



**DEPARTMENT OF THE NAVY**  
NAVAL AIR WEAPONS STATION  
1 ADMINISTRATION CIRCLE  
CHINA LAKE CA 93555-6100

IN REPLY REFER TO

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Ser ARE2P/357

January, 24 2018

Timbisha Shoshone Tribe  
Attn: TEIR Comments  
P.O. Box 1779  
Bishop, CA 93515

Dear Timbisha Shoshone Tribe:

**SUBJECT: DRAFT TRIBAL ENVIRONMENTAL IMPACT REPORT**

Thank you for allowing Naval Air Weapons Station (NAWS) China Lake the opportunity to comment on the Draft Tribal Environmental Impact Report (TEIR) for the Timbisha Shoshone Casino Project in Ridgecrest, California. We have reviewed the information within the TEIR and identified several areas of concern that would likely need to be addressed in the Final TEIR to ensure military operations vital to accomplishing our national security mission are not adversely impacted.

Within Section 3.0, the TEIR repeatedly references elements within the City of Ridgecrest's General Plan; however, there is no reference to Section 4 of the City's General Plan, the Military Sustainability Element. The purpose of the Military Sustainability Element is to provide the interconnection of issues related to military sustainment covered in other elements, such as the Land Use element and noise issues found in the Health and Safety Element. The Military Sustainability Element also reflects the City's commitment to support the current and future missions at NAWS China Lake.

The TEIR also does not reference the Military Influence Area (MIA) Overlay established in the Military Sustainability Element. The MIA and recommendations therein are based on the noise and safety guidance of the Air Installation Compatibility Use Zones (AICUZ) for Armitage Field. The MIA addresses issues relative to noise, vertical hazards, safety, overflight, light and glare, and other related compatibility issues that could impact the missions at NAWS China Lake. For example, due to the proposed casino's proximity to NAWS China Lake and its approach and departure zones, it is located in the 65 to 70 CNEL noise exposure contours. Uses such as transient lodging, auditoriums, theaters, and concert halls would be deemed incompatible unless design and construction practices are incorporated to reduce interior noise levels to 25 decibels or less.

Bright upward facing external light sources, such as laser systems and flashing or strobing displays present a safety hazard to pilots within the Restricted Airspace or on approach to the Armitage Field. Alignment with Section 19.81 of the Kern County Zoning Ordinance and adoption of the International Dark Sky Association and Illuminating Engineering Society of North America standards and practices for outdoor lighting would help to reduce the safety impacts to pilots.

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Section 3.11 of the TEIR does not take into consideration the possibility of traffic backup on China Lake Blvd attributed to short term or long term increases in the Force Protection Condition. Traffic backup associated with these changes would impact ingress and egress to the casino, which will impact casino patrons, commercial deliveries, and the casino on-site shuttle service schedule. Additionally, it does not reflect changes in traffic patterns to transition personal and commercial traffic from east bound Inyokern Rd to the NAWS China Lake Visitor Center and commercial parking. To legally and safely direct traffic to the Visitor Center, traffic is directed south to Ward Ave, east to McLean St, north to Graaf Ave and west to North China Lake Blvd. In order to properly ascertain the impacts to traffic, these factors should be incorporated into the analysis.

As a major stakeholder in the water resources of the Indian Wells Valley (IWV) basin, the Navy is concerned with any increase in water consumption that impacts the long term availability of water resources in the basin, which can impact NAWS China Lake's long term ability to conduct current and future missions. Thus, in Section 3.6 of the TEIR we identified several points of concern.

First, in Section 3.6.1, the TEIR addresses the Sustainable Groundwater Management Act (SGMA) and makes the statement "The sustainability agency for the area has not yet been finalized." This needs to be updated as the IWV Groundwater Authority (GA) was established on April 5, 2017 and was recognized by the State of California as the Groundwater Sustainability Agency for the IWV basin. Furthermore, in absence of information regarding the IWVGA, the TEIR does not identify the board members and primary stakeholders in the IWV basin. Board members include Kern County, Inyo County, San Bernardino County, the City of Ridgecrest, IWV Water District (IWWVD), as well as ex-officio membership by the Bureau of Land Management, and NAWS China Lake.

Next, the TEIR identifies on page 3.6-6 and Appendix E, that the IWWVD is a member of the IWV Cooperative Groundwater Management Working Group and implements water conservation practices. For clarification, the Cooperative has no legal authority to promulgate water use restrictions in the IWV basin. Only the IWVGA has the legal authority to promulgate water use restrictions on any water producers in the basin. Any water restrictions and water conservation requirements set forth by the IWVGA would include the IWWVD, which will also impact its customers.

There is an issue with the statement on page 3.6-12 that parking areas and open spaces would not consume water. This is contradicted on page 3.10-3 under Fire Protection where it is stated to reduce fire risk, vegetation would be removed or irrigated. If there is vegetation in place for irrigation, then the projected water demand in Table 3.6-2 would be inaccurate as the table only identifies water consumption for in building use and does not account for water consumption attributed to landscaping. To correct the issue, clarification needs to be made on whether the proposed project will include any vegetation for landscaping and the anticipated water demand for irrigation purposes need to be included into the final projected water demand calculations. Otherwise, assurances that there will be no vegetation for landscaping requiring irrigation would need to be clarified and supported throughout the Final TEIR.

The IWVGA is currently in the process of developing the Groundwater Sustainability Plan (GSP) for the IWV groundwater basin, and therefore could be premature for a determination that the proposed project's water consumption would have a "less than significant impact." Until the GSP is developed the total available water in the aquifer is not officially established through the IWVGA.

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Moreover, the certainty of each primary water producer's estimated annual water production allotments is unknown until the GSP is completed. If an agency, such as the IWVWD, is required to significantly reduce annual production in the future or it is determined there is less water available than presently calculated, the estimated water demand of the proposed project would have a greater impact on the district's water production and thereby a greater impact on the water levels of the aquifer. Acknowledgement of and coordination with the IWVGA and commitment to adhere to all future water restrictions set forth by the IWVGA could help derive a determination of a less than significant impact with mitigation.

In Section 3.10, the TEIR does not provide discussion of the Mutual Aid Agreement between Kern County Fire and Navy Region Southwest. The agreement establishes the legalities of Federal Fire, located on NAWS China Lake, to provide emergency services off-station. Due to legal limitations of the existing agreement, it may not allow the agreement to transfer to on-reservation emergencies. In order for emergency services to be provided by Federal Fire on-reservation, a new or updated Mutual Aid Agreement may be required. As NAWS China Lake Federal Fire can expect an increase in calls for Mutual Aid at the casino, negotiations on the Intergovernmental Agreement (IGA) with the City and County would also need involvement from Navy Region Southwest to help ensure proper authorization of Federal Fire to respond to emergencies on-reservation and determine in-kind services or compensation.

Finally, the TEIR identifies that the proposed project would generate at least 51 additional school-aged children that will attend schools in the Sierra Sands Unified School District. This in conjunction with the population growth rate stipulated in the TEIR, places questions on available classroom space at each school, especially at the elementary grade level where many classrooms are at capacity. This places significant financial impacts on the school district to provide necessary space for additional classrooms and teachers. The financial burden on the school district is further exacerbated without proper funding for the public schools, which the TEIR does not specify compensation. The TEIR only references the City will be compensated for the loss of property tax revenue. To help clarify how public schools will be compensated for the anticipated increase in class sizes, the Sierra Sands Unified School District should be involved in the negotiations of the IGA as an interested party.

The Navy has long appreciated and valued the excellent collaborative relationship that exists between the Timbisha Shoshone Tribe and the Military. This relationship ensures both compatible development and socioeconomic growth for the Tribe and City while protecting and sustaining the military's mission. To this end, we welcome the opportunity to assist you and your team to collaboratively address and clarify key aspects of the proposed project to ensure compatibility with the military mission.

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Thank you for the opportunity to comment on the Draft TEIR. My point of contact for this project is Mr. John Kersey, the Community Planning and Liaison Officer, who is available to meet with you or answer any questions you may have. He can be reached at (760) 939-9438 or [John.Kersey@navy.mil](mailto:John.Kersey@navy.mil).

Sincerely,

A handwritten signature in black ink, appearing to be "P. M. Dale", written over a large, light-colored circular scribble or stamp.

P. M. DALE  
Captain, U.S. Navy  
Commanding Officer