



OFFICE OF THE GOVERNOR

September 21, 2007

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National Indian Gaming Commission
1441 L Street, Suite 9100
Washington, D.C. 20005

cc: Chantal
John
Claudio

The Honorable Chris Devers, Chairman
Pauma Band of Mission Indians
1010 Pauma Reservation Road
P.O. Box 369
Pauma Valley, California 92061

Re: Draft Environmental Assessment and Tribal Environmental Impact Report for the Pauma Casino and Hotel

Dear Mr. Mehaffy and Chairman Devers:

We have reviewed the Draft Environmental Assessment and Tribal Environmental Impact Report for the Pauma Casino and Hotel (Draft EA/TEIR) dated July 27, 2007, prepared for the National Indian Gaming Commission (NIGC) and the Pauma Band of Luiseno Mission Indians (Tribe). We thank you for this opportunity to comment on the Project. From the material submitted in the Draft EA/TEIR, we are concerned that the document does not consider all of the Project's potential environmental impacts, both within and outside Reservation boundaries, as required by the National Environmental Policy Act (NEPA) (42 U.S.C. § 4331 et seq.) and the 1999 Tribal-State Gaming Compact (Compact), as amended on June 21, 2004 (Amended Compact).

The Tribe currently operates a casino on about 19.8 acres of Tribal trust land located in northern San Diego County. (Draft EA/TEIR at p. S-1.) The Tribe proposes to construct and operate a 65.7-acre gaming, hotel and entertainment facility on Tribal trust land to replace the existing casino. (*Ibid.*) The Draft EA/TEIR is a joint document for use by the NIGC to comply with NEPA in its evaluation of a proposed management agreement between the Tribe and Foxwoods Management Pauma LLC, and by the Tribe to comply with its environmental review requirements under the Amended Compact. (*Ibid.*) Although the document is titled as "Draft"

EA/TEIR, the text simply refers to the document as the “EA/TEIR” and it is unclear whether the NIGC intends to publish a Final EA or the Tribe a Final TEIR. For reasons discussed below, we believe the Project may have significant environmental effects not addressed in the document. Therefore, to comply with NEPA, the NIGC and Tribe must either prepare a Final EA with additional information and analysis that adequately addresses the Project’s environmental effects, or proceed with an Environmental Impact Statement (EIS), as the instant document would not support a Finding of No Significant Impact. In any event, the Tribe must prepare a Final TEIR as required by section 10.8.4 of the Amended Compact.

Applicable NEPA and Amended Compact Standards

NEPA requires that an EIS be prepared for all “major Federal actions significantly affecting the quality of the human environment.” (42 U.S.C. § 4332(2)(C).) An agency may first prepare an EA to make a preliminary determination whether the proposed action *may* have a significant environmental effect. (*Nat. Parks & Conservation Assn. v. Babbitt* (9th Cir. 2001) 241 F.3d 722, 730; see 40 C.F.R. §§ 1501.4, 1508.9.) If such an effect is anticipated, a more detailed EIS is required under title 42 United States Code section 4332(2)(C). (*Native Ecosystems Council v. U.S. Forest Service* (9th Cir. 2005) 428 F.3d 1233, 1239.) Essentially, NEPA requires an agency to take a “hard look” at the environmental consequences of its actions and at possible alternatives. (*Kleppe v. Sierra Club* (1976) 427 U.S. 390, 410, fn. 21.)

The critical measure is whether a project will have a “significant” impact. Under NEPA, whether an effect is significant depends both on the project’s context and intensity. (40 C.F.R. § 1508.27.) “Context refers to the scope of the action, while intensity refers to the severity of the impact.” (*Environmental Protection Information Center v. U.S. Forest Service* (9th Cir. 2006) 451 F.3d 1005, 1009, citing 40 C.F.R. § 1508.27.) NEPA’s implementing regulations include a list of ten intensity factors, at least five of which may be applicable to this Project:

- (1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
- (2) The degree to which the proposed action affects public health or safety.
.....
- (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
.....
- (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

....

- (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

(40 C.F.R. § 1508.27(b).)

Similarly, Amended Compact section 10.8.1 requires a TEIR to include detailed information about a project's "significant effects" on the off-Reservation environment. Under the Amended Compact, "significant effects" occur if any of the following conditions exist:

- (i) A proposed Project has the potential to degrade the quality of the off-reservation environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
- (ii) The possible effects on the off-reservation environment of a Project are individually limited but cumulatively considerable. . . .
- (iii) The off-reservation environmental effects of a Project will cause substantial adverse effects on human beings, either directly or indirectly.

(Amended Compact, § 10.8.7(b).)

The following areas in the Draft EA/TEIR require additional discussion and analyses to allow the NIGC and Tribe to take the required "hard look" at the project's environmental consequences both within and outside Reservation boundaries. At minimum, the Final EA/TEIR must respond to these concerns, and an EIS may be necessary.

Aesthetics

The Project site is located "within a rural agricultural valley . . . considered by most viewers to be aesthetically pleasing." (Draft EA/TEIR at p. 21.) The proposed Project, however, includes construction and operation of a 23-story hotel, which the Draft EA/TEIR describes as "the largest and tallest structure in the Pauma Valley" and "substantially taller than the existing single-story casino." (*Id.* at p. 76.) The tower would rise above existing topography and vegetation, and be visible in many off-Reservation areas where views of the existing casino are currently not possible. (*Ibid.*) Indeed, the Draft EA/TEIR suggests that the hotel tower height is substantial and cumulatively significant (*id.* at p. 143-144). Yet elsewhere, the Draft EA/TEIR concludes the impact to the scenic vista is less than significant. (*Id.* at p. 76). While the Draft EA/TEIR appears to reach inconsistent conclusions about the Project's effects on the visual environment—which should be reconciled in the final environmental document—the visual simulations of the proposed hotel tower (see *id.* at Figs. 17-19) alone confirm the Project has the potential to degrade the off-Reservation environment's visual quality. Therefore, we request the

Tribe to consider and evaluate Project alternatives that include more modest lower-height hotel designs that blend with the surrounding environment to mitigate this clearly significant impact.

We also understand the Pala-Pauma Valley Sponsor Group¹ has requested the California Department of Transportation (Caltrans) to designate State Route 76 (SR-76) as a scenic highway and SR-76 has been deemed eligible for such designation, provided certain scenic corridor protection measures are followed. (See Draft EA/TEIR at p. 81.) One such measure prohibits off-site outdoor advertising and requires controlled on-site outdoor advertising. Therefore, the Tribe should describe the extent to which it proposes to advertise the Project, either temporarily or permanently, on off-Reservation lands with potential to intrude upon the SR-76 viewshed and surrounding area, and analyze the resulting visual impacts.

Air Quality

The Draft EA/TEIR acknowledges “[t]here is a potential to expose off-Reservation residents to odors” from the proposed construction and operation of an expanded wastewater treatment plant. (Draft EA/TEIR at p. 92.) The Draft EA/TEIR, however, does not quantify the potential odor impact to off-Reservation receptors that would allow the public to evaluate whether the impact will be significant, or identify plant design features that will be implemented to mitigate the impact. This information must be included in the final environmental document to enable NIGC and the Tribe to evaluate whether plant design will sufficiently mitigate off-Reservation air quality impacts to less than significant levels, or whether alternatives must be considered.

Hydrology/Water Resources

The Draft EA/TEIR suggests the Project would not cause significant impact to water resources located on or off the Reservation, because sufficient water resources will be available from Pauma Creek, on-site groundwater, on-site reclaimed water and the Tribe’s ability to import water from the San Luis Rey Indian Water Authority. (Draft EA/TEIR at pp. 55, 73, 103, 135-136.) The Draft EA/TEIR, however, includes no documentation or hydrological data to support its conclusions. Such information must be made available to confirm water supplies are sufficient to meet the Tribe’s existing and future water needs, both with and without the Project, the extent to which the Project will impact off-Reservation water supplies, or whether at some point the Tribe must resort to off-Reservation resources to satisfy demand. (See Draft EA/TEIR at pp. 55, 73, 103, 135-136.) Increased groundwater use associated with the Project presents a potentially significant impact to off-Reservation groundwater supplies and groundwater recharge. Although the Draft EA/TEIR does not clearly specify whether or to what extent existing or planned Project water resources provide water to off-Reservation receptors, we understand Pauma Creek and the groundwater source that serve the Reservation also serve off-

¹ The Pala-Pauma Valley Sponsor Group, created by San Diego County Board of Supervisors Policy I-1, advises, among others, the San Diego County Planning Commission and Board of Supervisors in the preparation, amendment and implementation of community and sub-regional plans.

Reservation users that are groundwater dependent and cannot obtain imported water. Therefore, more empirical data is needed to permit a “hard look” at the Project’s impact to water resources within and outside Reservation boundaries. Without such information, it is uncertain how the Project may affect the environment both on and off the Reservation.

To adequately address the Project’s groundwater impacts, the final environmental document’s analysis of groundwater impacts must include a hydrogeological study to determine whether Project level and cumulative groundwater use from the basin will significantly impact off-Reservation groundwater users. We recommend a State-certified hydrogeologist perform the study. The study should include all elements described by San Diego County in its February 16, 2007, letter to Tierra Environmental Services regarding the Notice of Preparation of an EA/TEIR for this Project. (Wallar to Baksh letter (Feb. 16, 2007) 12-15.) It should also explain in greater detail the Tribe’s reported ability to import water from the San Luis Rey Indian Water Authority (see Draft EA/TEIR at p. 55.

Further, the hydrology/water resources impact assessment omits data supporting the asserted reclaimed water production rate for the existing wastewater treatment plant, or statistics supporting the projected increase in reclaimed water production for the new wastewater treatment facility. (See Draft EA/TEIR at pp. 55, 73.) Without such information, it is uncertain how the Project may affect the environment both on and off the Reservation.

The Draft EA/TEIR also lacks baseline data regarding existing water drainage patterns and the rate or amount of surface runoff. Nor does the document indicate the rate, amount, or type of surface runoff expected during Project construction and operation, either individually or cumulatively. Without more, it cannot be determined whether the two existing detention basins—of unspecified size and available capacity—located on the Reservation and a third on-Reservation detention basin—also of unknown size and capacity—will be sufficient to meet Project needs and mitigate off-Reservation impacts. Indeed, the Draft EA/TEIR indicates overflow from the existing detention basins flows into Pauma Creek during major storm events. (Draft EA/TEIR at p. 103.) It is, therefore, unknown and uncertain the extent to which Pauma Creek and its receptors will be impacted during Project construction and operation.

While the Draft EA/TEIR indicates discharge into Pauma Creek would be in compliance with a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) for erosion and sediment control, neither is included or described in the Draft EA/TEIR, which renders the impact to hydrology and water quality uncertain.

We further note the Draft EA/TEIR indicates there will not be any development within the Pauma Creek floodplain (Draft EA/TEIR at p. 103), but the floodplain has not been determined, and is being evaluated as a part of this Project (*id.* at p. 104). Thus, whether all structures and parking areas will be located outside the floodplain, when the floodplain is yet unknown, cannot be determined at this time. Therefore, the conclusion that the potential impact to Pauma Creek would not be significant (*ibid.*) appears to be unsupported by the record.

Noise

Although the Draft EA/TEIR concludes that the Project will not result in significant noise impacts, the noise impact analysis lacks essential baseline information to support its conclusions. For instance, there is no indication of the number and type of equipment and machinery the Project will utilize during construction and operation, or how much sound the equipment generates individually or cumulatively. Without more complete information, it is difficult to evaluate the Project's impacts, or the reasonableness of the proposed mitigation measures. However, to the extent there will be off-Reservation noise impacts during construction, we encourage the Tribe to restrict all construction activities to the hours that would be applicable to off-Reservation projects under San Diego County's Noise Abatement and Control ordinance, 7 a.m. to 7 p.m., Monday through Saturday, instead of 24 hours a day, seven days a week, to mitigate those off-Reservation noise impacts.

Population and Housing

The Draft EA/TEIR concluded that no significant population and housing impacts would occur from the Project. But the conclusion is uncertain because it is unsupported by any empirical data. (Draft EA/TEIR at pp. 63, 113.) For instance, the Draft EA/TEIR anticipates the Project would create about 1,700 new employment opportunities that will be met by Tribal members, members of other nearby tribes and non-Tribal members living in surrounding communities. (*Id.* at pp. 63, 113.) However, the Draft EA/TEIR does not examine local and regional population statistics and growth forecasts both with and without the Project. Additionally, it does not identify existing housing supply and demand, and whether and to what extent there are plans for future residential development within Reservation boundaries or surrounding communities. Moreover, the Draft EA/TEIR provides no qualitative or quantitative analyses to show the existing unemployed labor pool on the Reservation and in surrounding communities could readily fill the permanent operational positions, or whether the Project will create new jobs or simply facilitate lateral shifts from one job to another without labor force replacement.

The analysis also lacks discussion of whether the Project will result in growth inducement, such as economic or social changes that will significantly impact the off-Reservation environment. Construction and operation of a large-scale Gaming Facility, destination resort, and entertainment complex, either by itself or when considered in combination with other development in the area, may stimulate commercial and residential development in the region. To the extent these potentially significant impacts have not been considered, the environmental consequences of the Project remain uncertain. (See 40 C.F.R. § 1508.27(b)(1); Amended Compact, § 10.8.7(b).)

Public Services

The Draft EA/TEIR does not adequately examine the Project's off-Reservation impact to the following public services.

Fire Protection and Emergency Medical Services. The Draft EA/TEIR indicates the Tribe is "planning" to expand its existing fire station and "anticipates" it would be able to respond to calls for fire protection. (Draft EA/TEIR at p. 114.) According to the Draft EA/TEIR, however, the Tribal fire department is currently equipped to handle only brush fires (*id.* at p. 64) and there is no detail regarding the nature, scope, or expected completion date of the proposed expansion.

Moreover, while the Draft EA/TEIR indicates structural fire protection is currently provided by the Pala Reservation Fire Department (*ibid.*), the mutual aid agreement with Pala, which is not included or described in the Draft EA/TEIR, is only valid for one year (*id.* at p. 101). In addition, although the Draft EA/TEIR describes the staff and equipment available at the Pala Reservation Fire Department (*ibid.*), there is no baseline statistical data to objectively evaluate whether the Pala Reservation Fire Department is capable of safely providing fire protection for the Project. Similarly, there is no current information regarding response times, equipment, staffing, training, or certification to permit objective evaluation of the potential impact to off-Reservation providers of backup emergency fire protection services, including the Rincon Reservation Fire Department and the California Department of Forestry. (See *id.* at p. 64.) Nor is sufficient information included to evaluate how off-Reservation communities will be impacted if increased service to the Project results in decreased service elsewhere, or whether the fire fighting force must leave the Reservation to assist in a mutual aid response to a neighboring fire district.

The same deficiencies are present with respect to the Draft EA/TEIR's discussion of emergency medical services. The Draft EA/TEIR does not identify existing nearby off-Reservation hospitals, or address the potential impacts to those facilities, including whether hospitals are, or will be, adequately staffed and equipped to meet any increase in services generated by the Project.

Without such information, it is difficult to evaluate the Project's impacts, or the reasonableness of the proposed mitigation measures. Also, the Compact requires the Tribe to "make reasonable provisions for adequate emergency, fire, medical and related relief and disaster services for patrons and employees of the Gaming Facility." (Compact, § 10.4.) Thus, the environmental document must detail the provisions the Tribe has made for emergency access and availability throughout the Project site during construction and operation.

Law Enforcement. The Draft EA/TEIR does not address the type and scope of criminal activity directly and indirectly attributable to the existing Gaming Facility, what appreciable impact the proposed expansion will have on crime levels, or how criminal activity in the existing

facility and proposed expansion have and will impact the State's criminal courts. Law enforcement is currently provided by a 48-person Tribal casino security force and the San Diego County Sheriff's Department. (Draft EA/TEIR at p. 115.) The Sheriff's Department has noted the "severe impact of gaming" in the area (*id.* at p. 65), and "has expressed concern about an increased drain on its resources due to the operation of several casinos within its command area" (*id.* at p. 115). Nonetheless, the Project's impact on off-Reservation law enforcement is uncertain, because the Draft EA/TEIR does not discuss how off-Reservation communities will be impacted if increased law enforcement service by the Sheriff's Department to the Project results in decreased service elsewhere. The California Highway Patrol, which provides law enforcement on nearby I-15 and SR-76, would also be expected to experience an increase in service calls and traffic enforcement due to the Project, yet the Draft EA/TEIR does not factor this into its analysis. Increased public patronage of the casino without a corresponding increase in public safety equipment and personnel has the potential to impair emergency response time both on and off the Reservation. The final environmental document should address this issue in greater detail, as the Compact prohibits class III gaming in a facility that is constructed or maintained in a manner that endangers public health or safety. (Compact, §§ 6.4.2(c), 10.1.)

Schools. The Draft EA/TEIR includes no data or analysis to support the conclusion that the Project will not impact off-Reservation schools. (Draft EA/TEIR at p. 116.) As discussed in the population and housing analysis above, the Draft EA/TEIR does not explain the basis for its assumption that the increased employment opportunities generated by the Project are likely to be met by current residents of the Reservation and surrounding communities. Because the Project may result in growth inducement, it may also increase demand for off-Reservation schooling. In addition, the Draft EA/TEIR provides no indication whether local schools that could be impacted by the Project are at or near capacity, or when they could be, with or without the Project, based upon local and regional population statistics and growth forecasts.

Solid Waste. The Draft EA/TEIR indicates the Tribe contracts with a private company for solid waste disposal to either the Miramar or Santee landfill (Draft EA/TEIR at pp. 66, 75), but there is no analysis of past, present or future impacts on landfill capacities that have been and will be generated by the Tribe's current development or during Project construction and operation. The final environmental document must evaluate this off-Reservation impact in greater detail, and discuss, without limitation, the amount of waste generated by the Tribe's current operations, the amount of waste expected during Project construction and operation, and the capacities and projected closure dates for landfills utilized by, or otherwise available to, the Tribe. The absence of such information and analysis precludes the necessary "hard look" at the Project's off-Reservation impacts, particularly to local landfills and solid waste service providers.

Recreation

As with other analyses discussed in these comments, the Draft EA/TEIR provides no empirical data to permit a qualitative or quantitative analysis to support the conclusion that the

Project will not cause a significant impact to off-Reservation recreational facilities. (See Draft EA/TEIR at pp. 67, 117.) Such information and analysis must be included to permit the public to evaluate the potential impacts on recreation.

Socioeconomic Conditions and Environmental Justice

The Draft EA/TEIR noted that “[t]he potential for gambling addiction is possible with the development of any gambling operations,” and that the “growth of Indian casinos in the state has added to the number of potential venues for problem gamblers.” (Draft EA/TEIR at p. 118.) Indeed, the California Research Bureau recently detailed the correlation between casinos and compulsive and problem gambling, and estimated that the costs associated with problem and pathological gamblers is approximately \$1 billion per year in California. (California Research Bureau, *Gambling in the Golden State: 1998 Forward* (May 2006) CRB 06-004, 72, 83-85, 127-139.) To address these effects, the State has earmarked some revenue from existing compacts to fund state programs for problem and pathological gamblers (see Gov. Code, § 12012.85, subd. (g)(2)), and included many provisions in existing compacts to address problem and pathological gambling. Specifically, the Tribe’s Amended Compact requires the Tribe to enter into an enforceable written intergovernmental agreement with San Diego County that includes, among other things, “[p]rovisions . . . for reasonable compensation for programs designed to address gambling addiction.” (Amended Compact, § 10.8.8(iii).) Accordingly, the Draft EA/TEIR’s general discussion of gambling addiction and available problem gambling programs (Draft EA/TEIR at p. 118) is not sufficient, and additional information needs to be provided to evaluate the potential impact a significantly larger casino will have on problem and pathological gambling, and the Project’s cumulative impact when viewed in combination with other legalized gambling opportunities available locally and regionally, including nearby tribal casinos.

Utilities and Service Systems

Wastewater Treatment. As with the hydrology/water resources impact assessment discussed above, the Draft EA/TEIR includes no data to support the Project’s estimated wastewater flows or the conclusion that the Tribe’s existing wastewater treatment facility can be expanded to meet Project demands. (Draft EA/TEIR at p. 136.) Without such information, it cannot be determined whether the Project will cause significant environmental impacts. There also appears to be no supporting data for the conclusion that the proposed on-site construction of new stormwater drainage facilities that would divert wastewater to Pauma Creek will adequately preserve water quality and not result in any significant environmental impacts.

Electricity and Gas Services. Based on the information provided in the Draft EA/TEIR, it is not clear that San Diego Gas and Electric Company and private propane distribution companies are capable of providing sufficient utilities to the Project during construction and operation. (See Draft EA/TEIR at p. 75.) Indeed, the Project’s construction and operational needs are unspecified, making it difficult to evaluate the impact to off-Reservation electricity and gas services. Consequently, additional information is needed to evaluate the off-Reservation

impact to energy sources, including, without limitation, a discussion of the Project's individual and cumulative impact on the State's electrical grid, particularly during peak summer hours when demand surges, and the energy conservation measures the Tribe proposes to "reduce the wasteful, inefficient, and unnecessary consumption of energy." (Amended Compact, § 10.8.1(a)(iii).)

Cumulative Impacts Analysis

NEPA requires an agency to consider the environmental impact that "results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." (*Muckleshoot Indian Tribe v. U.S. Forest Service* (9th Cir. 1999) 177 F.3d 800, 809, citing 40 C.F.R. § 1508.7.) Similarly, the Amended Compact requires the Tribe in its TEIR to consider the degree to which even individually limited effects on the off-Reservation environment are cumulatively considerable. (Amended Compact, § 10.8.7(b)(ii).) The cumulative impacts analysis in the Draft EA/TEIR does not evaluate the incremental impacts from past projects, both Tribal and non-Tribal, located within and outside Reservation boundaries, including, without limitation, construction of the existing gaming facility in 2000, and how those individual impacts might combine or synergistically interact with each other to affect the environment. Discussion of cumulative impacts is particularly important here because of the number and proximity of large tribal gaming operations located in northern San Diego County.

The Project's Effects Appear To Be "Highly Uncertain"

In determining whether a proposed project's impacts are significant to warrant an EIS, NEPA requires consideration of, among other things, "[t]he degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks." (40 C.F.R. § 1508.27(b)(5).) In explaining the "highly uncertain" standard, the Ninth Circuit stated:

An agency must generally prepare an EIS if the environmental effects of a proposed agency action are highly uncertain. Preparation of an EIS is mandated where uncertainty may be resolved by further collection of data, or where the collection of such data may prevent "speculation on potential . . . effects. The purpose of an EIS is to obviate the need for speculation by insuring that available data are gathered and analyzed prior to the implementation of the proposed action." [Citations.]

(*Native Ecosystems Council v. U.S. Forest Service*, *supra*, 428 F.3d at p. 1240.)

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The Project's effects appear to be highly uncertain within the meaning of NEPA. As detailed above, many of the Draft EA/TEIR's conclusions appear speculative and create substantial questions about whether the Project may cause significant degradation of the human environment. Based on the current Draft EA/TEIR, it is not clear what will happen to local environmental factors discussed in this comment letter if the Project goes forward. We believe additional information is necessary to properly assess the Project's environmental effects. (See *Blue Mountains Biodiversity Project v. Blackwood* (9th Cir. 1998) 161 F.3d 1208, 1213 [ordering the Forest Service to prepare an EIS where the EA's treatment of one important environmental factor was " cursory and inconsistent"].)

Conclusion

The Draft EA/TEIR appears to be deficient in several areas, necessitating additional information to fully assess the nature and scope of the Project's impacts to the on- and off-Reservation environment, and the adequacy of efforts to mitigate the impacts. Indeed, the length of the Draft EA/TEIR, totaling 160 pages with over 135 pages of appendices, suggests the Project will have a significant environmental impact. (See 46 Fed.Reg. 18026 at questions 55, 36(b) [environmental assessment should normally be no more than 15 pages in length, except in rare cases, and "a lengthy EA indicates that an EIS is needed."].) In any event, these comments do not constitute the entirety of the State's comments on the Draft EA/TEIR. Other State agencies with specific technical expertise may provide additional comments in separate letters.²

Thank you for this opportunity to comment on the Draft EA/TEIR.

Sincerely,


ANDREA LYNN HOCH
Legal Affairs Secretary

cc: Dr. Michael Baksh, Tierra Environmental Services
Chandra L. Wallar, San Diego County, Deputy Chief Administrative Officer

² In particular, we note an encroachment permit or permits from Caltrans may be required for the Project's construction and operation. If so, the appropriate California Environmental Quality Act documents will need to be prepared.