California and/or Riverside County resulting

from the Federal government's acceptance of this land into trust status as part of the Reservation are virtually non-existent. On the other hand, the impact on the Tribe and its members of not accepting this land into trust status could pose yet another obstacle for the Tribe in its quest to reclaim its traditional homelands lost during past decades and achieve economic independence.

The current Riverside County property tax obligations for the thirty-four parcels are presented in **Table 1-1** above. In 2008, the Riverside County Treasurer-Tax Collector billed the County property owners a total of \$3,029,931,547.18 on 895,251 parcels.³ In order to determine the impact of the Proposed Action on the County's tax base, it is important to understand that taxes for the thirty-four parcels cumulatively amounted to \$351,358.88 for 2008-2009, which was only 0.0116 percent of the County's tax base. The 0.0116 percent is considered minimal, and is more than compensated for by the amount the Tribe contributes to Riverside County public agencies through the SDF (see **Section 6.0** above). Presently, the Tribe has paid all tax obligations on the thirty-four subject parcels in full (Riverside County tax documentation is attached as **Exhibit H** of this application).

Furthermore, as stated above, the Tribe's contributions to the Special Distribution Fund, which goes toward providing public services to local communities and mitigating the social affects of gaming, are much greater than the loss of public revenue generated by the Subject Property's property taxes.

Additionally, according to the Land Use Element of the San Jacinto General Plan, "the City is fortunate to be located in close proximity to the newly completed Diamond Valley Reservoir and the Soboba Indian Reservation. Both of these facilities offer economic development opportunities for the community since some people traveling to each location may pass through the City. By coordinating development efforts with these facilities, the community of San Jacinto can formulate a plan to benefit from the increase in area visitors." Members of the Tribal Council held meetings with San Jacinto officials on April 25, 2008 to present and discuss the Proposed Action (see **Exhibit I**). The Tribe will continue to meet with City officials to ensure a transparent process.

Policies 7.3 and 7.4 of the San Jacinto General Plan Land Use Element⁴ provide a general plan for capitalizing on the City's proximity to the Reservation:

Policy 7.3: Target the potential benefits from the Diamond Valley Reservoir and gaming and entertainment uses of the Soboba Indian Reservation by promoting the recreational opportunities available in the San Jacinto area.

³ McDonnell, Paul, "Published Notice to Taxpayers," Office of the Treasurer-Tax Collector, Riverside County, California, <http://www.treasurer-tax.co.riverside.ca.us/notice.html>, accessed: December 11, 2008.

⁴ City of San Jacinto, January 2006, San Jacinto General Plan, Land Use Element, <http://www.ci.san-jacinto.ca.us/files/Land%20Use%20Element.pdf>, accessed November 22, 2008.

Policy 7.4: Support the development of visitor-oriented activities and businesses that build upon the opportunities provided by the Diamond Valley Reservoir and the Soboba Indian Reservation.

7.0 Possible Jurisdictional Conflicts [25 C.F.R §151.10(f)]

Upon approval of the fee-to-trust conveyance of the Subject Property and pursuant to statutes 18 U.S.C. §1162 and 28 U.S.C. §1360, the State of California would retain jurisdiction to enforce its criminal/prohibitory law as against all persons and conduct occurring on the land, and State courts would maintain jurisdiction to adjudicate in State courts civil causes of action arising on the land and involving members of Indian communities as parties. Furthermore, the Tribe would continue to be required to comply with all federal laws. The Tribe would maintain exclusive control over land use and zoning issues on the Subject Property. Currently, the Tribe does not propose any changes in the use of the vacant parcels north of the golf course.

7.1 Regulation of Criminal Activity on the Subject Property

The land is presently subject to the full civil/regulatory and criminal/prohibitory jurisdiction of the State of California and Riverside County. Once it is accepted into trust and becomes part of the Reservation, the State of California will have the same territorial and adjudicatory jurisdiction over the land, as well as the persons and transactions on the land as the State has over other Indian Country within the State. Under 18 U.S.C. §1162 and 28 U.S.C. §1360 (PL 280), except as otherwise expressly provided in those statutes, the State of California would retain jurisdiction to enforce its criminal/prohibitory law as against all persons and conduct occurring on the land, and State courts would maintain jurisdiction to adjudicate in state courts civil causes of action arising on the land and involving members of Indian communities as parties. Thus, provision of police services would continue to be the responsibility of the Riverside County Sheriff's Department, and criminal prosecution of offenses committed on the lands would continue to be brought into state courts. However, the State/County would no longer have jurisdiction to enforce such regulatory laws as county building and zoning ordinances and the State Fish and Game Code within the expanded Reservation boundaries. Therefore, there should not be any additional criminal jurisdiction conflict due to placing the land in trust. **Section 7.2.6** below provides more details on PL 280 and the law enforcement resources of Riverside County and the City of San Jacinto.

7.2 Public Services

Upon approval of the Proposed Action, the primary source of all emergency medical and fire protection services for the Reservation and Subject Property will be provided by the proposed Tribal fire department. The Tribe is in consultation with CDF/Riverside County Fire Department to establish a Mutual Aid Agreement. Pursuant to statutes 18 U.S.C. §1162 and 28 U.S.C. §1360, Riverside County Sheriff's Department would be responsible for providing law enforcement services to the Reservation and Subject Property.

7.2.1 Water Supply

7.2.1.1 Reservation Water Supply System

The Tribe's main Reservation domestic water system is regulated by the United State Environmental Protection Agency (EPA) as a Community Water System (Public Water System No. 06000151), and complies with all EPA drinking water regulations. The Tribe's domestic water system serves over 500 residential connections, plus the school, Tribal administration center, sports complex, church, and casino. The water is chlorinated but is not otherwise treated and is of high quality.

Of the other five operating wells on the Reservation, three are part of the main domestic water system, while two irrigation wells are not connected to the domestic system. **Table 7-1** presents the main characteristics of the three wells on the Reservation that serve the main community water system.

Table 7-1
Well Characteristics of Soboba Community Water System

Well Number	State No. (Location)	Year Drilled	Depth (Feet)	Pump Horsepower	Capacity (GPM)	Capacity (MGD)
DW-1	5S1E5E1	1978	750	100	400	0.58
DW- 3	5S1E5F2	2000	1,180	250	1,100	1.58
DW-4	5S1E5E2	2005	1,172	250	1,100	1.58
Totals					2,600	3.75

All three source wells for the Reservation community water system are located in the Canyon Sub-basin of the San Jacinto Groundwater Basin (see **Figure 7-1**). Irrigation well, IW-2, which is dedicated to supplying the Tribe's citrus orchard, is also located in the Canyon Sub-basin, while the other Reservation irrigation well (IW-1, in limited use since 2004) and the two Golf Course wells are located in the "Intake Area" of the Upper Pressure Sub-basin. The two on-Reservation irrigation wells had a combined capacity in 2007 of 1,500 gallons per minute (GPM).

The Tribe's annual production from the Canyon Sub-basin through 2007 peaked in 2002-03 at 1,444 acre-feet. Reduced agricultural and industrial uses and conservation reduced total Canyon Sub-basin water use to 1,184 acre-feet in 2007. Domestic water use on the Reservation (including the casino but excluding the Oaks Retreat system) was relatively stable between 2003 and 2007, ranging from 635 to 679 acre-feet.

Installation of approximately 26,000 feet of 16-inch steel water line on the Reservation was completed in June 2007 and an additional 1.5-million gallon tank was completed, increasing total storage to 2.5 million gallons within the Reservation. These improvements have greatly improved peak capacity, backup capacity, and distribution of water by the domestic system.

7.2.1.2 Subject Property Existing Water Supply

Irrigation water is supplied to the 149-acre Golf Course from two on-site wells. Reported on-site groundwater extractions from 1999 to 2007 ranged between 688 and 933 acre-feet per year, and were applied primarily between May and October.

The Eastern Metropolitan Water District supplies water to the tennis facility, two comfort stations, and the Country Club facilities, including the clubhouse, dining room, and swimming pool. Total annual water usage from the EWMD was estimated at 27,078 GPD for 2004.⁵

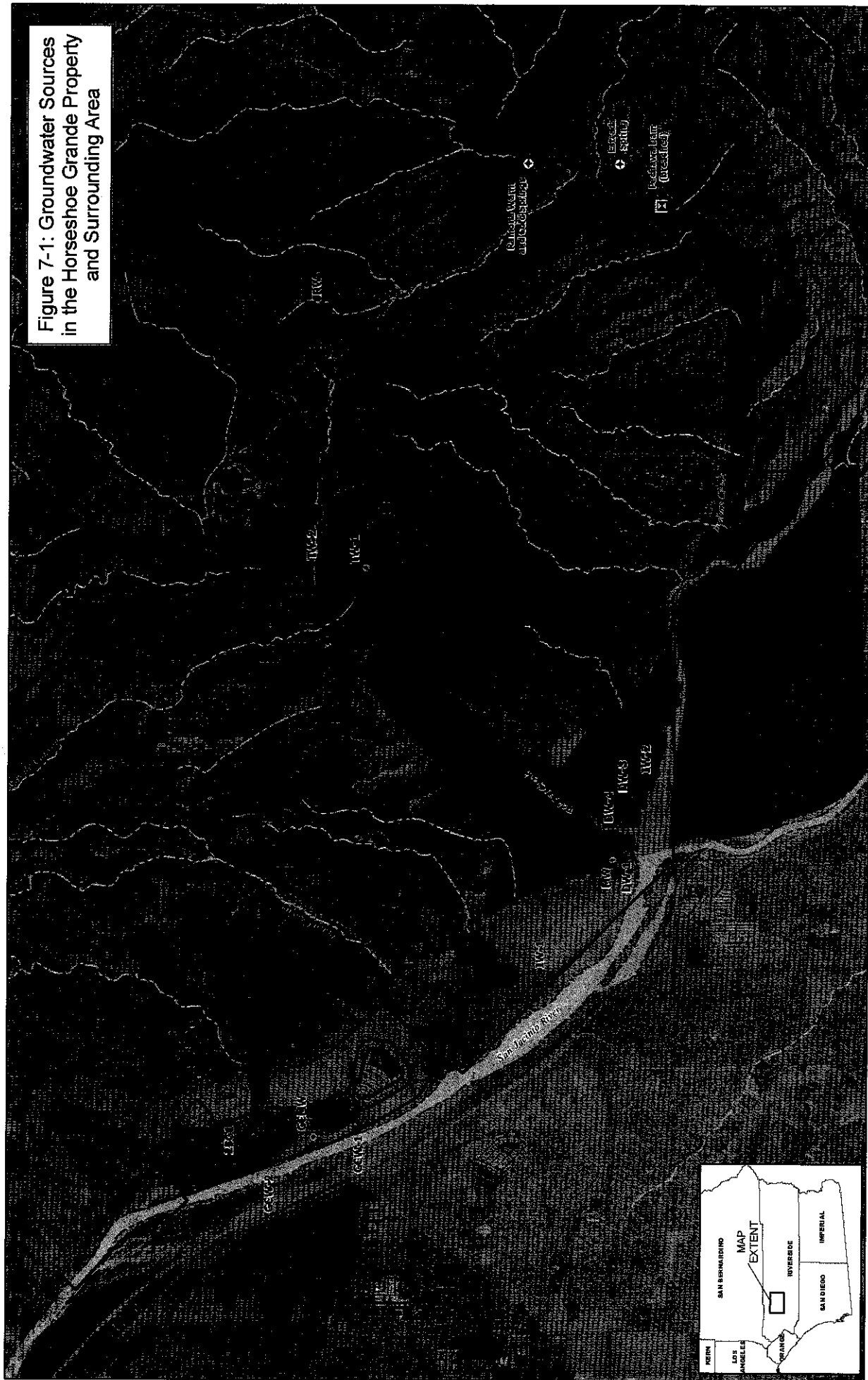
Table 7-2 presents the main characteristics of the two Golf Course wells.

Table 7-2
Golf Course Irrigation Well Characteristics

Well Number	State No. (Location)	Year Drilled	Depth (Feet)	Pump Horsepower	Capacity (GPM)
GCW-1	4S1W36A1	Unknown	535	75	400
GCW- 2	4S1W25K1	2003	810	250	1,000

⁵ Analytical Environmental Services (AES), April 2006, *Environmental Assessment: Soboba Band of Luiseno Indians Horseshoe Grande Fee-to-Trust Project*; and Analytical Environmental Services (AES), March, 2006, *Phase I ESA: Horseshoe Grande Property*.

Figure 7-1: Groundwater Sources in the Horseshoe Grande Property and Surrounding Area



Reservation Boundary
Horseshoe Grande Property

Streams by Type
 Ephemeral
 Intermittent
 Perennial

Aquifer
 Active Well
 Inactive Well
 Monitoring Well

Intake
Canyon

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0 0.25 0.5 1
 Miles

Aerial Imagery - Digital Globe, Inc. September 2007

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7.2.1.3 Existing EMWD Service

Eastern Municipal Water District provides water supply, sewage collection, water desalinization, and water recycling services. The service area of EMWD encompasses a 555 square-mile area populated by approximately 660,000 people. Water service is provided to approximately 129,000 customers.

Approximately 75 percent of EMWD's potable water demand is supplied by imported water from the Metropolitan Water District of Southern California (MWD) through its Colorado River Aqueduct and its connections to the State Water Project. The majority of the remaining potable water demand is supplied by EMWD groundwater wells in the Hemet and San Jacinto area. EMWD also has wells in the Moreno Valley, Perris Valley, and Murrieta areas.

Eastern Municipal Water District sells approximately 25,000 acre-feet of recycled water every year. Recycled water, consisting of secondary and tertiary water, is sold to agricultural and irrigation customers. Eastern Municipal Water District also sells water to Rancho California Water District, Elsinore Valley Municipal Water District, Lake Hemet Municipal Water District, Western Municipal Water District of Riverside County, Nuevo Water Company, City of San Jacinto, City of Perris, and City of Hemet.

Eastern Municipal Water District has five regional water reclamation facilities, located in Moreno Valley, Perris Valley, Sun City, Temecula Valley, and in the City of Hemet/City of San Jacinto. These plants treat more than 46 million gallons per day (MGD) and have a combined capacity of more than 59 MGD.⁶

Long-term water supply development includes expanded water conservation and recycling, conjunctive use of local basins to store imported water, management plans to protect local groundwater, desalination of brackish groundwater, and improved coordination with the MWD to optimize the use of available imported water supplies.⁷

7.2.1.4 Water Supply to the Subject Property under the Proposed Action

There are three components to the future water supply to the Subject Property under the Proposed Action:

- The existing Golf Course and Country Club wells would initially continue to supply water for irrigation of the golf course, averaging 750 acre-feet per year.

⁶ Eastern Municipal Water District (EMWD), 2008, <http://www.emwd.org/>, accessed June 11, 2008.

⁷ Metropolitan Water District of Southern California, 2008, "Eastern Municipal Water District," <http://www.mwdh2o.com/mwdh2o/pages/memberag/agencies/eastern.htm>, accessed June 11, 2008.

In the future, this well supply is planned to be partially or completely replaced by recycled water from the Tribe's wastewater treatment plant.

- The Golf Course and Country Club would continue to receive its potable water supply from EMWD, averaging 36 acre-feet per year.
- The forecasted demand from the proposed developments is approximately 1.2 MGD. These developments would be served by the existing Reservation domestic water system. The Tribe completed a \$6.2 million upgrade to the Reservation distribution system in June 2007, and the source capacity was increased to about 3.7 MGD. The proposed developments associated with the Proposed Action would be supplied by water from the main Reservation domestic water system, the Tribally-owned Soboba Water Utilities. **Figure 7-2** below shows the infrastructure supply system that would supply water to the Subject Property via the Reservation system, including the location of the supply wells, holding tanks, pump houses, and piping.

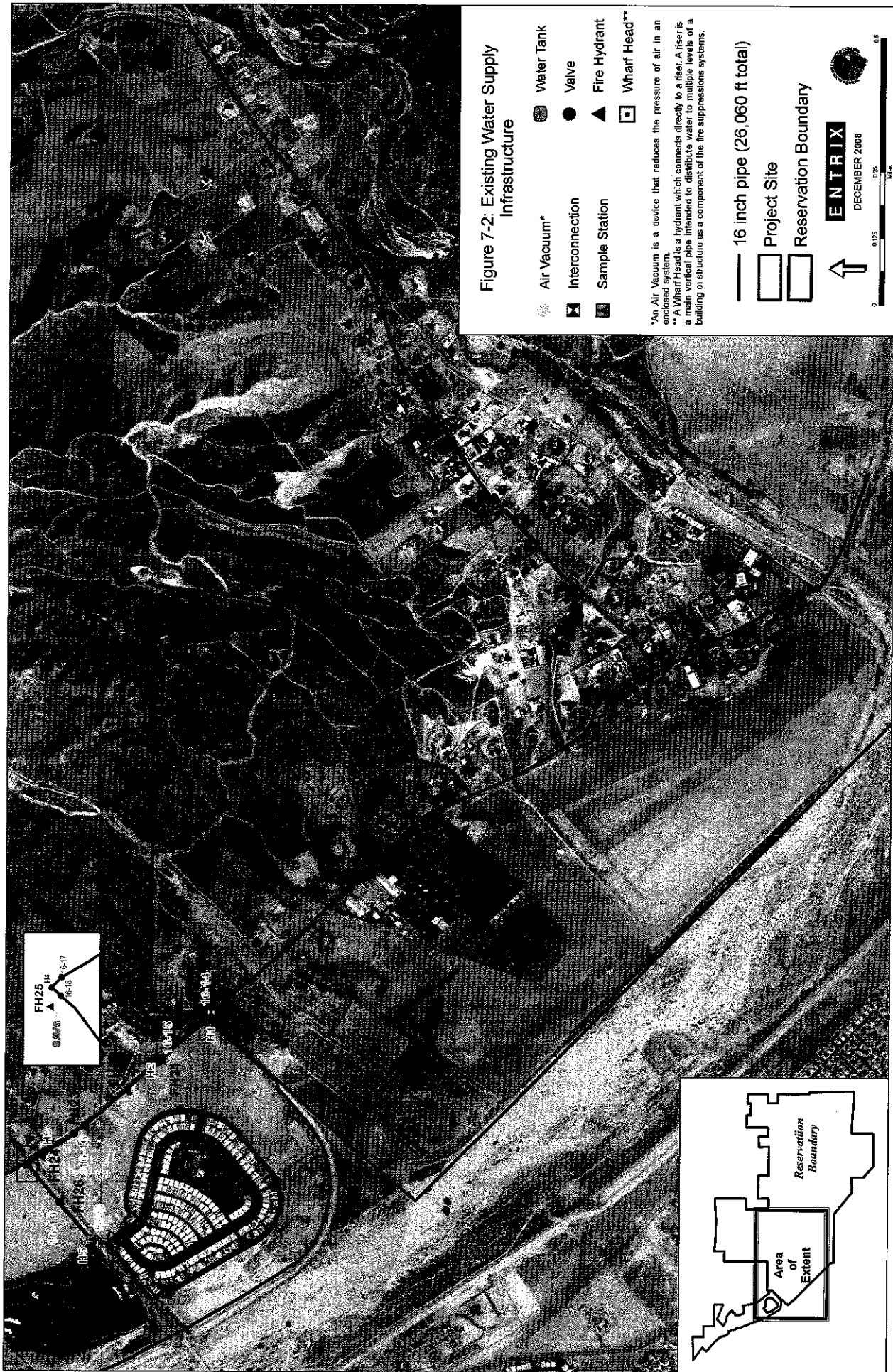


Figure 7-2: Existing Water Supply Infrastructure

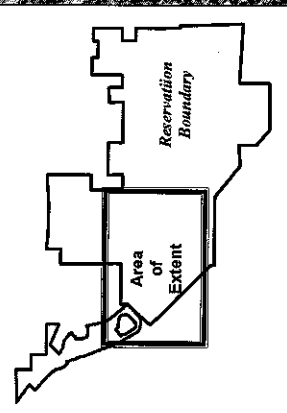
- Air Vacuum*
- Water Tank
- Interconnection
- Valve
- Sample Station
- Fire Hydrant
- Wharf Head**

*An Air Vacuum is a device that reduces the pressure of air in an enclosed space.
 ** A Wharf Head is a hydrant which connects directly to a riser. A riser is a main water pipe intended to disburse water to multiple levels of a building or structure as a component of the fire suppression systems.

- 16 inch pipe (26,060 ft total)
- Project Site
- Reservation Boundary

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0 0.125 0.25 0.5
 Miles



7.2.2 Wastewater Service

7.2.2.1 Reservation Wastewater Service

The Tribe currently owns and operates a sanitary sewer system that serves the existing casino through the use of two 50,000-gallon septic tanks and related leaching facilities. Wastewater disposal for the rest of the Reservation is currently accomplished by individual septic facilities associated with administrative and school facilities and with individual residences.

7.2.2.2 Subject Property Wastewater Service

Wastewater service is provided to the Golf Course and Country Club and tennis facilities by EMWD. A lift station is located off-Subject Property to the east between hole #9 and Soboba Road to transfer wastewater to the Hemet/San Jacinto Regional Water Reclamation Facility. This facility resides approximately eight miles from the Subject Property and experiences typical daily flows of 7.8 mgd, with a current capacity of 11 mgd. However, this facility could be expanded to 27 mgd capacity.⁸ Presently, the Golf Course and Country Club are producing approximately 8,000-10,000 gallons of wastewater per day that is handled by EMWD. The pump station collects wastewater not only from the Golf Course and Country Club, but also from a mobile home park and residential development located outside the Subject Property boundary. The two comfort stations on the Golf Course utilize septic systems for wastewater treatment.⁹

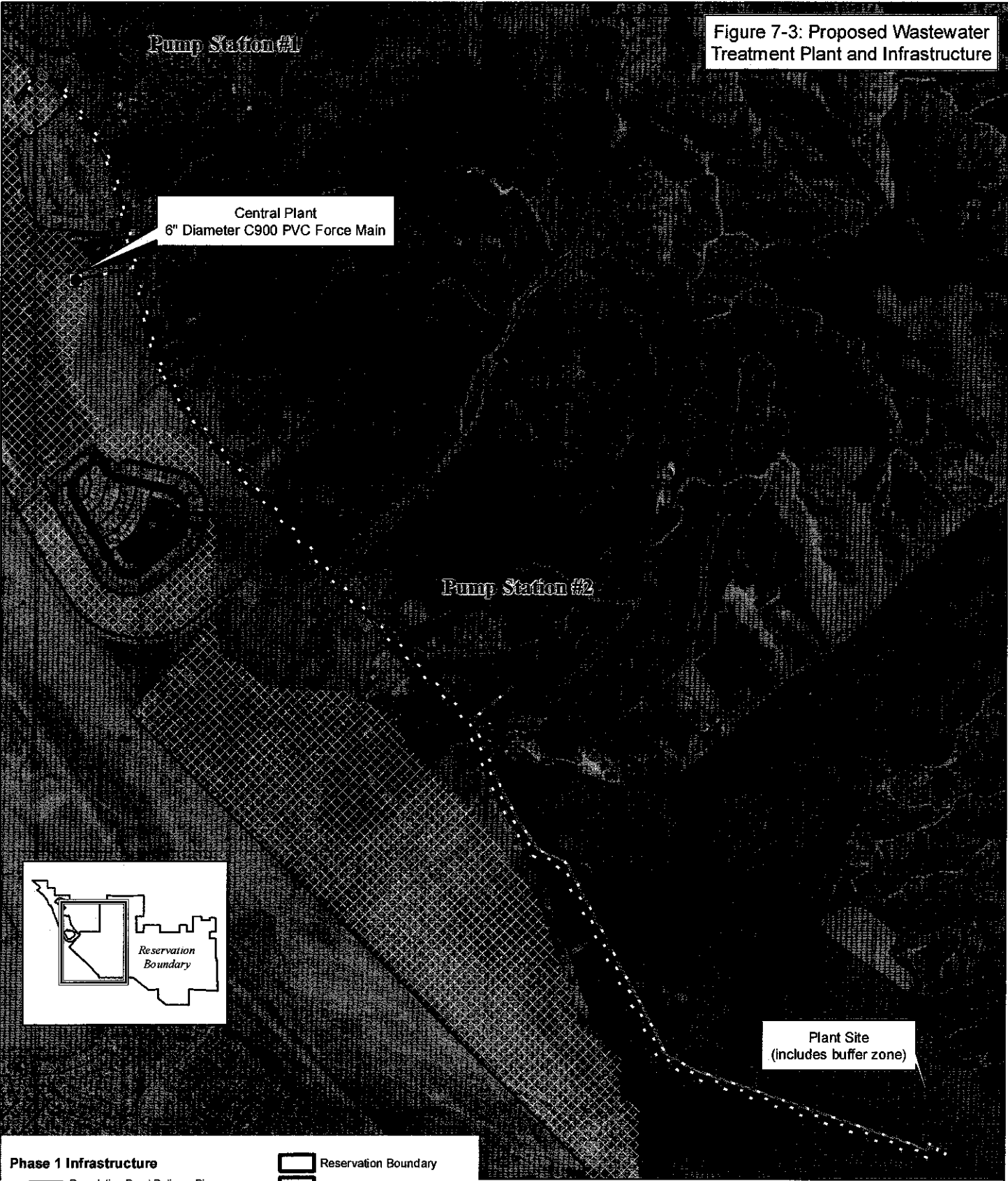
7.2.2.3 Wastewater Service under the Proposed Action

The Tribe would construct an on-Reservation tertiary sequencing batch reactor (SBR) wastewater treatment plant (WWTP) capable of handling 1.2 million gallons per day (GPD). This facility would service the entire Reservation, as well as the facilities under the Proposed Action and Alternatives. Total projected wastewater generation for the year 2030 for the existing Reservation (544,320 GPD) plus the Proposed Action (545,323 GPD) was calculated to be 1,089,643 GPD. The proposed WWTP would meet California Title 22 requirements for reuse of treated effluent. System reuse of the effluent could include agricultural irrigation, landscape irrigation, filling of decorative water features, surface cleaning (i.e. parking lots), toilet flushing, and fire control. Wastewater would be delivered to the WWTP by a force main from a two pump stations located on the Subject Property and on-Reservation (see **Figure 7-3**).

⁸ Eastern Municipal Water District (EMWD), 2008, <http://www.emwd.org/>, accessed May 28, 2008.

⁹ Analytical Environmental Services (AES), April 2006, *Environmental Assessment: Soboba Band of Luiseno Indians Horseshoe Grande Fee-to-Trust Project*; and Analytical Environmental Services (AES), March, 2006, *Phase I ESA: Horseshoe Grande Property*.

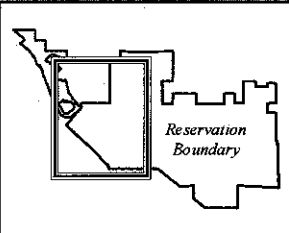
Figure 7-3: Proposed Wastewater Treatment Plant and Infrastructure



Central Plant
6" Diameter C900 PVC Force Main

Pump Station #2

Plant Site
(includes buffer zone)



Phase 1 Infrastructure

- Percolation Pond Delivery Pipe
- Title 22 Treated Effluent Delivery Pipe
- Wastewater Delivery Pipe
- Pump Station
- Proposed Percolation Pond Site

- Reservation Boundary
- Project Site
- Flood Plain
- Proposed Wastewater Treatment Plant
- Aquifer**
- Canyon
- Intake

Aerial Imagery: Digital Globe, Inc. September 2007

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*All Pipes are 4" diameter C900 PVC

Location

The WWTP and associated percolation ponds would be located on the existing Reservation, with the WWTP site situated near the eastern terminus of Soboba Road, north of the road and the San Jacinto River. **Figure 7-3** depicts the location of the proposed wastewater facility, infrastructure, and disposal fields. The site is outside the 100-year flood plain and is selected partially due to its remote location from development and the potential impacts on residents from its operation.

The percolation ponds would be situated north of Soboba Road and west of Castille Canyon Road. This location is situated in the Upper Pressure Sub-Basin of the *intake* aquifer and not the *canyon* aquifer where the Tribe's domestic wells, and many other wells operated by non-Tribal entities, are located.

Treatment Overview

The proposed WWTP would process influent wastewater to tertiary treatment levels, so that the plant effluent could be used for landscape irrigation as well as other uses consistent with reclamation standards established by the regulatory agencies. Failsafe effluent disposal, or effluent disposal undertaken during periods when reclaimed water demand is less than WWTP flows and storage facilities are full, would be based on effluent standards for discharge to percolation ponds. Percolation pond discharge would follow secondary treatment standards with other constituents of concern limited to concentrations that are consistent with non-degradation of the receiving aquifer based on the beneficial uses of the receiving waters identified in the Santa Ana River Basin Plan (hereinafter, the Basin Plan).

Gravity sewers would collect wastewater generated by the proposed developments and discharge to a local pump station, where it will be pumped through a force main to the main collection system located on the Reservation. The collection system would terminate at the WWTP. Existing facilities associated with the Golf Course and Country Club and tennis facilities would either remain connected to EMWD for service or would be incorporated into the proposed wastewater collection system for ultimate treatment at the WWTP. Determination as to whether wastewater flows from the Golf Course and Country Club and tennis facilities would be treated on the Reservation or continue to be discharged to EMWD for treatment will depend upon final capital and operational costs assessments as well as other Tribal considerations. Recognizing the relatively small overall contribution of flow from these facilities to the WWTP or the EMWD regional plant, each option is considered equivalent relative to the environmental effects associated with wastewater service.

The Tribe would monitor the treatment and disposal of wastewater in accordance with EPA guidelines and will meet State of California Title 22 requirements for landscape irrigation and unrestricted contact. Therefore, there would be a less than significant effect on area water quality. Wastewater from Proposed Action would be treated by the WWTP on the

Reservation; therefore, Proposed Action would have a less than significant effect on wastewater service.

7.2.3 Solid Waste Service

Solid waste service for the Reservation and Subject Property is provided by CR&R Waste and Recycling Services (CR&R), a waste-hauling company based in Perris, California. Weekly trash pick-up service is currently provided to the Reservation and Subject Property.

The Lambs Canyon Landfill is operated by the County of Riverside Waste Management Department, and is located approximately ten miles northwest of the Subject Property. The landfill encompasses 353 acres of land with 145 acres of disposal area. The landfill is permitted to take in 3,000 tons of solid waste per day and averages between 400 and 600 tons per day.¹⁰ As of 2005, the landfill has a remaining capacity of nearly 21 million cubic yards. It is currently estimated to have a capacity for 20 additional years of operation, and is planned for expansion.¹¹ The landfill is a Class III permitted landfill accepting agricultural, construction/demolition, green, and mixed municipal waste.

Recyclable materials are transported to a material recovery facility (MRF) in Perris, approximately 34 miles west of the Subject Property. The MRF includes a 13-acre site and a 40,000 square-foot material recovery facility and transfer station. CR&R Waste and Recycling Services employees perform on-site manual and mechanical sorting of the materials received. Materials that are recycled include paper, wood, glass, plastic, lumber, concrete, and metal. The MRF does not recycle insulation or empty non-hazardous chemical containers. The portion of the commercial solid waste stream that is typically recycled is around 50 percent. Construction and demolition materials generated during the construction process are generally deferred at a rate of 85 percent.

Riverside County Waste Management District's Program Coordinator has given a verbal acknowledgement that the Lambs Canyon Landfill has the capacity to receive the estimated 2.6 tons per day of solid waste generated by the Proposed Action.¹² Furthermore, approximately 50 percent of the commercial solid waste stream would be recycled by CR&R, reducing further any potential impact to Lambs Canyon Landfill. A Draft Will Serve Letter obtained from CR&R on April 24, 2008 (see **Exhibit J**) indicates that CR&R has the capacity to serve the Subject Property; therefore, a less than significant effect to the solid waste facilities would occur.

¹⁰ California Integrated Waste Management Board 2006b, and pers. comm. Melani Gerber of Riverside County Waste Management District, May 29, 2008

¹¹ Personal communication with Leslie Liken, County of Riverside Waste Management, 2006.

¹² Personal communication with Melani Gerber of Riverside County Waste Management District, May 29, 2008.

7.2.4 Electricity and Natural Gas Services

The Southern California Edison (SCE) provides electricity services in the San Jacinto area, including the Reservation and Subject Property. Electricity is generated at the Mohave Generation Station (low-sulfur coal burning), Big Creek Hydroelectric Station, and the San Onofre Nuclear Generating Station.¹³ The Mohave Generation Station has the capacity to generate 1,580 megawatts (MW) of electricity and to provide service to 1 million homes. The San Onofre Nuclear Generating Station generates approximately 2,200 megawatts of electricity to serve 1.5 million homes. Big Creek Hydroelectric Station has the capacity to generate 1,000 MW of electricity. Power is provided to the population through 16 utility interconnections, with 4,990 transmission and distribution circuits. The SCE has 425 transmission and distribution crews to maintain power to over 13 million people in 430 cities covering 50,000 square-miles.¹⁴

The Southern California Gas Company (SCGC) provides natural gas services, and serves 19.8 million customers through 5.6 million gas meters covering 23,000 square-miles of service area.¹⁵ Out-of-state natural gas basins supply most of the natural gas used in California. In 2003, 42 percent of the natural gas supply originated in basins located in the southwestern United States, 26 percent was from Canada, 14 percent was from the Rocky Mountain region, and 18 percent was from basins located within California.¹⁶ SCGC receives natural gas from the El Paso Pipeline and the Transwestern Pipeline. The El Paso Pipeline delivers natural gas from the Cities of Topock and Ehrenberg, Arizona to SCGC receiving pipelines with respective intrastate receipt capacities of 540 and 1,210 million cubic feet per day (MMcf/d). The Transwestern Pipeline delivers natural gas from Topock, Arizona and Needles, California to SCGC receiving pipelines with respective intrastate receipt capacities of 50 and 750 MMcf/d.¹⁷ The natural gas is then delivered to local transmission and distribution pipeline systems or to natural gas storage fields.

Electricity and natural gas services would continue to be supplied by SCE and the SCGC, respectively, under the Proposed Action. Upon placing the property into trust, the electricity and natural gas services provided to the Reservation would be extended to include the new

¹³ Southern California Edison (SCE), 2008, "Company Overview" webpage, accessed in August, 2008 and available for viewing at: <http://www.sce.com/AboutSCE/CompanyOverview>.

¹⁴ Southern California Edison (SCE), 2008, "Power Generation" webpage, accessed in August 2008 and available for viewing at: <http://www.sce.com/PowerandEnvironment/PowerGeneration/>.

¹⁵ Southern California Gas Company (SCGC), 2006, "Company Profile" webpage, accessed in August 2008 and available for viewing at: <http://www.socalgas.com/about/profile>.

¹⁶ City of Santa Clarita, June 2008, Henry Mayo Newhall Memorial Hospital Master Plan Environmental Impact Report.

¹⁷ United States Department of Energy, Energy Information Administration, 2001, Electricity Shortage in California: Issues for Petroleum and Natural Gas Supply.

parcels. The Tribe would coordinate with the desired service providers for these utilities. Current relationships with electricity and natural gas providers for the Golf Course and Country Club facilities would be maintained. A 12,000-volt pole line parallels Lake Park Drive.¹⁸ The energy required by the Proposed Action for all facilities would total approximately 250,000,000 kBtu annually.

A Draft Will Serve Letter obtained from SCE on September 7, 2006 (see **Exhibit J**) indicates that SCE has the capacity to serve the Subject Property; therefore, a less than significant effect to electricity services is expected to occur.

A Draft Will Serve Letter obtained from SCGC on July 2, 2008 (see **Exhibit J**) indicates that SCGC has the capacity to serve the Subject Property; therefore, a less than significant effect to natural gas services is expected to occur.

7.2.5 Telephone Services

Verizon provides all basic telecommunications services, including cellular communications, to the Subject Property. Verizon currently has above ground phone lines, which provide service to the Subject Property. Verizon provides service for local toll calls and long distance service. Area residents also have the option of long-distance service from a wide variety of companies that include MCI, Sprint, and AT&T.

Verizon would continue to provide telephone service under Proposed Action.¹⁹ Pursuant to the Gaming Compact (**Exhibit C**), the Tribe would make good faith efforts to mitigate any significant adverse off-Reservation environmental impacts. Therefore, the Tribe would pay for any necessary infrastructure improvements to serve the Subject Property, and a less than significant effect to telephone services would occur.

7.2.6 Law Enforcement

Prior to the enactment of Public Law 83-280 (PL 280) in 1953, jurisdiction over crimes involving Indians in Indian country was generally shared by Tribal and Federal law enforcement.²⁰ PL 280 shifted this jurisdiction to the State level for certain States, and gave other States an option to assume such jurisdiction in the future. PL 280 does not require Tribal consent and effectively applies the same laws to Indians living both on and off reservations. Under PL 280, the State of California is one of six states required to accept

¹⁸ Personal communication with Kagle, 2004.

¹⁹ Personal communication (email) with Section Manager of Network Engineering for Verizon, Kristin Maldonado, on May 30, 2008.

²⁰ 18 U.S.C. §1162, 28 U.S.C. §1360

jurisdiction over crimes committed by or against Indians in Indian country. The law provides no new funding to assist the State in meeting its obligations under PL 280.²¹

Under PL 280, the Riverside County Sheriff's Department (RCSD) and California Highway Patrol (CHP) are responsible for responding to emergencies on the Reservation, and would be responsible for calls to the Subject Property upon conveyance of the property to trust status. Law enforcement services to both the incorporated and unincorporated portions of the Subject Property are currently provided by RCSD. Since 2004, the City of San Jacinto has contracted with RCSD to provide law enforcement services for San Jacinto, including the incorporated portion of the Subject Property. The RCSD station that services San Jacinto is located at 160 West 6th Street in San Jacinto.

Riverside County's budget for fiscal year 2007-08 allocates funds for 1,879 sworn and non-sworn patrol personnel. Presently there are 1,879 funded and 2,104 filled deputies. RCSD seeks to maintain a ratio of 1.2 deputies per 1,000 residents. Based on the 2007 Riverside County population of 2,031,625, RCSD is required to have 2,438 deputies, illustrating that RCSD is operating at approximately 14 percent under capacity. RCSD would have to add 334 positions to operate at the recommended service level of 1.2 deputies per 1,000 residents.

The Hemet Station, located at 43950 Acacia Avenue, has allotted 50 sworn deputy/corporal positions, along with one captain, one lieutenant, and eight sergeants.²² This station services and is the closest station to the Reservation and Subject Property, with a response time of three to five minutes to the Subject Property for high priority calls.²³ The RCSD does not have a defined response time goal; however, average response times for the Hemet Station in fiscal year 2004-2005 were 10.88 minutes for priority one calls, 15.24 minutes for priority two calls, and 19.70 minutes for priority three calls.²⁴ The CHP also responds to calls on the Reservation, with the nearest CHP station being the San Geronio Pass (Station 655) in Beaumont, California, located approximately 12 miles north of the Subject Property.

The casino security and Tribal security staffs also offer surveillance at other locations on the Reservation as needed, and this service would extend to the Subject Property under the Proposed Action. Consistent with Section 5.0 of the Tribal-State Compact (see **Exhibit C**),

²¹ United States Department of Justice, Office of Justice Programs, National Institute of Justice, December 2005, "Public Law 280 and Law Enforcement in Indian Country- Research Priorities," Washington, D.C.

²² Riverside County Local Agency Formation Commission, September 2006, "Draft Municipal Service Review for the Central Valleys, the Pass Area, and Southwestern Riverside County Areas," prepared by LSA Associates, Inc., Irvine, California.

²³ Personal communication with the City of San Jacinto Police Department, July 20, 2007.

²⁴ Riverside County Local Agency Formation Commission, September 2006, "Draft Municipal Service Review for the Central Valleys, the Pass Area, and Southwestern Riverside County Areas," prepared by LSA Associates, Inc., Irvine, California.

the Tribe is committed to providing on-site security for casino operations to reduce and prevent criminal and civil incidents. The Tribe will also implement the mitigation measures listed below:

- All security guards will carry two-way radios so as to respond to back up and emergency related calls. This will aid in the prevention of criminal activity within gaming facilities.
- The Tribe will adopt a "Responsible Alcoholic Beverage Policy" which would include but not be limited to carding patrons and refusing service to those who have had enough to drink. This policy would be discussed with the Riverside Sheriff's Office.
- All parking areas will be well lit and monitored by parking staff, and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other related criminal activity.
- Areas surrounding the gaming facilities will have "No Loitering" signs in place, will be well lit and will be patrolled regularly by roving security guards. This will aid in the prevention of illegal loitering and all crimes that relate to, or require illegal loitering.
- The Tribe will provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security issues.
- At the County's request, the Tribe may provide office space for a full time sheriff. The Tribe may enter into an agreement with the County to pay for this additional law enforcement service.

The Tribe and RCSD have recently negotiated an agreement to improve the law enforcement conditions on the Reservation and develop a better working relationship between the two entities following the tensions raised between them due to recent law enforcement deployments on the Reservation.²⁵ The agreement is the result of three meetings between the Tribe and RCSD held in May and June of 2008. The Community Relations Service of the

25 According to information compiled by the RCSD's Information Services Bureau, the rate of reported crime on the Reservation has generally decreased over the past two years. A review of reported crime shows that the number of calls requesting service by law enforcement agencies dropped from 633 to 521 overall between 2006 and 2007. While crime rates are generally falling on the Reservation, two isolated incidents recently occurred within its boundaries: On May 8, 2008, Riverside County Sheriff's Department deputies shot and killed a 26-year-old Soboba Tribal member, after the officers reportedly had gone to investigate gunfire on a remote part of the Reservation and were fired upon. According to authorities, five deputies fired in the shooting. Four days later, deputies shot and killed a 36 year-old and a 29 year-old Tribal members, again in an isolated section of the Reservation in the foothills of the San Jacinto Mountains. According to authorities, the deputies were responding to 911 callers who reported that the Tribe's security booth, which controls access to the Reservation, had been hit by gunfire. The two Tribal members were shot multiple times by SWAT officers, who said they had been fired upon by one of the two. Authorities said that nine deputies fired their weapons in that incident. Source: The Press-Enterprise (Riverside, California), May 30, 2008.

United States Department of Justice facilitated the meetings, which also included representatives of the Bureau of Indian Affairs, the Riverside County Board of Supervisors, and the Office of Congressman Jerry Lewis. It is expected that the Tribe and RCSD will formally execute the agreement in the near future.

The following list summarizes the objectives of the agreement:

- The agreement is to enhance the provision of public safety services to the Reservation through improving communication, coordination, and collaboration between the two parties.
- The two entities agree to establish permanent points of contact, local Departmental and Countywide Tribal liaisons, and coordinated command posts for critical incident response.
- The two parties agree to develop cultural training for Departmental personnel, as well as training in law enforcement procedures, crime prevention, and other areas for Tribal personnel.

In addition, the two parties agree to develop contingency plans for managing extended displacement of Reservation residents because of closures required in situations of disasters and critical incidents, and to coordinate with other public safety agencies that serve the Reservation to examine ways for improving delivery of other public safety services, such as fire, medical emergencies, and disaster response. The aforementioned measures will ensure a less than significant effect on law enforcement and that there is no additional criminal jurisdiction conflict due to placing the land in trust.

7.2.7 Fire Protection

The Riverside County Fire Department and the California Department of Forestry and Fire Protection (CDF) provide fire protection and emergency response to the Subject Property and surrounding area. The nearest CDF station is Station 25, located in San Jacinto on South San Jacinto Avenue approximately two miles from the Subject Property. This station serves the Subject Property and surrounding area for medical as well as fire emergencies. Standard staffing for Riverside County Fire Department and CDF fire protection is three firefighters per shift. Accordingly, Station 25 has one engine staffed with a minimum of three firefighters per shift, one rescue squad, and one reserve fire engine. During fire season, Station 25 adds an additional four firefighters to the staff and augments its equipment with a County engine. In addition to paid staff, 12 volunteer firefighters are available to assist in case of emergency. Station 25 has a response time of approximately four minutes to the Subject Property for high priority calls, which is within the City of San Jacinto's target

response time of five minutes.²⁶ Riverside County Fire Department responded to 114,535 incidents in 2007, an increase of 2.25 percent over 2006 levels. Service calls to the Reservation totaled 233 calls in 2007.²⁷

All fire protection districts in California operate under a mutual aid agreement, supporting each other according to the initial jurisdiction of the incident. The closest mutual-aid fire resources are CDF Station 25, CDF Station 72, CDF Station 78, and Hemet City Station 5. **Table 7-3** shows the equipment, personnel, average response times, response statistics, and distance from the Subject Property for each station. Fire stations can have a mix of State, County, Contract City, or volunteer-staffed equipment. All are dispatched by the CDF/Riverside County Fire Department Perris Emergency Command Center (ECC) and are part of the "Integrated Fire Protection System," under contract with the State.²⁸

The BIA has entered into an agreement with CDF to suppress wildfire incidents on Tribal lands. In the event of a wildfire in the National Forest that moves outside the forest boundaries, the U.S. Forest Service would likely be a participant in the fire suppression activities due to its involvement in suppressing fires within the National Forest.²⁹

²⁶ Personal communication San Jacinto Station 25, July 20, 2007 and Riverside County Local Agency Formation Commission, September 2006, "Draft Municipal Service Review for the Central Valleys, the Pass Area, and Southwestern Riverside County Areas," prepared by LSA Associates, Inc., Irvine, California.

²⁷ Riverside County Fire Department website, accessed on May 21, 2008 and available for viewing at: <http://www.rvcfire.org/opencms/facilities/FireStations/>

²⁸ Riverside County Local Agency Formation Commission, September 2006, "Draft Municipal Service Review for the Central Valleys, the Pass Area, and Southwestern Riverside County Areas," prepared by LSA Associates, Inc., Irvine, California.

²⁹ Personal communication with Anna Sweeney, Captain, California Department of Forestry and Fire Protection, Fire Station #25, San Jacinto, March 1, 2004.

**Table 7-3
Profile of Closest Mutual-Aid Resources to the Subject Property**

Station	Distance (miles)	Equipment	Personnel	Average Response Time (minutes)	Response Statistics				
					Fires	Medical Aid	Hazmat	Misc.	Total
CDF Station 25	2.2	1 City Paramedic Assessment Engine, 1 State Engine	3 firefighters, 1 rescue squad	4:15	357	2,610	14	577	3,558
CDF Station 72	4.41	1 County Paramedic Assessment Engine, 1 County Brush Engine	3 firefighters	4:34	163	1,339	8	244	1,754
CDF Station 78	6.41	1 City Paramedic Assessment Engine	3 firefighters	3:49	97	1,060	5	182	1,344
Hemet City Station 5	3.93	Engine 5, Engine 5R	1 captain, 1 engineer, 1 firefighter	5:00	n/a	n/a	n/a	n/a	n/a

n/a: Not available

Sources:

Riverside County Local Agency Formation Commission, September 2006, "Draft Municipal Service Review for the Central Valleys, the Pass Area, and Southwestern Riverside County Areas," prepared by LSA Associates, Inc., Irvine, California.

Riverside County Fire Department web site, <http://www.rvcfire.org/opencms/facilities/FireStations/> (accessed May 21, 2008.)

A Tribal fire station would be developed under the Proposed Action, (see **Section 1.5.1**, Proposed Developments, for a description of the proposed facilities). The Draft Operations Plan provides details on the facility, apparatus/equipment, staffing levels, communications, training, and special programs of the proposed Tribal fire department. This section summarizes the recommendations of the Draft Operations Plan.

The Tribal fire department would adopt the land use/fire suppression goals of CDF/Riverside County Fire Department for heavy urban areas. The goal calls for the first arriving unit to be on scene within five minutes from time of dispatch and setup to be complete within an additional three minutes. This would allow for extinguishing agents to be applied within a goal of eight minutes from the time of dispatch. The goal for the full assignment is to arrive at the scene and be setup for operation within ten minutes of dispatch on 90 percent of all fire incidents.

The Tribe is in consultation with CDF/Riverside County Fire Department to establish a Mutual Aid Agreement. Tribal consultants met with Chief John Hawkins on April 23, 2008 to present the Proposed Action and Alternatives and discuss the implications of a Tribal fire station. The Tribe will continue to work with CDF/Riverside County Fire Department to finalize the Draft Tribal Fire Station Operations Plan and establish a Mutual Aid Agreement to best suit the needs to the Tribe and Riverside County community.

The closest mutual-aid fire resources are CDF Station 25 (2.20 miles), CDF Station 72 (4.41 miles), CDF Station 78 (6.41 miles), and Hemet City Station 5 (3.93 miles). These mutual-aid units would serve as backup to Tribal fire equipment and personnel and would help ensure that fire suppression goals are met.

A contract with CDF/Riverside County Fire Department to provide dispatching services for the Reservation is currently being negotiated. Dispatching services would be provided through the CDF/Riverside County Fire Department Perris Emergency Command Center (ECC), which dispatches the emergency resources that provide service to the Reservation. This includes Riverside County Fire Department, as well as American Medical Response (AMR), the private ambulance service which provides Advanced Life Support (ALS) transport (see **Section 7.2.8**).

Recommendations for fire apparatus are based on an evaluation of the types of emergency calls typically encountered, the call-load, the terrain, the existing and future assets-at-risk, the availability of mutual-aid resources, and the potential for fire loss. Based on this evaluation, a Smeal 105-foot aerial truck company would be based at the headquarters and a Smeal Type-1 fire engine and a Type-3 brush engine would be located at the satellite station. Two fire engines would be fully staffed (7-8 firefighters) at all times to enable the Tribal fire department to both respond to an emergency on the Reservation and have the capacity to share resources off the Reservation.

Four staff members would be on-duty at each station, including one fire captain, one fire engineer, and two firefighters. All personnel would be trained as Emergency Medical Technicians (EMTs) and would be CPR-certified. Personnel would also be required to attain a minimum amount of firefighting experience before qualifying for each respective rank and would receive certification from an accredited California Firefighter-1 Academy, which would allow the Tribe to enter into a Mutual-Aid Agreement with CDF/Riverside County Fire Department.

The proposed developments would also include Type I non-combustible, fire-resistive construction materials as defined by the California Building Code, and will be equipped with hydraulically calculated automatic sprinkler systems. This system will be connected to an automatic fire detection and alarm system designed to comply with the California Building Code (see Sections 10 and 6.4 of **Exhibit C**).

The Tribal fire department would provide primary fire protection services to the Subject Property and Reservation and would operate under a Mutual Aid Agreement with CDF/Riverside County Fire Department; therefore, no jurisdictional conflicts to fire protection would occur under the Proposed Action.

7.2.8 Emergency Medical Services

Emergency dispatching services to the Reservation and Subject Property are provided through CDF/Riverside County Fire Department's main Emergency Call Center (the Perris ECC), located in the City of Perris at the CDF Riverside Unit and Riverside County Fire Department's headquarters. The Perris ECC provides dispatching services to 16 contract cities, one community service district, and to all unincorporated areas within Riverside County. The Perris ECC is also under contract to provide dispatching services to two Tribal fire departments and to the Idyllwild Fire Protection District.

The Perris ECC is staffed 24 hours a day, 7 days a week, 365 days a year. Three overlapping shifts provide sufficient staffing and consist of eight Public Safety Communications Officers, one Senior Public Safety Communications Officer, and three CDF Fire Captains. The daily period of high activity is generally between 10:00 a.m. and 10:00 p.m. Staff members primarily receive and process reports of emergencies; and allocate and track personnel, resources, and equipment based on pre-planned response criteria. Additional capabilities of the Perris ECC include coordinating inter-agency incident activities, supporting major emergencies, and documenting internal and external intelligence.

The Perris ECC is the Region VI Governor's Office of Emergency Services Local Area Coordinator for the California Fire Service and Rescue Emergency Mutual Aid System, a statewide plan that facilitates mutual aid to local fire departments. The Perris ECC is able to draw upon additional resources when necessary by activating the Perris ECC Expanded Dispatch Operations. The Expanded Dispatch Operations augments on-duty personnel with

staff who have completed training classes to internally assist with the deployment and tracking of emergency personnel and resources to major incidents. Furthermore, two alternate ECCs located within the Cities of Riverside and Indio act as backup to the Perris ECC and serve as communication centers in support of the Riverside County Office of Emergency Services Division to coordinate multi-agency disaster management within Riverside County.³⁰

In response to emergency calls, the closest first responder, a Paramedic (EMT-P), Emergency Medical Technician (EMT-1), or First Responder certified personnel, is dispatched to the emergency. Both the Riverside County Fire Department and American Medical Response (AMR) provide emergency medical services to the Reservation. The fire department offers First Responder level and EMT-I level emergency medical services to the area (see the heading "Fire Protection" above for a discussion of Riverside County Fire Department resources). AMR is contracted through Riverside County to provide ambulance transport and paramedic services to the Reservation within a maximum response time of 13:59 minutes. AMR's deployment center is located in Hemet and has a substation in San Jacinto.³¹ Advanced Life Support emergency airlift services are provided by Mercy Air and the California Highway Patrol Air Operations.

Under the Proposed Action, the Tribal fire station would offer First Responder level and EMT-I level emergency medical services to the Subject Property. A contract with CDF/Riverside County Fire Department to provide dispatching services for the Reservation is currently being negotiated. Therefore, no jurisdictional conflicts to emergency medical services would occur.

7.2.9 Hospital Services

Hospitals that are able to provide service for incidents both on the Reservation and the Subject Property include Hemet Valley Medical Center (HVMC) in the City of Hemet and San Geronio Memorial Hospital (SGMH) in the City of Banning.

The HVMC is approximately five miles from the Reservation, and is a full-service acute hospital with 240 beds, licensed by the State of California. Services provided by the HVMC include 24-hour emergency medical assistance, CT-scanning and magnetic resonance imaging, inpatient and outpatient surgery, and maternity and women's services.³²

³⁰ Riverside County Fire Department website, accessed on May 21, 2008 and available for viewing at: <http://www.rvcfire.org/opencms/facilities/FireStations/>

³¹ Personal communication with Brian MacGavin, Senior EMS Specialist, Riverside County EMS Agency, April 8, 2004.

³² Hemet Valley Medical Center (HVMC), "Hemet Valley Medical Center," accessed in 2006 and available for viewing at: <http://www.valleyhealthsystem.com/hemmain.htm>.

The SGMH is located approximately 15 miles to the north of the Reservation. SGMH is a full service hospital with 70 beds licensed in the State of California, providing general medical-surgical care, intensive care, emergency services, inpatient and outpatient surgery, and women's services.³³

SGMH currently employs 40 to 50 full-time physicians. The State of California mandates the hospital maintain a nurse to patient ratio of one nurse per two patients for emergency and intensive care units, and one nurse per four patients for all other services. On average, SGMH serves 75 emergency department patients per day and 45 inpatients. The hospital is currently functioning with minimum staff levels but is within the mandated ratios. SGMH is readily able to recruit local staff to accommodate additional increases in demand for their services and is not yet functioning at maximum capacity. The hospital is presently undertaking an expansion project that will more than double its size but is facing some funding issues with the escalation in building costs.³⁴

Under the Proposed Action, HVMC and SGMH would continue to be able to provide service for incidents on the Subject Property.

7.3 Land Use and Zoning

Approximately 300 acres (56 percent) of the Subject Property is incorporated in the City of San Jacinto, California while the remainder is within unincorporated Riverside County, California. Therefore, land uses on the Subject Property are guided by the Land Use Element of the San Jacinto General Plan, which includes the unincorporated parcels within its "Sphere of Influence Boundary". No other community plans, specific plans, or overlays that would affect land use policy apply to the Subject Property at this time.³⁵

The current zoning designation on the Subject Property is a mix of R-R (Rural Residential), LDR (Low Density Residential), OS-R (Open Space Recreation), and OS (General Open Space), and water source. The proposed developments on the Subject Property would occur on land that is currently designated LDR.

³³ San Gorgonio Memorial Hospital (SGMH), "Patient Care Services and Standards," accessed in 2008 and available for viewing at: <http://sgmhf.org/getpage.php?name=patientcare>.

³⁴ Personal Communication with Anne Zacovic, Executive Director of Community Relations, San Gorgonio Memorial Hospital, June 26, 2008.

³⁵ Personal communication with David Clayton, Information Planner, City of San Jacinto, May 7, 2008. A portion of the Project Site, including the Development Site, is zoned under Specific Plan 1-85. However, Specific Plan 1-85 is no longer in force.

In accordance with the Land Use Element of the San Jacinto General Plan³⁶:

Rural Residential (RR): The Rural Residential land use designation provides for the development of low density detached single-family dwellings and accessory buildings. The RR designation is generally most suitable in areas that consist of small agricultural operations and rural-oriented residences. Horses and other farm animals are allowed in these areas. Uses such as mobile and modular homes, public facilities, and other uses which are compatible with and oriented toward serving the needs of rural single-family neighborhoods may also be allowed.

This designation allows a maximum of 2.0 dwelling units per net acre, with an average density of 1.5 dwelling units per net acre. The maximum density of this land use designation may be exceeded to complement General Plan Housing Element policy in accordance with the density bonus provisions of Section 65915 of the California Code of Regulations and as an incentive for planned developments.

Low Density Residential (LDR): The LDR designation is primarily for single-family detached residential uses and accessory buildings. Uses such as mobile and modular homes, townhomes and condos, public facilities, and other uses which are compatible with and oriented toward serving the needs of low density single-family neighborhoods may also be allowed.

This designation allows a maximum density of 5.0 dwelling units per net acre, with an average density of 4.0 dwelling units per net acre. The maximum density of this land use designation may be exceeded to complement General Plan Housing Element policy in accordance with the density bonus provisions of Section 65915 of the California Code of Regulations and as an incentive for planned developments.

Open Space – Recreation (OSR): The Open Space Recreation designation provides for outdoor recreational facilities, including golf courses, swimming schools, tennis clubs, equestrian clubs and caretaker facilities. The maximum and average intensity of development is a FAR of 0.10.

General Open Space (OS): The Open Space designation allows for: open space areas; hiking, biking and equestrian trails; outdoor recreation; and extremely low density single-family dwellings. This designation provides for the conservation of natural and scenic resources and the protection of property from natural hazards. The maximum allowable density is 1.0 unit per 40 net acres and the average density is 1.0 dwelling unit per 60 net acres. The maximum intensity of development is a FAR of 0.10, with an average intensity of a FAR of 0.001. Park and outdoor recreational uses are permitted at the maximum intensity of 0.10.

³⁶ City of San Jacinto, January 2006, San Jacinto General Plan, Land Use Element, accessed online on November 22, 2008 and available for viewing at: <http://www.ci.san-jacinto.ca.us/files/Land%20Use%20Element.pdf>

The purpose of the Land Use Element of the San Jacinto General Plan is to guide land use planning within the City of San Jacinto. A comparative land use analysis was conducted to determine if the proposed developments were consistent with the relevant goals and policies of the Land Use Element. The results of this analysis are discussed below and summarized in **Table 7-4**.

The Land Use Element references the advantages of San Jacinto because of its proximity to the Reservation, and includes land use policies (Policies 7.3 and 7.4; see **Table 7-4** below) that support developing visitor-oriented activities and businesses that build on the opportunities afforded by the Reservation. One of the key challenges facing San Jacinto is the development of a diversified economic base that includes a broad cross-section of industries, respecting the many future industrial and commercial opportunities available in western San Jacinto. The Land Use Element indicates that the City wants, and has adequate resources to serve, many new businesses.

While the Proposed Action is consistent with the economic goals of the Land Use Element, development of the proposed facilities would not be considered consistent with existing land use designations. However, once the land is placed into Federal trust, the City of San Jacinto's land use regulations would not apply to the Subject Property. The consistency of Proposed Action with the relevant goals and their corresponding policies is discussed in **Table 7-4**. As presented in **Table 7-4**, Proposed Action is consistent with most policies under the Land Use Element of the San Jacinto General Plan. Policies with which the Proposed Action is inconsistent include Policies 2.5, 3.1, 4.1, 4.2, 6.7, and 9.1. These policies call for restricting development that is inconsistent with the surrounding area or obstructs scenic views, and for limiting development on hillsides, ridgelines, flood plains, and other high risk areas. The inconsistencies are due to the anticipated increase in traffic, noise, air emissions, and artificial lighting and glare generated by the commercial environment, the potential for the proposed structures to partially obstruct scenic views, the location of the Subject Property in a seismically active area, and the general contrast of the commercial nature of the proposed developments with the natural and built environment of the open space and residential areas surrounding the Subject Property.

The Proposed Action would therefore conflict with the current land use designations and the character of the land in the surrounding communities. However, at the same time, the development of Tribally-owned businesses on the Subject Property would complement the commercial nature of the adjacent Tribally-owned Soboba Springs Country Club. Mitigation measures proposed in the Draft Environmental Impact Statement would reduce environmental effects associated with the increased urbanization and the proposed developments' inconsistency with the General Plan's land use designations.

**Table 7-4
Consistency of Proposed Action with the Land Use Element of the San Jacinto
General Plan³⁷**

Policy Number	Text	Proposed Action	Discussion
Land Use Goal 1	<i>Develop a balanced land use pattern that meets community needs for residential, commercial, industrial, public, and recreational uses.</i>		
Policy 1.1	Promote land use composition in San Jacinto that provides a balance or surplus between generation of public revenues and the cost of providing community services and facilities.	Consistent	The Tribe would work together with each public service provider to ensure an adequate level of service is available not only to the Reservation, but also to other developments surrounding the Reservation.
Policy 1.5	Plan and designate open space and parkland to meet the community's parks, open space, and recreational needs.	Consistent	The Proposed Action would not develop the parcels on the Subject Property currently designated as Open-Space Recreation and General Open Space.
Land Use Goal 2	<i>Manage and direct growth so that the community and its neighborhoods are protected and enhanced.</i>		
Policy 2.3	Ensure that development corresponds to the provision of community services and facilities and new development funds its share of improvements (e.g., parks, schools, trails, utilities).	Consistent	The Tribe would work together with each public service provider to ensure an adequate level of service is available not only to the Reservation, but also to other developments surrounding the Reservation.
Policy 2.4	Ensure that adequate infrastructure and public services are provided in concert with development so that no negative fiscal or service impact occurs as a result of new development.	Consistent	The Tribe would work together with each public service provider to ensure an adequate level of service is available not only to the Reservation, but also to other developments surrounding the Reservation.
Policy 2.5	Preserve and enhance the quality of San Jacinto's neighborhoods by restricting or abating non-conforming buildings and uses.	Inconsistent	The increased traffic, noise, air emissions, and artificial lighting and glare generated by the commercial environment would be inconsistent with the nearby open space and residential communities. The effects of artificial lighting and glare on the surrounding environment are discussed in this section. Traffic, noise, and air quality effects are addressed under separate headings in this DEIS.
Policy 2.7	Locate retail and commercial land uses along major circulation routes at major intersections where there is maximum access and visibility.	Consistent	Proposed Action's retail and commercial facilities would be located within a short drive from both the SR-70 and the Ramona Expressway.
Land Use Goal 3	<i>Foster development in San Jacinto that ensures the compatibility of land uses with environmental conditions.</i>		
Policy 3.1	Limit development in the hillsides, ridgelines, flood plains, and other high risk areas.	Inconsistent	The Subject Property is subject to flooding from the San Jacinto River during a 100-year event; however, the Development Site is not. In addition, the Project Site is located in a seismically active area.
Land Use Goal 4	<i>Promote high-quality development that ensures compatibility with surrounding land uses and major transportation corridors.</i>		

³⁷ City of San Jacinto, January 2006a, Land Use Element, City of San Jacinto General Plan.

Policy Number	Text	Proposed Action	Discussion
Policy 4.1	Evaluate the compatibility of new development with surrounding uses when reviewing development proposals and designing the circulation system improvements.	Inconsistent	The increased traffic would necessitate circulation system improvements. Impacts to transportation networks are discussed in DEIS.
Policy 4.2	Ensure that new development is compatible with the physical characteristics of the site, surrounding land uses, and available public infrastructure.	Inconsistent	The increased traffic, noise, air emissions, and artificial lighting and glare generated by the commercial environment would be inconsistent with the nearby open space and residential communities. The effects of artificial lighting and glare on the surrounding environment are discussed in this section. Traffic, noise, and air quality effects are addressed in the DEIS.
Policy 4.3	Maximize commercial, retail, and employment opportunities along the City's major corridors and intersections, including the SR-70, the Ramona Expressway, Sanderson, and Cottonwood.	Consistent	Proposed Action's commercial, retail, and employment opportunities would be located within a short drive from both the SR-70 and the Ramona Expressway.
Policy 4.4	Ensure new development provides roadways that meet the City's standards based on the classifications shown in the Circulation Master Plan and the level of traffic expected to be generated by the Proposed Action.	Consistent	The Tribe will coordinate with the City of San Jacinto to ensure that the roadways serving the Development Site will be adequate to serve the level of traffic expected to be generated by Proposed Action.
Land Use Goal 6	<i>Preserve and protect the City's cultural, historic, agricultural, and visual resources.</i>		
Policy 6.1	Balance the benefits of development with potential impacts to existing cultural resources	Consistent	Proposed Action would not have an effect on any known significant archaeological or historical resources.
Policy 6.7	Preserve and enhance public views of the mountains and hillsides and other scenic vistas.	Inconsistent	The proposed developments have the potential to partially obstruct public views of mountains and hillsides and other scenic vistas. See DEIS for a discussion of impacts to visual resources.
Policy 6.9	Protect valuable agricultural resources and encourage the continuation of agricultural activities.	Consistent	The Project Site does not support agricultural activities, and the Proposed Action A would have a less than significant effect on agriculture (see the subheading Agriculture below)
Land Use Goal 7	<i>Capitalize on the City's many economic development opportunities to promote a strong and economically healthy community.</i>		
Policy 7.3	Target the potential benefits from the Diamond Valley Reservoir and gaming and entertainment uses of the Soboba Indian Reservation by promoting the recreational opportunities available in the San Jacinto area.	Consistent	Proposed Action would provide a regional commercial attraction to the area. The development would have the potential to increase visitation to recreational resources in the San Jacinto area.
Policy 7.4	Support the development of visitor-oriented activities and businesses that build upon the opportunities provided by the Diamond Valley Reservoir and	Consistent	Proposed Action would provide a regional commercial attraction to the area. The development would have the potential to create or increase spending on adjacent commercial uses.

Policy Number	Text	Proposed Action	Discussion
	the Soboba Indian Reservation. Promote a growing and skilled labor force that will attract a range of jobs and wage levels to satisfy the employment and income needs of the City's labor force through all cycles of the economy.		
Land Use Goal 8 Policy 8.1	Promote the development of a broad range of skill and wage levels in job opportunities in San Jacinto through expanded commercial, office, business park, and industrial facilities.	Consistent	Proposed Action would expand employment-related development and provide job opportunities for community residents.
	Encourage thoughtful community design that enhances San Jacinto's quality of life.		
Land Use Goal 9 Policy 9.1	Ensure new development is compatible with its natural surroundings and the built environment in terms of architecture, scale, grading, and massing.	Inconsistent	The commercial nature of Proposed Action's facilities would contrast with the natural and built environment of the open space and residential areas surrounding the Subject Property.
Policy 9.5	Support "green" and "sustainable" developments that respect and conserve the region's important resources.	Consistent	The Proposed Action would, where feasible, incorporate energy conservation features into all proposed facilities (see DEIS).
Policy 9.6	Require the use and maintenance of extensive landscaping in new development and redevelopment projects to beautify the surroundings, screen outdoor uses, provide shade, establish pedestrian paths, buffer incompatible land uses, and provide visual interest.	Consistent	Proposed Action would incorporate extensive landscaping around all proposed facilities (see DEIS).

7.4 The Role of BIA and its Responsibilities [25 C.F.R §151.10(g)]

Acceptance of the Subject Property into Federal trust status should not impose any additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation. Initial construction and ongoing operations and maintenance needs of the land, existing facilities, and new development and infrastructure would be the responsibility of the Tribe, with the Tribe assuming responsibilities for all related costs. The BIA is able to administer any additional responsibilities needed for this land once placed in trust.

7.5 Gaming Compact Compliance

The existing Soboba Casino, like other California Indian gaming facilities, is operated pursuant to a compact between the state and the Tribe, which was signed by the Governor, ratified by the Legislature, and approved by the Secretary of the Interior pursuant to the Federal Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701 *et seq.* The compact, which remains in effect through 2020, authorizes the Tribe to operate table games and up to 2,000

gaming machines in two facilities. Accordingly, no changes to the compact will be necessary for the Tribe's new gaming facility on the Subject Property, so long as the total number of gaming machines does not exceed 2,000 (see **Exhibit C**).

All of the Tribe's gaming operations are subject to licensing and regulation by the Soboba Gaming Commission and the National Indian Gaming Commission, and to inspection of gaming premises and records by state gaming agencies to ensure compliance with the compact. The compact also contains detailed provisions ensuring public and workplace health and safety at the Tribe's gaming facilities, requiring protections at least as stringent as otherwise applicable state or Federal law with respect to food and beverage handling, water quality and safe drinking water standards, and building and safety codes. Other compact provisions require the Tribe to provide for unemployment benefits; state and Federal employee tax withholding; protection against discrimination and protection for labor organizing; liability insurance and claims for injuries; and mitigation of off-Reservation environmental impacts.

Finally, the compact requires that a portion of the revenues generated by the Tribe's gaming facilities must be remitted to two state-administered funds: (1) a Revenue Sharing Trust Fund that is distributed among non-gaming California tribes; and (2) a Special Distribution Fund that is used to compensate the state for the costs incurred in the administration and oversight of compact compliance, and for grants to gambling addiction programs and to governmental agencies impacted by tribal gaming.

Riverside County and local governmental agencies in the county receive in excess of \$10 million a year from the Special Distribution Fund for such purposes as law enforcement, fire and emergency medical services, environmental programs, water supplies and waste disposal, public health, roads, and recreation and youth programs. In 2007 alone, proceeds from the Soboba Casino accounted for nearly \$1.0 million of that amount, which was supplemented by another \$1.5 million that the Tribe voluntarily donated to local charities and nonprofit organizations.

8.0 NEPA Compliance and Hazardous Substances [25 C.F.R §151.10(h)]

A Draft Environmental Impact Statement has been submitted under a separate cover, allowing the Secretary to comply with 516 DM 6, Appendix 4, National Environmental Policy Act [42 U.S.C. §4321] Revised Implementing Procedures and 602 DM 2, Land Acquisitions: Hazardous Substances Determination. A Hazardous Substances Determination is necessary because it rules out any liability the Federal Government would inherit upon approval of the property status conveyance from fee to trust.

A Phase I Environmental Site Assessment (ESA) was conducted on the property in July 2007. It found two recognized environmental conditions (RECs) of concern on the Subject Property. However, a Phase II ESA was performed on April 24, 2008 and the lab results indicated an acceptable level of contaminants in the soil. The Phase I and Phase II ESAs are attached as **Exhibit K**.

9.0 Title Requirements [25 C.F.R §151.13]

A (draft) copy of the proposed deed to the United States of America in trust for the Soboba Band of Luiseño Indians is attached as **Exhibit L**. The original Grant Deed conveying to the United States of America to be held in trust for the Soboba Band of Luiseño Indians will be provided to BIA once all title reviews have been made and accepted by the Solicitor's Office. The notary acknowledgment of the deed will conform to the current California Notary Law [California Government Code §8200]. The Signed and Executed Resolution evidencing signature authority, and a draft copy of the Resolution accepting the title exceptions are included as **Exhibit G**.

A Preliminary Title Report prepared by Orange Coast Title Company, copies of title exception, and a Commitment for Title Insurance, in accordance with the Department of Justice Title Standards, is attached as **Exhibit M**. Legal descriptions and Preliminary Title Reports for each of the parcels are included in this application as **Exhibit A**.

10.0 Conclusion

The Tribe is determined to reclaim land that was once inhabited by Tribal ancestors, and appreciates the opportunity to provide an abridgement of Tribal history to BIA in determining the acceptability of this property as part of Reservation trust lands. The fee-to-trust transfer is necessary to allow the Tribe to relocate its existing casino in order to promote economic growth; provide additional land for Tribal operations; reacquire former Reservation lands; preserve Tribal heritage, and exercise complete sovereign powers over land that is owned by the Tribal government. The Tribe thanks the BIA for the anticipated timely processing of this application. This land, if accepted into trust status, will allow the Tribe to provide for future generations of Tribal members, without which they would be severely limited.