



County of San Diego

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Mr. Dale Morris, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Suite W-2820
Sacramento, California 95825

**RE: EA COMMENTS, PROPOSED SYCUAN RESERVATION "FEE-TO-TRUST
DEVELOPMENT PROJECT"**

Dear Mr. Morris:

The County of San Diego has received the Notice of Availability of a proposed Environmental Assessment (EA) for the proposed Sycuan Band of the Kumeyaay Nation fee-to-trust (FTT) acquisition of land dated August 2009 and appreciates the opportunity to comment. The County of San Diego (County) is a political subdivision of the State of California responsible for the governance, health and welfare of the People of San Diego County. The County comments will relate to issues within its statutory responsibilities and to the adequacy of the EA in analyzing the impacts of the project.

The County of San Diego opposes the expansion of tribal lands and Indian gaming activities in the State of California without appropriate mitigation for resulting impacts. On November 1, 2000, the County of San Diego Board of Supervisors determined that until Tribes in the region have mitigated the impacts from their existing projects to the satisfaction of the County, no additional land should be removed from the County's jurisdiction. Additionally the County strongly opposes this very large 30 parcel (1,966 acre) FTT application because the EA does not sufficiently address impacts, both as currently proposed and based on other potential future development. The EA lacks a description of new development and associated quantified impacts. The project map is very generalized with no detail on the proposed physical development and there is a lack of operational detail on the various project components. In light of the inadequacies identified in the EA below, the County urges the Bureau of Indian Affairs

to require the preparation of an Environmental Impact Statement for this large fee to trust proposal due to the likelihood of the proposed project to significantly affect the quality of the human environment.

The County's detailed comments on the EA and the proposed project are as follows:

1.0 General Comments

- 1) Based on review of the EA, the County believes that the environmental consequences of the proposed project may be significant and justify the preparation of an Environmental Impact Statement (EIS). A project of this scope and undertaking justifies a more detailed evaluation of the environmental consequences and alternatives than is provided in the EA.
- 2) The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental consequences in the unincorporated portions of the County of San Diego. The Guidelines also provide mitigation options for addressing significant impacts. To assure that all impacts from the project, particularly on County lands, are adequately analyzed, the County suggests the use of the Guidelines in preparation of the EIS. The Guidelines are available on the Department of Planning and Land Use website at: <http://www.sdcounty.ca.gov/dplu/procguid.html#guide>

2.0 Proposed Action and Alternatives

- 3) The EA lacks sufficient detail on the project to allow an adequate review of the environmental issues and impacts that may result from the project. In order to fully assess the potential environmental impacts of the project, additional information is required. The project map is very generalized and provides no detail on the proposed physical development. In addition, there is a lack of operational detail on the various project components. A representative, but not exhaustive, example of necessary detail includes:
- 4) Pow-Wow Grounds. How large is the proposed facility and what is the layout and design of the grounds, parking areas and exhibitor display area? What other events will be held at the Pow-Wow Grounds and what will be their size, frequency and duration? Will there be lighting for night events? Will there be amplified sound? Are infrastructure extensions required and will these extend off-site?
- 5) Secondary Access Road. How large will the road be and how much grading and improvement will be required to construct the road? Will the road be paved and

how will it meet fire access requirements? What type of erosion control will be incorporated into the road construction? What type of land uses will the road be used for?

- 6) Housing. What is the proposed lot layout, including lot sizes and density, for the three housing developments? What are the specific supporting infrastructure upgrades and extensions that are required to serve the housing and will these extend off-site? What grading is necessary to develop the housing and the access to the housing? How will roads meet fire access requirements? Has immediate and long term fire clearing around the housing units been considered, especially where the proposed housing development abuts neighboring and/or publicly owned land?
- 7) Sycuan Resort. Explain how the existing Sycuan Resort would be further developed in an "integrated manner with the new outdoor events center, the proposed Lake Emma recreation facilities and the equestrian center."
- 8) Outdoor Events Center. What is the capacity of the Center and what will be the size, frequency and duration of events? Will there be lighting for night events? Will there be amplified sound? Are infrastructure extensions required and will these extend off-site? Is parking adequate?
- 9) Lake Emma. What activities will occur at Lake Emma? If two boat ramps will be replaced, what types of new boating activities are proposed? Will there be a trail that connects off-site? What post-mining reclamation activities are proposed?
- 10) Recreational Vehicle Park and Equestrian Center. What are the layout and design of the Park and Center? What are the operational details of the Park and Center? Are infrastructure extensions required and will these extend off-site?

3.0 Affected Environment, 4.0 Environmental Consequences & 5.0 Mitigation Measures

3.2, 4.2 & 5.2 - Land Resources

- 11) Sections 3.2 and 4.2 fail to discuss the project's potential to expose people or structures to adverse effects from liquefaction since a substantial portion of the site is underlain by soils that may be potentially liquefiable. Section 3.2 should be revised to include discussion regarding the potential for liquefaction and revise Section 4.2 to include potential measures to mitigate liquefaction hazards to less than significant.
- 12) It is stated the Proposed Action is to "foster the Tribe's economic development and recreational opportunities". However, it limits any recreational opportunities to the general public because it does not propose to provide for a trail easement

as currently required by Reclamation Plan RP90-001. The EA (including Appendix A, the Resources Management Plan) does not specify the location of recreational equestrian, hiking and non-motorized cycling trail as required by the existing Major Use Permit (MUP 74-068W1). The elimination of the trail opportunity presents a significant effect on the environment that must be studied in an EIS to resolve the potentially significant effect on the quality of the human environment.

- 13) The EA states the objectives of the Resources Management Plan including , among other things, that Tribal ordinances and addendums will be implemented as needed. Ordinance drafts should be provided for review and comment to determine their adequacy and effectiveness. Such deferral of mitigation should not be allowed, and this issue should be identified as a potentially significant impact to be addressed in an EIS.
- 14) The EA states that the objectives of the Resources Management Plan include limiting impacts to natural and cultural resources from existing hiking and riding trails designated prior to Tribal acquisition. The existing Reclamation Plan (RP 90-001), requires the dedication of a trail easement through the property. Though Specific Plan Amendment (SPA 88-007) does reference a location of an equestrian/hiking trail, the County's Department of Parks and Recreation is amenable to relocating that trail to a location that would limit impacts. The County's Department of Parks and Recreation should be consulted on this matter.
- 15) Prior to the Proposed Action, the BIA should consult with County of San Diego and the State of California, Department of Conservation, Office of Mine Reclamation. The Environmental document should reflect that the mining extraction operations at the site have been abandoned and are not merely idle. Portions of the proposed project are in a location that requires mine reclamation per Reclamation Plan RP 90-001. This reclamation plan is still in force and the County has been requesting reclamation begin in accordance with the plan. The Lake Management Plan and Long Term Plan should have been provided at the end of mining activities (2003) and have not been. The Environmental document for this project must discuss this conflict and outline the plan to resolve this issue.
- 16) The No Action Alternative should include acknowledgement of the need to reclaim disturbed mining areas according to Reclamation Plan 90-001.
- 17) There are no sand-mining areas at Lake Emma, only disturbed sand mining areas. All mining equipment has been removed from the site. No mining activity is happening and none is anticipated.

- 18) A major use permit (MUP P74-068W1) for this site expires in 2017, but the site is currently considered abandoned and in need of reclamation. The EA states the Tribe currently manages the areas where mining occurred pursuant to an Interim Management Plan. The County does not recognize this interim plan and considers the site abandoned and in need of reclamation. No reclamation or restoration activities appear to have begun and no trail easement has been dedicated, as required by the reclamation plan. The Environmental document must discuss this conflict and resolve this issue.
- 19) The habitat restoration plan referenced in the EA should enumerate and address each of the requirements in the County's Major Use Permit (MUP P74-068W1) and the site's Reclamation Plan (RP 90-001).
- 20) All areas disturbed by prior mining activities require reclamation. The disturbed habitat includes the north, west and east shorelines of lake Emma. It also includes any access roads created for mining and the entire mining plant area northwest of the lake. The reclamation plan calls for a certain maximum slope of 2:1 for the submerged banks of Lake Emma and for other maximum slopes beyond the shoreline. There appears to be a ponded area in the vicinity of the intersection of Dehesa and Sloan Canyon Roads, which may be an emergent wetland and may need reclamation.
- 21) The Events Center and Pavilion and the Recreational Vehicle Park require reclamation pursuant to the existing Major Use Permit (MUP P74-068W1) and Reclamation Plan RP90-001.
- 22) The location of trails should be coordinated with the County's Department of Parks and Recreation. Exhibit L of Specific Plan Amendment (SPA 88-007), calls for the establishment of a trail easement. The County and the Dehesa community request this easement be established, though not necessarily in the location shown in Exhibit L. Reclamation Plan RP 90-001 states dedication of such an easement should have occurred one year following completion of mining activities. The County considers the mining site to be abandoned. No easement has yet been established and it appears none is intended with the proposed fee-to-trust action.
- 23) The Environmental document and the Natural and Cultural Resources Management Plan should enumerate all conditions of MUP (P74-068W1) and Reclamation Plan (RP90-001) and show how each condition is being addressed by the proposed action. The Natural and Cultural Resources Management Plan is more closely related to U.S. Fish and Wildlife Service's Biological Opinion and not related enough to the County permit. The RP 90-001 calls for restoration of the lands per the approved reclamation plan and dedication of a trail. The proposed action will not reclaim lands according to the Reclamation Plan nor

provide for a trail. Also, the Natural and Cultural Resources Management Plan states that two desilting basins will not be constructed even though this is a condition of the MUP P94-068W1. Justification and alternatives means of fulfilling these requirements is needed. This may require a hydraulic study or some alternatives means of substantiating any changes. These conditions of the MUP and Reclamation plan were imposed to address the environmental issues associated with the former mining site. To change these conditions, further environmental review of the significant effect on the human environment must be completed through the preparation of an EIS.

- 24) One of the goals in the Natural and Cultural Resources Management Plan is to "limit impacts...from hiking and riding trails that were designated prior to the Tribe acquiring the land." "Limiting" appears to be the same as "excluding" in the context of trails. This is contrary to the requirements of the existing Reclamation Plan RP 90-001 which requires dedication of a trail easement after mining has ceased. Mining ceased in 2003 and the County has requested an easement be identified and dedicated and requests this condition remain if the proposed fee-to-trust action goes forward.

3.3, 4.3 & 5.3 Water Resources

Potable Water

- 25) In light of recent drought conditions and limited availability of water resources to local water districts, the Environmental document must include a more substantive analysis of the water supply for the project. The EA does not include a definitive on a commitment from the Otay Water District and the Padre Dam Municipal Water District to provide water supply for the project. The analysis should address the potential impacts on both Districts to serve the proposed project as well as the remainder of their service areas. The Environmental document should include a comprehensive analysis of the Master Plans of both Districts to substantiate its conclusions. The Environmental document should also consider discuss current drought conditions and the potential effects on regional water supply and future water availability for the project and surrounding areas.
- 26) The Water Supply analysis should address the physical impacts of extending infrastructure to serve the project. The proposed fee-to-trust application is not an isolated action, but is the first phase of a series of actions necessary to implement the proposed project. These later phases, including planning, locating, constructing and operating water infrastructure, must be addressed in a single document along with the proposed project. Without a complete, accurate and finite project description, determination of environmental consequences and necessary alternatives is not possible.

Surface Water

- 27) As a general comment, mitigation recommendations listed in the EA Section 5.3.2 (Water Quality) are not complete and need additional analysis to ensure they comply with what is required under local, state and federal water quality regulations. The EA does not take into account the most recent FEMA floodplain mapping tools. The proposed projects will have a significant impact to the floodplains and stormwater conveyance system in the County.
- 28) Local, state and Federal stormwater regulations and permits should be followed and monitored for all project components. The activities proposed under this application would be subject to enforcement under permits from the State Water Resources Control Board (SWRCB), San Diego Regional Water Quality Control Board (RWQCB), and the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (Ordinance No. 9926 and Appendix A). A monitoring system should be in place to ensure that the mitigations outlined in the EA are completed, including, but not limited to the filing the Notice Of Intent, preparation of the Storm Water Pollution Prevention Plan (SWPPP), provision for construction Best Management Practices (BMP's) and provision of post construction BMP's such as detention basins, vegetative strips, grassy swales and high infiltration substrates.
- 29) A Major Storm Water Management Plan (SWMP) form should be completed for the proposed project components. The form is found at:
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_c.pdf. Post construction treatment control BMP's will apply to the various development components such as the new access road, the 11 home sites along the access road, 25 proposed home sites north of Dehesa Road, and the 14 residential sites along Sloan Canyon Road, parking lot for 75 vehicles, outdoor event center, the RV Park for 120 stalls, etc.
- 30) The project should comply with County Low Impact Development (LID) requirements. The LID Handbook and accompanying information can be found at: <http://www.sdcounty.ca.gov/dplu/procguid.html#hydro>. In addition, Caltrans low impact development information is found at:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml
- 31) A Hydromodification Plan should be prepared and maintained for the project. Applicability of Hydromodification requirements should be reviewed for the proposed development. Information regarding Hydromodification may be found at the County's Project Clean Water website at:
http://www.projectcleanwater.org/html/wg_susmp.html

- 32) FEMA mapping should be used to determine floodplain information for the project.
 - 32.1) The report references a 1988 report by Bement, Dainwood, and Sturgeon that calculated the water surface elevation for Lake Emma to be 455'. The current FEMA mapping shows base flood elevation (BFE) to be 474' at the lakes' downstream end. As there is already mapped floodplain for this area, the water surface elevations used for development purposes should be those from the mapping (effective models).
 - 32.2) The EA states that Dehesa Road is protected from the floodplain. However, the current FEMA mapping shows the floodplain in Dehesa Road in several locations.
- 33) A Drainage/Floodplain Report (similar to the other reports contained in the Appendix) should be included in the Appendix.
- 34) Any work within the floodway would need to be accompanied by sufficient analysis to demonstrate that there would be no rise or other impacts.
 - 34.1) The majority of the proposed RV Park, and likely the proposed pier and overlook area, is located in the FEMA floodway. County ordinance prohibits development, grading or obstruction in the floodway that would result in increases in the BFE.
 - 34.2) The proposed Equestrian Center and a portion of the Secondary Access Road Related Housing lie within FEMA Zone A, and the County floodway. County ordinance prohibits any development, grading or obstruction in the floodway that would result in increases in the Base Flood Elevation (BFE).
- 35) Additional stormwater compliance documents will be needed for the project. Any work in the FEMA floodplain or floodway that would result in changes in BFE's or floodplain mapping may require a Conditional Letter of Map Revision (CLOMR), and would require a Letter of Map Revision (LOMR).
- 36) Impacts and mitigations to Olive Grove Housing are not clearly identified. Residences in the Sloan Canyon Road Olive Grove Housing will have to have their pads elevated above the water surface elevation of the Sweetwater River.
- 37) Sloan Canyon Road use and impacts and land uses are not clearly identified. If Sloan Canyon Road is going to be used specific land uses, for example residential, commercial, or casino access, the crossing of Harbison Creek should be improved so that the runoff from the 100-year event is safely conveyed under the roadway according to County standards.

Groundwater

- 38) The total amount of water estimated for these uses as calculated within the Water and Wastewater Feasibility Study is approximately 61.6 acre-feet per year on the 1,966 acres to be transferred. According to Section 3.3 of the EA, the water uses could be served by the Otay Water District and the Padre Dam Municipal Water District and that the Sloan Canyon Road/Olive Grove housing area would be served by groundwater. From a groundwater perspective, the project would utilize approximately 7 acre-feet of groundwater per year, which equates to approximately 2.2 gallons per minute. The closest County groundwater user is nearly 1 mile to the south-southwest of this Sloan Canyon/Olive Grove housing area. Due to the remote location of this area, its location adjacent to the Sweetwater River (a significant source of groundwater recharge and storage), and the proposed amount of groundwater to be utilized, impacts to groundwater resources would be considered less than significant.
- 39) The EA, Section 3.3 (Alternative A), fails to discuss impacts to groundwater resources if no water is available from water districts. In light of recent drought conditions and limited availability of water resources to local water districts, it may not be possible for the project to be served by the water districts. Unless there are guaranteed agreements of water service availability from the two water districts to serve the uses described in this proposal, Section 3.3 of the Environmental document should be revised to include a groundwater assessment to evaluate impacts to nearby County groundwater users with the assumption that all water would be obtained from the local groundwater supply. The County evaluates sustainable yield through the County Groundwater Ordinance as well as CEQA. The County Guidelines for Determining Significance – Groundwater Resources (website: <http://www.sdcounty.ca.gov/dplu/docs/GRWTR-Guidelines.pdf>) provide measurable standards for determining when an impact to groundwater resources would be considered significant and suggest the use of these Guidelines to provide an adequate analysis. The Guidelines were designed to provide a tiered evaluation of groundwater resources, which ultimately determine the sustainable yield for a given project. As a first step, the locations of each production well should be discussed, and the anticipated amount of pumping that would be expected to occur from each well. Analysis of well interference to County groundwater users' wells should be analyzed. A five-year projection of drawdown should be performed using standard hydrologic methods (taking into account the project demand of the project). The project of drawdown would provide an estimate of impacts to offsite wells as a result of the pumping of 61.6 acre-feet per year for five years (similar to a severe drought scenario where no recharge occurs during a five-year period). In the County Guidelines for Determining Significance for Groundwater Resources, the County assumes the following as a significant impact regarding offsite well interference in fractured

rock basins: *“As an initial screening tool, offsite well interference will be considered a significant impact if after a five year projection of drawdown, the results indicate a decrease of 20 feet or more in the offsite wells. If site-specific data indicates water bearing fractures exists which substantiate an interval of more than 400 feet between the static water level in each offsite well and the deepest major water bearing fracture in the well(s), a decrease in saturated thickness of 5% or more in the offsite wells would be considered a significant impact.*

3.4, 4.4 & 5.4 Air Quality

- 40) The EA lacks substantial evidence that the proposed project will not degrade ambient air quality, that it will not result in a public nuisance or conflict with the Regional Air Quality Strategy (RAQS) as result of the potential emissions of air pollutants associated with it. First, the EA contains innumerable undocumented assumptions about the project’s short term and long term emissions of air pollutants. Second, the modeling was said to be based upon on Orange County meteorological and emissions data, which is inappropriate and unacceptable because local air quality and meteorological data are available for this area of San Diego County. Using local data is necessary to ensure the emissions’ impacts of the project upon San Diego County - specifically in that region’s microclimate - are addressed in a scientifically defensible manner, which is not now the case. For example, the region in which the proposed project is to be located experiences the highest levels of ambient ozone in San Diego County and yet that is not considered.
- 41) Because of the failures noted above, there is no valid evidence that the proposed project will not degrade air quality or create significant adverse human health risks due to increases in emissions of criteria pollutants and carcinogenic diesel particulates during construction and when the proposed project is fully operational. In actuality, it is possible the proposed project will contribute substantial amounts of air pollutants to the San Diego Air Basin (SDAB) and degrade air quality. This is problematic because the region is already in violation of state and federal standards for certain criteria air pollutants and already has unacceptably high levels of risk to public health due to exposure diesel exhaust. As it exists now, the air quality sections of the EA appear to be invalid and unacceptable because of the apparent failure to follow sound scientific practices when it was developed.

3.5, 4.5 & 5.5 Biological Resources

- 42) The EA does not address potential impacts the biological resource core area know as McGinty Mountain/ Sycuan Peak Dehesa. The EA states that the area proposed to be placed into Trust is not within the resource core area but this is

an incorrect statement. All areas west of the golf course are within a Biological Core Area that supports four biological linkages merging into one area. This area is one of the essential Biological Core Areas established within the Multiple Species Conservation Program (MSCP) that supports a high concentration of sensitive biological resources which if lost could not be mitigated or replaced elsewhere. There are several federally listed species known to occur on the Sycuan property including California gnatcatcher, Quino checkerspot butterfly, Arroyo Toad, Southwestern willow flycatcher, Least Bell's vireo, San Diego thornmint, San Diego ambrosia, and Otay tarplant which are all addressed within the report. In addition there are also twenty-five Group A plant species in which seven of them are narrow endemics. There are seven Group B species in which one of them is a narrow endemic. There are also six Group 1 sensitive animals, two of which are narrow endemics, and there are eleven Group 2 animal species. This evidence shows this site is a very valuable wildlife movement corridor extending through the study area, and is essential for juvenile dispersal, foraging, migration, and genetic exchange all necessary to maintain healthy populations. Based on the biological sensitivity of the project site and surrounding area, the environmental consequences of the project may be significant. The environmental document should demonstrate how the sensitivity of this corridor will be preserved without species level mitigation proposed for species that are not federally recognized.

- 43) As proposed, the Dehesa Road Housing, Recreational Vehicle Park, and Olive Grove Housing will create a substantial barrier to wildlife movement across the Sweetwater River and along the channel. The document should include a detailed analysis of how mobile organisms will be affected and how such effects can be minimized or mitigated to maintain safe travel for wildlife in the study area.
- 44) The EA states that there is a choice to adopt the Resource Management Plan depending on the discretion of the Tribal government. How does this ensure that the sensitive resources within Trust land will be properly managed? A plan that assures enforceable measures is necessary.
- 45) There is existing dedicated biological open space south of Area G and south of the Sweetwater River. These areas should be categorized as conservation areas.
- 46) The EA does not address the off-site fire clearing/fuel modification that will be required in order to accommodate the proposed housing. The development footprint must specify the requirements and incorporate the necessary fire clearing to ensure there are no direct or indirect impacts to the adjacent McGinty Preserve or other off site land.

- 47) Section 5.5 of the mitigation measure states that all impacts will be mitigated but then there is no proposal within the Resource Management Plan to place the appropriate habitat within conserved areas. A plan that assures enforceable measures is necessary.
- 48) The EA fails to analyze and mitigate for indirect biological impacts from the proposed development. The analysis should address any indirect impacts, particularly at the edge of proposed development adjacent to existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term or harm the function of the corridors. The following issues should be addressed when addressing indirect impacts: increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainages; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species or wildlife movement.
- 49) Areas within the vicinity of this site are known to be inhabited by the Hermes Copper butterfly and it is highly likely that this species occurs on these lands. This is an endemic species and genus to Southwestern San Diego County and adjacent northern Baja California. A petition has been filed with the Federal Government to have it listed as Endangered. Because it is restricted in distribution and occurs in areas that are being impacted by land development, it is likely that it will meet the qualifications for being listed. Its presence on adjacent property and the high potential for it to occur on this site and in the proposed development areas needs to be addressed in the environmental document.
- 50) All drainage should be distinguished and analyzed for impacts as potential wetlands and a separate potentially sensitive habitat. There are a number of ephemeral drainages in the area of the proposed housing and Pow-Wow Grounds that are not distinguished as a separate habitat and are mapped as the overlying coastal sage scrub habitat.

3.6, 4.6 & 5.6 Cultural Resources

- 51) The EA failed to include the Cultural Resources Technical Report. The EA makes statements that cultural resources are not eligible for inclusion in to the National Register of Historic Places, but there is no supporting evidence within the EA as to how these determinations were made. Impacts (both direct and indirect) to cultural resources must be identified and an assessment that is supported by facts and analysis as to whether the cultural resources are significant must be included. According to the Bureau of Indian Affairs (BIA), the Tribe must grant permission before the technical report can be released to the

County; therefore the County is requesting permission for the release of these documents.

- 52) The EA, Section 3.6 (Affected Environment-Cultural Resources), identifies new sites recorded within the project area by the use of temporary numbers. These sites should be recorded at the South Coastal Information Center and the Trinomial/Primary Numbers used to identify these cultural resources should be used within the report.
- 53) The EA, Section 3.6 (Table 3.6-2) and Section 4.6, indicates that seven of the newly identified cultural resources are ineligible for inclusion on the National Register. As these sites are currently on land that is under the jurisdiction of the County of San Diego, these resources should also be evaluated under the California Environmental Quality Act (CEQA) and County of San Diego Resource Protection Ordinance, as these resources may be significant at either the state or local level and their protection will be lost with the project, resulting in significant impacts.
- 54) The EA, Section 3.6, should indicate whether the seven resources that are proposed to be "released from management" have been adequately documented, tested, and artifacts collected, and where this information would be available for future research. If not properly documented, the loss of these resources could result in a significant impact.
- 55) The EA, Section 5.6 (Mitigation Measures- Cultural Resources) indicates that "All work within 50 feet of an inadvertent archaeological find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find," but this statement does not indicate who will be on site to determine whether a cultural or paleontological resource has been found. Due to the large number of sites found within the project area, grading monitoring by a qualified archaeologist and Native American monitor should be required during all ground disturbing activities.

3.7, 4.7 & 5.7 Socioeconomic Conditions / Environmental Justice

- 56) Removal of the 30 parcels from the tax roll will result in a loss of taxes currently levied on the properties that totals \$856,735.60 for the current year. This annual loss will be compounded further based on the assessed value growth in future years.
- 57) The loss of tax revenue could potentially affect public services in the affected area. Tax revenues are currently collected for the County General, County Library, San Diego Rural Fire Protection District (Rural West Comm), SD CO ST LTG (Zone A), General Bond Cajon Valley, County Flood Control, Greater San

Diego County Conservation District, Rural Fire Protection District, San Miguel Consolidated Fire Protection District, Otay Water, Otay Water ID B, Padre Dam MWD, Padre Dam MWD ID#1, Dehesa General Elementary School District, El Cajon Valley Union General Elementary, Grossmont Union High, Grossmont-Cuyamaca Community College, County Office of Education, Educational Revenue Augmentation Fund, Grossmont Health Care District, Metropolitan Water District, CWA Padre Dam, and CWA Otay Water.

3.8, 4.8 & 5.8 Transportation and Circulation

- 58) Any improvements to the following streets should include a pathway per the County's adopted community trails and pathways plan: Dehesa Road, Harbison Canyon Road, Tavern Road and Willow Glen Drive.
- 59) As a general comment, the EA does not incorporate many of the findings of the Traffic Impact Analysis (TIA) prepared by Linscott, Law, & Greenspan (LLG), dated June 27, 2007 included with the EA. Impacts and mitigations identified in the TIA should be incorporated into the Environmental document.
- 60) Any proposed roadways which access or join county roads shall provide adequate sight distance in conformance with County of San Diego Public Road Standards.
- 61) The EA (Pg.4.8-1) should note the total 1,100 ADT trip generation as identified in the TIA.
- 62) Fairshare contributions alone do not fully mitigate a direct impact. The EA on page 5-10 identifies direct traffic impacts to Dehesa Road from Granite Hills to Willow Glen Drive and from Willow Glen Drive to Harbison Canyon Road. Only fairshare contributions are identified as mitigation measures for these direct traffic impacts. There are no identified road improvement projects for these segments, therefore contributing a fair share contribution would not mitigate the impacts the project will create.
- 63) Recommended improvements to Dehesa Road and Harbison Canyon Road intersection in the TIA should be included in the EA. Typically, a physical road improvement is constructed to mitigate a direct traffic impact. The TIA on page 38 recommends the provision of a dedicated right turn lane on Dehesa Road and Harbison Canyon Road. This proposed improvement is not included in the EA.
- 64) Recommended access improvements identified in the TIA should be included in the Environmental document. Page 34 of the TIA discusses potential access improvement to Dehesa Road for the project's proposed uses. These improvements are not summarized in the EA. Improvements include the provision of additional left turn and right turn lanes on Dehesa Road.

Construction permits from the County will be required for any work that is done within the County Right of Way.

- 65) Road improvement mitigation measures should be provided to ensure that delays along the Dehesa Road corridor are not increased by the proposed project. Project ADT would be distributed onto the sections of Dehesa Road, which are operating at LOS E/F. The mitigation identified in the TIA is not adequate to meet the added 600-900 project ADT. Additional improvements are needed to fully mitigate the impacts.
- 66) The EA (Pg. 3.8-1) incorrectly describes the study area County roadways as two lane "divided" roads. County roadways mentioned should be described as undivided.
- 67) The EA and TIA are inconsistent in describing the County's minimum acceptable LOS. The EA (Pg. 3.8-4) incorrectly states that the County's Public Facilities Element considers LOS 'C' as the minimum acceptable LOS. The Environmental document should be consistent with in stating that the minimum acceptable LOS is LOS 'D' as established in the *County of San Diego Guidelines for Determining Significance*.
- 68) *The County of San Diego Guidelines for Determining Significance* should be used to determine significant project impacts. The EA inappropriately concludes that if a particular roadway segment (e.g.-Pg. 4.8-6) or intersection (e.g.-Pg. 4.14-10) is currently operating at an unacceptable LOS, any project impacts would not be considered significant. This is most evident on page 4.8-6 where the EA states that the impact on Dehesa Road from Willow Glen Drive to Harbison Canyon Road is not considered significant. The EA should refer to the Measures of Significant Project Impacts from the *County of San Diego Guidelines for Determining Significance* as does the TIA. The TIA correctly states that there is a significant impact to Dehesa Road from Willow Glen Drive to Harbison Canyon Road because the added project trips exceed the criteria (>100 ADT for a two-lane road) for a significant impact on a roadway with an existing LOS 'F'.
- 69) Sloan Canyon Road use and impacts are not clearly identified. The traffic related sections and TIA in the appendices do not address increased traffic levels due to the proposed development along Sloan Canyon Road and the addition of the new secondary access road. If this road is to be used for future casino access, these impacts need to be identified.

3.9, 4.9 & 5.9 Land Use and Agriculture

- 70) The EA states that the proposed developments would be compatible with surrounding land uses in that there are residential and recreational land uses on or near the Sycuan property. The EA does not include the necessary review and analysis to substantiate this conclusion. As noted, much of the Sycuan property is operated under adopted Specific Plans and Major Use Permits. These planning tools are the assurances that the existing operations are compatible with surrounding land uses and do not result in land use impacts. The Environmental document should include a review of the limitations and conditions within the Specific Plan and Major Use Permits, determine how the loss of these land use controls may result in environmental consequences and determine what specific operating limitations may be necessary to assure continued compatibility. In addition to compatibility with the Plans, the analysis should address compatibility with existing and planned land uses surrounding the project site as well. This is particularly important for the new uses that would currently require a new review for land use compatibility, such as new uses on the Sycuan Resort, the Outdoor Events Center, Lake Emma recreational uses, the Recreational Vehicle Park and the Equestrian Center.
- 71) The proposed uses at the Pow-Wow Grounds would currently require approval of a Major Use Permit to provide for the accommodation of this use that have special site or design requirements, operating characteristics and potential environmental consequences on surroundings. The EA does not currently include any analysis of the physical and operational aspects of the Pow Wow Grounds or of the existing or planned surrounding land use to support the conclusion that the Pow Wow Grounds should not affect uses on adjacent parcels. To adequately analyze land use compatibility, the Environmental document should complete a compatibility analysis similar to the findings required for the granting of a Major Use Permit found in Section 7358 of the San Diego County Zoning Ordinance.
- 72) The land use analysis of the housing developments, the Recreational Vehicle Park and Lake Emma should include not only an analysis of compatibility with existing Plans, such as the San Diego County General Plan, but with existing and planned land uses surrounding the project site. Currently the County does not agree that a clustered housing design will result in appropriate development based on biological and open space impacts.
- 73) Discussion of the effects of the proposed project should include reference to the Community Trails Master Plan (CTMP), which is the implementing document for the County Trails Program described in the Public Facilities Element of the County of San Diego General Plan. The CTMP contains adopted individual community trails and pathway plans.

Communities participating in the CTMP are doing so because they have reached a consensus on the importance of recreational trails in their area and have expended considerable time and effort in formulating community trails plans. The Crest/Dehesa/Granite Hills/Harbrison Canyon Community Trails and Pathways Plan identifies proposed trail corridors within or adjacent to the site and pathways along major public access streets. A community staging area is also proposed at Dehesa Road and Sloan Canyon Road. A map of the trail system should be included in the "List of Figures".

The Environmental document should be revised to include an analysis of any potential conflicts with or impacts to these proposed public trails and pathways and propose mitigation. The impacts to trails and pathways can be analyzed under different components of the Environmental document, including Socioeconomic Conditions, Lifestyle and Cultural Values, Community Infrastructure, Resource Use Patterns, Recreation, Transportation Networks and Land Use Plans.

- 74) Two County regional trails, Sweetwater River and Loop Trail and the State's historic California Riding and Hiking Trail come together in this area. This connection is critical to the countywide regional trails system. These trails are on the adopted community trails plan and the regional trails map. The dedication of the trail is a condition of the Reclamation Plan for the project's Major Use Permit. The Reclamation Plan condition regarding trails state, in part, as follows:

"Not later than one year following completion of extractive operations, the landowner shall dedicate the ultimate recreational trails in the approximate location shown on Exhibit L of the Sloan Canyon S and Company/Sweetwater Project amended Specific Plan SPA 88-007....."

The mining operation ceased December 31, 2003 as per the "2004 Mining Operation Report" submitted by the operator at the time, Vulcan Materials Co. These trail easements still have not been dedicated to the County. They are necessary to make the connection between Sweetwater River and Loop Trail to the California Riding and Hiking Trail and maintaining this trail connection is vital to the County regional trail system and for multiple community trail links.

- 75) The project proposes to restrict access to Sloan Canyon Road. Sloan Canyon Road is a publicly maintained road and there is an existing and proposed public trail along Sloan Canyon Road starting at Dehesa Road. The existing California Riding and Hiking Trail traverses south towards Beaver Hollow and north towards Alpine. Restricting public access along Sloan Canyon Road would restrict

access to the public trail. The Environmental document should address the environmental consequences of these restrictions and trail impacts.

3.10, 4.10 & 5.10 Public Services

- 76) Because the project proposes water service from two different districts, the Environmental document should address the issue of the logical and reasonable provision of public water supply services.
- 77) The EA provides an inadequate analysis of project wastewater flows from existing uses and potential future uses. The project proposes to receive sanitary sewer service from the Otay Water District. The District is dependent on conveyance capacity in the Spring Valley Sanitation District's Spring Valley Interceptor system and treatment and disposal capacity in the City of San Diego's Metropolitan wastewater system. The Otay Water District has existing capacity rights in these systems through agreement. A more detailed flow analysis is required to determine availability in and impacts to the Otay Water District, the Spring Valley Sanitation District and the City of San Diego existing and planned wastewater facilities. This analysis should include the availability of contract, physical and infrastructure capacity in all affected systems.
- 78) Since sanitary sewer service will be provided by specific agencies subject to Board of Supervisor's Policy I-107, the EA should address the implications of the project on the surrounding area and wastewater service districts. If the project is taken into Trust, these protections will be lost and the environmental consequences must be addressed. This Policy limits connections to the Otay Water District and the Spring Valley Sanitation District sewer systems.
- 79) The Fire Protection and Emergency Medical Services discussion in the EA is inadequate and is not substantiated by facts and analysis. There is no detailed assessment of the project's increased demand or impacts to the rural emergency response system.
- 80) The EA fails to adequately address wildland fire threats. The project site and surrounding County areas are located in the Wildland Urban Interface and in a Very High Fire Hazard Severity Zone. These designations demand careful consideration of the fire demands of the project. The surrounding conditions pose a wildland fire threat that has not been adequately planned for, analyzed or mitigated and may result in significant environmental consequences.
- 81) The EA should address the issue of the logical and reasonable provision of public services and detail the service boundaries and responsibilities of each Fire Agency. The project site and surrounding areas are currently served by the Sycuan Fire Department, the San Miguel Consolidated Fire Protection District

and the Rural Fire Protection District. The Sycuan Fire Department also has an agreement with CalFire for wildland fires and verbal agreements with the County, Crest and Alpine Fire Departments. Considering the number of agencies involved, if the project will eliminate the tax base from these Fire Agencies, how will the project affect the ability of the County and other Fire Agencies to continue providing service to the project as well as their remaining service areas? Taking this kind of tax base away from the County and Fire agencies will have an adverse impact upon their ability to serve the whole area.

- 82) The Environmental document must provide more detail on the proposed physical developments and operation of each component before there can be a conclusion on the fire protection and emergency medical services demands of the project. It should include information on the square footages and use of the proposed facilities, including the total occupancy. The analysis should include required fire protection staffing levels and facilities. Until this information is provided, the County cannot conclude the adequacy of the proposed Public Services.

3.11, 4.11 & 5.11 Noise

- 83) There was no acoustical report or appendix prepared to address the project and the analysis of noise issues in the EA is inadequate in evaluating the environmental consequences to residential areas in the vicinity of the proposed expansion for Alternatives A and B. Impacts from noise were identified and found to be nominal in Sections 4.11 and 4.14. The incomplete analysis without any quantitative evidence does not allow an evaluation of the feasibility of any noise mitigation in Section 5.11 and previous sections. The County suggests the preparation of a more detailed analysis be included in the Environmental document based on the findings and recommendations of a site and use specific acoustical report. For impacts on lands and uses within the County jurisdiction, the level of analysis needs to demonstrate compliance for facilities and activities and cannot be deferred.
- 84) In Section 2.1.2 of the EA, the description of the project components is incomplete in listing the potential activities associated with the Pow-Wow Grounds (other events), Outdoor Event Center, and the relocated Equestrian Center. Outdoor event facilities have the capability with amplified performances and music programs to affect off-site neighbors in the vicinity and the County already possesses noise regulations like property line sound level limits to address this issue. The other major concern is the potential traffic noise impact from Dehesa Road to the proposed housing and the recreational vehicle park where no analysis has been identified or prepared for either Alternative A or B.

- 85) In Section 3.11, there was no site assessment of the existing conditions of the noise environment in the vicinity of the proposed project. The County has not encountered any outdoor location with nighttime ambient noise levels of 10 decibels (dBA) or less. The evaluation of traffic noise in San Diego County involves on-site evaluation of traffic mix and vehicle speeds as well as the number of vehicles to determine Community Noise Exposure Level (CNEL) conditions for any Circulation Element roadway. The EA has presented a threshold of 200 vehicles per day to increase the ambient noise level. There were no supporting assumptions about vehicle mix, speed, or existing volume included with this assumption. The County also notes that the noise calculation program used by the EA appears to be based on older emission data and a Dutch methodology similar to the one developed by the Federal Highway Administration (FHWA) back in 1977. There exist more current programs such as Sound 32 and the required one for the FHWA called the Traffic Noise Model (TNM 2.5). Finally, the discussion of sensitive receptors has been limited to off-Reservation residences. An adequate analysis should evaluate future residential development along Circulation Element roadways such as the proposed housing along Dehesa Road.
- 86) In Section 3.11.2, the EA is incomplete in the identification of the relevant standards with respect to noise sensitive land uses of the Noise Element of the General Plan and the County noise ordinances. The discussion of Policy 4b did not include the exception for interior noise as follows: "For rooms which are usually occupied part of the day (schools, libraries, or similar), the interior one-hour average sound level, due to noise outside, should not exceed 50 decibels (A)." For the local noise ordinances, the operational noise of facilities is limited by a property line sound level limit found in Section 36.404. Based on the zoning of this area, the one-hour average sound level limit would be 50 decibels during the daytime from 7 am to 10 pm and 45 decibels (A) at night from 10 pm to 7 am. Because there was no description about duration or use of construction equipment, the applicable standards would be found in Sections 36.408, 36.409, 36.410, and 36.411. The EA does not include impulsive noise (36.410) or container activities (36.411). The County also noted the EA does not properly refer to the applicable noise standard in Section 36.409. Construction equipment shall be operated with a limited noise exposure not to exceed an average sound level of 75 decibels for an eight-hour period, between 7 a.m. and 7 p.m. when measured at the boundary line of the property with the noise source or any occupied property affected by it.
- 87) In Section 4.11, the analysis of potential noise effects from construction work is not adequate since one-hour average sound level Leq of 75 decibels at 50 feet is being used for a school where a more stringent standard of 50 decibels (A) should have been applied. The EA does not include a detailed analysis of the construction equipment, the different work phases, the duration or net exposure,

and the effectiveness of the proposed mitigation measures in Sections 4.11 and 5.11. There appears to be no analysis of project-related traffic that would affect existing residents along the haul route for the construction/reclamation work. The County expected that haul routes would be identified so that the effects for nearby off-site residences could be evaluated.

- 88) In Section 4.11, the analysis of operational noise from traffic for Alternatives A and B is not adequate because the assumption of 200 cars per day increase for significance does not factor in the ambient noise level due to existing traffic noise nor identifies those existing residences that would be subject to a significant change in the first place. No noise contours (CNEL or Ldn) were presented in the EA. Residents outside the existing 60 CNEL (65 Ldn) noise contour may not be affected by a direct or cumulative impact but those residents within this threshold contour could be subject to a significant or noticeable increase of 3 or more decibels (CNEL or Ldn). A site-specific analysis is normally required for existing off-site noise sensitive land uses to determine whether the proposed project is generating a direct impact and/or is a significant contributor to a cumulative noise impact. As previously noted, the threshold of 200 cars per day to evaluate the significance of the project's traffic noise contribution was not documented so that it could replace or even approximate a more specific analysis of each roadway using an observed traffic mix, vehicle speeds, traffic volume, and in some instances field measurements.
- 89) In Section 5.11, the EA provides measures to minimize noise from operations and construction activities. The County notes again that these measures are products of an inadequate analysis of potential impacts that does not include any field assessment of existing noise conditions, identification of the all applicable standards for operations and construction work, or the cumulative significance of project-related traffic. The first measure does not follow from the EA since construction activities in the County are already limited to the daytime hours of 7 am to 7 pm. The EA contains no mention or analysis of pile driving in the project description and it would be subject to Section 36.410 of the County's noise ordinances.
- 90) The EA has not been able to demonstrate adequately the extent of the noise effects from this expansion or to provide an effective set of measures to reduce or moderate them. For this reason, the County requests a thorough site-specific noise study by a qualified acoustical consultant familiar with local regulations to demonstrate compliance to the County's General Plan (Noise Element) and the applicable sections of the County's noise regulations (36.404, 36.408, 36.409, 36.410, and 36.411). Please refer to the County's Guidelines for noise and vibration in determining significance of these potential impacts. The lack of field measurements and other supporting evidence is a major concern since this

project provides an ideal opportunity to document the existing conditions in order to do a proper evaluation of the proposed expansion.

3.12, 4.12 & 5.12 Hazardous Materials

- 91) The EA must address the possibility of accidental construction spills with a specific citation of either existing regulations that address this issue or propose an enforceable and detailed plan. The EA acknowledges the possibility of an accidental spill of hazardous materials during grading and construction and points to the mitigation in Section 5.12. Section 5.12 does not address accidental spills but rather the Federal regulations that apply if contaminated soil and/or groundwater are encountered.
- 92) Pesticide use and the gasoline service site at the existing Sycuan Resort are currently overseen and permitted by the County Department of Agriculture, Weights and Measures and the County Air Pollution Control District. The Environmental analysis must address whether this local regulation will be lost and how the use of hazardous materials will be controlled under Federal regulations if the property is taken into Trust.

3.13, 4.13 & 5.13 Visual Resources

- 93) The Visual analysis does not include adequate information or data to support the conclusions in the EA. The Environmental document should include information on the proposed development, including grading, site design, landscaping, and architecture, to determine if the project will be consistent with the existing rural residential development in the area. More detail, including photographs and proposed site plans, should be provided to document the existing character.

4.14 Cumulative Effects

- 94) It is not clear of the EA if the cumulative impacts of additional projects in the area were taken into consideration in the analysis. Impacts from previously proposed projects should be incorporated into the cumulative impacts of the proposed project. The BIA should work with the County to determine any active development projects in the area that would contribute to the cumulative impacts of the various projects listed in the EA.

5.0 Mitigation Measures

- 95) The EA does not sufficiently address proposed impacts, and lacks a description of new development and associated quantified impacts. For each of the following issues, contrary to the conclusions found in the EA, both proposed and to-be-determined development will cause potentially significant on and off-

Reservation impacts to the human environment for which no adequate mitigation measure have been proposed:

- Land Resources
- Water Resources (potable, surface and groundwater)
- Air Quality
- Biological Resources
- Cultural Resources
- Socioeconomic Conditions / Environmental Justice
- Transportation and Circulation (Traffic/Roads)
- Land Use and Agriculture
- Public Services
- Noise
- Hazardous Materials
- Visual Resources
- Cumulative Effects

- 96) The County considers the EA inadequate because the document includes insufficient discussion and analysis of numerous significant effects; conclusions that are not supported by substantial evidence; and mitigation measure that do not reduce significant impacts.

The County of San Diego strongly opposes the expansion of tribal lands without appropriate mitigation for resulting impacts, which holds particularly true for this very large 30 parcel (1,966 acre) FTT application. The EA lacks sufficient detail on the project to allow an adequate review of the environmental issues and impacts that may result from the project. Pursuant to the National Environmental Policy Act, preparation of an Environmental Impact Statement (EIS) is required if the proposed action has the potential to significantly affect the quality of the human environment. An EIS should be prepared and circulated for review and comment.

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

Sincerely,



CHANDRA L. WALLAR
Deputy Chief Administrative Office

CLW:tb

Copies:

- Chairman Daniel J. Tucker, Sycuan Band of The Kumeyaay Nation, 5549 Sycuan Road, El Cajon, CA 92019
- Bradley Mehaffy, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, 9th Floor, Washington, DC 2005
- Janielle Desomer, Office of the Governor, Legal Affairs, State Capitol, Sacramento, CA 95814
- Libby Lucas, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA, 92123
- U.S. Fish and Wildlife Service, 6010 Hidden Valley Rd, Carlsbad CA 92009
- Department of Justice, Office of the Attorney General, Attn. Peter Kaufman, P.O. Box 85266, San Diego CA 92186-5266
- Crest/Dehesa/Granite Hills/Harbison Canyon Planning Group, P.O. Box 21489, El Cajon, CA 92021-1489
- Claudia Anzures, Chief Deputy County Counsel, M.S. A12
- Teresa Brownyard, Tribal Liaison, County of San Diego

Mr. Dale Morris
Sycuan FTT EA

-25-

October 7, 2009

BCC:

- All BOS
- John Madigan, Sheriff's office
- John Snyder, DPW
- Eric Gibson, DPLU
- Brian Albright, DPR
- Robert Kard, APCD