

ENVIRONMENTAL ASSESSMENT

SYCUAN BAND OF THE KUMEYAAY NATION FEE-TO-TRUST

APRIL 2009



Lead Agency:
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Bureau of Indian Affairs, Pacific Region
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SECTION 1.0

INTRODUCTION

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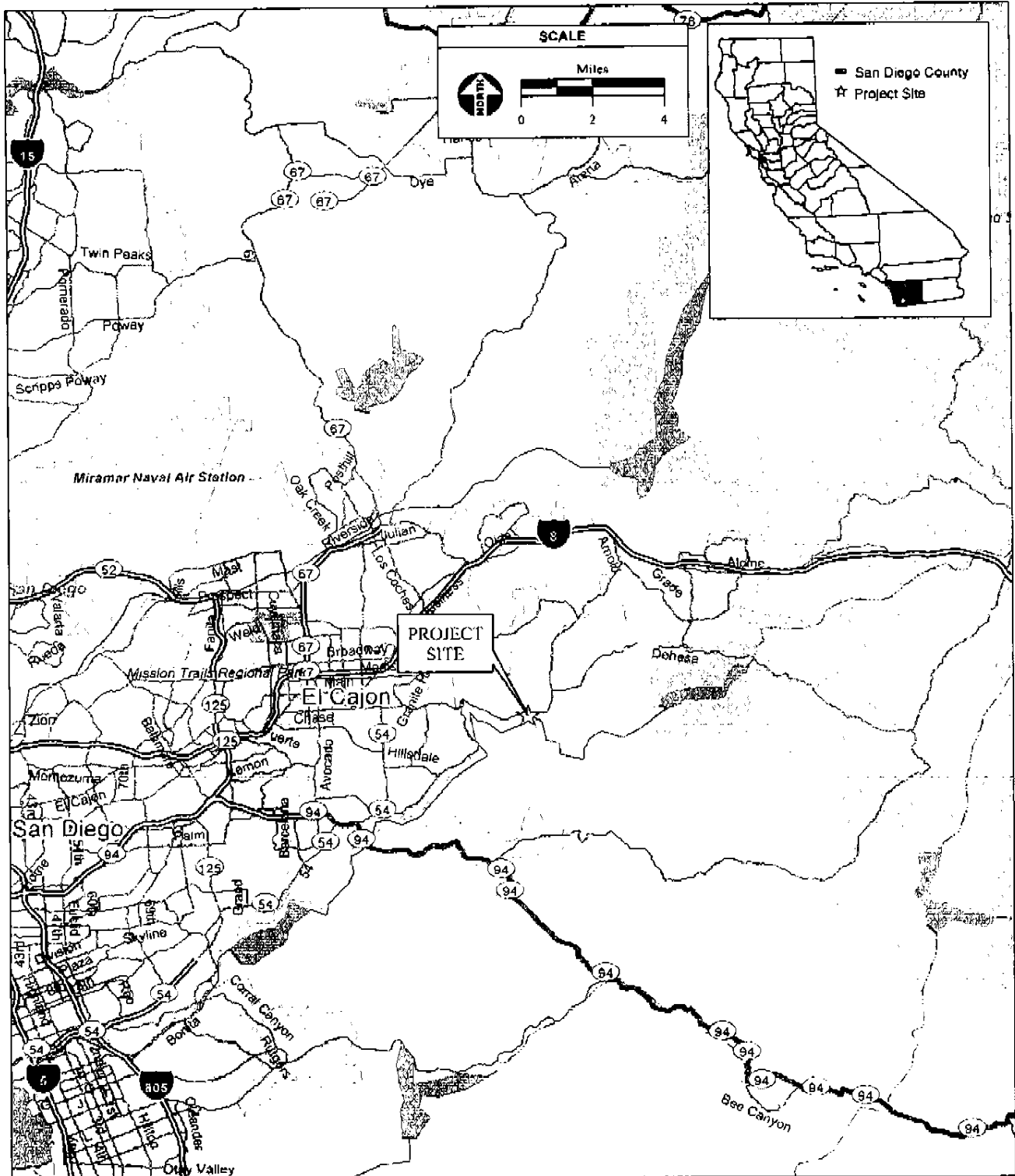
1.1 INTRODUCTION

This Environmental Assessment (EA) has been prepared for the United States (U.S.) Bureau of Indian Affairs (BIA). The BIA is the federal agency that is charged with reviewing and approving tribal applications pursuant to 25 C.F.R. Part 151 governing the acquisition of land by the U.S. in trust status for Indian tribes under the Indian Reorganization Act (IRA). This EA was prepared to support the application of the Sycuan Band of the Kumeyaay Nation, a federally recognized Indian Tribe (Tribe) to place into trust 30 parcels totaling 1,966.14 acres (collectively called the Sycuan Property) that are contiguous with the Tribe's existing Reservation.

This EA has been completed in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA (40 C.F.R. Parts 1500-1508), and the BIA's NEPA Handbook (59 IAM 3). This EA provides an analysis of the potential environmental impacts associated with the transfer of the Sycuan Property into trust and potential developments on the Sycuan Property, which are described more fully in **Section 2.0** of this EA (Tribal Project). The combination of the fee-to-trust transfer of the Sycuan Property and the Tribal Project is the "Proposed Action" analyzed in this EA. This EA also discusses alternatives to and mitigation measures for the Proposed Action. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, or prepare an Environmental Impact Statement (EIS).

1.2 PROJECT LOCATION

The Sycuan Property is located within San Diego County adjacent to the Sycuan Reservation in Township (T) 16 South (S), Range (R) 1 East (E), Sections 9, 14, 15, 16, 21, 23, 24 and T16S, R2E, Sections 7 and 18, on the El Cajon and Alpine U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (quads). The regional location of the Sycuan Property is shown in **Figure 1-1**. A more detailed map of the Sycuan Property is shown in **Figure 1-2**. **Table 1-1** provides assessor's parcel numbers (APN) and acreages for the individual parcels which comprise the Sycuan Property.



SOURCE: ESRI Data, 2005; AES 2007

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Figure 1-1
Regional Location

TABLE 1-1
ASSESSOR'S PARCEL NUMBERS

| Property | APN | Acreage |
|--------------------------|------------|-----------------|
| 1 | 521-010-01 | 83.99 |
| 2 | 520-091-06 | 88.59 |
| 3 | 520-091-07 | 2.71 |
| 4 | 521-010-04 | 83.72 |
| 5 | 516-011-19 | 6.66 |
| 6 | 517-080-01 | 287.13 |
| 7 | 517-080-07 | 38.36 |
| 8 | 517-071-08 | 71.95 |
| 9 | 517-070-26 | 23.87 |
| 10 | 517-080-02 | 10.00 |
| 11 | 517-070-27 | 101.85 |
| 12 | 517-080-08 | 5.00 |
| 13 | 516-021-03 | 180.11 |
| 14 | 517-080-05 | 5.00 |
| 15 | 516-021-07 | 65.51 |
| 16 | 516-021-02 | 37.96 |
| 17 | 516-020-20 | 170.31 |
| 18 | 516-010-04 | 37.80 |
| 19 | 516-011-11 | 41.51 |
| 20 | 516-011-14 | 59.05 |
| 21 | 516-011-15 | 58.18 |
| 22 | 516-011-13 | 4.50 |
| 23 | 516-011-18 | 21.58 |
| 24 | 516-011-05 | 20.63 |
| 25 | 516-011-20 | 13.72 |
| 26 | 515-050-43 | 295.79 |
| 27 | 512-110-14 | 2.04 |
| 28 | 517-031-17 | 40.85 |
| 29 | 516-020-19 | 106.28 |
| 30 | 516-011-09 | 1.49 |
| Total All Acreage | | 1,966.14 |

Source: Sycuan Band of the Kumeyaay Nation, 2008; AES, 2008.

1.3 PURPOSE AND NEED FOR THE PROPOSED ACTION

Historically, the Sycuan Property was controlled and occupied by the Tribe prior to the creation of the Sycuan Reservation in 1875. Consequently, transferring the Sycuan Property into Trust will restore Tribal control and administration of part of the Tribe's aboriginal territory. In addition, the proposed Trust acquisition will allow the Tribe to achieve the following five goals:

1. Management, protection and conservation of the land base, and natural and cultural resources through the Tribe's exercise of governmental powers;
2. Economic development consistent with the proposed management priorities;
3. Creation of additional Tribal housing to accommodate the growth of the Tribal population;
4. Provision of an alternative access and evacuation route from the existing Sycuan Reservation; and
5. Construction of permanent facilities for the Tribe's annual PowWow event, which currently is held in a small area on the Reservation.

Achieving each of these goals is important to the Tribe and provides a basis for taking the land into trust pursuant to 25 C.F.R. Part 151. First, management and protection of the land and the natural resources, as well as the provision of social services to Tribal members, are essential functions of Tribal government. Taking the Sycuan Property into trust will allow the Tribe to protect cultural resources on the property, and will foster Tribal identity, spiritual values, and traditional religion. Creation of Tribal housing on trust land will allow the Tribe to fulfill the basic need to provide housing for Tribal members on trust lands. Providing housing will limit the geographic dispersion of Tribal members, and help preserve the cultural identity of the Tribal members. The new access roads for this housing will improve access to and from the Reservation for Tribal members and the public, especially in emergency situations. Finally, the ability of the Tribe to control economic development on the Sycuan Property will provide funds to support necessary Tribal governmental programs.

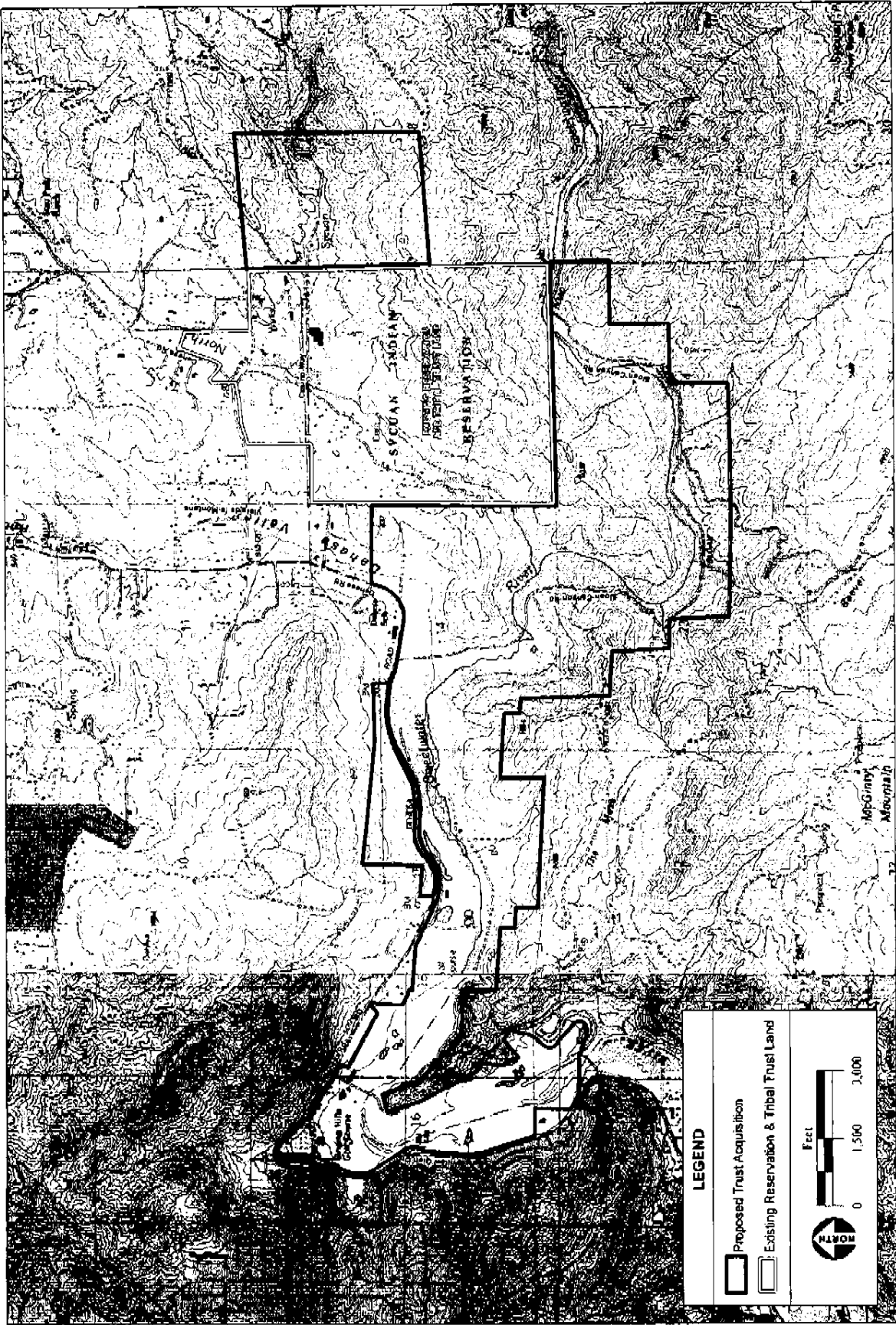
1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

EAs are prepared by federal agencies to aid in determining if a proposed action has the potential to significantly affect the quality of the human environment. According to Section 1508.9(a) of the CEQ Guidelines, an EA serves to:

1. Briefly provide sufficient evidence and analysis for determining whether to prepare a FONSI or an EIS;
2. Aid an agency's compliance with NEPA when an EIS is not necessary; and
3. Facilitate preparation of an EIS when one is necessary.

This EA has been prepared to analyze and document the environmental consequences associated with the Proposed Action. In order to address the concerns of the County of San Diego, representatives of the Tribe and AES met on December 14th, 2006, with representatives of the San Diego County Department of Public Works and Department of Planning and Land Use. Information gathered during that meeting and from discussions with local planning groups and other County agencies was used to refine the Tribal Project for purposes of this EA.

After considering this EA, the BIA will determine whether to issue a FONSI or to require an EIS. If a FONSI is prepared, the BIA will issue a public notice of availability (NOA) of the FONSI at least 30 days



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Figure 1-2
 Site and Vicinity

SOURCE: "Alpine, CA" USGS 7.5 Minute Topographic Quadrangle: Sections 7, 14, 15, 18, 23 & 24. T16S, R1E & R2E. San Bernardino Baseline & Meridian.
 "El Cajon, CA" USGS 7.5 Minute Topographic Quadrangle, Sections 16 & 23. T15S & 16S, R1E. San Bernardino Baseline & Meridian. AES, 2007

prior to any decision on the fee-to-trust action. If the BIA determines that an EIS is required, it will follow the more-involved notice and comment procedures of NEPA applicable to the EIS process. The FONSI is a finding on environmental effects, not a decision to proceed with the fee-to-trust transfer. If the land will be acquired in trust, the notification procedures mandated by the 25 C.F.R. Part 151 regulations for fee-to-trust transfers will be implemented.

1.5 ENVIRONMENTAL ISSUES ADDRESSED

In accordance with NEPA, and based on consultation with local, state, and federal agencies, this EA evaluates the environmental consequences of the Proposed Action on the following areas:

- Land Resources;
- Water Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Socioeconomic Conditions;
- Traffic and Circulation;
- Land Use;
- Public Services;
- Noise;
- Hazardous Materials; and
- Visual Resources.

As discussed in detail below, all environmental impacts of the Proposed Action that have been identified can be fully mitigated with measures proposed in this EA.

1.6 REGULATORY REQUIREMENTS AND APPROVALS

If the Proposed Action is approved, ownership of the Sycuan Property will be transferred to the U.S. to be held in trust for the Tribe. Prior to the Proposed Action, which is a federal action, the BIA will consult with at least the following agencies:

- the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, concerning the potential effects of the Proposed Action on endangered species; and
- the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, if cultural resources may be affected by the Proposed Action.

In addition, if any construction occurs on the Sycuan Property after it has been taken into trust, it must comply with all applicable Tribal and Federal laws, including compliance with the National Pollutant Discharge Elimination System general permit for construction-related storm water discharges as required by the Clean Water Act and implemented by the U.S. Environmental Protection Agency.

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

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2.1 ALTERNATIVE A – THE PROPOSED ACTION

The Proposed Action consists of transferring ownership of the Sycuan Property to the United States Government to be held in trust for the Tribe, and completing the proposed Tribal Project. Implementation of the Tribal Project would result in a number of changes to the management, administration, and development of the Sycuan Property, including (1) the management of natural and cultural resources pursuant to the comprehensive Tribal Natural and Cultural Resources Management Plan (Resources Management Plan; **Appendix A**); (2) the construction of permanent facilities for the Tribe's annual Traditional Gathering and Pow Wow event (Pow Wow); (3) the construction of a secondary access road for the Reservation; (4) the construction of additional housing for Tribal members; and (5) the construction of other facilities to foster the Tribe's economic development and recreational opportunities.

2.1.1 TRUST LAND ACQUISITION ACTION

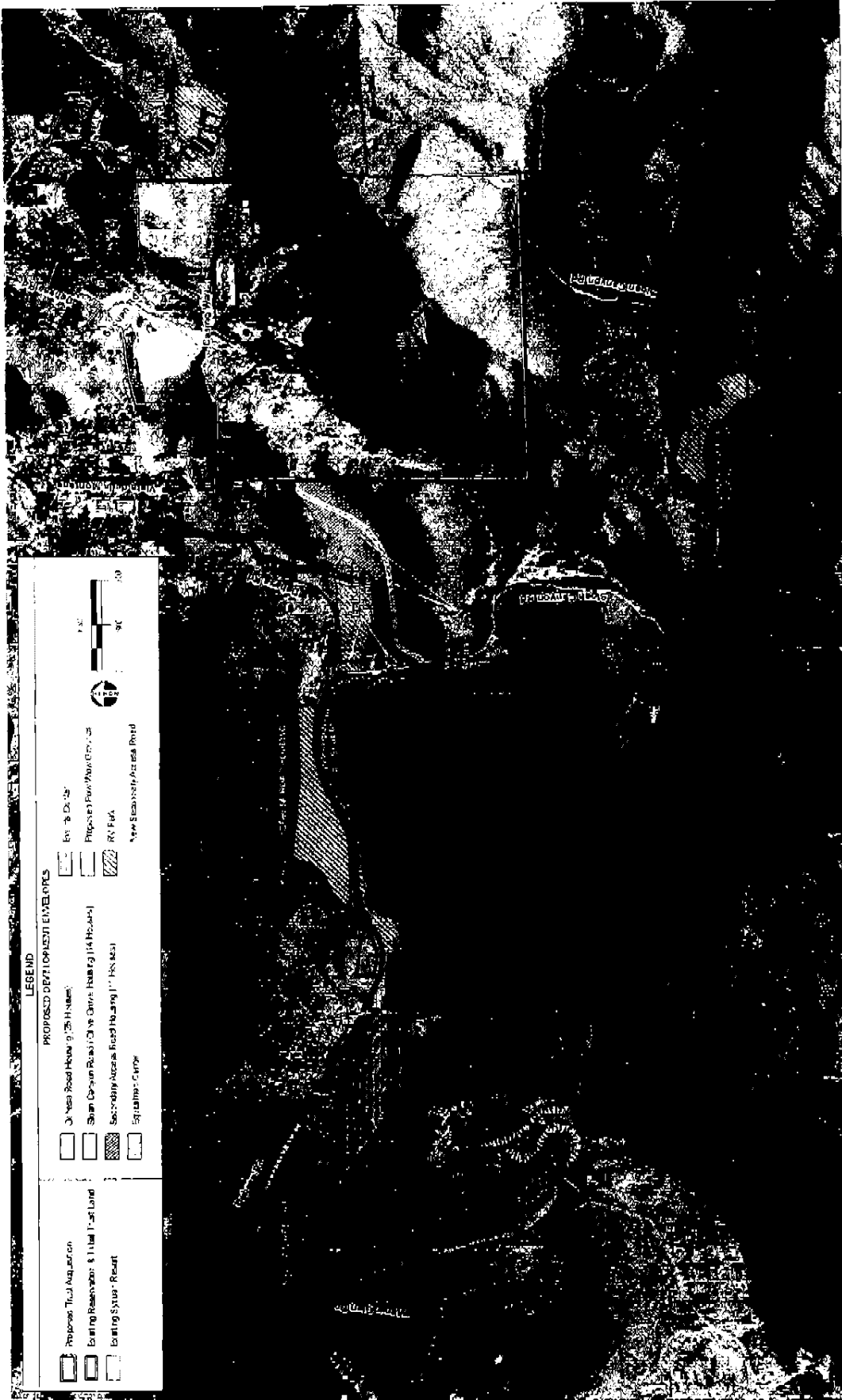
As part of the Proposed Action, land owned in fee by the Tribe will be transferred to the United States government to be held in trust for the Tribe in accordance with the procedures set forth in 25 C.F.R. Part 151. If the BIA approves the Tribe's application for the transfer, the Tribe proposes to take the following actions concerning the Sycuan Property.

2.1.2 TRIBAL PROJECT COMPONENTS

The following section discusses the components of the Tribal Project. A proposed development plan is shown as **Figure 2-1**.

IMPLEMENTATION OF A NATURAL AND CULTURAL RESOURCES MANAGEMENT PLAN

The Tribe proposes to create and implement the Resources Management Plan for the Sycuan Property. The Resources Management Plan is intended to assist in the planning of the Tribe's future land use and resource management on a significant portion of Tribal lands in a manner that is consistent with Tribal priorities, including the preservation of open space and long-term conservation of Tribal natural and cultural resources, in balance with development activities. The purpose of the Resources Management Plan is to describe how the biologically and culturally significant sites and the diversity of habitats present within the boundaries of the Resources Management Plan area will be managed and preserved. A significant representative portion of each habitat type present on the Sycuan Property will be protected as



Source: Pet Transitions, Inc. 4/11/05
 Figure 2-1
 Proposed Development Envelopes - Alternative A

2.0 Proposed Action and Alternatives

part of the natural and cultural heritage of the Tribe. The general goals of the Resources Management Plan include the following:

- Preclude the degradation of existing natural and cultural resources in the Resources Management Plan area through the long-term management of the Sycuan Property.
- Preferentially conserve rare habitats and those habitats known or likely to be occupied by threatened and endangered species of plants and animals, such as Diegan Coastal Sage Scrub.
- Maintain viable wildlife corridors across the Sycuan Property to allow animal movement as part of the long-term health of habitats within the Plan.
- Preserve riparian corridors as a significant life-sustaining habitat for this semi-desert land.
- Preserve all known culturally significant areas.

Specific objectives of the Resources Management Plan include the following:

- Create a set of guidelines for the consideration of the location, impacts and mitigation for future development projects within the Sycuan Property.
- Establish the relative importance of existing natural and cultural resources within the Sycuan Property to assist in the development of guidelines for future conservation and development activities.
- Conserve specific areas for the protection of individually recognized threatened, endangered or candidate species as a framework for permitting consistent with the federal Endangered Species Act.
- Develop site-specific adaptive management plans and monitoring programs by separately implementing Tribal ordinances as addendums to the Resources Management Plan as needed.
- Acknowledge and manage the appropriate use of access and utility easements within the Resources Management Plan area.
- Limit impacts to natural and cultural resources from existing hiking and riding trails that were designated prior to the Tribe acquiring the land.
- Limit activities on Lake Emma to uses consistent with the goals of the Resources Management Plan.
- Restrict access to Sloan Canyon Road, to the extent feasible, to ensure that the overall natural resource and cultural preservation goals are met.

CONSTRUCTION OF PERMANENT FACILITIES FOR THE ANNUAL POW WOW

The Tribe annually sponsors a three-day Pow Wow, which attracts a variety of Native American tribes throughout the nation, and features traditional dancing and singing exhibitions and contests. Because this

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cultural event is open to the public, it not only provides an opportunity for inter-tribal contact, but allows the tribes to provide the public with first-hand information on Tribal traditions.

The Pow Wow currently is staged in temporary facilities that are annually constructed for the event in a parking lot on the Reservation. Because of the cultural importance of the event, and its wide attendance, the Tribe proposes to develop permanent grounds for the Pow Wow on land within the Sycuan Property located east of the existing Reservation as shown on **Figure 2-1**. The proposed facilities would include a level dance area surrounded by bleachers and level areas for exhibitor displays and parking. In the future, permanent restrooms and changing rooms could be installed, the parking area graveled, and other amenities provided in the exhibitor area, such as booth pads and benches. The Tribe also may develop a 30-unit recreational vehicle (RV) parking area that would be utilized primarily by Pow Wow participants and exhibitors. The Pow Wow area also may be used for other events during the year.

SECONDARY ACCESS ROAD

The Tribe proposes to construct a new access road to connect the existing Reservation to Sloan Canyon Road (**Figure 2-1**). Currently, the only access to the Reservation is on the north side of the Reservation. The new road would provide a second means of access to and from the Reservation, and would provide access to proposed Tribal housing along the road. Access on this road would be limited to Tribal members except during an emergency.

HOUSING

The transfer of the Sycuan Property into trust will provide the Tribe with the ability to construct new homes for Tribal members on land that will be under the jurisdiction of the Tribe. There is not sufficient land within the Reservation to provide housing for current Tribal members or for the estimated increase in Tribal members in the future. Construction of Tribal housing in the areas proposed would require upgrades and extensions of supporting infrastructure including water, wastewater, and electrical systems. As shown on **Figure 2-1**, in order to provide for future growth, approximately 50 Tribal homes may be constructed on the Sycuan Property in the following locations:

Along the Secondary Access Road: A total of 11 units are proposed along the proposed secondary access road that would run from Sloan Canyon Road to the existing Reservation. These new housing units would be contiguous with existing Tribal housing.

North of Dehesa Road: A total of 25 units are proposed for the area north of Dehesa Road. A single, controlled access point to these houses from Dehesa Road would be provided.

Sloan Canyon Road/Olive Grove Housing: A total of 14 units are proposed for this area. Access would be from Sloan Canyon Road.

ECONOMIC DEVELOPMENT AND RECREATION

Sycuan Resort

The Tribe would continue to manage the existing Sycuan Resort. Transfer into trust would allow the Tribe to develop the existing resort in an integrated manner with the new outdoor events center, the proposed Lake Emma recreation facilities and the equestrian center discussed below.

Outdoor Event Center

An Outdoor Event Center that could be utilized for weddings and other celebratory events is proposed for an area south of Dehesa Road and northeast of the golf course. While the area would be landscaped, comparatively little construction would be needed. A large circular, wall-less, wooden pavilion will be constructed, but the majority of the area will remain open space where awnings and chairs could be set up as needed. A parking area for approximately 75 cars is proposed on the east side of the Outdoor Event Center. The west end of the parking area will include restrooms, showers, and changing rooms that could be utilized by patrons of the Outdoor Event Center and the RV Park described below.

Lake Emma

If the Proposed Action is approved, the Tribe will convert the existing sand-mining areas to less-intensive activities in the area of the lake. On the northwest shore of Lake Emma, the Tribe proposes to construct a pier/overlook area and to replace two previously existing boat ramps.

Recreational Vehicle Park

A total of 120 RV parking spaces could be installed along the north shore of Lake Emma. Most of the spaces are proposed for the area to the northeast of the lake, adjacent to Sloan Canyon Road. Restrooms, showers, and changing rooms are proposed that would be shared by patrons of the Outdoor Event Center.

Equestrian Center

The Tribe also proposes to relocate the existing equestrian facilities, currently located on trust land adjacent to the northern boundary of the Reservation. The relocated equestrian facilities would incorporate all the elements of the existing facility, including corrals, horse stalls, and a training ring. The new facility would be located in an area south of Dehesa Road, east of Sloan Canyon Road and north of the Harbison Creek Bridge across Sloan Canyon Road (**Figure 2-1**). Access to the facility would be from Sloan Canyon Road. This location provides access to existing equestrian trails and to Sloan Canyon Road.

PUBLIC SERVICES AND INFRASTRUCTURE

The Sycuan Police Department would provide primary law enforcement services to the Sycuan Property in cooperation with the San Diego County Sheriff's Department. The Sycuan Fire Department would provide primary fire protection and emergency medical services in cooperation with local fire agencies including the California Department of Forestry and Fire.

2.0 Proposed Action and Alternatives

Electrical and telephone infrastructure would need to be extended to provide service to the proposed Tribal housing, RV Park and equestrian center. All these areas are within the service boundaries of the Otay Municipal Water District, whose existing water and sewer lines end just east of the Sycuan Resort. Due to its location, the proposed housing at the Olive Grove would rely on groundwater wells and septic systems. Additional fire storage would be required for housing served by groundwater wells. All buildings would be designed and constructed to meet Uniform Building Code (UBC), Seismic Zone IV requirements. Housing would be built above the floodplain.

2.2 ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B is similar to Alternative A in all respects except that it does not include construction of Tribal housing or an equestrian center. The Tribe would still implement the Resources Management Plan, develop the Outdoor Event Center, Pow Wow Grounds, and secondary access road. A smaller, 70-space RV Park would be constructed, with all the spaces being confined to the north shore of Lake Emma. **Figure 2-2** shows the proposed development areas for Alternative B. Public service providers would be the same as those outlined for Alternative A.

2.3 ALTERNATIVE C – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Sycuan Property would not be placed into federal trust for the benefit of the Tribe, and the land would remain under the jurisdiction of San Diego County. Under this alternative, the Tribe would not implement the Resources Management Plan or be able to provide Tribal housing in areas under the jurisdiction of the Tribe. In addition, it is not known if the County would approve the new secondary access road, the construction of the permanent Pow Wow grounds, the Outdoor Event Center, or the equestrian center. The No Action Alternative would not allow the Tribe to exercise sovereign control over the Sycuan Property, thus it would not realize the economic development opportunities consistent with its management priorities.

2.4 COMPARISON OF THE PROPOSED ACTION AND THE PROJECT ALTERNATIVES

Among the project alternatives considered, Alternative A, the Proposed Action, would best meet the Tribe's purpose and need as stated in **Section 1.0**, and would allow the Tribe to exercise sovereign control of the property in order to realize the economic development opportunities consistent with these management priorities.

Under the Reduced Intensity Alternative, the Tribe would not be able to meet its purpose and need of creating additional Tribal housing. Additionally, opportunities for economic development would be limited as the RV Park would be smaller and the equestrian center would remain in a location that would not allow utilization of the existing equestrian trail system.



Figure 2-2
 Proposed Development Exis: Lopes - Altamira - B

U-T Metro News Desk for the Los Angeles Times

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While the No Action Alternative would avoid the potential environmental impacts associated with Alternatives A or B, the No Action Alternative would not meet the Tribe's objectives of restoring lost lands to Tribal ownership and administration as the Sycuan Property would not be taken into trust. The Tribe's objectives of management, protection and conservation of the land base, natural resources and cultural heritage, creation of needed Tribal housing, provision of alternative access to the Reservation, and economic development would remain unfulfilled. Under the No Action Alternative, jurisdiction over the Sycuan Property would remain with San Diego County and the Tribe could not exercise sovereign control.