



**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**

*Juan C. Perez*  
*Agency Director*

*Patricia Romo*  
*Assistant Director*  
*Transportation Department*

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*Building & Safety Official*  
*Building & Safety Department*

*Greg Flannery*  
*Interim Code Enforcement Official*  
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December 26, 2013

Amy Dutschke, Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

RE: FEIS Comments, Soboba Horseshoe Grande Fee-To-Trust Project

Dear Ms. Dutschke:

The County of Riverside Transportation and Land Management Agency (TLMA) appreciates the opportunity to provide comments on the above environmental document. The Soboba Band of Luiseno Indians (hereafter cited as the "Tribe") proposes the conveyance of 534.91 acres of Tribal-owned property to Federal trust status and subsequent development of an approximately 55 acre portion of the site into a destination resort consisting of a 729,500 square foot hotel/casino complex (hereafter cited as the "Project").

On September 15, 2009 the Riverside County Board of Supervisors adopted Resolution No. 2009-293 entitled "EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U.S. DEPARTMENT OF THE INTERIOR (HORSESHOE GRANDE)". Said Resolution was transmitted to the Bureau of Indian Affairs on September 15, 2009, along with a letter from Ron Goldman, Planning Director of Riverside County; a letter from Jason Nueman, Riverside Fire Captain; a letter from Lee Wagner, Chief Deputy of Administration, Riverside County Sheriff; a letter from David Jones, Chief Environmental Geologist; a letter from the Department of Environmental Health; and a letter from Ken Baez, Environmental Programs Division. The Resolution and comment letters, all incorporated into this comment letter by reference and attached, identified numerous concerns expressed by Riverside County regarding the impacts of this project on public safety, traffic and circulation, habitat conservation, and other areas of concern. These also include the potential impacts to the adjacent residential communities within Unincorporated County jurisdiction, including the need to maintain adequate access to said communities.

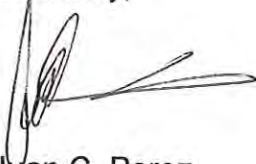
Our review of the FINAL EIS continues to identify several areas of concern which have not been appropriately analyzed or responded to in the FINAL EIS document, including:

1. Responses to comments in the DRAFT EIS are generally broad in nature and inadequate. The County provided numerous detailed comments in the Resolution and Comment Letters. The responses to these comments in the FINAL EIS lack specificity and generally refer back to sections in the document, which in many cases have not been modified to fully respond to the comments raised.
2. The FEIS states that a Mutual Aid Agreement will be entered into between the Tribe and CDF/Riverside County Fire Department to provide service to the site. Given the Tribe's limited ability to provide reciprocal response, the appropriate mechanism for the County to provide the necessary Fire public safety protection is a Cooperative Fire Protection Agreement. Said Cooperative Fire Protection Agreement needs to be entered into prior to the Record of Decision (ROD) on the project so that all parties and the public have a clear understanding of the level of fire protection service that will be provided to the project prior to its approval. This Agreement needs to also be identified as a mitigation measure for the project.
3. The FEIS states that a Memorandum of Agreement (MOA) is currently being negotiated between the Tribe and the Riverside County Sheriff's Office, governing the provision of law enforcement services to the project. The MOA should be entered into prior to the Record of Decision (ROD) on the project so that all parties and the public have a clear understanding of the level of Sheriff protection service that will be provided to the project prior to its approval. This MOA needs to also be identified as a mitigation measure for the project.
4. According to the Traffic Analysis this project is projected to generate 22,525 daily vehicle trips and 2159 trips in the PM peak. This will create significant impacts on County and City roadways leading to the site, requiring appropriate mitigation. The traffic analysis conducted for the FEIS does not address a number of the comments made by the County on the DEIS, did not analyze a number of roadway segments and intersections requested by the County, and also contains several deficiencies in the technical assumptions and scenarios studied which are noted in detail in Attachment A to this letter. These items need to be properly addressed in order to determine the appropriate mitigation measures. The specific mitigation measures for direct and indirect project impacts need to be identified in the FEIS.
5. The Mitigation Measures identified in 5.7.1 state that the proposed development shall participate in the adopted TUMF (Transportation Uniform Mitigation Fee) program and pay required development impact fees. An agreement should be entered into between the Tribe and the Western Riverside Council of Governments (WRCOG), the agency that administers the TUMF in Western Riverside County, prior to the ROD.

6. An issue of significant concern for the County is the need to maintain adequate access to the residents in the adjacent County communities that will be impacted by this project. The FEIS references Tribal Resolution No. CR07-HGFTT-51, which acknowledges "rights of the public in and to any portion of the subject property lying within any lawfully established streets, roads, or highways". We request that the Resolution be modified to also acknowledge any private easements or offers of dedication which have not been accepted by the County, and that the Tribe affirmatively supports maintaining existing access rights, rather than just noting them as an "exception to title" which does not interfere with the proposed project.

Thank you once again for the opportunity to provide these comments. Please do not hesitate to contact me at 951-955-6742 should the Bureau or Tribe desire to discuss these comments in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan C. Perez', with a long horizontal flourish extending to the right.

Juan C. Perez  
Director of Transportation and Land Management

CC: Supervisor Jeff Stone, District 3  
Riverside County Sheriff  
Riverside County Fire  
Executive Office

**Attachment "A" – County of Riverside Traffic Comments to the FEIS**

1. The traffic analysis has not included all intersections or roadway segments listed in the County's comments dated September 14, 2009.

a. The County requested analysis of the following intersections -

- Soboba Road/Gilman Springs Road
- Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue)
- Ramp terminals at the interchange of SR-60/Gilman Springs Road
- SR-74/Ramona Expressway
- Ramona Expressway/Sanderson Avenue (In San Jacinto)
- Ramona Expressway/Bridge Street
- Mountain Avenue/Soboba Street
- Mountain Avenue/Ramona Expressway/Cedar Avenue

It appears that the FEIS is unresponsive as the revised TIS did not analyze the following intersections –

- Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue)
- Ramp terminals at the interchange of SR-60/Gilman Springs Road
- SR-74/Ramona Expressway
- Ramona Expressway/Bridge Street
- Mountain Avenue/Ramona Expressway/Cedar Avenue

b. The County also requested that the DEIS include an analysis of the following roadway segments:

- Soboba Road between the project and Gilman Springs Road
- Gilman Springs Road between Soboba Road and SR-60
- SR-79 between Gilman Springs Road and 1-10
- Ramona Expressway between Main Street in San Jacinto and Perris City Limits
- Mountain Avenue/Ramona Expressway between Main Street in San Jacinto and SR-74

2. The County's comment to the DEIS requested "that the project proponent take no actions that would reduce the access rights of residents in County and San Jacinto islands in the vicinity of the proposed project. The access rights of these residents needs to be protected in perpetuity. The DEIS needs proposed enforceable mitigation measures to ensure that access rights will be protected in perpetuity." The response provided in the FEIS states that:

## Attachment "A" – County of Riverside Traffic Comments to the FEIS

*"Tribal Resolution No. CR07-HGFTT-51 (Appendix I) acknowledges the existing easement for roadway, water lines and underground conduits and incidental purposes along the Project Site, which includes a roadway easement for Lake Park Drive and Soboba Road."*

The FEIS relies on the referenced Tribal Resolution in order address comments regarding access. However, while the Tribal Resolution CR07-HGFTT-51 concludes that the exceptions to title will not interfere with the Tribe's proposed use of the property, there is no affirmative statement that the Tribe will uphold the exceptions to title with their current project or any future proposed project on this site.

Additionally, the FEIS states:

*"Furthermore, the Resolution acknowledges, as an exception to title of the Project Site, 'rights of the public in and to any portion of the subject property lying within any lawfully established streets, roads, or highways.'"*

This statement addresses existing roads which have been accepted for public use, however it remains silent on existing private easements and offers of roads for public use which have not been accepted. By not addressing these private easements, the access rights of property owners may potentially be impacted by the project. The County requests the Tribe to provide an approved resolution that acknowledges they will affirmatively uphold the exceptions to title of the Project Site for existing public road rights-of-way and include any existing private easements in the exceptions to title.

3. Appendix AC of the EIS includes a Traffic Management Plan (TMP) to handle major special events like concert and other intense short-term peaks using the proposed convention center.
  - The TMP should be revised to address pedestrian circulation, avoidance of vehicle-pedestrian conflicts, access to existing residential uses, and emergency access.
  - The TMP says, "With a capacity of 1,900 vehicles per lane per hour, this would provide for 7,600 vehicles to evacuate the area within one hour". This statement is unrealistic and essentially incorrect because of traffic factors such as signals, intersection

**Attachment "A" – County of Riverside Traffic Comments to the FEIS**

spacing, and other traffic impediments are not considered. It is recommended that this calculation be corrected.

- The TMP states, "Prior to "Special Events", property owners in the immediate vicinity should be notified by mail". It is required that the language be changed to "Prior to "Special Events", property owners in the immediate vicinity **shall** be notified by mail".
4. The TIS analyzes 2010 as the opening year of the project. Please revise the analysis to evaluate an opening year that is more realistic considering that the present year is 2013.
  5. The project creates a direct impact on Soboba Road between Gilman Springs Road and Lake Park Drive. **The project needs to construct improvements recommended in the TIS.**
  6. The project adds more than 47% of opening year traffic on Soboba Road north of Gilman Springs Road, increasing the v/c by 35%. Similarly, on Gilman Springs north of Soboba Road, the project increases traffic volumes by 27%. **Therefore, the project should construct the improvements recommended in the TIS.**
  7. The TIS analyzes 2025 conditions. The typical horizon for traffic analyses in Riverside County is a 20-year horizon (i.e. 2035) or General Plan Buildout. Please revise the analysis to include a 20-year horizon.
  8. The EIS should identify which improvements will be constructed by the project.
  9. Tables 9 to 12 – The v/c calculation for the segment north of Gilman Springs Road appears to be incorrect. For example, the v/c for Table 11 under no improvements should be 1.623.
  10. Tables 20 to 25 - The v/c calculation for the segment north of Gilman Springs Road appears to be incorrect.
  11. The roadway capacity of Mountain Avenue between Main Street and 7<sup>th</sup> Avenue is listed as 34,100 for without project conditions and 35,900 for with project conditions under 2010 conditions. Please explain the increase in roadway capacity or revise as necessary.

12. Year 2010 intersection analysis –

- The project has direct impacts (i.e. the operations are acceptable under without project conditions but not acceptable under with project conditions) at the following intersections under 2010 conditions –

- San Jacinto Street/Ramona Boulevard/Main Street
- Ramona Expressway/Main Street/Lake Park Drive
- Soboba Street/Mountain Avenue
- Soboba Springs Drive/Lake Park Drive
- Soboba Road/Lake Park Drive

**The project needs to fully mitigate these impacts using a consistent cycle length for adjacent intersections, which may result in more improvements than those listed in the TIS.**

- In addition, the TIS recommends two improvements for the intersection of Soboba Springs Drive/Lake Park Drive. Please reference which one will be implemented. This is a direct project impact and should be fully mitigated by the project.

13. Year 2025 intersection analysis –

- The project has direct impacts (i.e. the operations are acceptable under without project conditions but not acceptable under with project conditions) at the following intersections under 2025 conditions –

- State Street/Florida Avenue
- Soboba Road/Chabella Drive

**The project needs to fully mitigate these impacts.**

14. LOS Worksheets – It appears that the cycle length for each intersection has been optimized in Traffix individually. This creates a situation where in adjacent intersections have different cycle lengths during the same peak hour (for example, San Jacinto Street/Ramona Boulevard/Main Street has a cycle length of 65 seconds in the morning peak hour and the next intersection, San Jacinto Street/Esplanade Avenue has a cycle length of 75 seconds during the same peak hour), which reduces the overall efficiency of the transportation network. It is recommended that the cycle lengths for intersections less than a mile apart be maintained the same. This is even more relevant because the TIA states that *"The traffic signals within the study area at buildout should specifically include an interconnect of the traffic signals to function in a coordinated system."*

**Attachment "A" – County of Riverside Traffic Comments to the FEIS**

15. If Lake Park Drive is realigned, it is likely that the traffic signal will be moved south at the new intersection of Lake Park Drive and Soboba Road. Please include an analysis of traffic operations at the old intersection of Lake Park Drive/Soboba Road since access to the residences to the north side of Soboba Road will be impacted when the signal is moved. If the signal is kept in place, please discuss traffic operations and coordination at the "Old" Lake Park Drive/Soboba Road and "New" Lake Park Drive/Soboba Road as intersections will be closely spaced.
16. The analysis of the I-215 interchange is included in the Appendix, however is neither discussed nor analyzed in the body of the report.

**The County has the following comments on the Responses made to the Comments on the DEIS –**

- i. Response 1.12.1.3 (a) states "As discussed in Section 5.7.1 of the FEIS, the Tribe shall contribute to the funding of mitigation for traffic improvements in the Project Site and surrounding area. The contribution shall be based on the amount of traffic generated by land uses on the Project Site as a percentage of the overall traffic volume. This percentage will be derived from the results included in the traffic impact analysis (Appendix T of the FEIS). The Tribe's contribution shall be provided to the agency undertaking the improvement (e.g., Caltrans, Riverside County, City of San Jacinto). In the case of improvements that are identified as the sole responsibility of the Tribe, the Tribe must contribute 100 percent of the necessary funds. The intersections that the Tribe will pay for in full are the ones pertaining to site access and require the creation of new access points." This statement is repeated in several other responses.
  - a. The TIA does not calculate fair share percentages. In addition, fair share calculation methodology proposed (amount of traffic generated by land uses on the Project Site as a percentage of the overall traffic volume) is not the methodology used to assign fair share costs in Riverside County. In Riverside County, the fair share is calculated as a percentage of project traffic over growth in total traffic for those locations that currently operate at an acceptable LOS and where growth in traffic is causing deficiencies in operation.
  - b. Direct project impacts have to be fully mitigated by the project. A direct project impact occurs when a facility operates at acceptable levels of service under without project conditions but does not operate satisfactorily under with project conditions.



**Attachment "A" – County of Riverside Traffic Comments to the FEIS**

- ii. The EIS should identify responsible parties for all mitigation measures. It is not sufficient to state that the only intersections that the tribe will pay for in full are the ones pertaining to site access and require the creation of new access points.
- iii. In Section 1.12.1.4, Response (a) states that the intersection of Mountain Avenue/Ramona Expressway/Cedar Avenue is forecast to have less than 50 trips. However, based on the trip distribution figure, it appears that approximately 5% of project trips are traveling on Mountain Avenue east of Soboba Street. That translates to approximately 90 peak hour trips. Since the intersection of Mountain Avenue/Ramona Expressway/Cedar Avenue is approximately ½ mile away with one intersection between Soboba Street and Mountain Avenue/Ramona Expressway/Cedar Avenue, it is unlikely that the number of trips at this intersection will be less than 50 trips. The County is specifically concerned because this intersection is in its jurisdiction. The County again requests that this intersection be analyzed with impacts identified and mitigations recommended.
- iv. Section 1.12.1.4, Response (a) states that Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue) are located beyond a 5-mile radius of the Project Site. Based on our measurement, it appears that the ramps are located within the 5-mile radius from the project boundary. The County again requests that the interchange be included in the analysis as 30% of the project traffic, or approximately 536 peak hour trips, are anticipated to use this interchange.
- v. Section 1.12.1 states that "Residents testified during public meetings that during special events, access to their homes was blocked due to "bumper-to-bumper" traffic along Lake Park Drive and Soboba Springs Road". The response in the FEIS included a TMP for special events. The TMP does not disclose the potential trip generation of the project during such special events, nor does it address traffic operations during special events to allay these concerns. The FEIS therefore, fails to address concerns raised by the County and the residents in the area. The TIA states that signals are not warranted at the intersections of Lake Park Drive/Soboba Road and Soboba Road/Chabella Drive. However, during special events, access to residential uses adjacent to these intersections will be severely disrupted and traffic signals may mitigate the impacts. The County again requests that a more detailed TMP be prepared for the project. Please refer to comment 3 on the FEIS.

**FAX**

**RIVERSIDE COUNTY COUNSEL**



**FOR IMMEDIATE DELIVERY**

**DATE:** September 14, 2009

**Total Pages: 11**  
(Including Cover Sheet)

**TO:** Dale Morris

**FAX NO:** 916-978-6099

**FROM:** David H.K. Huff

**MESSAGE:** Please see the following letter and Resolution No. 2009-293. The original letter and copy of resolution will follow via Fed Express. Thank you.

A12-227 ✓

Dep Reg Dir \_\_\_\_\_  
 Reg Adm Ofcr \_\_\_\_\_  
 Route \_\_\_\_\_ **DECLMS**  
 Response Required \_\_\_\_\_ **NO**  
 Exp Date \_\_\_\_\_  
 Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
 Tele \_\_\_\_\_

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PAMELA J. WALLS  
County Counsel

Principal Deputy  
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL  
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300  
RIVERSIDE, CA 92501-3674  
TELEPHONE: 951/955-6300  
FAX: 951/955-6322 & 955-6363



September 14, 2009

**SENT VIA OVERNIGHT DELIVERY AND FACSIMILE**

Dale Morris  
Regional Director  
Pacific Region  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project; Confirmation of Request for Extension of Written Comment Period (currently set to conclude by September 15, 2009).**

Dear Mr. Morris:

Please see enclosed Resolution No. 2009-293 entitled "EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U.S. DEPARTMENT OF THE INTERIOR (HORSHOE GRANDE)" which will be under consideration for approval by my client during their next regular meeting session scheduled for Tuesday September 15, 2009.

Please do not hesitate to contact me in the event that you have any questions or comments regarding this matter.

Sincerely,

PAMELA J. WALLS  
County Counsel

David H. K. Huff  
Deputy County Counsel  
[dhuff@co.riverside.ca.us](mailto:dhuff@co.riverside.ca.us)  
951.955.6300

From:

09/14/2009 16:27

#334 P.003/011

Mr. Dale Morris  
September 14, 2009  
Page No. 2

FAX 951.955.6363

cc: Supervisor Jeff Stone, Supervisor for 3<sup>rd</sup> District of Riverside County Board of Supervisors  
George Johnson, Director of Transportation and Land Management Agency  
Juan Perez, Director of Riverside County Transportation Department  
Ron Goldman, Director of Riverside County Planning Department

Enclosure

A12-227 cont.

1 Board of Supervisors

County of Riverside

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**RESOLUTION NO. 2009-293**

**EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR (HORSESHOE GRANDE)**

**WHEREAS**, the Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") has proposed the conveyance of 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Indian Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property (hereinafter "Project Site");

**WHEREAS**, the Soboba Tribe's proposed development project (hereinafter "Project") consists of the aforementioned fee-to-trust conveyance accompanied by relocation of the tribe's existing casino, development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops and spa and fitness center all within a 729,500 square foot complex on a 55-acre portion of the Project Site. In addition, the Project also includes an onsite wastewater treatment plant proposed south of the Project Site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet and a 6,000 square foot convenience store with 12-pump gas station;

**WHEREAS**, in accordance with federal law requirements under the National Environmental Policy Act ("NEPA")[Title 42 U.S.C. §§ 4321 et seq.], a Draft Environmental Impact Statement (hereinafter "Draft EIS") has been prepared to assess the potential environmental effects of the Project under consideration for approval by the United States Department of the Interior's Bureau of Indian Affairs (hereinafter "Department of the Interior"). The sheer volume of the Draft EIS document, including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of

BY: *DAVID H. K. HUFF*  
DATE: 9/14/09

A12-227 cont.

1 text (approximately 7 extra large binders/ 2 bankers boxes worth of materials);

2       **WHEREAS**, on or about July 2, 2009, the review and comment period for the Draft EIS was  
3 initiated by the Department of the Interior with the release of the Draft EIS document and a corresponding  
4 cutoff deadline for written comments of September 15, 2009 has been established;

5       **WHEREAS**, on August 5, 2009, the Department of the Interior held a public hearing with regard  
6 to the Draft EIS at the Hemet Public Library where oral testimony was taken from a large number of  
7 attending local community residents and environmental groups who voiced their concerns with respect to  
8 potential environmental effects posed by the Project. County of Riverside representatives also attended  
9 the public hearing and orally requested a sixty (60) day extension of the written comment period cutoff  
10 deadline of September 15, 2009. On August 18, 2009, the County of Riverside (hereinafter "County")  
11 through its counsel sent a written confirmation of its earlier extension request to the Department of the  
12 Interior. The County's extension request was based on several reasons hampering County staff's ability  
13 to conduct an adequate review of the proposed Casino/Hotel Project within the current time allotted: 1)  
14 The sheer volume of the Draft EIS document as previously referenced above; 2) The extensive scope of  
15 impacts on the local community posed by the Project particulars; 3) The timing of the Draft EIS' actual  
16 arrival in mid to late July and resulting review period to the middle of September with limited County  
17 staff availability due to vacations, staffing shortages and a recently implemented mandatory furlough  
18 program in response to the severe economic downturn affecting the County's budget; and 4) The  
19 County's Fire Department inadvertently received later notice than other County departments with respect  
20 to their review of the Draft EIS, Fire's review participation being critical given the size and scope of the  
21 project coupled with the anticipated impacts on Fire safety;

22       **WHEREAS**, on September 8, 2009, the County received a written denial of its extension request  
23 from the Department of the Interior;

24       **WHEREAS**, preliminary and ongoing review of the Draft EIS by County staff to date has  
25 revealed a large range of deficiencies that render the Draft EIS to be wholly inadequate and incomplete in  
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1 terms of identifying potential environmental effects posed by the Project as well as failing to provide  
2 impact mitigation measures to sufficiently address such effects;

3 **WHEREAS**, the Draft EIS' apparent deficiencies include, but are not limited, to the following  
4 areas:

5 1) The Draft EIS fails to analyze traffic and circulation impacts on County facilities and fails to  
6 propose appropriate mitigation measures. The proposed Project will generate approximately 24,000 to  
7 28,000 daily trips. The number of expected trips implies that the proposed development will be a regional  
8 magnet for recreational and convention travel and will have traffic impacts on many local and regional  
9 streets and highways. However, the Draft EIS only addresses intersections that are in a small area near  
10 the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and  
11 roadway segments in a larger area need to be included in the analysis in order to sufficiently identify  
12 potential environmental effects posed by the Project as well as providing adequate impact mitigation  
13 measures to address such effects. County staff to date has identified no less than eight (8) additional  
14 intersections and five (5) road segments that need to be included as part of the Draft EIS analysis. The  
15 County's Transportation Department requests as a mitigation measure that the Soboba Tribe be required  
16 to make any off-site improvements where the project alone would have a significant traffic impact. The  
17 payment of fair share fees would not be considered sufficient mitigation. In those cases where the  
18 proposed project contributes to a cumulative impact, the payment of fair share would be acceptable,  
19 provided the fair share is computed on the basis of the percentage of the traffic contributed by the project  
20 compared to traffic growth.

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23 2) The Draft EIS fails to analyze traffic and circulation impacts on the surrounding local  
24 communities and fails to propose appropriate mitigation measures. Based on County staff estimates, the  
25 proposed Project will generate approximately 30,000 daily vehicle trips on Soboba Road which will serve  
26 30% of the traffic to and from the proposed Project. The County's Transportation Department requests as  
27 a mitigation measure that the Soboba Tribe improve Soboba Road to an all-weather facility with sufficient  
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1 capacity to serve the forecasted traffic of over 30,000 vehicles per day as well as providing adequate  
2 access in the event of evacuations and other emergencies. The County's Transportation Department also  
3 requests as a mitigation measure that the Soboba Tribe be prohibited from taking any action that would  
4 reduce the access rights of local residents in the unincorporated area of Riverside County as well as the  
5 City of San Jacinto that have been placed into virtual "islands" due to being completely surrounded by  
6 territory comprising the Project Site. The Draft EIS fails to propose enforceable mitigation measures to  
7 ensure that such access rights will be protected in perpetuity. In addition, the County's Transportation  
8 Department has identified as a mitigation measure that the Soboba Tribe prepare a Traffic Management  
9 Plan to handle major special events like concert and other intense short-term peaks using the proposed  
10 convention center. The plan document should be submitted to the review and approval of all affected  
11 jurisdictions (including but not limited to, County Transportation, Sheriff, CHP, CAL Fire, and the City  
12 of San Jacinto).  
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14           3) The Draft EIS fails to analyze Project impacts on the federally-approved Western Riverside  
15 County Multiple Species Habitat Conservation Plan (hereinafter "MSHCP") and fails to propose  
16 appropriate mitigation measures. Based on the County's Environmental Programs Department review of  
17 the MSHCP Criteria, a significant area in the northernmost portion of the Project Site is identified for  
18 conservation. However, the Draft EIS fails to include any analysis of how the Project would achieve  
19 consistency with the MSHCP Criteria much less any impact mitigation measures that would accompany  
20 such analysis. Similarly, the MSHCP defines riverine and riparian resources covered by the plan and  
21 describes survey, mapping and avoidance requirements. However, the Draft EIS fails to include any  
22 analysis of riverine or riparian resources impacted by the Project or to include any impact mitigation  
23 measures that would accompany such analysis. The MSHCP requires that focused surveys be conducted  
24 for several endangered species that have been identified as potentially located within the Project Site in  
25 order to determine the presence or absence of occupied habitat. The Draft EIS does not reference any of  
26 the required surveys being undertaken and moreover defers mitigation with respect to any sensitive plants  
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1 and animal species to the construction phase of the Project. As a result, the Draft EIS fails to provide an  
2 adequate analysis of the previously mentioned species impacted by the Project or to include any impact  
3 mitigation measures that would accompany such analysis. Finally, the MSHCP requires that projects that  
4 may have direct or indirect impacts associated with locating developments in proximity to the MSHCP  
5 Conservation Area shall be required to provide an assessment of such impacts. The Draft EIS fails to  
6 provide an adequate analysis of the impacts by the Project or to include any impact mitigation measures  
7 that would accompany such analysis.

8  
9 4) The Draft EIS fails to analyze the cumulative adverse impacts on the County Fire Department's  
10 ability to provide an acceptable level of service to the local community and fails to propose appropriate  
11 mitigation measures. Based on the County's Fire Department review of the Draft EIS, it appears that the  
12 Project will generate significant impacts from an increased number of emergency and public service calls  
13 due to the increased presence of structures, traffic and population. However, the Draft EIS notes only a  
14 "less than significant impact" and goes on to state that "level of calls for service should not differ from  
15 current situation" (see Table ES-1, page no. 26 of Draft EIS Executive Summary). The foregoing is  
16 inconsistent with other contents of the Draft EIS that indicates increased vehicle trips and an increased  
17 service call volume of 200% that will, based on County staff estimates, create a significant impact for the  
18 delivery of fire services. Moreover, the Draft EIS references inconsistent information with respect to a  
19 proposed mitigation measure involving the construction of two or just one additional fire stations to  
20 address project impacts. The County's Fire Department requests as mitigation measures that the Soboba  
21 Tribe participate actively in providing adequate levels of land acquisition and fire facility construction as  
22 well as necessary equipment upgrades and the adding of sufficient personnel to enable the County with  
23 the ability to provide an acceptable level of service to the local community. The County's Fire  
24 Department also requests as a mitigation measure that the Soboba Tribe be prohibited from taking any  
25 action that would change the current status quo pertaining to the road access and circulation presently  
26 afforded to the County and other local governments in being able to maintain delivery of service  
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1 capability and unobstructed public ingress and egress from adjacent communities and jurisdictions. In  
2 addition, the County's Fire Department has identified as a mitigation measure that the Soboba Tribe  
3 prepare a Fire Protection/Vegetation Management Plan for fuel modification purposes to address aspects  
4 of the Project where development is slated to take place on lands adjacent to open space areas. The plan  
5 document should be submitted to the review and approval of all affected jurisdictions (including but not  
6 limited to, County Fire, Fire Marshal, and the City of San Jacinto).

7  
8 5) The Draft EIS fails to analyze the cumulative adverse impacts on the County Sheriff  
9 Department's ability to provide an acceptable level of service to the local community and fails to propose  
10 appropriate mitigation measures. Based on the County's Sheriff Department review of the Draft EIS, it  
11 appears that the Project will generate significant impacts from a substantial increase in the number of  
12 emergency and public service calls to the Project Site based on the Project's scope involving the increased  
13 presence of structures, traffic and population. Moreover, County staff has concerns that the Draft EIS  
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15 service response times, with such impacts likely to be exacerbated when events are held at the proposed  
16 special events arena. The County's Sheriff Department requests as mitigation measures that the Soboba  
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18 County staff estimates, adding five sworn deputy positions as well as one non-sworn support staff  
19 position sufficient to enable the County with the ability to provide an acceptable level of law enforcement  
20 service to the local community.  
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22 6) The Draft EIS fails to analyze wastewater treatment and solid waste disposal impacts on the  
23 surrounding local communities and fails to propose appropriate mitigation measures. Based on the  
24 County's Environmental Health Department review of the Draft EIS, it appears that there is insufficient  
25 evaluation and analysis of the impacts presented by the Project's proposed wastewater treatment plant on  
26 the ground and surface waters in the surrounding local communities. Moreover, County staff has  
27 concerns that the Draft EIS fails to address the anticipated substantial increase in solid waste generated by  
28

1 the Project and particularly the ultimate location of disposal for any such waste that is created. In  
2 addition, the County's Environmental Health Department requests as a mitigation measure that the  
3 Soboba Tribe be required to provide a statement of assurance that it will construct and operate any  
4 underground and/or aboveground fuel storage tank(s) with respect to the Project's proposed 12-pump gas  
5 station in accordance with applicable Federal law requirements. Finally, the County's Environmental  
6 Health Department also requests as a mitigation measure that the Soboba Tribe be required to provide a  
7 statement of assurance that it will maintain any retention and/or detention basin(s) constructed for the  
8 Project in a manner that will prevent potential vector breeding through compliance with applicable State  
9 law requirements.

11 7) The Draft EIS fails to analyze the geologic hazards and high potential for significant  
12 paleontological resources posed by the Project and fails to propose appropriate mitigation measures.  
13 Based on the County Chief Engineering Geologist's review of the Draft EIS, it appears that no evaluation  
14 and analysis has been made of the impacts presented by fault rupture, landslide/debris flow or settlement  
15 potential at the Project Site. Moreover, the County's Geologist has concerns that the Draft EIS fails to  
16 address the fact that the Project Site is located within a known State of California designated Alquist-  
17 Priolo Earthquake Fault Zone under state law. As a result, the County's Geologist has identified as a  
18 mitigation measure that the Soboba Tribe prepare a study performed by a State of California licensed  
19 Professional Geologist evaluating and analyzing the geological seismic hazards associated with the  
20 Project Site and that the study's recommendations be incorporated as additional Project mitigation  
21 measures. Based on the County Geologist's review of the Draft EIS, it appears that the Project Site  
22 suffers from documented surface fault rupture, groundshaking, debris flow and settlement potential.  
23 However, the "Soils and Geology" portion of the Draft EIS indicates that no mitigation measures are  
24 required for said geological conditions. The County's Geologist requests as mitigation measures that the  
25 Soboba Tribe be required to provide mitigation of active fault avoidance, debris flow consideration,  
26 groundshaking mitigation design and settlement migration. Finally, the Draft EIS fails to identify the  
27  
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1 high potential for significant paleontological resources being located on the Project Site. The County's  
2 Geologist requests as mitigation measures that the Soboba Tribe be required to provide deliberate  
3 planning and monitoring of all Project excavation or grading activities for paleontological resources; and

4 **WHEREAS**, it is anticipated that further review of the Draft EIS by County staff will reveal  
5 additional deficiencies with respect to the Draft EIS' inadequacy and lack of completeness in terms of  
6 identifying potential environmental effects posed by the Project as well as failing to provide impact  
7 mitigation measures to sufficiently address such effects; now, therefore,

8  
9 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors  
10 of the County of Riverside, in regular session assembled on September 15, 2009, that::

11 1) the County's review of the Draft EIS to date has revealed a large range of deficiencies that  
12 render the Draft EIS to be wholly inadequate and incomplete in terms of identifying potential  
13 environmental effects posed by the Project as well as failing to provide impact mitigation measures to  
14 sufficiently address such effects; and

15 2) the County is opposed to approval of the Project in its current form by the Department of the  
16 Interior as proposed and described within the Draft EIS document.

17  
18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of this Resolution shall be  
19 expeditiously transmitted forthwith to representatives of: the Department of the Interior, including the  
20 Secretary of the Interior, Bureau of Indian Affairs and the United States Fish and Wildlife Service; United  
21 States Senator Dianne Feinstein; United States Senator Barbara Boxer; United States Representative Mary  
22 Bono Mack; United States Representative Jerry Lewis; United States Representative Ken Calvert; United  
23 States Representative Darrell Issa and shall be placed on file in the Office of the Clerk of the Board, in the  
24 Office of the Planning Director, and in the Office of the Building and Safety Director.

25  
26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the  
27 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County  
28 Planning Department and that such documents are located at 4080 Lemon Street, Riverside, California.



From:

09/15/2009 16:18

#335 P.002/013

PAMELA J. WALLS  
County Counsel

Principal Deputy  
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL  
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300  
RIVERSIDE, CA 92501-3674  
TELEPHONE: 951/955-6300  
FAX: 951/955-6322 & 955-6363



September 15, 2009

**SENT VIA U. S. MAIL AND FACSIMILE**

Dale Morris  
Regional Director  
Pacific Region  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project.**

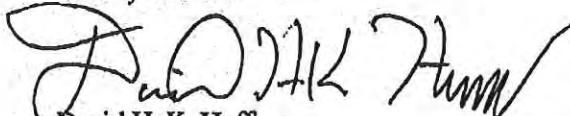
Dear Mr. Morris:

Please see enclosed Resolution No. 2009-293 entitled "EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U.S. DEPARTMENT OF THE INTERIOR (HORSHOE GRANDE)" and accompanying minute order documenting approval of said resolution by my client during their regular meeting session that was held on Tuesday September 15, 2009.

Please do not hesitate to contact me in the event that you have any questions or comments regarding this matter.

Sincerely,

PAMELA J. WALLS  
County Counsel

  
David H. K. Huff  
Deputy County Counsel

A13-228 cont.

From:

09/15/2009 16:18

#335 P.003/013

Mr. Dale Morris  
September 15, 2009  
Page No. 2

cc: Supervisor Jeff Stone, Supervisor for 3<sup>rd</sup> District of Riverside County Board of Supervisors  
George Johnson, Director of Transportation and Land Management Agency  
Juan Perez, Director of Riverside County Transportation Department  
Ron Goldman, Director of Riverside County Planning Department

Enclosure

A13-228 cont.

1 Board of Supervisors

County of Riverside

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**RESOLUTION NO. 2009-293**

**EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR (HORSESHOE GRANDE)**

**WHEREAS**, the Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") has proposed the conveyance of 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Indian Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property (hereinafter "Project Site");

**WHEREAS**, the Soboba Tribe's proposed development project (hereinafter "Project") consists of the aforementioned fee-to-trust conveyance accompanied by relocation of the tribe's existing casino, development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops and spa and fitness center all within a 729,500 square foot complex on a 55-acre portion of the Project Site. In addition, the Project also includes an onsite wastewater treatment plant proposed south of the Project Site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet and a 6,000 square foot convenience store with 12-pump gas station;

**WHEREAS**, in accordance with federal law requirements under the National Environmental Policy Act ("NEPA") [Title 42 U.S.C. §§ 4321 et seq.], a Draft Environmental Impact Statement (hereinafter "Draft EIS") has been prepared to assess the potential environmental effects of the Project under consideration for approval by the United States Department of the Interior's Bureau of Indian Affairs (hereinafter "Department of the Interior"). The sheer volume of the Draft EIS document, including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of

BY: *David H.K. Huff*  
DAVID H.K. HUFF  
DATE: 9/14/09

A13-228 cont.



1 text (approximately 7 extra large binders/ 2 bankers boxes worth of materials);

2           **WHEREAS**, on or about July 2, 2009, the review and comment period for the Draft EIS was  
3 initiated by the Department of the Interior with the release of the Draft EIS document and a corresponding  
4 cutoff deadline for written comments of September 15, 2009 has been established;

5           **WHEREAS**, on August 5, 2009, the Department of the Interior held a public hearing with regard  
6 to the Draft EIS at the Hemet Public Library where oral testimony was taken from a large number of  
7 attending local community residents and environmental groups who voiced their concerns with respect to  
8 potential environmental effects posed by the Project. County of Riverside representatives also attended  
9 the public hearing and orally requested a sixty (60) day extension of the written comment period cutoff  
10 deadline of September 15, 2009. On August 18, 2009, the County of Riverside (hereinafter "County")  
11 through its counsel sent a written confirmation of its earlier extension request to the Department of the  
12 Interior. The County's extension request was based on several reasons hampering County staff's ability  
13 to conduct an adequate review of the proposed Casino/Hotel Project within the current time allotted: 1)  
14 The sheer volume of the Draft EIS document as previously referenced above; 2) The extensive scope of  
15 impacts on the local community posed by the Project particulars; 3) The timing of the Draft EIS' actual  
16 arrival in mid to late July and resulting review period to the middle of September with limited County  
17 staff availability due to vacations, staffing shortages and a recently implemented mandatory furlough  
18 program in response to the severe economic downturn affecting the County's budget; and 4) The  
19 County's Fire Department inadvertently received later notice than other County departments with respect  
20 to their review of the Draft EIS, Fire's review participation being critical given the size and scope of the  
21 project coupled with the anticipated impacts on Fire safety;

22           **WHEREAS**, on September 8, 2009, the County received a written denial of its extension request  
23 from the Department of the Interior;

24           **WHEREAS**, preliminary and ongoing review of the Draft EIS by County staff to date has  
25 revealed a large range of deficiencies that render the Draft EIS to be wholly inadequate and incomplete in  
26

1 terms of identifying potential environmental effects posed by the Project as well as failing to provide  
2 impact mitigation measures to sufficiently address such effects;

3       **WHEREAS**, the Draft EIS' apparent deficiencies include, but are not limited, to the following  
4 areas:

5       1) The Draft EIS fails to analyze traffic and circulation impacts on County facilities and fails to  
6 propose appropriate mitigation measures. The proposed Project will generate approximately 24,000 to  
7 28,000 daily trips. The number of expected trips implies that the proposed development will be a regional  
8 magnet for recreational and convention travel and will have traffic impacts on many local and regional  
9 streets and highways. However, the Draft EIS only addresses intersections that are in a small area near  
10 the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and  
11 roadway segments in a larger area need to be included in the analysis in order to sufficiently identify  
12 potential environmental effects posed by the Project as well as providing adequate impact mitigation  
13 measures to address such effects. County staff to date has identified no less than eight (8) additional  
14 intersections and five (5) road segments that need to be included as part of the Draft EIS analysis. The  
15 County's Transportation Department requests as a mitigation measure that the Soboba Tribe be required  
16 to make any off-site improvements where the project alone would have a significant traffic impact. The  
17 payment of fair share fees would not be considered sufficient mitigation. In those cases where the  
18 proposed project contributes to a cumulative impact, the payment of fair share would be acceptable,  
19 provided the fair share is computed on the basis of the percentage of the traffic contributed by the project  
20 compared to traffic growth.  
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23       2) The Draft EIS fails to analyze traffic and circulation impacts on the surrounding local  
24 communities and fails to propose appropriate mitigation measures. Based on County staff estimates, the  
25 proposed Project will generate approximately 30,000 daily vehicle trips on Soboba Road which will serve  
26 30% of the traffic to and from the proposed Project. The County's Transportation Department requests as  
27 a mitigation measure that the Soboba Tribe improve Soboba Road to an all-weather facility with sufficient  
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1 capacity to serve the forecasted traffic of over 30,000 vehicles per day as well as providing adequate  
2 access in the event of evacuations and other emergencies. The County's Transportation Department also  
3 requests as a mitigation measure that the Soboba Tribe be prohibited from taking any action that would  
4 reduce the access rights of local residents in the unincorporated area of Riverside County as well as the  
5 City of San Jacinto that have been placed into virtual "islands" due to being completely surrounded by  
6 territory comprising the Project Site. The Draft EIS fails to propose enforceable mitigation measures to  
7 ensure that such access rights will be protected in perpetuity. In addition, the County's Transportation  
8 Department has identified as a mitigation measure that the Soboba Tribe prepare a Traffic Management  
9 Plan to handle major special events like concert and other intense short-term peaks using the proposed  
10 convention center. The plan document should be submitted to the review and approval of all affected  
11 jurisdictions (including but not limited to, County Transportation, Sheriff, CHP, CAL Fire, and the City  
12 of San Jacinto).  
13

14           3) The Draft EIS fails to analyze Project impacts on the federally-approved Western Riverside  
15 County Multiple Species Habitat Conservation Plan (hereinafter "MSHCP") and fails to propose  
16 appropriate mitigation measures. Based on the County's Environmental Programs Department review of  
17 the MSHCP Criteria, a significant area in the northernmost portion of the Project Site is identified for  
18 conservation. However, the Draft EIS fails to include any analysis of how the Project would achieve  
19 consistency with the MSHCP Criteria much less any impact mitigation measures that would accompany  
20 such analysis. Similarly, the MSHCP defines riverine and riparian resources covered by the plan and  
21 describes survey, mapping and avoidance requirements. However, the Draft EIS fails to include any  
22 analysis of riverine or riparian resources impacted by the Project or to include any impact mitigation  
23 measures that would accompany such analysis. The MSHCP requires that focused surveys be conducted  
24 for several endangered species that have been identified as potentially located within the Project Site in  
25 order to determine the presence or absence of occupied habitat. The Draft EIS does not reference any of  
26 the required surveys being undertaken and moreover defers mitigation with respect to any sensitive plants  
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1 and animal species to the construction phase of the Project. As a result, the Draft EIS fails to provide an  
2 adequate analysis of the previously mentioned species impacted by the Project or to include any impact  
3 mitigation measures that would accompany such analysis. Finally, the MSHCP requires that projects that  
4 may have direct or indirect impacts associated with locating developments in proximity to the MSHCP  
5 Conservation Area shall be required to provide an assessment of such impacts. The Draft EIS fails to  
6 provide an adequate analysis of the impacts by the Project or to include any impact mitigation measures  
7 that would accompany such analysis.  
8

9 4) The Draft EIS fails to analyze the cumulative adverse impacts on the County Fire Department's  
10 ability to provide an acceptable level of service to the local community and fails to propose appropriate  
11 mitigation measures. Based on the County's Fire Department review of the Draft EIS, it appears that the  
12 Project will generate significant impacts from an increased number of emergency and public service calls  
13 due to the increased presence of structures, traffic and population. However, the Draft EIS notes only a  
14 "less than significant impact" and goes on to state that "level of calls for service should not differ from  
15 current situation" (see Table ES-1, page no. 26 of Draft EIS Executive Summary). The foregoing is  
16 inconsistent with other contents of the Draft EIS that indicates increased vehicle trips and an increased  
17 service call volume of 200% that will, based on County staff estimates, create a significant impact for the  
18 delivery of fire services. Moreover, the Draft EIS references inconsistent information with respect to a  
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22 6) The Draft EIS fails to analyze wastewater treatment and solid waste disposal impacts on the  
23 surrounding local communities and fails to propose appropriate mitigation measures. Based on the  
24 County's Environmental Health Department review of the Draft EIS, it appears that there is insufficient  
25 evaluation and analysis of the impacts presented by the Project's proposed wastewater treatment plant on  
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9 law requirements.  
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11 7) The Draft EIS fails to analyze the geologic hazards and high potential for significant  
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13 Based on the County Chief Engineering Geologist's review of the Draft EIS, it appears that no evaluation  
14 and analysis has been made of the impacts presented by fault rupture, landslide/debris flow or settlement  
15 potential at the Project Site. Moreover, the County's Geologist has concerns that the Draft EIS fails to  
16 address the fact that the Project Site is located within a known State of California designated Alquist-  
17 Priolo Earthquake Fault Zone under state law. As a result, the County's Geologist has identified as a  
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19 Professional Geologist evaluating and analyzing the geological seismic hazards associated with the  
20 Project Site and that the study's recommendations be incorporated as additional Project mitigation  
21 measures. Based on the County Geologist's review of the Draft EIS, it appears that the Project Site  
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1 high potential for significant paleontological resources being located on the Project Site. The County's  
2 Geologist requests as mitigation measures that the Soboba Tribe be required to provide deliberate  
3 planning and monitoring of all Project excavation or grading activities for paleontological resources; and

4 **WHEREAS**, it is anticipated that further review of the Draft EIS by County staff will reveal  
5 additional deficiencies with respect to the Draft EIS' inadequacy and lack of completeness in terms of  
6 identifying potential environmental effects posed by the Project as well as failing to provide impact  
7 mitigation measures to sufficiently address such effects; now, therefore,

8  
9 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors  
10 of the County of Riverside, in regular session assembled on September 15, 2009, that::

11 1) the County's review of the Draft EIS to date has revealed a large range of deficiencies that  
12 render the Draft EIS to be wholly inadequate and incomplete in terms of identifying potential  
13 environmental effects posed by the Project as well as failing to provide impact mitigation measures to  
14 sufficiently address such effects; and

15 2) the County is opposed to approval of the Project in its current form by the Department of the  
16 Interior as proposed and described within the Draft EIS document.

17  
18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of this Resolution shall be  
19 expeditiously transmitted forthwith to representatives of: the Department of the Interior, including the  
20 Secretary of the Interior, Bureau of Indian Affairs and the United States Fish and Wildlife Service; United  
21 States Senator Dianne Feinstein; United States Senator Barbara Boxer; United States Representative Mary  
22 Bono Mack; United States Representative Jerry Lewis; United States Representative Ken Calvert; United  
23 States Representative Darrell Issa and shall be placed on file in the Office of the Clerk of the Board, in the  
24 Office of the Planning Director, and in the Office of the Building and Safety Director.

25  
26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the  
27 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County  
28 Planning Department and that such documents are located at 4080 Lemon Street, Riverside, California.

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Board of Supervisors

County of Riverside

**RESOLUTION NO. 2009-293**

**EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN  
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE  
SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-  
TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO  
APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U. S.  
DEPARTMENT OF THE INTERIOR  
(HORSESHOE GRANDE)**

Roll Call

Ayes: Buster, Tavaglione, Stone, and Ashley

Nays: None

Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: Jane J. Lehmann  
Deputy

A13-228 cont.



**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor Jeff Stone      **SUBMITTAL DATE:** September 15, 2009  
**SUBJECT:** Resolution No. 2009-293

**RECOMMENDED MOTION:** That Board joins me in support of this resolution.

**BACKGROUND:** Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") is proposing to convey 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Tribe Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property.

This conveyance is causing great concern with respect to deficiencies contained in the draft environmental impact statement prepared by the Soboba Tribe, and of which is outlined in this resolution.

*Jeff Stone*  
JEFF STONE, Chairman  
Supervisor Third District

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and IT WAS FURTHER ORDERED to create a subcommittee appointing Supervisors Stone and Ashley to work with the community and the Soboba Band of Luiseno Indians.

Ayes: Buster, Tavaglione, Stone, and Ashley  
Nays: None  
Absent: None  
Date: September 15, 2009  
xc: Supv/s. Stone and Ashley, Co. Co., Planning,  
Transportation, Affected Parties

Kecia Harper-Ihem  
Clerk of the Board  
By *[Signature]*  
Deputy

3-61

# COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

**Planning Department**

Ron Goldman · Planning Director

## QUICK FAX

PLEASE DELIVER IMMEDIATELY

Reg Dir	0	✓
Dep Reg Dir		
Reg Adm Officer		
Route	DECEMS	✓
Response Required	No	✓
Due Date		
Memo		
Tele		

DATE: September 15, 2009

To: Dale Morris, Regional Director

From: Kathleen Browne

Fax No.: 916-978-6099

Section: Planning

Phone No.: 916-978-6051 attn: John Rvdzik

Phone: 951-955-4949

TOTAL NUMBER OF PAGES (including cover sheet): 21

Original will follow – YES  NO

**SPECIAL INSTRUCTIONS:**

Hard copy was FedEx'd priority overnight on 9/14/09.

**COMMENTS:**

9/15/2009  
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# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY

*George A. Johnson · Agency Director*

### Planning Department

*Ron Goldman · Planning Director*

September 14, 2009

Dale Morris, Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 92825

**RE: Draft Environmental Impact Statement (EIS) for the Soboba Band of Luiseno Indians  
Horseshoe Grande Fee-To-Trust Project**

Dear Mr. Morris:

Thank you for providing the County of Riverside with the opportunity to review the above environmental document. The Soboba Band of Luiseno Indians (hereafter cited as "Tribe") proposes the conveyance of 534.91 acres (hereafter "Project Site") of Tribal-owned property to Federal trust status and subsequent development of an approximately 55 acre portion of the Project Site located adjacent to the existing 149 acre 18-hole golf course and country club into a destination resort consisting of a 729,500 square foot hotel/casino complex. The Draft EIS has been prepared and circulated to the County of Riverside for review and comment pursuant to the Tribal-State Gaming Compact (hereafter cited "Compact"). The Compact requires any proposed expansion, significant renovation or modification, or construction and development of Class III Gaming facilities be subject to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA). The Tribe is further directed under the Compact to adopt a Tribal environmental ordinance which implements the policies and purposes of NEPA and CEQA in evaluating potential project impacts and mitigating off-Reservation impacts of all and any projects subsequent to the effective date of the Compact.

The fundamental purpose of preparing an environmental document is to provide decision-makers and the public with the "big picture" and the expected effects of the ultimate environmental changes to allow decision-makers to make intelligent judgments. The fee-to-trust process includes the environmental analyses and the potential effects of the proposed land acquisition on the local and surrounding communities, as well as consultation to determine the effects and overall benefits of the project for the Tribe and local government based on the proposed use. State and local governments are provided the opportunity to give comments on the acquisition's potential impacts on regulatory jurisdiction, real property taxes, and special assessments.

The Draft EIS states that "all the technical analyses assume the Tribe would construct the conference center and will mitigate development impacts under a worst-case scenario (in other words, at full build-out of all facilities under A and B). Additionally, the Draft EIS states that cumulative effects analysis broadens the scope of the proposed project to include effects beyond those solely attributed to implementation of the proposed action & alternatives.

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9/14/09

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A15-230

#5285 Soboba Band of Luiseno Indians  
 Fee-to-Trust Land Conveyance and Destination Resort  
 Page 2 of 7

Development of the hotel/casino complex will occur in two (2) phases and construction will be conducted over a two-year period, 7 a.m. to 7 p.m., Monday through Saturday. Project components include:

**PHASE I:**

- A 5-story 300-room hotel (300-400 employees); retail businesses; various food and beverage establishments (e.g., buffet, coffee shop, steakhouse, specialty restaurant, noodle bar, night club, sports bar, lounge, etc.); spa and fitness center totaling approximately 370,000 square foot.
- A casino totaling approximately 160,000 square foot; employ 1,200 – 1,600 employees and accommodate approximately 5,090 vehicles.
- A special events arena (enclosed) with a capacity of approximately 2,595 – 3,891 seats (\*requires off-site parking / shuttles – existing casino site for overflow parking)

Free-standing developments include:

- 2 fire stations (one located in SEC of project site / the other near the intersection of Soboba and Castile Canyon Road on reservation land). Both will be 2-story and total approximately 13,500 square foot.
- A 12-pump gas station and an approximately 6,000 square foot convenience store (will utilize ASTs and EIS states that the USTs will comply with Riverside County Ordinance No. 617).

Once the existing casino located south of Lake Park Drive (within reservation lands) is relocated to the hotel/casino complex, the existing structure will be used for Tribal functions (e.g., "Great Hall," Tribal membership meetings, cultural center, etc.) and overflow parking for the special events arena.

**PHASE II:**

- An approximately 40,000 square foot Convention Center.
- A wastewater treatment plant (1.2M GPD) to support the proposed resort and existing reservation.

Planning staff agrees with the Tribe's need for cultural and social preservation, expression and identity, political self-determination, self-sufficiency, and economic growth while maintaining autonomy provided by taking the land into Federal trust to allow for greater self-efficiency in the context of the proposed uses without oversight from external governmental bodies. Planning staff's comments directly address the adequacy of the Draft EIS and supporting documentation and whether all feasible mitigation measures have been incorporated into project development.

1. **PUBLIC SAFETY – FIRE:** As mitigation measures, the Draft EIS states

- That the Tribe will adopt the land use/fire suppression goals of the California Department of Forestry and Fire Protection (CDF) and the Riverside County Fire Department for heavy urban areas.

A15-231

A15-232

A15-233

#5285 Soboba Band of Luiseno Indians  
 Fee-to-Trust Land Conveyance and Destination Resort  
 Page 3 of 7

- That the Tribe *will* enter into a "Mutual Aid Agreement" with CDF, Riverside County, and the City of San Jacinto as well as with the City of Hemet.
- That the Tribe *will* finalize the Draft Fire Operations Plan in conjunction with CDF and Riverside County as well as establish the "Mutual Aid Agreement."
- That the Tribe *will enter* into contract with CDF and Riverside County to provide dispatching services for the reservation and proposed trust lands.

Once the land is conveyed to Trust status, what guarantees exist that these mitigation measures will be developed? These contracts and agreements need to be completed prior to a Record of Decision (ROD) and project approval or, at a minimum, a Memorandum of Understanding (MOU) needs to be prepared and signed by all affected parties prior to project approval stating that these actions will be done in mutual good faith.

2. **AIR QUALITY:** The discussion and findings under the Air Quality Section of the Draft EIS are inadequate as due to the following
  - a. The effects on air quality during construction of the proposed project and alternatives is flawed because the air quality modeling utilized the square footage of each use (e.g., rooftops only) and not the development footprint which is indicated in the EIS to be approximately 55 acres for proposed project A, B and Alternative 1; >55 acres for Alternative 2; and, approximately 67 acres for Alternative 3. Appendix N, Air Quality, utilized total development area (excluding parking facilities and including parking facilities) for the proposed project of 17.42 acres and 32.15 acres, respectively; for Alternative 1 of 14.07 acres and 25.86 acres; for Alternative 2 of 14.85 acres and 29.58 acres; for Alternative 3 of 43.43 acres and 47.29 acres; and, for Alternative 4 (no project/no development) of 120 acres to address the existing golf course and country club.
 

NOTE: If the existing 120-acre golf course and country club are evaluated under Alternative 4 as a component of the "resort destination," it should be included in all models.
  - b. The URBEMIS model defaults account for land use relevant TPD but does not accommodate unusual activities such as event-related TPD (e.g., concerts, wrestling events, PGA Golf Tournaments, etc.)
3. **GREENHOUSE GASES:** The discussion and findings under the Air Quality Section of the Draft EIS are inadequate due to the following
  - a. The URBEMIS model only calculated operational CO<sub>2</sub> emissions and did not address all the GHGs, specifically, CH<sub>4</sub> (methane) and N<sub>2</sub>O (Nitrous Oxide) pursuant to California Health and Safety Code Section 38505.
  - b. The analysis under greenhouse gases did not factor in energy related emissions (electrical) resulting from project implementation.

A15-233 cont.

A15-234

A15-235

#5285 Soboba Band of Luiseno Indians  
 Fee-to-Trust Land Conveyance and Destination Resort  
 Page 4 of 7

c. The baseline for comparison of greenhouse gas emissions is incorrect and should be:

- |                                     |   |   |
|-------------------------------------|---|---|
| 1) Existing Emissions (vacant land) | = | 0   |
| 2) General Plan Build-out Scenario  | = | incorporate both County and City general plan land use designations |
| 3) Project and Alternatives         | = |   |

Then, the determination of significance should be a comparison of existing emissions to general plan build-out emissions and existing emissions to project and alternatives emissions. NOTE: Future emission projections are based on general plan land use designations since development projects cannot be anticipated at this time.

The EIS estimates operational emissions of CO<sub>2</sub> would be approximately 2,805 tons per year and finds that the emissions from construction and operations of the proposed project and alternatives to be Less Than Significant when compared to the amount of Statewide production of greenhouse gases annually. The EIS utilizes the CAPCOA 2008 greenhouse gas significance threshold of 992 tons per year.

However, the comparison should have been the increase of greenhouse gas production from what is existing (a) to what is proposed (c). This comparison would result in approximately 3x the amount used for determining significance.

AB 32 policies establishes California targets for greenhouse gases at 1990 emission levels by 2020 and an 80% reduction of 1990 emission levels by 2050, therefore:

- a. Even with no development, California cannot achieve decreases to 1990 emission levels.
- b. Therefore, all new development in excess of that called for by the County/City general plans should be considered cumulatively significant contributor to GHG emissions and a significant source of GHG emissions.

4. NOISE: The discussion and findings under the Noise Section of the Draft EIS are inadequate due to the following

- a. The project analyzed in this section is a proposed retail and office complex to be located south of Lake Park Drive and to include such uses as:
  - mini-mart with gas station;
  - restaurants;
  - video store;
  - insurance office;
  - dry cleaner or Laundromat;
  - grocery store;
  - 300 space RV park; and,

an extension across Lake Park Drive to the north on a portion of the proposed fee-to-trust land for:

- a small government center (e.g., credit union and post office);
- fire station to the northeast; and,

A15-235 cont.

A15-236

A15-237

#5285 Soboba Band of Luiseno Indians  
 Fee-to-Trust Land Conveyance and Destination Resort  
 Page 5 of 7

Therefore, the noise analysis addressed only potential effects on the existing mobile home park, such as:

- 1) traffic increases on Lake Park Drive and Soboba Road (traffic accessing the facilities).
- 2) retail parking lot activity (including the extension across Lake Park Drive).
- 3) RV park traffic and operations.
- 4) ancillary sources such as trash compactors and loading docks.
- 5) project construction.

The project evaluated is neither one of the proposed projects in the Draft EIS nor one of the alternatives but a somewhat reduced scale of Alternative 3. Additionally, the Draft EIS provided no analysis of the combined noise effects from project build-out but only for each use individually.

#### Riverside County Transportation Department Comments

Thank you for giving the Transportation Department the opportunity to review the Draft EIS and the Traffic Study contained as an Appendix for the proposed Soboba development. We look forward to working cooperatively with the BIA, the Soboba Tribe, and other partner agencies to appropriately analyze and mitigate impacts. We have the following comments.

1. The traffic analysis area is defined much too narrowly. The DEIS fails to analyze traffic and circulation impacts on County facilities and fails to propose appropriate mitigation measures.

The proposed development that would include a casino, hotel, event arena, convention center, service station/convenience store will generate about 24,000 to 28,000 daily trips, with about 1,400 trips in the morning peak hour and about 2,400 trips in the afternoon/evening peak hour.

The number of expected trips implies that the proposed development will be a regional magnet for recreational and convention travel and will have traffic impacts on many local and regional streets and highways. The DEIS, on the other hand, addresses intersections that are in a small area near the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and roadway segments in a larger area need to be included in the analysis.

2. The Transportation Department requests that the DEIS include an analysis of the following additional intersections:

- Soboba Road/Gilman Springs Road
- Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue)
- Ramp terminals at the interchange of SR-60/Gilman Springs Road
- SR-74/Ramona Expressway
- Ramona Expressway/Sanderson Avenue (In San Jacinto)
- Ramona Expressway/Bridge Street
- Mountain Avenue/Soboba Street
- Mountain Avenue/Ramona Expressway/Cedar Avenue

A15-237 cont.

A15-238

A15-239

#5285 Soboba Band of Luiseno Indians  
 Fee-to-Trust Land Conveyance and Destination Resort  
 Page 6 of 7

3. The Transportation Department requests that the DEIS include an analysis of the following roadway segments:
  - Soboba Road between the project and Gilman Springs Road
  - Gilman Springs Road between Soboba Road and SR-60 (for analysis purposes this segment may need to be subdivided)
  - SR-79 between Gilman Springs Road and I-10 (for analysis purposes this segment may need to be subdivided)
  - Ramona Expressway between Main Street in San Jacinto and Perris City Limits (for analysis purposes this segment may need to be subdivided)
  - Mountain Avenue/Ramona Expressway between Main Street in San Jacinto and SR-74 (for analysis purposes this segment may need to be subdivided)
4. The Transportation Department requests that the project proponent improve Soboba Road, which would serve 30% of the traffic to and from the proposed project, to an all-weather facility with sufficient capacity to serve the forecasted traffic of over 30,000 vehicles per day. In addition to carrying routine high traffic volumes to and from the proposed facility, the availability of Soboba Road as an all-weather roadway with adequate capacity would be crucial in the event of evacuations and other emergencies.
5. The Transportation Department requests that the project proponent take no actions that would reduce the access rights of residents in County and San Jacinto islands in the vicinity of the proposed project. The access rights of these residents must be protected in perpetuity. The DEIS should propose enforceable mitigation measures to ensure that access rights will be protected in perpetuity.
6. The Transportation Department requests that the project proponent prepare a Traffic Management Plan (TMP) to handle major special events like concert and other intense short-term peaks using the proposed convention center. The TMP should be submitted to the review and approval of all affected jurisdictions (including but not limited to, County Transportation Sheriff, CHP, CAL Fire, and the City of San Jacinto). The TMP should address such matters as:
  - special traffic controls, including Traffic Officers
  - need for off-site parking, if necessary,
  - bus or shuttle services,
  - pedestrian circulation,
  - avoidance of vehicular/pedestrian conflicts
  - other measures as may be appropriate
7. The Transportation Department requests that the project proponent be required to make any off-site improvements where the project alone would have a significant traffic impact. The payment of fair share fees would not be considered sufficient mitigation. In those cases where the proposed project contributes to a cumulative impact, the payment of fair share would be acceptable, provided the fair share is computed on the basis of the percentage of the traffic contributed by the project compared to traffic growth.

A15-240

A15-241

A15-242

A15-243

A15-244



#5285 Soboba Band of Luiseno Indians  
Fee-to-Trust Land Conveyance and Destination Resort  
Page 7 of 7

Thank you for considering our comments and for the opportunity to review the Draft EIS. Please provide notice and a copy of the Final EIS when available. If you should have any questions regarding these comments, please contact Kathleen Browne, Planning Department staff, at (951) 955-4949.

Respectfully,



Ron Goldman  
Planning Director

Attachments

cc: Supervisor Stone, Attn: Verne Lauritzen  
George A. Johnson, TLMA Director  
Juan Perez, Director of Transportation  
Damian Melns, Assistant Planning Planning Director  
Patricia Romo, Deputy Director of Transportation  
Jerry Jolliffe, Deputy Planning Director  
Farah Khorashadi, Engineering Division Manager  
Herman Basmacyan, Consultant Engineer  
Kevin Tsang, Junior Engineer

A15-245



# RIVERSIDE COUNTY FIRE DEPARTMENT

In cooperation with the  
California Department of Forestry and Fire Protection

Letter #A16

2300 Market Street, 1<sup>st</sup> FL Suite 150 • Riverside, California 92501 • (951) 955-4777 • Fax (909) 955-4886

John R. Hawkins  
Fire Chief

Proudly serving the  
unincorporated  
areas of Riverside  
County and the  
Cities of:

Banning

Beaumont

Calimesa

Canyon Lake

Coachella

Desert Hot Springs

Indian Wells

Indio

Lake Elsinore

La Quinta

Moreno Valley

Palm Desert

Perris

Rancho Mirage

San Jacinto

Temecula

Board of Supervisors

Bob Buster,  
District 1

John Tavaglione,  
District 2

Jeff Stone,  
District 3

Roy Wilson,  
District 4

Marion Ashley,  
District 5

September 9, 2009

County of Riverside Transportation & Land Management Agency  
Planning Department  
Urban regional Planner III, Kathleen Browne  
4080 Lemon Street, 9<sup>th</sup> Floor  
PO Box 1409  
Riverside, CA 92502

**Re: Environmental Impact Study, Soboba Horseshoe Grande Hotel/Casino**

Thank you for providing the Riverside County Fire Department the opportunity to review the Soboba Horseshoe Grande Hotel/Casino project.

With respect to the referenced project (EIS), the Riverside County Fire Department has the following comments:

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The proponents/developers shall participate in the Development Impact Fee Program as adopted by the Riverside County Board of Supervisors to mitigate a portion of these impacts. This will provide funding for capital improvements such as land, equipment purchases and fire station construction. The Fire Department reserves the right to negotiate developer agreements associated with the development of land and/or construction of fire facilities to meet service demands through the regional integrated fire protection response system.

Mitigation measures, as defined by the County of Riverside, should be considered in order to help reduce these impacts to a level below significance. Examples of mitigation measures might include:

- Developer participation in land acquisition and fire facility construction;
- Equipment upgrade and/or purchase; (i.e. "Type 1" Fire Engine and a 100' Aerial Ladder Truck).

- Participation in a fire mitigation fee program which would allow one-time capital improvements such as land and equipment purchases, and construction development.
- Participation in the cost of adding additional personnel.
- Additional funding sources may have to be identified to cover any shortfalls.

All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of Riverside County Ordinance No. 460 and/or No. 787, subject to review and approval by the Riverside County Fire Department.

Fire flow requirements within commercial projects are based on **square footage and type of construction** of the structures. The minimum fire flow for any commercial structure is 1500 gallons per minute, at a residual operating pressure of 20-psi, and can rise to 8000 gallons per minute, (per Table A-III of the California Fire Code). All automatic fire protection sprinkler systems shall be supplied with water from a municipal system. Section 4.8.2 of the *Environmental Consequences*, identifies the use of treated water. Treated water for fire suppression systems shall not be used.

The specific plan is located in the "Hazardous Fire Area" of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors. Any building constructed on lots created by this land division shall comply with special construction provisions contained in Riverside County Ordinance No. 787 and the California Building Code.

The proposed project land use would be a Category 1 – Heavy Urban. The 3 nearest Fire Stations that would respond to an incident are:

RCO Station # 25 San Jacinto, 132 South San Jacinto, San Jacinto, CA 92583

RCO Station # 72 Valle Vista, 25175 Fairview Av., Hemet, CA 92544

RCO Station # 26 Little Lake, 25954 Stanford St., Hemet, CA 92544

All the above mentioned RCO Fire Stations are staffed full-time, 24 hours/7 days a week, with a minimum 3 person crew, including Paramedics, operating "Type-1" structural fire fighting apparatus.

Based on the adopted Riverside County Fire Protection Master Plan, the Category 1 – Heavy Urban specifies that a full alarm assignment be operating on the fire ground within ten minutes and the fire station to be located within 1 ½ miles. The primary station serving this area would *not* be within the 1 ½ mile objective. From the above listed fire stations, the first unit should arrive within 6-7 minutes after dispatch, the second within 12-13 minutes and the third between 18-19 minutes. These times are approximate and currently *do not* meet the Heavy Urban Land Use protection goals.

Current minimum staffing levels of 3 persons per responding unit presently meet existing demands. As with any additional construction within a response area, a "cumulative" increase in requests for service will add to the Fire Department's ability to provide adequate service.

The proposed project identifies approximately 535 acres of land with a 300 unit mid-rise Hotel/Casino and approximately 729,500 sf of commercial, entertainment, assembly and mixed use development at build out.

A16-247 cont. ↓  
 A16-248 ↑  
 A16-249 ↓  
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A16-251

All buildings shall be constructed with fire retardant roofing material as described in Chapter 7A and Section 1505 of the California Building Code.

Prior to approval of any development plan for lands adjacent to open space areas, a fire protection/vegetation management (fuel modification) plan shall be submitted to the fire department for review and approval. The appropriate management entity shall be responsible for maintaining the elements of the plan. The fuel modification plan is subject to review by the Fire Marshal at the tract map phase.

Based on the adopted Riverside County Fire Protection Master Plan, one new fire station and/or engine company is recommended for every 2,000 new dwelling units and/or 3.5 million square feet of commercial/industrial occupancy. Given the project's proposed development plan, up to ONE fire station **MAY** be needed to meet anticipated service demands. The Fire Department reserves the right to negotiate developer agreements associated with the development of land and/or construction of fire facilities to meet service demands through the regional integrated fire protection response system.

**FLAG LOTS WILL NOT BE PERMITTED BY THE FIRE DEPARTMENT.**

In the interest of Public Safety, the project shall provide an Alternate or Secondary Access(s) as stated in the Transportation Department Conditions. Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation and Fire Departments, and shall be maintained through out any phasing. The Fire Department will need to review any proposed access/road circulation plan.

The implementation and maintenance of a transportation system is designed to provide adequate circulation and provide emergency ingress and egress. The proposed development must implement a plan incorporating land use and transportation requirements identified by the County of Riverside which include the following:

- Maintain alignment and coordination with the policies of the General Plan Circulation Element.
- Provide the safety of the existing street network.
- Maintain connectivity between the development and the surrounding community.
- Protect the existing community and environment.
- Maintain or improve the reliability of travel and access to the existing street network.
- Enhance emergency access and reduce emergency response times for areas served by the local circulation network.

A16-256

A16-253

A16-254

A16-255

A16-257

A16-258

- Provide onsite and off site circulation.

The proposed project is also located in a "State Responsibility Land Area". Under section 4290 of the Public Resource Code, secondary access is a requirement for fire and life safety standards. The fire department has emergency vehicle access concerns as well as providing residents a safe alternative means of egress.

In addition to fire emergencies, there are a number of operational functions that the fire department performs requiring absolute coordination of arriving fire apparatus related to access and response times to carry out the critical mission.

The *Environmental Impact Study* should include a separate Public Safety section to identify the impacts and address mitigation measures which are clear, concise and easily identifiable. The latest CD has the reviewer referencing numerous charts and figures related to public safety in various sections throughout the document. Provide the supporting figures, charts and documents under one section.

In addition, please address the following and provide a response in the Public Safety section.

- Identify Strategic Planning as the POC for information and/or questions regarding our comments, current and future.
- Executive Summary identifies 2 Fire Stations and the scoping document identifies 1, please clarify
- The consultants report from May of 2008 identifies, in Phase Three, year 1, a staffed fire engine. Can you clarify the timing and initiation date? Will this be permanent staff?
- Can you please provide the nexus of Indian Sailability within Appendix B, scoping?
- The Executive Summary (Table ES-1, page ES-26) identifies a "less that significant impact". The increased vehicle trips identified on (Table ES-1, page ES-19) and the increased call volume of 200 percent identified in (Proposed Section 4.0, 4-162 and 4-164) will create a significant impact for the delivery of fire services.
- Executive Summary (Table ES-1, page ES-26, number 2) states "The tribe is in consultation with Riverside County Fire Department to establish a Mutual Aid Agreement, under which the tribe and the Riverside County Fire Department would share fire service resources". At the present time no Automatic Aid or Mutual Aid Agreement exists with the Tribal Fire Department and CAL FIRE/Riverside County Fire Department. A contract for services with the Riverside County Fire Department will provide all of the same criteria for fire protection and ALS emergency response as outlined in the Soboba Fire Department Plan.

This contract will provide complete administrative and operational oversight for all of the required training; dispatching and response criteria for a full service all risk Fire Department.



The agreement will also address the need for mutual aid response or automatic aid to provide coverage on the reservation when Soboba Fire Department resources are committed to other emergency incidents.

- Proposed Section 2.0, page 2-13, paragraph 2 states, "first arriving units on scene within five minutes from time of dispatch". This should be clarified to add "turnout time" which is between "dispatch time" and the start of "response time". This is one minute during the day and two minutes at night.
- The average response times identified in Proposed Section 3.0, Table 3-33, page 3-140 should be increased reflective of new response tracking studies. Please contact Strategic Planning to identify "Average Response Time"
- Current road access and circulation "right-of-way" should remain with local government to maintain delivery of service capability, and support unobstructed, unrestrictive public ingress and egress from adjacent communities and jurisdictions.
- Provide a Memorandum of Understanding and/or a Development Agreement to ensure emergency access and connectivity with adjacent developments within the project area.

The California Fire Code outlines fire protection standards for the safety, health, and welfare of the public. These standards will be enforced by the Fire Chief.

If I can be of further assistance, please feel free to contact me at (951) 940-6349 or contact me at [jason.neumann@fire.ca.gov](mailto:jason.neumann@fire.ca.gov).

Sincerely,

**Jason Neuman**

Jason Neuman, Captain

Strategic Planning Bureau

A16-266 cont.

A16-267

RIVERSIDE COUNTY  
STANLEY SNIFF, SHERIFF



# Sheriff

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

August 27, 2009

Riverside County Planning Department  
4080 Lemon Street, 9th Floor  
Riverside, CA 92502

Re: Soboba Casino/Hotel and Land Conveyance

The purpose of this letter is to articulate the projected law enforcement impact of the proposed Soboba Casino/Hotel on the Riverside County Sheriff's Department, Hemet Station.

A number of areas relating to public safety impacts were considered in relation to this project. These areas include projected traffic increases, projected increases in calls for service to the proposed location, a potential increase in public safety response times, and the regional public safety impact that would result from a population increase in the Hemet/San Jacinto valley stemming from large, public events at the proposed arena. Potential mitigating factors such as increased private security personnel at the site and well-engineered and developed roadways providing unimpeded ingress and egress around the proposed site were also considered.

Because of the large number of variables, the task of accurately projecting law enforcement impacts is not possible. Historical law enforcement data and statistics from other, local reservations and casinos were gleaned with the hope of quantifying an accurate projection; however, too many variables and differences existed for a fair and accurate comparison. Through this process, however, certain trends and general projections became clear. Historical data showing the time deputies spent on calls for service at the existing casino and reservation was particularly helpful.

Local law enforcement can reliably anticipate a substantial increase in the calls for service to the proposed project based on the scope of the project. The increased scope of the proposed project also drives a substantial increase in traffic volume and activity on the roadway, which also may lead to increased response times in the area. Moreover, a general population increase in the region can also be expected, especially on occasions when events fill the proposed arena.

A17-268

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**

*George A. Johnson - Agency Director*

**Planning Department**

*Ron Goldman - Planning Director*

August 24, 2009

Pages 3 (including this cover)

Dale Morris, Regional Director  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 92825

RE: Draft EIS Comments  
Soboba Reservation proposed fee-to-trust Casino/Hotel Project

Please see the attached Review Comments pertaining to the subject report. Please call me at (951) 955-6863 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT  
Ron Goldman, Planning Director



David L. Jones, CEG No. 2283  
Chief Engineering Geologist, TLMA-Planning

Attachments: Review Comments (2 pages)

cc: Kathleen Browne, Riverside County Planning Dept.  
David Huff, Riverside County Counsel

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## GEOLOGY

The following report was included on the CD provided for review of this project: LandMark, June 23, 2008, "Proposed Soboba Hotel and Casino, Soboba Band of Luiseno Indians, San Jacinto, California – Preliminary Fault Hazard Evaluation Report for the project site; prepared by Landmark consultants, Inc. dated June 1, 2007.

No other geologic/geotechnical report was provided for review and this is the only report provided on the Bureau's web page for this project. Based on this report, I offer the following comments:

1. The LandMark report included with the EIS is wholly inadequate for review of the project. This June 23, 2008 report eludes to a June 1, 2007 "Preliminary Fault Hazard Evaluation Report". This report should be appended to the EIS and should be made available for public review and comment. In addition, other investigation reports such as geotechnical investigations, if existing, should be included as a part of the EIS.
2. The LandMark report indicates it to be a brief summary concerning site conditions for the proposed hotel and casino. It provides no information pertaining to the fault rupture, landslide/debris flow, or settlement potential at this site. Reports addressing all geologic hazards should be included in the EIS.
3. The project is located within a State of California Alquist-Priolo Earthquake Fault Zone. As such, the project must be evaluated in accordance with the Alquist-Priolo Earthquake Fault Zoning Act (AP Act). The study must be performed by and endorsed by a State of California licensed Professional Geologist. Hazard analysis and mitigation as required by the AP Act should be incorporated into the project.
4. The project site should be investigated and analyzed for all possible geologic hazards including, but not limited to slope stability, rock fall hazards, landslide hazards, surface fault rupture, fissures, liquefaction potential, collapsible and/or expansive soils, subsidence, wind and water erosion, debris flows, and groundshaking potential.
5. The Mitigation Measures "Soils and Geology" section of the EIS indicates no mitigation measures are required. This is not likely accurate or adequate due to the documented surface fault rupture, groundshaking, debris flow and settlement potential at this site. This section should be expanded to include the required mitigation of active fault avoidance, debris flow consideration, groundshaking mitigation design and settlement mitigation at a minimum.
6. The Mitigation Measures "Seismic Hazards" section does not speak to the required mitigation under building code (CBC) or any other mitigation required for the proposed project under state and/or local regulations and guidelines. The project should consider the proximity to active faults and employ necessary mitigation based on at least California State standards.
7. The Environmental Consequences section fails to recognize the fault rupture potential at this site.

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**PALEONTOLOGY**

1. The EIS fails to identify the high potential for significant paleontological resources at this project site.
2. Mitigation measures contemplate incidental find only. The project should consider deliberate planning and monitoring of all excavation activities for paleontological resources.

A18-277



COUNTY OF RIVERSIDE • COMMUNITY HEALTH AGENCY  
**DEPARTMENT OF ENVIRONMENTAL HEALTH**

September 9, 2009

U.S. Department of the Interior  
Bureau of Indian Affairs – Pacific Region  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825-1846

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) –  
SOBOBA FEE-TO-TRUST PROJECT (HORSESHOE GRANDE  
PROPERTY)**

To Whom It May Concern:

After conducting a cursory review of the Draft Environmental Impact Statement (DEIS) for the project listed in the subject heading of this email, the Department of Environmental Health has the following comments:

- 1) The DEIS does not adequately evaluate impacts of a 1.2 MGD wastewater treatment facility on ground/ surface water in the region.
- 2) Identifying the ultimate location of disposal for solid waste generated from the proposed project. (Will a landfill be proposed onsite?)
- 3) Statement of assurance that any underground and/or aboveground fuel storage tank(s) will be constructed and operated in accordance with applicable Federal regulations.
- 4) Statement of assurance that the maintenance of any retention/detention basin will be conducted in a manner that will prevent potential vector breeding through adherence to applicable State guidelines.

It should be further noted that any proposed public food facilitie(s), public swimming pool(s) and/or spa(s), as well as, potable water system(s) are subject to Federal regulatory oversight only.

A19-278



*Carolyn Syms Luna*  
Director

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**

**Environmental Programs Department**

September 8, 2009

U.S. Department of the Interior  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Room W-2820  
Sacramento, CA 95825-1846

**Re: Draft Environmental Impact Statement Soboba Band of Luiseño Indians, Horseshoe Grande Fee-to-Trust Project**

To Whom It May Concern:

The Environmental Programs Department (EPD) appreciates the opportunity to review the document. EPD would like to point out that this project is within the geographic boundary of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). This MSHCP was a multi-year planning effort that cost over \$2 million and took several years to develop. This plan went into effect on June 22, 2004. The permittees under the plan include the County of Riverside, all 16 cities in the western portion of the county, Caltrans, the Riverside County Flood Control District, and others. As the largest Permittee under the MSHCP, the County of Riverside is extremely concerned with achieving the goals and objectives under the plan in light of the proposed fee-to trust project. While EPD is not an approving Agency, we would request an analysis of how the proposed project would impact the MSHCP and/or help to achieve the MSHCP goals and objectives.

If this were a project seeking entitlement in the unincorporated portion of the County of Riverside, the Environmental Programs Department would require this project to address the following areas:

**Cell Criteria**

According to EPD staff review of the MSHCP Criteria, a significant area in the northernmost portion of the site is identified for conservation. No evaluation or discussion on the how the project would achieve consistency with MSHCP Criteria was provided. The project proponent should provide a detailed MSHCP Criteria Analysis which indicates how the proposed project would achieve Criteria objectives for the proposed project area.

**Riparian/Riverine, Vernal Pool Assessment**

The Water Resources, Section 3.2 in of the document describes watershed system for the site but does not identify any of the resources as riverine or riparian. Section 6.1.2 of the MSHCP defines the riverine

**Environmental Programs Department – County of Riverside**  
4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501 Phone: (951) 955-0892 Fax: (951) 955-1811

A20-279

A20-280

A20-281

EPD

Page 2  
September 8, 2009

and riparian resources within the plan and describes the survey, mapping and avoidance requirements. The project document needs to provide an analysis in accordance with Section 6.1.2 of the MSHCP.

#### **Narrow Endemic Plants and Criteria Area Species**

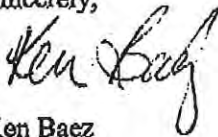
The document provides an extensive list of sensitive plants and animals species with the potential to occur onsite were evaluated in the Biological Resources Assessment dated July 2008; however, required focused surveys were not conducted as required in the MSHCP to determine the presence or absence of occupied habitat for burrowing owl, Los Angeles pocket mouse (LAPM) and San Bernardino kangaroo rat (SBSKR). Additional discussion in the document defers mitigation to the construction phase of the project. The area along the San Jacinto River adjacent to the proposed project is identified under the MSHCP as core habitat for the LAPM and the SBSKR. Focused surveys for the previously mentioned species should be performed now in order to assess the extent of occupied habitat prior to project approval and to determine whether any long term conservation value exists as it relates to the species account objectives stated in the MSHCP. All impacts shall be evaluated prior to any project approval and mitigation specific to the corresponding resource outlined in a Mitigation Monitoring Plan.

#### **Urban Wildland Interface Guidelines**

The MSHCP requires that projects that may have direct or indirect impacts associated with locating development in proximity to the MSHCP Conservation Area shall be required to provide an assessment in accordance with Section 6.1.4 of the MSHCP.

If you have any questions, regarding these comments, please contact me at (951) 955-2009.

Sincerely,



Ken Baez

Principal Planner  
Environmental Programs Department

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A20-282

A20-283