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DRAFT ENVIRONMENTAL ASSESSMENT AND TRIBAL ENVIRONMENTAL IMPACT REPORT FOR THE PAUMA CASINO AND HOTEL

The County of San Diego (County) has reviewed the Draft Environmental Assessment and Tribal Environmental Impact Report (Draft EA/TEIR), dated July 27, 2007 and received August 8, 2007, for the Pauma Casino and Hotel (Proposed Project). The Draft EA/TEIR was prepared for the National Indian Gaming Commission and Pauma Band of Mission Indians.

It is stated on page 11 of the document that the Proposed Project includes the construction and operation of an approximately 65.7-acre resort with a casino, 23-story hotel, retail and food and beverage venues, luxury spa, pool and associated resort facilities, multi-purpose events center, conference and meeting center, administrative and back-of-house facilities, parking, additional water wells, new water reservoir and expanded wastewater treatment system.

The County is a political subdivision of the State of California responsible for the governance, health, and welfare of the People of San Diego County. County comments will relate to issues within its statutory responsibilities and are as follows:

Project Description

1. The Proposed Project description needs clarification and consistency. In order to appropriately evaluate the project's impacts, the Proposed Project's scope needs to be clarified as requested below:
 - a) Disposition (retention or demolition) of existing casino facilities needs to be clarified.

- b) Draft EA/TEIR states the new casino will contain 83,100 square feet of gaming area but information is not provided regarding how much of an expansion this presents compared to the existing casino's gaming area square footage.
- c) Draft EA/TEIR identifies a 110,000-square foot new casino but the Traffic Impact Analysis (TIA), Appendix F, page 1, identifies a 171,000 -square foot new casino.
- d) Draft EA/TEIR identifies 1,500 space parking garage and 2,400 surface parking spaces but TIA identifies 2,000 space parking garage and 2,500 surface parking spaces.
- e) Need to describe the Multi-Purpose Events Center and its uses, and delineate which uses will be outdoor and which uses will occur during night-time hours.
- f) To clarify the project scope and how it compares to existing facilities and uses and so that analysis of the Proposed Project's impacts can occur, a table should be provided that details existing and post-expansion uses at the project site.

Alternatives

- 2. Project description of each alternative needs to be clarified. Similar to the above comment regarding the Proposed Project's description, each alternative needs to be described and compared to the Proposed Project.
- 3. Alternatives Analysis is inadequate. The degree of analysis devoted to each alternative in the Draft EA/TEIR should be substantially similar to that devoted to the "proposed action." Section 1502.14(b) of NEPA specifically requires "substantial treatment" of each alternative including the proposed action. This regulation prescribes a level of treatment to enable a reviewer to evaluate and compare alternatives. This level of analysis of the Alternatives is totally lacking and the Draft EA/TEIR should be revised to fully analyze each of the Alternatives.
- 4. The Draft EA/TEIR should provide maps that show the alternative locations that were considered for the proposed project as described in Section 2.5, page 18.

Aesthetics

- 5. Proposed Project will result in significant impacts to scenic vistas and visual resources because the project will introduce a massive, urban development in an area of rural development. The Draft EA/TEIR concludes that there are less than significant impacts to scenic vistas and visual resources from the project. County does not agree with either this conclusion or with the reasoning that significant impacts will be reduced because of the design of the building and the fact that the building will not prevent long-distance

views. The scale and intensity of the proposed development and its 23-story hotel are in no way compatible with the surrounding rural area and clearly will result in significant impacts to the scenic qualities of the rural Pauma Valley. County does not agree that such a massive development will not dominate all surrounding vistas. The evidence in the Draft EA/TEIR does not support such a conclusion. Feasible alternatives and mitigation measures must be further explored to reduce the significance of impacts to visual resources.

6. The proposed mitigation measure regarding exterior light fixtures is incomplete. The project site is located 6 miles away from the Palomar Mountain Observatory (Observatory) closer than any other casino facility in San Diego County. The Draft EA/TEIR states that all outdoor lighting from the Proposed Project will comply with the Dark Skies Ordinance, but then proposes a mitigation measure that would only partially comply with the ordinance: "all exterior lighting associated with the Proposed Project shall be focused toward the facilities and shall be fully-shielded to prevent any direct upward illumination or spill-over of light onto adjacent properties." To prevent significant impacts to the Observatory, this proposed mitigation measure needs to be revised to clearly direct all fixtures downward, rather than toward the facilities. To avoid significant direct and cumulative impact to the Observatory, an additional mitigation measure must be added requiring all exterior lighting to be low pressure sodium lighting.
7. Light pollution analysis fails to examine light pollution from the Proposed Project's 23-story high-rise hotel. The Proposed Project and each of the alternatives should be analyzed for light pollution impacts associated with the tall hotel structure, and mitigation measures must be identified to protect the observatory from significant impacts.
8. Light pollution analysis fails to examine light pollution from the Proposed Project's night-time, outdoor events. As stated above, it is unclear from the Project Description what the scope and magnitude of outdoor events will be – this needs to be described, light pollution analysis needs to be expanded to address this form of light pollution, and mitigation measures must be identified to protect the Observatory from significant impacts.
9. Use of special lighting such as upward-directed search lights needs to be prohibited. Use of special exterior lights such as upward-directed search lights to attract customers or for any other purpose should be prohibited from the Proposed Project due to the rural setting and close proximity to the Observatory. Such lights clearly cause significant, unmitigable impacts to the Observatory and the rural community.

Agricultural Resources

10. The evaluation of impacts to agricultural resources is incomplete and needs additional analysis. The proposed project is located in an important agricultural area of the County of San Diego and could have significant indirect effects to off-Reservation agricultural operations due to the incompatibility of placing a high-volume entertainment and gaming facility in a rural agricultural area. The placement of incompatible uses near agricultural operations often results in complaints to farmers to change farming practices involving pesticide use, noise, dust and odors. Land use incompatibilities and associated conflicts can ultimately cause the permanent conversion of agricultural uses as farming becomes more difficult given new conditions and land use conflicts. The Draft EA/TEIR should be revised to add information which fully discloses these potential indirect impacts to agriculture and explore options to minimize these significant adverse effects.
11. Farmland Conversion Impact Site Assessment Criteria is incomplete. The Draft EA/TEIR concluded that impacts to agricultural resources are less than significant based on completion of the USDA Farmland Conversion Impact Rating, Form AD-1006. However, Form AD-1006 (included in Appendix B), did not include any scores under Part VI, Site Assessment Criteria. The Site Assessment Criteria portion of the rating is the part that addresses the land uses surrounding the site, including whether existing off-site agriculture exists and whether the proposed project would be compatible with surrounding agricultural uses. Based on the criteria contained in CFR 685.5b and the significant rural agricultural uses surrounding the project site, the addition of the site assessment score would likely raise the significance of the agricultural value of the site to above a significant level. This would further justify the need to fully explore the significance of placing a high-volume gaming and entertainment facility in an agricultural area of the County and for exploring feasible mitigation measures to minimize the potentially significant off-site impacts to agricultural resources surrounding the site. This further analysis should be provided to ensure that the EA/TEIR adequately addresses this important issue.

Air Quality

12. Draft EA/TEIR lacks credible analysis that it will not conflict with the Regional Air Quality Strategy (RAQS), that it will not create direct significant impacts, that it will not create a significant health risk with the increase in diesel particulates (PM2.5) during construction and operation of the Proposed Project and that it will not cumulatively contribute pollutants for which the San Diego Air Basin (SDAB) is already in violation of Federal Standards.

13. Incorrect screening-level thresholds of significance were used in the air pollution analysis. The analysis and discussion in this technical study should be revised to reflect the daily thresholds, because Ambient Air Quality Standards refer to 1 hour, 8 hour and 24 hour concentrations. The tons per year thresholds used in the Draft EA/TEIR analysis only apply to major stationary sources.
14. Air Quality Analysis does not substantiate conclusions. On page 86, the Draft EA/TEIR claims that the Proposed Project does not conflict with the RAQS, based on expected mobile source emissions, which are forecasted using the trips from land uses in the County's General Plan. When a project increases vehicular emissions greater than what is expected by the current growth projections used in the RAQS (which is the case for this project), the project would jeopardize the region's attainment of Federal and State ozone standards. The Draft EA/TEIR must provide substantial evidence that the project will not conflict with the RAQS. In order to demonstrate conformance with the RAQS when a project increases density, a growth projection analysis for the applicable SRA and/or MSA comparing the SANDAG growth projections with the actual development expected to occur (based on GIS data for development recently approved or currently in the discretionary process for a specific SRA) must be completed. If the project, in conjunction with other projects within a defined boundary, contributes to growth projections that exceed SANDAG's growth projections for that defined boundary, the project would be in conflict with the RAQS, and would have significant impact on air quality.
15. Assumptions used in estimating construction and operational air pollution emissions are not justified or complete. The URBEMIS2002 model, used to calculate construction and operational emissions, changed most of the standard assumptions used in the calculations without justification for the changes. Changes to default values and assumptions used to calculate emissions must be explained. In addition, the analysis fails to show emission levels before mitigation and then how the mitigation measures reduce emissions below a level of significance. This information is vital in order to disclose impacts from the project to the public.
16. The Draft EA/TEIR fails to conduct any type of health risk assessment on increased diesel-fired particulate matter which will result from the 4,512 average daily trips that the project would generate and the resulting impact to the surrounding residential receptors. Diesel exhaust is mainly composed of particulate matter and gases, which contain potential cancer-causing substances. Emissions from diesel engines currently include over 40 substances that are listed by EPA as hazardous air pollutants (HAPs) and by the ARB as toxic air contaminants. On August 27, 1998, the ARB identified particulate matter in diesel exhaust as a toxic air contaminant,

based on data linking diesel particulate emissions to increased risks of lung cancer and respiratory disease. The Draft EA/TEIR needs to assess the increased cancer risk level based on the increase of diesel-fired particulates and identify appropriate mitigation measures.

17. Cumulative construction air quality analysis inexplicably limited analysis to a ¼ mile radius. On page 90, a ¼ mile cumulative radius was used for a cumulative construction boundary area. The selection of such a limited boundary appears arbitrary. The cumulative analysis boundary must be based on the planning area or on a topographical boundary (valley), and should include a scientific explanation for the geographic limitation used.
18. Analysis of sensitive receptors is incomplete. Figure 2 on page 8, identifies the Pauma Elementary School and page 65 lists the Valley Center High School as the schools closest to the Proposed Project. The location of the schools should be disclosed to determine if they should be listed as sensitive receptors. In addition, page 35 states that the nearest sensitive receptors are 450 to 550 feet from the project boundaries, while page 91 states the nearest sensitive receptor is 1,150 feet away. The analysis must be revised for consistency and to appropriately consider the schools as sensitive receptors.

Biological Resources

19. Figure 11 on page 38 needs additional information. The document should be revised to indicate the disturbed sage scrub on the vegetation map and give the acreages of each habitat type on the property in order to properly assess impacts.
20. Additional analysis of sage scrub is needed. Based on the vegetation existing south of the property, the County believes that the disturbed sage scrub on the site is Riversidean rather than Diegan as referenced on page 37. In addition, Table 12 on page 93 fails to include this resource as part of the biological impacts. The document should be revised to provide this information to properly assess impacts.
21. Analysis of raptor foraging habitat is needed in Section 4.4a, page 93. Three raptor species were observed during the biological resources surveys of the site and many others have the potential to occur. The document should be revised to describe the potential for raptors to nest and the likelihood of the area being used for raptor foraging. If raptor foraging habitat exists on the site and would be impacted by the Proposed Project, the acreage of raptor foraging habitat should be quantified and appropriate mitigation should be proposed.

22. Additional analysis is needed to assess potential impacts to bald eagles and golden eagles. Even though they were federally de-listed by the USFWS, bald eagles and golden eagles are still protected by two federal acts: the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. These Acts require measures to continue to prevent bald eagle "take" resulting from human activities. The USFWS published the National Bald Eagle Management Guidelines in May 2007. Bald and/or golden eagles occur in northeastern San Diego County and may use the habitats on site.
23. The project may cause indirect impacts to off-Reservation Riversidean sage scrub and Pauma Creek. The Draft EA/TEIR does not describe the off-Reservation Pauma Creek and the habitat between the southern project boundary and the creek channel. As described in section 1.4 of the Draft EA/TEIR, the project site is located on a broad alluvial fan. This area is part of the fan. The County believes the vegetation community is Riversidean sage scrub growing on the slightly sloping land between the project site and the creek. The vegetation is heavily dominated by California buckwheat (*Eriogonum fasciculatum*) with scattered California sagebrush (*Artemisia californica*). At the upstream end (eastward) are widely scattered western sycamores (*Platanus racemosa*); a couple of coast live oaks (*Quercus agrifolia*) are amid the Riversidean sage scrub shrubs between the project site and the creek channel closer to SR 76. Off-Reservation impacts could include, but are not limited to, noise and dust during construction, stormwater runoff, and night-lighting of off-Reservation habitat. The document should be revised to assess the impact to these resources.
24. Analysis of impacts to Off-Reservation coast live oak trees is needed. Coast live oak trees are growing along the west side of SR 76, south of Pauma Reservation Road, within the area of the Proposed Project's intersection improvements. These trees are interspersed among non-native trees. Impacts to these oak trees should be considered in the off-Reservation impact assessment.

Cultural Resources

25. Documentation to support conclusions for off-Reservation cultural impacts is incomplete. Without a current cultural resources report, the County cannot adequately comment on the Cultural resources sections of the Draft EA/TEIR. Survey and/or evaluation reports that cover the proposed improvement areas should be provided to the County to adequately assess the environmental impacts to cultural resources. The cultural resources reports and project-specific archaeological/cultural site location maps and figures can be submitted under separate cover directly to County archaeologists to protect the confidentiality of the contents.

Geology and Soils

26. The analysis in Section 3.6, page 51, does not address the erosion potential of the soil type within the proposed project limits. The document should be revised to include this analysis to assure appropriate mitigation measures are identified, for both construction and post-construction phases to avoid off-Reservation impacts.

Hazards and Hazardous Materials

27. Additional analysis is needed to determine if the project will result in a significant airport hazard. The project site is located near the Lyall Roberts Airstrip and the Pauma Valley Airpark. Because of the proximity of these two facilities, the Draft EA/TEIR should analyze whether the proposed development, particularly the 23-story hotel tower, is an air safety hazard. This analysis is required in order to comply with the National Environmental Policy Act (NEPA), as Federal agencies must consider airport hazards when assessing the environmental impacts of proposed Federal projects. The County suggests following the County's "Guidelines for Determining Significance – Airport Hazards" to provide a complete and adequate analysis that addresses all Federal and State regulations, standards and noticing requirements. The analysis should analyze whether the project exceeds the California Airport Land Use Planning Handbook's Safety Compatibility Guidelines for Maximum Non-Residential Intensity and whether the Proposed Project is considered an incompatible use as identified in the Handbook's Safety Compatibility Criteria Guidelines for Safety Compatibility Zones – Prohibited Uses, and therefore if the Proposed Project will result in a significant airport hazard.

Hydrology/Water Resources

28. Drainage analysis is not complete. Further analysis should be performed to consider impacts to Pauma Creek from the Proposed Project. Section 3.8, page 55, does not describe or analyze the runoff generated by the Proposed Project despite significant additional impervious areas being added with associated significant increase in runoff from the site. The Proposed Project is located within an alluvial fan; therefore current flows to Pauma Creek are subject to wide meanders. This causes the analysis to be more complex and increases the importance of identifying potential significant impacts to Pauma Creek. The document should be revised to include this information.
29. The Draft EA/TEIR states that an additional drainage detention basin will be constructed, but provides no information regarding the sizing of the basin, infiltration time, storm size that the basin is designed to handle, nor potential significant impacts that the basin may cause by diverting runoff from Pauma

Creek. Section 4.8c, page 103, describes a proposed third basin. Rather than detaining the runoff from the project, the basin will retain the water and allow for infiltration. If the basin doesn't drain completely within 72 hours, mosquitoes can become a problem. Because the basin will divert runoff from Pauma Creek, a water quantity/quality analysis determining impacts to Pauma Creek and downstream habitats should be performed, and the information should be included in a revised Draft EA/TEIR.

30. Relying on the retention basins may not be sufficient to handle all the pollutants of concern. Section 4.8d, page 104, should discuss the potential for other pollutants such as litter, to collect on the site and how the retention basins would be able to mitigate the impacts from the project. The proximity of the project to Pauma Creek increases the likelihood that trash and other pollutants such as heavy metals, oils and grease generated from the parking areas, could be transported to the creek. This impact should be analyzed and appropriate mitigation measures should be identified.
31. The document should be revised to include a discussion of the total use of the reclaimed water. Section 4.8a, page 103, discusses the expansion of the wastewater treatment plant, but does not address the use of all the reclaimed water. The report indicates that the reclaimed water will be used for irrigating existing groves; however, the size of the groves will be reduced by the footprint of the project. The remaining grove area, and the amount of reclaimed water that will be needed to irrigate it, should be identified. If there will be other uses of the reclaimed water, they should also be identified to fully assess the impacts to off reservation areas.

Groundwater

32. Despite a significant increase in groundwater use associated with the Proposed Project, the Draft EA/TEIR concludes there will be no significant impact. This conclusion is based on limited analysis, which does not support the conclusion. The Draft EA/TEIR states that depletion of groundwater is not significant because there will not be a net increase in water use on the Reservation due to decreased irrigation of citrus on the Reservation and usage of reclaimed water to offset groundwater demand. The document should be revised to provide the acreage of citrus that will be removed as a result of the casino expansion and also detailed plans and analysis of how and where the reclaimed water will be used on-site to offset groundwater demand as a result of this project.
33. The proposed project's assumed water demand is unsubstantiated and must be verified. The text assumes that the total water demand for the project would be 255 acre-feet per year, but does not provide a detailed breakdown of the various uses (expanded casino, additional facilities, swimming pools, hotel rooms, fire suppression storage, landscaping, etc.)

and their associated groundwater demand. The document should be revised to include detailed engineering calculations to substantiate the total water demand for the project including all water demands. It is important that enough information is presented so the County and the public can easily understand and review the total proposed groundwater demand of the project.

34. Increased groundwater use associated with the project presents a potentially significant impact to off-Reservation groundwater supplies and groundwater recharge. The groundwater source that serves the Pauma Reservation also serves off-Reservation users that are groundwater dependent and cannot obtain imported water. To support the conclusion in the Draft EA/TEIR that impacts are less than significant and to adequately address groundwater impacts associated with the proposed project, this issue should be fully explored and analyzed. Information should be provided that substantiates the conclusions reached on such a critical issue to the off-Reservation community. The County requests that the following information be developed and the document revised to include this information and any resulting conclusions reached after analyzing the information:
 - a. Reservation well information should be reviewed. It is unknown where any of the Reservation's pumping wells are (as well as any Reservation monitoring wells), as the information is not contained in the document. In addition, the document does not explain the amount of production expected from each well. The County suggests that the Pauma Tribe allow DPLU staff to see the locations of each production well, the projected locations of any new production wells, and the anticipated amount of pumping that is expected to occur from each well. Also, the County requests to see associated well logs, past groundwater production data from each well, groundwater level data from each well over time, well testing data, and any other pertinent information regarding Reservation production wells.
 - b. Well Testing and Well Interference Analysis must be conducted. Well testing of Reservation production wells are needed to adequately determine off-Reservation groundwater impacts. Potential impacts to neighboring off-Reservation wells should be closely examined during each well test. Off-site monitoring of nearby wells should be used to determine potential adverse off-Reservation impacts. Monitoring wells installed by the Tribe could also be utilized to determine these potential impacts. In addition, a 5-year projection of drawdown must be performed using standard hydrologic methods (taking into account the projected demand of the project). The projection of drawdown will provide an estimate of impacts to off-site wells as a result of the Reservation's extraction of 255 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 off-site well interference in alluvial basins: *"As an initial screening tool, off-site well interference will be considered a significant impact if after a five year projection of drawdown, the results indicate a decrease in water level of 5 feet or more in the off-site wells. If site-specific data indicates alluvium or sedimentary rocks exist which substantiate a saturated thickness greater than 100 feet in off-site wells, a decrease in the saturated thickness of 5% or more in the off-site wells would be considered a significant impact.* The analysis should be performed, and a conclusion reached as to significance of the impact in order to adequately assess this issue.

35. The sustainable yield of the aquifer was not analyzed. If groundwater offsetting measures of utilizing reclaimed water and decreasing irrigation of citrus cannot be fully substantiated, sustainable yield calculations for the project site and project's watershed must be provided to adequately determine whether project level and cumulative groundwater use from the basin will significantly impact off-Reservation groundwater users. The elements listed below should be addressed in the analysis. The analysis should be conducted over the entire groundwater basin where project pumping wells are or will be located; and it is recommended that a California Certified Hydrogeologist perform the study
- a. The project site and existing development in the watershed tributary to the site must be identified and mapped, including:
 - 1) Location and site configuration and site topography and surface drainage patterns;
 - 2) A description of soil types with regard to their hydrological characteristics;
 - 3) Geological setting of the project site and topographic watershed; and
 - 4) Existing land uses and the maximum allowable density permitted by the General Plan.
 - b. An inventory of existing water sources and uses in the relevant watershed.
 - 1) The inventory must include all wells, springs, surface ponds and reservoirs. Nearby high-demand water consumers should also be noted (water districts, agricultural operations, etc.);

- 2) The performance records of all existing wells located within the watershed, including well failures and causes of those failures, should be documented to the extent possible; and
 - 3) The projected water demand for the Proposed Project should be evaluated throughout the Project life including construction. This evaluation must include estimates for the water demand for all aspects of the Project. Maximum allowable production must be identified for the Project. The analysis of groundwater impacts should be based on the maximum anticipated groundwater production.
- c. Evaluation of groundwater resources within the watershed.
- 1) The Study should evaluate and document groundwater storage and recharge for the relevant watershed. The estimates of storage and recharge should be made based on site-specific information and data on the saturated thickness and specific yield of the aquifer.
 - 2) Groundwater recharge must be evaluated for the watershed. The computer program RECHARG2 or similar and acceptable methodology must be used to calculate groundwater recharge.
- d. Long-term groundwater availability.
- 1) Groundwater availability on-site, as well as in the watershed, including long-term annual yield that can be sustained, must be calculated. The long-term yield should be evaluated based on estimates of groundwater in storage, recoverable groundwater losses, existing on-site water withdrawals, and the expected annual recharge rates from natural and artificial sources. The existing, basin wide groundwater withdrawals, water rights within the watershed, and maximum future withdrawals that would be allowed by the maximum density of the County General Plan should also be taken into consideration.
 - 2) A 40-year groundwater balance must be used based on groundwater recharge, storage, and watershed basin demand. (If storage falls to less than 50% of calculated groundwater storage, serious consideration should be given to whether the Proposed Project should proceed).

e. Evaluation of project impacts.

The Study should evaluate impacts to groundwater users in the relevant watershed caused by groundwater withdrawals for the Proposed Project.

36. Since the project may impact off-Reservation groundwater users, a Groundwater Monitoring and Mitigation Plan (GMMP) should be developed. The GMMP should include ongoing, periodic monitoring of wells located between proposed wells for the Project and off-Reservation properties, or wells located along the boundary of the Reservation. Monitoring of groundwater levels in these wells should occur on a weekly basis to ensure that to the Project's use of groundwater does not significantly impact off-Reservation groundwater users. Thresholds for maximum allowable water level declines in the monitoring wells should be established in the GMMP to ensure that significant declines in groundwater levels do not extend off-Reservation. If water levels fall below the thresholds, the GMMP should include mitigation measures that include a reduction or cessation in on-site pumping until water levels in the monitoring wells rise above the thresholds.

Noise

37. Noise analysis contains errors and is incomplete. The information used to develop Table 8 is not complete in identifying potential traffic noise impacts generated by the project. The traffic volume data used in the lookup model were based on existing intersection operations rather than segment operations. The vehicle mixes from the Caltrans publication were not properly referenced. The County is only aware of mix data provided by Caltrans for much larger segments along SR-76 that date back to 1996 or older. If the traffic study was used (VARPA 2007) for mix data, the vehicle mix criteria for a traffic noise study are different from the vehicle counts required for a traffic analysis. In general, the peak volume hour usually does not correspond with the peak traffic noise hour. Casino traffic typically does not follow the pattern of commuter traffic and will tend to increase CNEL levels more than would be expected by a general increase in traffic volume. Time-of-day observations of traffic on a 24-hour basis are more appropriate for casinos and other operations that have extended nighttime activities. The information in the document should be revised to reflect this information.
38. Noise impacts are underestimated; a more complete model of the project is needed to properly assess noise impacts. Section 3.11, page 61, did not include the relevant County guidelines (2007) for a noise study based on the documentation of existing conditions using site-specific data including traffic volume, mix, speed, topography, and sound level measurements. The TNM Lookup Model Program used in the Draft EA/TEIR is based on a set of

simplifying assumptions including soft terrain with a straight, infinitely long roadway with all model receptors five feet (1.5 m) above ground. The model assumptions for terrain and vehicle types are extremely limited and are not appropriate for this project. Soft terrain or lawn used in this lookup model is not appropriate for noise modeling in this area when the full TNM (version 2.5) program provides other terrain types in the local noise analysis. Table 8 does not include a vehicle mix for buses that is available in both the lookup TNM Program and the full TNM Program and that is now required for any new Federally-funded highway projects in California. A more complete model of the project implemented by the full TNM Program (version 2.5) would generate better results to analyze the impacts for this project; and would allow for model calibration thereby yielding a more accurate assessment of existing conditions and of the direct and cumulative project-related traffic noise impacts from this project. The lookup model used in the study, and the stated assumptions, resulted in underestimating the potential effects from project-related traffic noise.

39. Noise analysis is needed for the wastewater treatment facilities. Section 3.11, page 61, should contain an acoustical analysis that evaluates the potential noise impact to off-Reservation properties from the five-fold expansion of the wastewater treatment facilities. No analysis or equipment specifications were included for any on-site operational noise sources either for normal operation or for standby conditions, although Section 4.11 limits generator testing to daytime hours. If a potential impact was identified and mitigated, the supporting quantitative analysis needs to be included. The County also wishes to point out that the County Noise Ordinance regulations refer to property line sound level limits instead of receptor locations (Please refer to Sections 36.404 and 36.410). The document should be revised to include this information.
40. Noise from project-related traffic has not been adequately analyzed. Section 4.11, page 109, mentions the County guidelines for noise, but has not determined the extent of these effects from project-related traffic. The analysis has not stated whether 60 decibels CNEL or the net CNEL increase from existing conditions is the most stringent criterion to be used in any component of this evaluation. A field analysis of the existing acoustical environment (24-hour basis) was not conducted for off-site noise sensitive land uses. Although the direct impact to these uses from the project alone may not be significant, the analysis of cumulative noise in Section 5.1.11 does not even consider project-related traffic in any near-term scenario. We believe this analysis is insufficient, and the document should be revised to properly assess project related traffic noise.
41. Construction noise analysis has not been adequately analyzed. The discussion is incomplete about the potential impacts from construction activities considering the duration of building phases and scheduling of

deliveries in Section 4.11, page 109. For example, the roadway improvements, rough grading, and demolition phases of the project were not completely described or analyzed for either temporary or long term noise effects. The County guidelines include duration criteria (exceeds one month of operations within any 3 consecutive calendar months) for evaluating long term construction activities that contribute to the CNEL environment. Again, knowledge of the existing CNEL conditions would be a required starting point for this evaluation. It is possible that prolonged exposure to construction noise levels that range up to 58 or 63 decibels may yield a significant acoustical impact to off-site noise sensitive land uses.

42. A site-specific noise study is needed to substantiate the claims made in Sections 4.11 and 6.11 about requiring only two noise mitigation measures for this proposed project. The lack of field measurements and other supporting evidence is a major concern since existing conditions need to be confirmed in order to do a proper evaluation of the Proposed Project's impacts. The comparison of project alternatives on page 20 would need to be updated or improved once the site-specific noise study is completed. Without this additional information, the noise analysis for this project is inadequate.

Public Services – Fire Protection and Emergency Medical Services

43. Fire Protection Analysis is practically non-existent and entirely inadequate. The Proposed Project will continuously house hundreds, perhaps thousands of customers and employees, a portion of which would be in a 23-story hotel tower. The Draft EA/TEIR states "The Tribe is planning the expansion of their existing fire station and anticipates that it would be able to respond to calls for fire protection", as mitigation for the potential impacts to fire protection and emergency services. This is totally inadequate. It appears no fire protection professionals were involved in the preparation of this portion of the Draft EA/TEIR. It is not adequate to simply construct the facilities per codes – the project proponent must be able to show that appropriate fire suppression response capability will be in place and operational before the Proposed Project is open for use by the public. The Draft EA/TEIR reaches conclusions that are not supported by substantial evidence and lacks analysis and information on the following:
- a. Occupancy. In the summary of the facility the square footages and use of the proposed buildings are described but not the occupancy. Total building occupancy is needed to adequately evaluate fire protection requirements.
 - b. Water. The report references six water wells that will produce a total of 444,000 gallons per day. If these estimates are accurate, there may be an inadequate water supply for the occupancy of the facility.

- c. Water-Fire Flow. There is no analysis of the required fire flow or fire hydrant distribution system for the proposed project. Fire flow is a requirement over and above highest daily usage. The proposed 1 million-gallon reservoir may be inadequate for fire protection purposes.
- d. Fire Protection. The description and analysis of fire protection services is wholly inadequate. The County has serious concerns not only about the adequacy of the analysis in the document, but more importantly about the risk that will be posed to patrons and citizens if fire protection services are not fully planned and analyzed to insure capable and professional service to a highly complex series of structures.
- e. Proposed Fire/Emergency Medical Services. The proposal is to rely on the services from other reservations and the Cal Fire Rincon station. Fighting fires and responding to medical emergencies in a high-rise building with such a high occupancy requires a large number of specially trained professional fire fighters and medical personnel. The County believes this proposal is so inadequate that it should be withdrawn from consideration. The risk this proposal would pose to the public health and safety is completely unacceptable, and would create a significant unmitigated impact to public health.
- f. Fire Services. The Draft EA/TEIR must discuss on site fire protection staffing levels and facilities. This type of facility will need a large number of personnel and until this information is provided, the County cannot conclude the adequacy of the proposed Public Services.
- g. Off-Reservation Fire Service Impacts. This Draft EA/TEIR is proposing to have fire services provided by Pala Reservation and Cal Fire (Rincon Station). The Pala Fire Station is approximately 6 miles away with a total response time of nearly 15 minutes. As traffic continues to increase on Highway 76 this response time will continue to increase. In addition, pulling the fire response force away from Pala may have an adverse impact upon the Pala Casino, which needs to be analyzed and mitigated.
- h. Cal Fire Rincon CDF Station. This station is the closest off- Reservation fire facility at approximately 4.8 miles. This facility would need to be upgraded with structural engine(s) and Schedule "A" status. The increase in call volume due to fires, emergency medical calls, and traffic collisions will need to be mitigated as an off-Reservation adverse impact.
- i. Firefighting Equipment. The Draft EA/TEIR must discuss the type and number of fire-fighting apparatus and staffing that will be required to fight fires in upper floors of the casino, hotel and parking structure.

- j. Traffic. Emergency services are and will continue to be adversely impacted due to additional traffic on SR-76 and adjoining roadways. The impact that increased traffic will have on emergency services should be addressed in the document, and a plan proposed to mitigate the impact of increased traffic on the provision of emergency services.
- k. No evacuation plan is provided. With a multiple-story building and a large number of patrons and employees an evacuation plan is critical in providing adequate fire protection.

Public Services – Police Protection

- 44. County agrees with Draft EA/TEIR statements that the Proposed Project will increase the demand for law enforcement services and that the Tribe needs to address these impacts to the County Sheriff Department by paying for an increase in Sheriff personnel and equipment. However, absent an agreement with the Tribe on the amount of funding necessary to mitigate the off-Reservation impact to law enforcement, satisfactory mitigation is not achieved nor assured. In addition to the Sheriff's Department impacts, contributions also are necessary to mitigate County law enforcement resource impacts associated with increases in criminal arrestee detentions, prosecutions and probation.

Solid Waste Impacts

- 45. Impacts to landfill capacity must be addressed through solid waste recycling. The Draft EA/TEIR should detail the extent of the project's recycling and solid waste programs during demolition, construction, and post construction operations of the Proposed Project.

Socioeconomic

- 46. Draft EA/TEIR fails to adequately address Problem Gambling Prevention. Section 4.15 fails to adequately provide for in-Casino problem gambler intervention, awareness and prevention programs that are industry accepted practices such as self-exclusion and Casino-exclusion programs, refusal to cash welfare and child support payments, etc.
- 47. Draft EA/TEIR fails to address Gambling Addiction Treatment. Section 4.15 also fails to address the Tribe's obligations under its State Compact to provide contributions for County's gambling addiction treatment program. As stated in the Draft EA/TEIR, the State does not provide treatment for gambling addiction; it is the County who is working to obtain treatment services for gambling addiction victims and the Proposed Project will increase the need for such treatment services.

Transportation/Traffic

48. Traffic impact analysis provided in the Draft EA/TEIR contains errors and incomplete analyses. Without substantial revisions, the information provided in the EA/TEIR is inadequate. The following comments on the Draft EA/TEIR and the Traffic Impact Analysis need to be addressed before appropriate mitigation measures can be identified.
49. Alternate transportation methods need to be considered. The Transportation and Traffic analyses are devoid of any consideration of alternate solutions to address traffic the Proposed Project will generate. The Draft EA/TEIR needs to consider expanded use of public transit, park and ride facilities, casino customer shuttles (vans/buses), employee carpooling incentives and employee shuttles, rather than only focusing on improvements to existing roads.
50. The Draft EA/TEIR and Traffic Impact Analysis (TIA) project descriptions are not consistent. As previously noted, the TIA project description on pages 1 and 1-1 should correlate with the project description in the Draft EA/TEIR page S-1 and Table 1, page 14. The revised traffic analysis summarized in the Draft EA/TEIR should correlate with any revisions made to the TIA.
51. The Draft EA/TEIR on page 16 notes that traffic improvements (mitigation) will follow improvements as described in the Reservation Transportation Authority (RTA) SR-76 Corridor Study. While the study has been completed, the scope of the study was not adequate to identify specific, major improvements to SR 76. Additional coordination with Caltrans is needed to identify specific improvements projects for implementation in the SR 76 corridor.
52. Contributions to RTA do not mitigate traffic impacts. One of the Draft EA/TEIR proposed mitigation measures is to provide funding to the RTA for improvements to the SR76/I-15 intersection. Any such contribution would need to be directed to Caltrans, the owner of the facility, not the RTA. In addition, specific improvement projects would need to be identified, and a schedule for these projects' completion set forth; and a fair share analysis of the Tribe's contribution, and the ultimate funding sources for the improvement projects, would need to be identified in order for such mitigation measures to be found adequate.

Traffic Impact Analysis (TIA)

53. The County's adopted Significance Criteria/Traffic Impact Guidelines dated September 2006 should be used to determine the project's direct and/or cumulative traffic impacts.

54. Table 3-1 needs additional information. Table 3-1 notes the size of the expanded gaming area is 53,500 square feet, which represents the new gaming area minus the existing gaming area. Table 3-1 should note the square footage of the new gaming area and the existing gaming area. The inconsistent project descriptions in the Draft EA/TEIR and TIA make it impossible to determine if the trip generation estimate shown in Table 3-1 was calculated correctly.
55. Traffic impacts of the Proposed Project are significantly underestimated. The TIA identifies a trip rate of 61.9 trips per 1,000 square feet of gaming area, which is much less than the established trip rate of 100 trips per 1,000 square feet of casino gaming area that has been used for several other local tribal casino traffic analyses. The TIA should explain why the lower gaming area trip rate is more valid than the standard trip generation rate used for other proposed tribal casino projects. It should be noted that when the standard (100 ADT/K.sq.ft) casino gaming area trip rate is used, the Proposed Project would generate 6,550 daily trips not 4,512 daily trips as used in the Draft EA/TEIR.
56. The TIA should include the 1,500-seat Event Center in the project's trip generation estimate. A full capacity event at the Event Center would likely generate a substantial volume of traffic that would not be completely accounted for in the casino gaming area trip rate.
57. Cumulative impacts to Cole Grade Road and Valley Center Road should be identified and mitigated. Per Figure 22, a portion of the project's trips will be distributed onto County Roads, including Cole Grade Road and Valley Center Road. Once the accurate trip generation numbers are developed, and impacts are analyzed, appropriate mitigation measures for these road segments need to be identified.
58. The TIA's mitigation summary, Section 5.0, page 5-1, should correlate and include any and all proposed traffic mitigation that is recommended in the Draft EA/TEIR pages 153-154. The TIA does not discuss contributing a fair share to County road segments as stated in the recommended mitigation measures of the Draft EA/TEIR, Section 6.16, page 153.
59. The Analysis Methodology section (3.1) should state the reasoning for only analyzing the PM peak hour and not the AM peak hour.
60. An assessment of the project's impacts to regional transportation facilities such as I-15 and SR-76 should be provided. The trips generated by the proposed project will exceed the 2,400 ADT threshold identified in the Congestion Management Program (CMP) for the San Diego Region. The assessment should utilize the criteria outlined in the CMP.

61. The TIA should include an analysis of the I-15/SR-76 ramps and the connecting segments of I-15. The TIA currently only analyzes the ramp intersections.
62. A traffic signal warrant should be provided for any proposed signals. The TIA recommends a traffic signal at SR-76 and Pauma Reservation Road.
63. Conceptual striping and signing plans for the proposed improvements to the intersection of SR-76 and Pauma Reservation Road should be included in the traffic analysis. The TIA should also note if additional ROW is needed to accommodate the proposed intersection lane improvements. The Tribe should coordinate with Caltrans and the County DPW Traffic Section in developing the design for the proposed intersection. Caltrans and the County will require construction and encroachment permits for any work performed within the agencies' right-of-way.
64. In addition to Table 4-1 (Intersection Operations, with Mitigation), the TIA should provide a roadway segment LOS table with Mitigation.
65. The TIA should provide a summary table that identifies the project's significant traffic impacts and corresponding proposed improvements and mitigation measures.
66. The TIA should more clearly identify the project's direct impact to the SR-76 roadway segments and provide recommended mitigation measures to address the roadway segment impacts. The proposed project will add over 4,000 daily trips (6,000 daily trips once trip generation is correctly calculated) to the segment of SR-76 from the project site to I-15 which is a two-lane highway that currently operates at a poor LOS. A fair-share contribution alone as proposed by the Draft EA/TEIR and TIA would not fully mitigate the project's direct impact to SR-76 from project site to I-15.
67. The TIA, page 4-2, states that for the segment of SR-76 west of I-15, SANDAG is leading a funded corridor study to improve this area of SR-76 and therefore mitigation is not necessary. If the proposed project will result in a significant impact to SR-76 west of I-15, the TIA should identify the project's traffic impact and provide recommended mitigation measures.
68. The TIA should document that the recommended mitigation measures will fully mitigate all of the project's significant traffic impacts to SR-76 and connecting County roads.
69. The TIA should delete the references to individual County staff persons on page 7-1.

Utilities and Service Systems – Wastewater

70. Additional information is needed to evaluate adequacy of proposed wastewater system. No technical study for the proposed wastewater system was submitted in support of the Draft EA/TEIR and, therefore, an engineering evaluation of the design basis or technical feasibility of the proposed wastewater treatment and disposal system cannot be completed. In concept, expansion of the existing Membrane Bioreactor plant to provide wastewater treatment for the proposed project appears to be suitable; however, in the absence of engineering calculations, design criteria and site plans, an assessment of the feasibility of such an expansion could not be determined.
71. Significant questions/issues that may affect the feasibility of the proposed wastewater treatment and disposal system include:
- a. Apparent overestimation of reclaimed water volume. The Draft EA/TEIR assumes that consumption of potable water supplied from wells will equal the wastewater rate generated by the project (i.e. all water used will be returned to sanitary sewers) and that ninety percent of the influent wastewater will be recovered for beneficial reuse as irrigation supply. These assumptions exceed industry standards for wastewater generation rates and expected reclaimed water production rates. While these assumptions would lead to conservative estimates for plant sizing, they in turn may result in overestimation of the amount of reclaimed water produced, which will affect the basis for determining the net increase in water usage that will result from project implementation.
 - b. Lack of detail regarding feasibility of actually being able to use the large volume of reclaimed water that is assumed to offset groundwater demand. The proposed effluent disposal system will require a significant expansion of the on-site reclaimed water irrigation system. A detailed irrigation plan would need to be developed to demonstrate that the effluent could be adequately disposed of under all weather conditions.
 - c. Large wet-weather wastewater effluent storage requirement is not mentioned. The Draft EA/TEIR does not indicate provisions for wet-weather effluent storage. While the project would not be under State Water Resources Control Board regulation (but will likely fall under USEPA regulation), similar treatment and disposal systems in Southern California generally are required to maintain 84 days of effluent storage capacity. Based on the flow rates provided in the Draft EA/TEIR, the project would be required to construct over 19 million gallons of storage capacity. Barring construction of on-site storage, the project would have to demonstrate a plan to store or dispose of effluent during conditions of

limited or restricted irrigation. Note that the Draft EA/TEIR states that no off-Reservation effluent discharge is proposed.

- d. Large area needed for wastewater treatment plant. Expansion of the treatment plant will require significant expansion of facility footprints, including additional reactor units, solids handling (e.g. drying beds), influent basins and pumps, effluent disinfection, and chemical and equipment storage. A detailed site plan would need to be developed to evaluate the feasibility of expanding the plant within existing site constraints, and the impacts such an expansion would cause.

Timing of Mitigation Measures

72. Adequacy of mitigation measures cannot be determined because timing of mitigation measures are not described in the Draft EA/TEIR. Timely implementation of all mitigation measures is essential. The Draft EA/TEIR is silent regarding timing of mitigation measures such as off-Reservation road improvements, construction of wastewater treatment plant expansion, expansion of the Reservation fire department, construction of water reclamation facilities, and other mitigation measures. Upon appropriate analyses as described in this comment letter, additional mitigation measures are expected to be necessary and also must be implemented before impacts occur. In order to mitigate Proposed Project impacts, mitigation measures should be implemented and in place prior to the occurrence of the impacts.

Cumulative Impacts

73. The cumulative impact analysis is inadequate. The reasoning that cumulative impacts are not significant because project impacts are not significant misses the intent of a cumulative impact analysis. The cumulative impact analysis should address all issues for which the project has an incremental, though not necessarily significant, effect that combines with effects from other projects.
74. Two of the projects in the cumulative projects list should be removed because they are built and are considered part of the existing conditions. These are the Harrah's Rincon Casino and the Santa Ysabel Casino.

The County's comments on the Draft EA/TEIR relate to off-Reservation impacts from the Proposed Project. Due to our extensive concerns regarding the Draft EA/TEIR deficiencies in determining the Proposed Project's off-Reservation impacts, it is requested that a meeting of Tribal and County representatives be scheduled to review the issues contained in this comment letter. It is the County's opinion that the EA/TEIR is not adequate as drafted, and that the

Dr. Baksh
September 21, 2007
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document should be revised as requested in this comment letter and a second review of the document be undertaken.

Please contact John Snyder at (858) 694-2233 to schedule this meeting, or if you have any questions.

Sincerely,



CHANTAL SAIPE
Tribal Liaison

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