FINDING OF NO SIGNIFICANT IMPACT

SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS

9-ACRE FEE-TO-TRUST PROJECT

San Diego County, California

September 2010

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NOTICE OF FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS 9-ACRE FEE-TO-TRUST PROJECT

AGENCY: Bureau of Indian Affairs

ACTION: Finding of No Significant Impact

SUMMARY:

The San Pasqual Band of Diegueño Mission Indians (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to approve the acquisition in trust of approximately 9.08 acres of fee land for commercial development. The land proposed for development and trust acquisition is located in Valley Center, California, on the southwest corner of Valley Center Road and North Lake Wohlford Road. The project site is located in Section 15 of Township 11 South, Range 1 West, on the Rodriguez MT, California U.S. Geological Survey (USGS) 7.5-Minute Topographic Quadrangle (quad), San Bernardino Baseline & Meridian.

Based on the analysis contained in the Draft Environmental Assessment (EA), public comments made on the Draft EA (**Attachment A**), the response to those comments (refer to **Attachment B**), and the mitigation imposed within the Final EA (**Attachment C**), the BIA makes a finding of no significant impact (FONSI) for the Proposed Action. This finding constitutes a determination that the Proposed Action is not a federal action significantly affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement (EIS) is not required.

BACKGROUND:

The San Pasqual Reservation is situated in the Peninsular Mountains, located in the unincorporated area of San Diego County known as Valley Center, about 11 miles northeast of Escondido. It comprises 1,380 acres consisting of five separate parcels in a semi-checkerboard configuration. It is situated primarily on steep and rolling hills; only about fifteen percent, or 207 acres, of the Reservation is considered appropriate for development. Because of this limitation, the Tribe began purchasing additional lands contiguous to and surrounding the Reservation in order to provide an economically viable land base for its membership and to increase opportunities for economic development and tribal self-determination.

The Proposed Action would facilitate Tribal self-determination and economic development, and allow the Tribe to exercise sovereignty over lands currently held in fee title. The development of a portion of the site into a small retail plaza would increase tribal revenues, provide employment and managerial experience for tribal members, help serve the needs of Valley Center from anticipated community growth, and would offer

important economic development opportunities that would support the Tribe's pursuit of self-determination.

DESCRIPTION OF THE PROPOSED ACTION:

The BIA's Proposed Action consists of the transfer of the site into federal trust status for the benefit of the Tribe. The proposed fee-to-trust conveyance is for one parcel totaling approximately 9.08 acres. A reasonably foreseeable consequence of this action is the subsequent development of the site into a small retail plaza (Proposed Project). The retail plaza would include a commercial building, a restaurant, and a gas station. The remainder of the site would continue to be utilized as an overflow parking area for the Valley View Casino.

ALTERNATIVES CONSIDERED:

The BIA considered two alternatives to the Proposed Action, the No Action Alternative and the Reduced Intensity Alternative, which are described in the Final EA (**Attachment C**) and summarized below. The No Action Alternative was evaluated in full detail in the Final EA. The Reduced Intensity Alternative was considered but ultimately eliminated from further detailed evaluation as it would not meet the purpose and need for the Proposed Action.

1) No Action Alternative: Under the No-Action Alternative, the 9.08-acre site would not be placed into trust for the benefit of the Tribe. The Tribe would develop the eastern half of the site as a 143-space parking lot, with ancillary structures, in accordance with the Site Plan for the Valley View Casino Employee Parking Lot.
2) Reduced Intensity Alternative: The Reduced Intensity Alternative, like the Proposed Action, consists of the conveyance of the site from private ownership into federal trust status for the benefit of the Tribe. Under this alternative, the existing overflow parking lot for the Valley View Casino would be expanded to cover the entire 9.08-acre parcel. No commercial development would occur.

ENVIRONMENTAL IMPACTS:

A Draft EA, documenting and analyzing the potential impacts of the Proposed Action and Alternatives, was completed in April 2010. The Draft EA was distributed for public review from May 10, 2010 to June 11, 2010. The BIA received nine comment letters, included within this FONSI as **Attachment A**. A Final EA was completed in August 2010 in accordance with the requirements set out in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4321 et seq.), the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA, and the BIA's NEPA handbook (59 IAM 3-H). The Final EA has been included within this FONSI as **Attachment C**.

As part of the Final EA, potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions/environmental justice,

transportation and circulation, land use, public services, noise, hazardous materials, and visual resources were evaluated, with the following conclusions:

A. Project design and Best Management Practices (BMPs) incorporated into the Proposed Project will ensure impacts to land resources will be less than significant. See Final EA Sections 4.1.1 and 2.1.
B. Project design, BMPs incorporated into the Proposed Project, and mitigation measures will ensure that impacts to water resources are not significant. See Final EA Sections 4.1.2, 2.1, and 5.2.
C. BMPs incorporated into the Proposed Project will ensure impacts to air quality will be less than significant. See Final EA Sections 4.1.3 and 2.1.
D. Implementation of mitigation measures will ensure that impacts to biological resources are not significant. See Final EA Sections 4.1.4 and 5.4.
E. No potentially significant cultural or paleontological resources were identified within the project site. There will be no significant impacts to known cultural resources. Mitigation measures will ensure impacts to unknown cultural resources are less than significant. See Final EA Sections 4.1.5 and 5.5.
F. Implementation of mitigation measures will ensure that impacts associated with socioeconomic conditions and environmental justice are not significant. See Final EA Sections 4.1.6 and 5.6.
G. Implementation of mitigation measures will ensure that impacts associated with transportation and circulation are not significant. See Final EA Sections 4.1.7 and 5.7.
H. There will be no significant land use impacts. See Final EA Section 4.1.8.
I. Project Design and implementation of mitigation measures will ensure that impacts to public services are not significant. See Final EA Sections 4.1.9, 2.1, and 5.10.
J. Implementation of mitigation measures will ensure that impacts associated with noise are not significant. See Final EA Sections 4.1.10 and 5.11.
K. Project Design and implementation of mitigation measures will ensure that impacts associated with hazardous materials are not significant. See Final EA Sections 4.1.11, 2.1, and 5.12.
L. Implementation of mitigation measures will ensure that impacts associated with visual resources are not significant. See Final EA Sections 4.1.12 and 5.13.
M. Cumulative impacts associated with land use would be less than significant. BMPs incorporated into the Proposed Project and mitigation measures will ensure that cumulative impacts to water resources, air quality, biological resources, cultural resources, socioeconomic conditions and environmental justice, transportation and circulation, public services, noise, hazardous materials, and visual resources are not significant. See Final EA Sections 4.3, 2.1, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.10, 5.11, 5.12 and 5.13.

SUMMARY OF FINAL EA PROTECTIVE MEASURES, BMPS, AND MITIGATION MEASURES:

The protective measures, BMPs, and mitigation measures described in the Final EA are included either to reduce significant impacts to a less than significant level, to further reduce already less than significant impacts, or both. To ensure that the mitigation measures required to reduce significant impacts to a less than significant level are enforceable as applicable, the mitigation measures are either included as an integral part of the project description, required by Federal law, and/or included within an enforceable NEPA document.

Following is a summary of protective measures, BMPs, and mitigation measures that have been incorporated into the project design to eliminate or substantially reduce environmental impacts from the project (see the Final EA for a detailed description of all measures and BMPs).

Land Resources

- All structures shall meet the California Building Code requirements for the site; including the seismic design criteria of the most recent edition of the International Building Code for Seismic Zone 4.
- Design-level geotechnical specifications addressing the specific grading and development plans shall be developed prior to finalization of the grading and development plans for the property.

Water Resources

- A detailed drainage plan shall be prepared by a registered civil engineer prior to the site development that shall include the following items:
    - An accurate calculation of pre- and post-development runoff conditions shall be performed using appropriate hydraulic models.
    - Vegetated detention swales shall be constructed according to the engineer's recommendations and engineering specifications to mitigate for increased peak flows from impervious surfaces. Recommendations from EPA Publication 832-F-99-006 (EPA, 1999) regarding vegetated detention swales shall be followed to the extent feasible.
- The Tribe shall obtain a National Pollutant Discharge Elimination System permit (NPDES General Permit) from the USEPA for construction site runoff during the construction phase in compliance with the Clean Water Act (CWA). A Storm Water Pollution and Prevention Plan (SWPPP) shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with General Permit requirements. The SWPPP shall detail the BMPs to be implemented during construction and post-construction operation of the Proposed Project.
- The Tribe shall submit development plans to the County of San Diego Development Services for approval of any necessary off-site improvements and encroachment permits. The plans shall include the site-specific stormwater drainage plan.

- In the event that the Valley Center Municipal Water District (VCMWD) cannot serve the Proposed Action in the future and groundwater must be explored as a supplemental or replacement water supply, a groundwater feasibility study shall be prepared which, at a minimum, characterizes the existing water table, determines groundwater levels and flow directions in the vicinity, estimates available supply, calculates the impact of the Proposed Action on nearby water supply wells, and recommends appropriate conservation measures to avoid impacting ongoing beneficial uses of groundwater and to preserve the water supply for the future of the Proposed Action. Should the groundwater feasibility study find that the Proposed Action would have an unmitigateable adverse impact on nearby supply wells, groundwater would no longer be considered as a potable water source, and potable water would be purchased and trucked through private suppliers to the site.
- All storm drains shall be equipped with silt and grease traps to remove oils, debris, and other pollutants. Storm drain inlets shall also be labeled "No Dumping-Drains to Rivers and Streams."
- The parking lot shall be designed to allow stormwater runoff to be directed toward vegetative filter strips to help control sediment.
- Gasoline and diesel refueling/ dispensing sites shall be contoured to drain into oil/water catchment basins.
- To prevent leaks of fuel from the gas station storage tanks and dispensing stations, the gas station shall be designed and constructed in accordance with all Federal regulations governing gasoline operations. Specific design, construction and operation practices shall include the following to prevent spills, overfills, and corrosion:
    - The gas station shall be equipped with catchment basins of sufficient size to contain mall spills. As a minimum, the basin shall be large enough to contain what may spill when the delivery hose is uncoupled form the fill pipe. Any spilled fuel shall be removed and disposed of immediately.
    - Gas station attendants and delivery personnel shall follow industry standard filling practices such as American Institute recommended Practice 1007, "Loading and Unloading of MC306/DOT 406 Cargo Motor vehicles." Filling practices shall include provisions that ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made; and that the transfer operation is monitored constantly to prevent overfilling and spilling.
    - Gasoline storage tanks shall be equipped with overfill protection such as automatic shutoff devices, overfill alarms or ball and float valves.
    - Gasoline storage tanks shall be constructed to meet Federal corrosion performance standards.
    - Gasoline storage tanks shall be periodically inspected to ensure that the tank is structurally sound and free of corrosion or holes. Frequency of inspections shall be consistent with Federal requirements.
    - The tanks shall be equipped with leak detection systems to provide early detection of leaks from the tanks and dispensing equipment.

Air Quality

- The project owner shall designate an on-site Air Quality Construction BMP Manager (AQCBM) who shall be responsible for directing compliance with BMPs for the project construction heavy-duty equipment. The AQCBM shall be responsible for directing compliance with the following BMPs for fugitive dust control practices during project construction:
    - For any earth moving activities which would occur more than 100 feet from the subject property boundaries, conduct watering and/or cover as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction
    - For all disturbed surface areas apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas, which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day, and/or covered.
    - Establish a vegetative ground cover as soon as feasible after active operations have ceased.
    - For all unpaved roads either water all roads used for any vehicular traffic as often as necessary to minimize dust; or apply chemical stabilizer to all unpaved road surfaces on sufficient quantity and frequency to maintain a stabilized surface.
    - Provide track-out control to minimize tracking of soil onto neighboring roadways.
    - For all off site haul vehicles, cover loads.

Biological Resources

- A focused botanical survey will be conducted by a qualified botanist during the blooming periods for the San Diego thornmint, thread-leaved brodiaea, and San Diego button celery prior to commencement of construction activities within the ruderal/disturbed areas. One botanical survey may be conducted in April, May, or June to satisfy the bloom periods for these species. A letter report will be completed following the preconstruction survey to document the results. Should no species be observed, then no additional precautionary measures would be required. Should any of the federal listed plants be observed during the focused botanical survey, the biologist would contact the Tribe within one day of the survey to report the findings. A ten-foot buffer would be established around the species using construction flagging prior to commencement of construction activities.
- A species sensitivity training program will be established. This program will be designed to educate construction personnel about the mitigation measures required for the execution of the project. All construction personnel will attend the sensitivity training that will provide instruction on identification, status, and detailed protocol of the actions that should be taken in the event that the Stephens' kangaroo rat is encountered onsite during construction activities. The construction personnel will sign a sheet documenting attendance at the training. A qualified biologist will prepare a letter report within 30 days following the

training to document the results of the preconstruction survey and training. The letter report will be submitted to the Tribe for its records.

- A preconstruction survey will be conducted for Stephens' kangaroo rat not more than 14 days prior to construction activities occurring within the ruderal/disturbed areas. Should the biologist observe Stephens' kangaroo rat within the project site, consultation with the USFWS would be initiated within 24 hours of the survey. No work would commence until the USFWS authorizes the commencement of such work.
- If the construction crew observes Stephens' kangaroo rat within the construction area, all construction activities will immediately cease. The construction crew will contact the biologist within 24 hours of the sighting. The biologist will consult with the USFWS within 24 hours of notification. No work shall commence until the USFWS authorizes the commencement of such work.
- If construction begins during the nesting season for raptors and other migratory birds (between February and October), a qualified biologist will conduct a preconstruction survey for active nests within 250 feet of the project site no more than 14 days prior to construction. If no active nests are found, then no further mitigation is necessary.
- If any active nests are located in the project parcels, a 100-foot diameter buffer zone will be established around the nest to maximum extent practicable. A biologist should monitor nests weekly during construction to evaluate potential nesting disturbance caused by construction activities. The boundary of the buffer will be marked with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone will be maintained until the end of the breeding season or until the young have fledged. No construction activities should occur within 100 feet of a nest tree while young are in the nest. The biological monitor will have the authority to stop construction if construction results in evidence of potential nest abandonment. The caution tape, surveyor's flagging, pin flags, stakes, etc., may be removed when a biologist, whose qualifications are acceptable to approval agency staff, confirms that the nest(s) is no longer occupied and all young have fledged.
- If an active nest occurs in a tree scheduled for removal or during demolition of an existing structure, the species of nesting bird will be determined to identify whether the species is protected under the MBTA. The nest tree will be preserved until the USFWS is contacted to obtain guidance on alternative buffers based on the species requirements.

Cultural Resources

- If human remains are discovered or suspected, work shall halt in that area and procedures set forth in 36 CFR § 800.13 shall be followed.
- Once in Federal trust, and in the event of any inadvertent discovery, all such finds shall be subject to the implementing regulations under 36 CFR § 800.13.
- Although not required to reduce effects to less than significant, it is recommended that a qualified archaeologist and Native American Monitor shall be present during all ground disturbing activity.

Socioeconomic Conditions / Environmental Justice

- The Tribe shall adopt an ordinance governing the sale and use of alcohol at the site; including, but not limited to, the prohibition of the sale of alcohol to minors less than 21 years of age, as well as the prohibition of public drinking and/or intoxication at the site.
- The Tribe shall adopt an ordinance prohibiting loitering and suspicious behavior on site.

Transportation and Circulation

- Project redesign is recommended to align the internal driveway to the western parking lot further south along Street A, opposite the access point to the eastern parking lot.
- The Tribe shall contribute funding for the following improvements to reduce potential traffic impacts to less than significant in the buildout year
    - Valley Center Road/ Street "A" intersection: Restripe Valley Center Road to provide a westbound left-turn lane with 150-feet of storage and a 90-foot bay taper and an eastbound dedicated right-turn lane. Provide two outbound (northbound) lanes on Street "A", one left-turn lane and one right-turn lane with an overlap phase. Conduct an annual traffic count at the Valley Center Road/ Street "A" intersection as part of a monitoring program of the intersection to determine when signal warrants are met. Install the traffic signal once warrants are met.
    - Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road: Provide the intersection improvements listed above and in addition, provide a westbound left-turn only lane at the Valley Center Road/Molly Anne Court intersection (entering into Citrus Point Subdivision).
- The Tribe shall make a fair share contribution into the County Traffic Impact Fee Program to reduce potential cumulative traffic impacts on Valley Center Road, between Cole Grade Road and Lake Wohlford Road; Lake Wohlford Road, between Valley Center Road and Guejito Road; and Cole Grade Road, between Valley Center Road and Fruitvale Road, to a less than significant level.

Public Services

- Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.
- During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment would be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.
- Structural fire protection shall be provided through compliance with the International Fire Code requirements for commercial structures of this size. The Tribe shall ensure that appropriate water supply and pressure is available for emergency fire flows.
- Typical fire flow allowances shall be confirmed with the local Fire Marshall prior to construction water tank storage if constructed.

- For the gas station, the Tribe shall create and maintain a facility equipped with the latest early detection systems that insure an initial response to any fire alarm (automatic, local, or report). This shall rely on automatic sprinkler systems in the areas of the facility that are normally unoccupied, such as storerooms and mechanical areas.
- Residents of the property will be required to participate in any future water conservation measures that may be adopted by the District.
- The project shall be subject to the District's Administrative Code including but not limited to Article 160 regarding Water Service, Article 190 Developer Project Requirements, Article 175 regarding Recycled Water, and Article 230 regarding Water Supply Shortage Conditions.

Noise

- Construction shall be limited to between the hours of 7am and 7pm Monday through Saturday.
- During construction, stationary equipment and staging areas shall be located as far as practical from noise sensitive receptors.
- All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations.
- The general contractors for all construction activities shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem.
- A sound wall shall be constructed along the southern border of the Site prior to other improvements on the site to greatly reduce noise impacts to the adjacent Valley Center School and residences. The height, length, placement, and construction of the sound wall shall be designed to reduce noise levels from construction and operation to below the federal standard at nearby sensitive noise receptors. The sound wall shall be of at least eight feet in height to provide an attenuation level of 8 dBA, as noise attenuates at approximately one dBA per vertical foot (Caltrans, 2009).

Hazardous Materials

- A worksite safety plan shall be prepared for construction
- Secondary containment shall be stressed for the handling and storage of all hazardous materials.
- Mitigation provided under Water Resources would minimize impacts to stormwater from hazardous materials handling during construction activities.

Visual Resources

- The Proposed Action should employ only shielded low-pressure sodium cutoff light fixtures, which will conform to San Diego County Dark Sky Ordinance.

- The proposed pole lights should be 25 ft. in height, which allows them to be placed on the interior of proposed parking lot facilities.

RESPONSE TO DRAFT EA COMMENTS:

The BIA received nine comment letters on the Draft EA (**Attachment A**). Responses to each comment letter are provided within **Attachment B**.

PUBLIC AVAILABILITY:

This FONSI will be distributed to all persons and agencies known to be interested in the Proposed Action as indicated by their comments on the Draft EA. Additionally, all persons and agencies on the Draft EA mailing list will receive a copy.

DETERMINATION:

After review and independent evaluation, the BIA has determined that the proposed federal action, to approve the San Pasqual Band of Diegueño Mission Indians' request to acquire the proposed 9.08-acre site into trust for the purpose of developing a small retail plaza and associated facilities, does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. This conclusion is based on the analysis contained in the Final EA, public comments made on the Draft EA, the response to those comments, and the mitigation imposed. Therefore, an Environmental Impact Statement is not required and the BIA is issuing this mitigated FONSI.

Issued in Sacramento, California this 22 day of September 2010.

Amy L. Dutschke

Acting Regional Director
Bureau of Indian Affairs
U.S. Department of the Interior

This FONSI is a finding on environmental effects, not a decision to proceed with an action, therefore cannot be appealed. 25 C.F.R. Part 2.7 requires a 30 day appeal period after the decision to proceed with the action is made before the action may be implemented. Appeal information will be made publically available when the decision to proceed is made.

ATTACHMENTS

ATTACHMENT A

COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE 9-ACRE FEE-TO-TRUST AND RETAIL PLAZA PROJECT

ATTACHMENT A

COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT

This attachment to the response to comments provides all of the comments received by the BIA during the public review period for the Draft Environmental Assessment for the 9 Acre Site San Pasqual Band of Diegueño Mission Indians (April, 2010). The comments presented herein were submitted by way of letter and email. A total of nine comment letters were received by the BIA: five from public agencies or organizations and four from private citizens and groups. All of the comments received are indexed in **Table A1-1**. The comment letters are presented immediately after the comment index.

Table A1-1: Index of All Comments Received on the Draft EA.

Letter No.	Name	Agency / Organization	Date of Letter
1	Chandra L. Walker	Deputy Chief Administrative Officer, San Diego County	June 4, 2010
2	Leal Montgomery	Chair, Valley Center Design Review Board	June 1, 2010
3	Dr. Lou Obermayer	Superintendent, Valley Center Pauma Unified School District	June 2, 2010
4	Dave Singleton	Program Analyst, Native American Heritage Commission	May 12, 2010
5	Oliver Smith & Paul Herigstad	Valley Center Community Planning District	June 7, 2010
6	Bill Trok	Senior Pastor, Ridgeview Church	June 7, 2010
7	Irma Montejano		June 11, 2010
8	Amy Archipov		June 11, 2010
9	Robert J. Caven, Jr.		June 11, 2010

Letter 1

County of San Diego

June 4, 2010

Comment Letter 1

✓ DEZRMS NO

County of San Diego

LAND USE AND ENVIRONMENT GROUP

CHANDRA L. WALLAR
DEPUTY CHIEF ADMINISTRATIVE OFFICER

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June 4, 2010

Mr. Dale Risling, Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

RE: ENVIRONMENTAL ASSESSMENT FOR PROPOSED TRUST ACQUISITION OF 9.08 ACRE FEE PARCEL – APN 189-051-02– FOR SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS

Dear Mr. Risling:

This letter is in response to the "Notice of Land Acquisition Application" (Notice) seeking acceptance of title to Assessor's Parcel No. 189-051-02 in trust by the United States of America for the San Pasqual Band of Diegueño Mission Indians (Tribe). The County of San Diego (County) appreciates the opportunity to comment on the proposed acquisition. 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. The County comments relate to issues within its statutory responsibilities and impacts of the project.

By Resolution (No. 94-115) dated March 29, 1994 and again by unanimous vote on November 1, 2000, the San Diego County Board of Supervisors has stated opposition to taking of additional land into trust and has urged the Secretary of the Interior to decline to designate as "tribal land" newly purchased land acquired for the purpose of Indian gaming and related uses. When these lands are taken into trust, gaming and other uses of the property are expanded outside of existing reservations at an intensity that may not be compatible with the surrounding area. The impact on residents of adjacent communities often exceeds anything that could have been reasonably anticipated. Impacts can occur not only because of incompatible land uses, but also can occur due to traffic generation, groundwater capacity, biological resources, and a host of impacts to other sensitive resources.

The County is opposed to this application and urges denial of the request. In addition, based on review of the Environmental Assessment (EA), the County believes that the environmental consequences of the proposed project justify the need for an Environmental Impact Statement (EIS) rather than a Finding of No Significant Impact (FONSI). A FONSI would not be appropriate due to the potentially significant environmental impacts detailed in this comment

letter. Based on the information in the EA, the County believes that the environmental consequences of the proposed federal undertaking may be significant. Further environmental review is needed through the EIS process to ensure that project impacts are thoroughly evaluated and properly mitigated if the land were to be taken into trust.

1. **Major Project Issues**.

a. The County was notified in March 2004 that a portion of this property was illegally being used as an overflow parking lot for the Valley View Casino. The County's Code Enforcement Division also indicated that there was improper lighting and an illegal guard station on-site. The Tribe applied for a Rezone (REZ 04-017) and Site Plan (STP 06-004) to remedy these illegal land uses. The Site Plan was approved by the Director of Planning and Land Use on May 22, 2009 (see attached approved Site Plan decision and approved final Plot Plan for STP 06-004) to allow an overflow parking lot for 500 employees and visitors of the Valley View Casino. Several conditions of approval and mitigation measures were required in order for the Site Plan to be approved by the Director of Planning and Land Use. These included mitigation for traffic impacts, visual/aesthetics, stormwater, lighting, trails, air quality, and landscaping. To date, the Tribe has not completed any of the conditions of approval of the site plan, and these impacts remain unmitigated. None of these issues have been adequately addressed in the EA to ensure that they will not cause significant impacts as a result of the newly proposed project. The County urges you to ensure that these issues are resolved prior to the Bureau of Indian Affairs (BIA) consideration of the requested fee-to-trust (FTT) application. To do otherwise would allow the Tribe to conduct activities on this site that have been shown to have environmental impacts, but to avoid the mitigation for those impacts by placing the land into trust. 1-1

b. The EA lacks discussion of an existing lien and cooperative agreements between the County and the Tribe in which the Tribe has agreed to perform improvements to portions of Valley Center Road and Lake Wohlford Road. These agreements were entered into as part of the approval of the Site Plan (STP 06-004) and should be included in an EIS to evaluate whether there is adequate mitigation for the additional traffic impacts caused by the proposed project. 1-2

c. Page 2-1 of the EA, reads that the "tribe would enter into a lease with the Casino Board for the use of this land, which the San Diego County Board of Supervisors has recently rezoned for parking use. This type of structure provides the Tribe additional flexibility regarding land management." The County opposes the expansion of tribal lands and Indian gaming activities in the State of California without appropriate mitigation for resulting impacts. The County opposes this FTT application because the EA does not sufficiently address impacts, both as currently proposed or on future development that could occur when the project is no longer under the County's jurisdiction. 1-3

d. Page 3-32 of the EA, states that the Tribe has entered into an agreement with the County regarding the development of the site. The EA states that in the agreement, the Tribe will comply with the County Zoning Ordinance. The EA states that the Tribe will dedicate areas of the site for easements relating to utility 1-4

placement and access, surface water drainage, the construction of sidewalks and bike lanes for pedestrian access, a landscape plan, as well as other land use controls. The information in the EA has not adequately demonstrated that these issues have been addressed or that this agreement has been met or how it will be implemented. Note: The County is unclear as to the agreement being referenced in this section of the EA. It is our understanding that the agreement referenced refers to the conditions of approval of the site plan number SO6-004. All improvements should be required to be completed by the Tribe before land is considered to be taken into Trust. 1-4 Cont.

e. The Cumulative Effects Section (Section 4.3) in the EA is inadequate. An EIS must be prepared which examines the cumulative effects of this project in conjunction with other projects in the immediate area. When direct impacts from a proposed project are less than significant, a project may still have a cumulatively considerable impact on the environment if the proposed project, in combination with other proposed projects or reasonable foreseeable future projects within proximity of the project, will cumulatively cause a significant impact. The County has identified the following projects (listed below), though there may be others in the area. These projects should be analyzed in an EIS for cumulative impacts in all of the Environmental Consequences Sections. 1-5

Permit Name	Permit Number
Hoag Major Use Permit	MUP 04-007
Hidden Meadows Residential Subdivision	TM 5176
Garcia Residential Subdivision	TM 5458

f. The impacts of the proposed commercial development will greatly increase traffic impacts in the surrounding areas. The Tribe should be required to enter into a cooperative agreement with the County to mitigate direct and cumulative traffic impacts. The County has identified that there would be significant impacts to Valley Center Road between Cole Grade Road and Lake Wohlford Road based on the information provided in the EA. 1-6

g. The County requests that an EIS be prepared which contains an analysis of the design of structures and signage on the project area to ensure that there will be no impacts to the community character of Valley Center. 1-7

2. **General Comments**

a. A review of recent aerials illustrates that Figures 1-2, 2-1, 3-2, and 3-4 in the EA are inaccurate depictions of the project area. The County's GIS aerials indicate that these figures resemble what the project looked like in 2002. An EIS should be prepared with figures reflecting the existing land conditions (paved parking lot and graveled area on the eastern portion of the property). 1-8

b. The County's Land Use and Environment Group has developed guidelines for determining significance that are used to determine the impacts of environmental consequences in the unincorporated portions of the County. The guidelines also provide mitigation options for addressing significant impacts. To assure that all 1-9

impacts from the project are adequately analyzed, the County urges the use of these guidelines in preparation of all environmental sections of an EIS. The guidelines are available on the Department of Planning and Land Use website. In addition, the County encourages the Tribe to hire consultants from the County approved list for all environmental subject areas. 1-9 Cont.

c. The EA lacks a detailed project map which makes it difficult to fully address environmental concerns. 1-10

d. The County opposes the incorporation of any easements held by the County and other agencies into trust lands because it would constitute a taking of public property. 1-11

e. Page 3-33 of the EA, incorrectly states that the rezone was approved by the Board of Supervisors on February 28, 2009. The project was approved on January 28, 2009. 1-12

f. Page 3-30 of the EA incorrectly states that the project is located within the San Pasqual Indian Reservation. The project is not located on land that is either within the reservation, nor is it contiguous to the reservation boundary. 1-13

g. The Tribe should provide a decomposed granite (DG) pathway along the road right of way on Valley Center Road and Lake Wohlford Roads to implement the Valley Center Community Trails and Pathways Plan. 1-14

2. **Water Resources**

a. The EA is inadequate as it does not include a detailed analysis of the use of groundwater on the property. Section 4.3.2 of the EA discusses that impacts to the groundwater basin are anticipated to not be cumulatively significant since the project will be using a relatively small increment of available groundwater. However, this statement is unsubstantiated in the EA. An EIS should be prepared which indicates the source of groundwater to be utilized at the site and the estimated quantity of groundwater to be used. An EIS should also make it clear whether the project is going to be served by the Valley Center Municipal District (VCMD) or local groundwater wells. The VCMD primarily receives its water from imported water sources and would most likely not provide the project with local groundwater resources. 1-15

b. Page 4-3 in the EA does not include sufficient description of the Valley View Casino wastewater treatment alternative, including consistency with existing discharge permits, to support the finding that the project will have no impacts to municipal or private wastewater facilities in the area. The EA indicates that wastewater treatment will be provided either by on-site septic system or by the existing Valley View Casino wastewater treatment facility. The EA lacks analysis to determine if any improvements will be required to implement the Valley View Casino treatment alternative, such as construction of conveyance facilities or expanded treatment process and/or disposal facilities. 1-16

c. County, state and federal stormwater regulations and permits should be followed and monitored for all project components. The activities proposed under this application should be in compliance with the State Water Resources Control Board (SWRCB), San Diego Regional Water Quality Control Board (RWQCB), and the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (Ordinance No. 9926 and Appendix A). A monitoring system should be in place to ensure that the mitigations outlined in the EA are completed, including, but not limited to the filing of a Notice of Intent, preparation of the Storm Water Pollution Prevention Plan (SWPPP), provision for construction Best Management Practices (BMP's) and provision of post construction BMP's such as detention basins, vegetative strips, grassy swales and high infiltration substrates. 1-17

d. A Major Storm Water Management Plan (SWMP) form should be completed for the proposed project components. The form is found at: http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_c.pdf. Post construction treatment control BMP's should apply to the various development components. 1-18

e. The project should comply with the County Low Impact Development (LID) requirements. The LID Handbook and accompanying information can be found at: http://www.sdcounty.ca.gov/dplu/procguid.html#hydro. 1-19

In addition, the project should comply with the California Department of Transportation (Caltrans) low impact development information found at: http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml 1-20

f. Applicability of Hydromodification requirements should be reviewed and complied with if applicable for the proposed development. Information regarding Hydromodification may be found at the County's Project Clean Water website at: http://www.projectcleanwater.org/html/wq_susmp.html 1-21

3. **Air Quality**

a. Page 4-4 of the EA states that "impacts to air quality would be small." The County does not agree with this statement and the EA provides no justification for this claim. 1-22

b. The EA should include an evaluation of whether the proposed project would conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP). An EIS should be prepared which includes an Air Quality Assessment to determine whether the proposed project would conform to the RAQS and SIP. Growth that is consistent with the General Plan would be consistent with the RAQS. The County of San Diego General Plan Land Use Designation for the site is (17) Estate Residential, which does not allow commercial use. If a project proposes development that is greater than that anticipated by the County of San Diego General Plan and San Diego Association of Governments (SANDAG's) 1-23

growth projects, the project would be in conflict with the RAQS and SIP and might have a significant impact on air quality. 1-23 Cont

c. The California Air Resources Board (CARB) discourages the location of Gasoline Dispensing Facilities within 300 feet of sensitive land uses such as schools. The proposed gasoline station would be located directly south of the Valley Center Middle School. An EIS should be prepared which includes a Health Risk Assessment (HRA) to evaluate the extent of airborne emissions from the project and the potential public health impacts of those emissions. The EIS should specifically address increased traffic on School Bus Road, which is directly adjacent to the Valley Center Middle School's recreational facilities. 1-24

d. The EA does not indicate the amount of grading for the proposed project or detail the type of temporary construction equipment that would be required to construct the proposed project. An EIS should be prepared which includes a calculation of the resulting construction emissions. 1-25

e. An EIS should be prepared that includes a "Hot Spot" analysis to address air quality impacts caused by increased traffic volumes at intersections serving the proposed gas station and retail center. The County of San Diego's Guidelines for Determining Significance for Air Quality indicate that a project would have a significant impact if it causes a road intersection to operate at or below a Level of Service (LOS) E (analysis only required when the addition of peak-hour trips from the proposed project and the surrounding projects exceed 2,000 average daily trips) and create a Carbon monoxide (CO) hot spot and cumulative considerable net increase in CO. 1-26

f. An EIS should be prepared that evaluates the potential odor and construction impacts on sensitive receptors resulting from the construction and operational phases of the project. These impacts could affect a considerable number of adjacent County residents. 1-27

g. The project should adhere to gas dispensing facility regulations of the San Diego County Air Pollution Control District (SDCAPCD), specifically Rules 61.3, 61.3.1, 61.4, and 61.4.1, to ensure compliance with County air quality standards. The EA is inadequate since it indicates that the proposed gas station would be subject to "South Coast Air Quality Management District regulations" pertaining to gas dispensing facilities when it should be stated that it should comply with SDCAPCD regulations. 1-28

h. In Section 3.3.2, the last column in Table 3-3 incorrectly indicates SAAQS instead of CAAQS. 1-29

i. The EA incorrectly references the San Diego County Air Basin (SDCAB) instead of the San Diego Air Basin (SDAB). 1-30

j. In Section 3.3.2, Table 3-3 is incorrect since it reads that there is no annual Ambient Air Quality Standard for Nitrogen Dioxide. Nitrogen Dixoide is calculated by an Annual Arithmetic Mean and the standard is 0.030 parts per million. 1-31

4. **Biological Resources**

a. Page 3-18 of the EA erroneously indicates that the project area is subject to the requirements of the Multiple Habitat Conservation Program when it should state that it is within the boundaries of the draft North County Multiple Species Conservation Program (MSCP). 1-32

b. Historic aerial photographs show that the western half of the project site is not ruderal/developed as it is described in the EA. The western half of the property is fully vegetated, though it has been historically mowed, with no clear legal land disturbance. An EIS should be prepared which analyzes the project site prior to ground disturbing activities and should include mitigation for impacts to the biological baseline condition. 1-33

c. The EA is inadequate as the biological survey was completed in December by a biology consultant with no prior San Diego or California experience. In addition, the EA is inadequate because the winter is not appropriate for observing sensitive annual plants since they are not typically present during the winter months. 1-34

5. **Cultural Resources**

a. The EA is inadequate as it does not include the cultural resources technical report prepared by Laguna Mountain Environmental as a separate appendix to the EA. According to the BIA, the Tribe must grant permission before the technical report can be released to the County; therefore, the County is requesting permission for the release of these documents. 1-35

b. The EA does not include supporting evidence that the isolates are not eligible for inclusion to the National Register of Historic Places (NRHP). The EA makes statements that cultural resources are not eligible for inclusion to the NRHP, but there is no supporting evidence within the EA as to how these determinations where made. Impacts (both direct and indirect) to cultural resources should be identified and an assessment as to whether the cultural resources are significant should be included in an EIS. 1-36

c. Section 3.5.2, states that the project site has not been previously surveyed for cultural resources, however, the Archaeology layer on the County's GIS mapping system indicates that the property was surveyed twice in 2007 (Dallas 2007, WhatFJ 2007). 1-37

d. The EA does not indicate whether the isolates have been adequately recorded, whether they were collected, and where they will be curated. 1-38

e. The EA indicates that ground visibility was 40% due to heavy vegetation. Therefore, it is possible that other cultural resources exist on the property. A Native American monitor and qualified archaeologist should be on-site during any project grading to ensure that buried archaeological resources are not impacted. 1-39

f. The Archaeology layer on the County's GIS mapping system does not indicate that the property was surveyed for cultural resources by Laguna Mountain Environmental in 2009 or that there are two isolated resources located on the property. The cultural resources report and the site records for the two isolates should be sent to the South Coastal Information Center for their records. 1-40

g. The mitigation for cultural resources is inadequate in the EA. Section 5.5, should include grading monitoring (consisting of a qualified archaeologist and Native American monitor) and curation of the two isolated artifacts as mitigation measures for project impacts as recommended by the archaeological firm, Laguna Mountain Environmental, due to the high likelihood of buried cultural deposits. 1-41

6. **Socioeconomic Impacts**

a. The EA does not adequately address the loss of tax revenue that is collected for numerous agencies which could potentially affect public services in the area. This FTT application proposes a transfer of 9.08 acres of land currently under the jurisdiction of the County of San Diego, with approximately $1,778 per year of property taxes levied on the property. This annual loss will be further compounded based on the assessed value of the property projected in future years. Tax revenues are currently collected for the County General Fund, County Library, Educational Revenue Augmentation Fund (ERAF) County Program for schools, San Diego County Lighting District, San Diego County Flood Control District, Valley Center Fire Protection District, Valley Center Cemetery District, Escondido Union High School District, Palomar Community College District, County Office of Education, Palomar Pomerado Health, Greater San Diego Resource Conservation District, Valley Center Municipal Water District, Metropolitan Water District of California, San Diego County Water Authority and Valley Center Parks and Recreation District. 1-42

b. The EA does not adequately address the cumulative fiscal impact of FTT applications on the County and other local agencies. The current application in combination with other applications has a significant cumulative fiscal impact on the County that should be analyzed as part of any BIA application that proposes to acquire land currently under the jurisdiction of the County. 1-43

c. Section 3.6 of the EA does not address the potential negative impact on the property values of adjacent properties as a result of the proposed project. The change in use of the site from a parking lot to a commercial use could negatively affect the property values of nearby residences and farms. 1-44

d. The proposed project has the potential to cause significant socioeconomic impacts on the area by competing with Valley Center's desire to support compact villages surrounded by rural and semi-rural lands. Page 3-27 of the EA states, "because of the growth of Valley Center it is expected that the shopping plaza would be able to alleviate need in the surrounding community for certain stores and other needs." The EA is correct that the population growth in Valley Center has created the need for more commercial services, many of which are provided outside the community, such as in the City of Escondido. However, the EA is 1-45

incorrect on where those commercial services should be provided. There are two existing villages to the west of the project site that are centrally located within the Valley Center Community Plan Area and contain many existing commercial and community services. The General Plan Update includes a plan to provide infill development in these existing villages to provide additional commercial and residential land uses in smart growth patterns of development that will provide land use patterns that create sustainable walkable communities with a mix of residences, jobs, and services. The commercial services provided by the proposed project in a semi-rural area would compete with the existing and planned commercial uses in the village centers, where commercial uses are desired. 1-45 Cont

8. **Transportation and Circulation**

a. The EA is inadequate as it does not thoroughly incorporate information from the traffic study provided in Appendix D of the EA. Recommendations in the traffic study that buses and vehicles should continue entering from Valley Center Road and exit to Lake Wohlford Road, and that the relocated parking lot entrance should be realigned with the commercial parking lot should be consistent in all documents. 1-46

b. Section 4.2.9 is incorrect when it states that the No-Action Alternative would result in the same impacts as the proposed project. Since there is a County approved Site Plan (STP 06-004) on the property, road improvements were required as mitigation for the parking lot usage. If the project were to be acquired through the FTT process, these road improvements would not be required and thus, the impacts would be much more impactive than the No-Action Alternative. 1-47

c. The proposed commercial uses identified in the EA are more intensive than what would be allowed under the current zoning and what would be allowed under the proposed General Plan Update. This new project would result in additional traffic impacts than what has been planned. These impacts should be clearly identified and analyzed in an EIS. 1-48

d. The EA should include all construction and encroachment permits from the County that would be required for work performed within the County's right-of-way. 1-49

e. The traffic study in Appendix D of the EA proposes an intersection improvement at the Valley Center Road and Molly Anne Court intersection to mitigate the direct segment impact; however, the intersection is not included in Section 4.1.6 of the Intersection Analysis or Figures of the EA. 1-50

f. Page 18 (Table 7-1) of the traffic study in Appendix D of the EA states that Cole Grade Road would receive 12% of the proposed project's traffic; however, the direct and cumulative impacts to Cole Grade Road are not identified in the Transportation and Circulation Sections of the EA. 1-51

g. In Section 5.7, the provision of a left turn only lane at the intersection of Valley Center Road and Molly Anne Court is inadequate to mitigate the additional traffic 1-52

on Valley Center Road. Molly Anne Court serves less than 10 homes and has less than 100 Average Daily Trips (ADT). 1-52 Cont

h. The EA recommends the signalization of the Valley Center Road and Project Access/Street "A" intersection when traffic signal warrants are met to address a cumulative impact. However, the proposed Street "A" is not aligned with the private roadway on the north side of Valley Center Road (approximately 80 feet east of the proposed Street "A"). In addition, the proposed signalization at this intersection may require either an offset signal or the realignment of the private roadway and/or Street "A". A timeline indicating when the traffic signal should be installed and that is agreed upon by the County should be included in an EIS. Also, a guarantee of the provision of the signal and a cash deposit would be required to ensure the signal was installed in a timely manner. 1-53

m. The EA is incorrect in the approval process for roadway improvements. Page 2-6, of the EA states that, "roadway improvements would be constructed at the site to provide proper access to the proposed facilities. All access points and traffic flow at the Site would be submitted to the City of San Diego Development Services for approval. Encroachment permits (if needed) would be submitted to the City of San Diego to construct suitable access to the Site." The project is within the land use authority of the County and road improvements would need to be submitted to the County Departments of Planning and Land Use and Public Works for approval. 1-54

n. The EA is incorrect in its identification of the existing Circulation Element classification for Valley Center Road east/north of Cole Grade Road. Page 3-29 of the EA states that, "Valley Center Road is classified on the existing County of San Diego Circulation Element as a Rural Collector east/north of Cole Grade Road." The existing classification of this segment of Valley Center Road is a four-lane Collector Road. In addition, the EA does not identify the proposed classification under the General Plan Update, which is 2.1D Community Collector with Improvement Options (passing lanes are the community's preferred improvement). This classification, with preferred improvement, has a threshold capacity of 13,500 ADT for LOS D (per County Public Road Standards, dated March 3, 2010). In addition, this classification has a right-of-way requirement of 96 feet. 1-55

o. The EA is incorrect in its identification of the existing Circulation Element classification for Lake Wohlford Road. Page 3-29 of the EA states, "Lake Wohlford Road is classified on the existing County of San Diego Circulation Element as a Rural Collector." The existing classification for Lake Wohlford Road is a four-lane Collector Road. In addition, the EA does not identify the proposed classification under the General Plan Update, which is 2.2D Light Collector with Improvement Options (there is no preferred improvement). The threshold capacity for this classification (assuming some improvements) is 13,500 ADT for LOS D. 1-56

p. Page 3-30 of the EA states: "Peak hour intersection turning movement traffic counts and segment counts within the project area were conducted by LLG 1-57

(Linscott, Law, and Greenspan) in July 2009. Traffic counts were conducted between 7:00 A.M. and 9:00 A.M. and the highest hour of traffic within this period was utilized. Similarly, the highest hour of traffic between 4:00 P.M. and 6:00 P.M. was used in the analysis. Table 3-8 shows the existing traffic volumes. Table 3-7, (incorrectly referenced as 3-8 in the EA text quoted above) provides existing average daily traffic volumes; however, the EA indicates that traffic counts were taken from 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. in July 2009. Therefore, if the counts were only taken during a portion of the day, then additional information needs to be provided as to what assumptions were made to determine the ADT volumes. The volumes used in the analysis are significantly higher than volumes derived by the General Plan Update traffic model. For example, Table 3-7 identifies 14,900 existing ADTs for Valley Center Road, but the General Plan Update identifies only 9,500 – 10, 400 ADT for the same segment of roadway. 1-57 Cont.

q. The following inconsistencies are found on Page 4-7 (Table 4-2):

i. The table analysis is based on a LOS threshold of LOS E; however, both the current General Plan (Public Facilities Element, page XII-4-18) and proposed General Plan Update (Mobility Element Policy M-2.1, Level of Service Criteria) require development projects to provide associated road improvements to achieve LOS D or better. Therefore, the LOS threshold shown in this table should be for LOS D rather than LOS E. 1-58

ii. The table presents inconsistent information. The table identifies the total project induced traffic (Valley Center and Lake Wohlford Roads) as 3,130 ADT; however, in the traffic study (Appendix D of the EA), Table 7-1, 5,072 ADT is identified as the traffic volumes the project would generate. After subtracting the pass-by traffic of 904 ADT, there remains 4,168 ADT. Therefore, the trip generation of the project is not consistent with the total project induced traffic (3,130 ADT) identified Table 4-2. This would indicate that the impacts expressed in Table 4-2 are understated. 1-59

r. The County disagrees with the statement on Page 4-7 of the EA that "impacts to existing traffic patterns would be small". In the absence of actual traffic counts, the County asserts that Valley Center Road is currently operating at LOS D according to the analysis conducted during the General Plan Update traffic modeling, rather than LOS E as indicated in Table 4-2 of the EA. In addition, the General Plan Update traffic forecast model indicates that the segment of Valley Center Road west of Lake Wohlford Road would operate at LOS D in 2030 with build-out of the General Plan Update, without the proposed project included in the analysis. However, the additional traffic that this project would generate would cause this segment of Valley Center Road to operate at LOS E, even if the road improvement mitigation measures were implemented. Therefore, in accordance with the County's established significance criteria, the impacts to traffic by this project would be significant, not small as stated in the EA. 1-60

s. The traffic study in Appendix D of the EA that was relied upon for the Transportation and Circulation portions of the EA is inadequate for the following reasons and these issues should be addressed in an EIS:

i. The traffic study lacks information detailing how the Valley Center Road and Molly Anne Court intersection improvement will fully mitigate the segment impact. The narrative should be supported with a quantitative analysis (such as travel speed survey, travel time savings, etc.) to demonstrate the effectiveness of the intersection improvement in fully mitigating the direct segment impact. Because Molly Anne Court serves less than 10 homes, it is unlikely that the proposed improvement will fully mitigate the proposed projects direct traffic impact to Valley Center Road. 1-61

ii. Page 30 of the traffic study indicates that the project's mitigation measure #1 and #3 will provide an eastbound left-turn lane only at the Valley Center Road/Molly Anne Court intersection. Molly Anne Court is located on the south side of Valley Center Road so subsequently it would appear that the proposed left-turn lane should be in the westbound direction and not the eastbound direction. The traffic consultant should verify that the mitigation measure is accurately described in the traffic study. 1-62

iii. The traffic study lacks adequate striping plans for the roadways. An EIS should include conceptual striping plans for the project's proposed frontage improvements along Valley Center Road and Lake Wohlford Road. Striping plans should also be provided for School Bus Road and Street "A". 1-63

iv. The traffic study should confirm that turn radii within the relocated parking lot, commercial parking lot, and along School Bus Road are designed to accommodate the type of vehicles (such as school buses, shuttle buses, commercial delivery trucks, gasoline trucks, etc.) that will be accessing the parking lots and roadways. 1-64

v. The traffic study should discuss what proposed pedestrian improvements are needed along/across School Bus Road to provide safe access from neighboring sites, especially the middle school, to and from the proposed commercial development. 1-65

vi. Page 8 of the traffic study indicates that the traffic counts were collected during July 2009. This is not an appropriate time to collect these counts since the adjacent middle school would not be in session in July. 1-66

vii. Page 12 of the traffic study should use the County's adopted Significance Criteria/Traffic Impact Guidelines modified February 19, 2010 to determine the project's direct and cumulative traffic impacts. 1-67

viii. Figure 7-1 in the traffic study identifies 12% of the proposed project trips being distributed onto Cole Grade Road. Potential direct and cumulative traffic impacts onto Cole Grade Road should be assessed and identified. 1-68

ix. The roadway segment traffic volume/LOS tables (Table 6-2) in the traffic study should be more specific in identifying the segment extents. For example, instead of identifying Valley Center Road west of Lake Wohlford Road, the tables should identify Valley Center Road from Lake Wohlford Road to Cole Grade Road. 1-69

x. The traffic consultant should verify that the roadway segment and intersection study area is consistent with the County's 25 peak-hour trip threshold. 1-70

xi. Some of the pass-by factors/percentages in the traffic study do not appear to be consistent with the regional planning agency's (SANDAG's) pass-by factors (Table 7-1). The traffic study should elaborate on how the project's trip generation assumptions were derived and how the pass-by trip reduction factors were applied. It also appears that the project's trip generation assumptions are deducting both daily and peak hour pass-by trips which may result in double-counting. 1-71

xii. The traffic study should provide a cumulative traffic analysis based on a list of projects in the area. 1-72

xiii. Section 10.0 of the traffic study should verify that the project's driveway locations conform to the County's driveway/intersection spacing standards. 1-73

xiv. The traffic study should consistently identify the Valley Center Road/project access intersection as the Valley Center Road/Street "A" intersection (Section 10.1). 1-74

xv. Page 29 of the traffic study should be consistent with the project access recommendations (such as relocated parking lot aligned opposite commercial parking lot access). 1-75

xvi. The traffic study should provide a figure that shows the existing and proposed/relocated parking lot and Valley Center Road/School Bus Road intersection. 1-76

xvii. The site plan figures in the traffic study should show the location of the school that is served by School Bus Road. 1-77

xviii. The traffic study should provide figures that clearly illustrate existing and proposed access to and from School Bus Road for school buses, shuttles and private vehicles. 1-78

xix. The traffic study should discuss the project's potential construction traffic impacts. 1-79

9. **Land Use**

a. An EIS should be prepared which identifies the existing zoning on the parcel and allowable uses that could be developed on the site as it is currently zoned by the County. The EIS should include the future uses on the parcel as shown in the proposed County's General Plan Update. 1-80

b. Page 3-32 of the EA states, "as the Site would be located on Federal Trust land, no San Diego County or State of California land use regulations or permit requirements would be applicable to the development of the proposed shopping plaza. Although San Diego County land use regulations are not applicable to the proposed action, the Tribe desires to comply, to the extent possible, with existing land use requirements that apply to nearby land under County jurisdiction." The proposed commercial uses are inconsistent with the current zoning, General Plan, General Plan Update, Valley Center Community Plan and Valley Center Design Review Guidelines as detailed in the following comments:

i. *General Plan Information*

The proposed project (commercial uses) would not be compatible with the current General Plan or the draft General Plan Update. The parcel is located in the General Plan Regional Category for Estate Development Area (EDA), Land Use Designation (17) Estate Residential. Estate Development Areas provide for minor agricultural and low density residential uses. The General Plan Update designation would be Semi-Rural Residential (SR-4). Semi-Rural densities range from one dwelling unit per 0.5 acre to one dwelling unit per ten gross acres. Residential development within Semi-Rural areas is not typically served by municipal sewer systems, but is often served by municipal water systems especially where water-intensive crops such as avocado and citrus are common. 1-81

The proposed commercial development is not consistent with the General Plan Update Guiding Principles (particularly Guiding Principles 2, 3, 7 and 10). These principles promote environmentally sustainable communities in compact patterns of development near infrastructure and services that reinforce the vitality of communities and recognize community and stakeholder interests. 1-82

General Plan Update Policies for Land Use Element (LU-10.4, Commercial and Industrial Development, and LU-11.1, Location and Connectivity), both promote commercial development in villages, discouraging it in rural and semi-rural areas. During the land use mapping process for the General Plan Update, a conscious effort was made, in coordination with the Valley Center Community Planning Group, to restrict further commercial development in this area. The intention is to focus the commercial development in the villages to ensure it is economically viable. The proposed project would ignore these policies and site new commercial development in a semi-rural area. 1-83

ii. *Zoning Information*

The proposed uses (retail outlet and gas station) are not allowed under the S-86 (Parking Use Regulations) zoning designation, and therefore would not be compatible under current zoning. The property was approved for a rezone on January 28, 2008 from A-70 (Limited Agricultural Use Regulations) to S-86 with a "D" Special Area Designator (Design Review) to ensure consistency with the Valley Center Community Plan and Design Guidelines. The "D" Designator requires authorization of a Site Plan, adherence to the Valley Center Design Review Guidelines, and review by the Valley Center Design Review Board. The S-86 Use Regulations are intended to identify and create areas for automotive parking in association with another dominant land use (in this circumstance parking for employees of the Valley View Casino). In addition, the proposed commercial project is located near a school, residences, and farms which would cause an incompatible land use in the area. 1-84

iii. *Valley Center Design Review Guidelines*

The proposed development as outlined in Figure 2-1 of the EA is not in compliance with the following Valley Center Design Guidelines (VCDG):

- Valley Center Road should have a planted median of trees, shrubs, and grasses and boulders emphasizing elements of the native landscape. The VCDG state that parking lots and service areas should be fully screened from road view. Figure 2-1 of the EA does not show any landscape screening of the roadways or parking lots. 1-85

- The VCDG state that new commercial development should fit quietly into the landscape, deferring to open spaces, existing natural features and planting. The current site plan shows the entire land as paved and covered with buildings thus removing the natural features of the project area. 1-86

- The site plan shows an inadequate setback from Valley Center Road. The VCDG require a 30 foot setback from the property line. A wide setback requirement of 30 feet (from property line) is prescribed to preserve the present spacious character of Valley Center Road. This is in addition to a 96 foot right-of-way for Valley Center Road, based on the draft Mobility Element road classification and the County Bicycle Master Plan's designation of Valley Center Road as a Class II Bikeway. 1-87

- The long, narrow retail building proposed by this project typifies the strip commercial development that the VCDG greatly discourage. The VCDG require arranging buildings in compact clusters that create clear coherent open spaces. The site plan 1-88

does not include open spaces for people to gather, as intended in the guidelines. The site plan provided illustrated in the EA in Figure 2-1 shows buildings around a parking lot with little to no pedestrian circulation between buildings. 1-88 Cont.

- It is unclear from the site plan whether the proposed project will be designed with the architectural character of Valley Center. The VCDG define the desired character for buildings in Valley Center to be of the Early California style. Also, the buildings should be designed to provide visual contrast of light and shadow to give the buildings depth and substance, plan offsets should be provided on primary elevations, and gable, hip, or shed roofs are preferred over flat roofs. Should plans to construct the commercial development proceed, additional direction provided in the VCDG should be followed, including consideration of building materials, accessory structures, landscaping, exposure of mechanical equipment and service areas, lighting levels, parking lot design and signage. 1-89

iv. *Valley Center Community Plan*

The proposed project does not conform with the goals of the Valley Center Community Plan (VCCP) as described in the following comments.

- One of the land use goals of the VCCP is to provide a land use pattern which will give the Valley Center Community Planning Group the opportunity to remain economically and socially viable. The proposed project does not conform to this goal since the land use is not consistent with adjacent areas (a middle school, residential properties, and agricultural uses) and could compete with the commercial area that has been established in the community plan. 1-90

- Another land use goal of the VCCP is to "provide for well planned and designed, small scale, centralized and contained commercial areas that are compatible with a low density rural residential community." The proposed project does not conform to this goal since the proposed land use is not in a contained commercial area and is not considered small scale. In addition, the VCCP prohibits strip commercial development, commercial development shall not interfere either functionally or visually with adjacent land uses or the rural atmosphere of the community and it discourages commercial and civic uses outside of the "Country Towns." 1-91

- The project does not conform to the Agricultural goal to "preserve and enhance existing and future agricultural uses." The VCCP opposes the development of agricultural land for commercial or residential development. The proposed project could also impact agricultural lands adjacent to the property. 1-92

- The project does not conform to the Circulation goal to "develop a circulation system which will preserve the rural character of the community and provide a safe, balanced transportation system which can accommodate all modes of traffic needed by the community. Long-range planning shall be stressed in order to support both present and future traffic." The VCCP also tries to minimize private driveway and private road access on to Circulation Element Roads (such as Lake Wohford and Valley Center Road). 1-93

- The project does not conform to the Fire goal to "protect all life and property from fire hazard potential and minimize those elements within the natural and human-made environment which pose a clear and significant fire hazard." The Community Plan states that all new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing County standards. These issues have not been addressed in the EA. 1-94

- The project does not conform to the Noise goal to "maintain an environment free of excessive noise by providing control of noise at its source, along the noise transmission path and at the receiver site. Develop and implement land use plans and circulation patterns that will minimize noise in residential neighborhoods." The noise analysis outlined in the EA does not address the impacts of the project on nearby residences nor does it ensure that this goal will be maintained after it is no longer under the County's jurisdiction. 1-95

c. Page 4-8 of the EA, states that the proposed facilities would create a new use that is not congruent with the prevailing agricultural and residential uses in the surrounding area. There is no proposed mitigation to account for this identified significant impact and therefore an EIS should be prepared to address inconsistent land use patterns caused by the proposed project. 1-96

d. Page 4-12 of the EA, states that there are no potential cumulative impacts relevant to land resources. This statement is incorrect and unsubstantiated. The proposed project is not consistent with existing land use patterns and could result in future commercial uses in the vicinity as a result. 1-97

e. Page 4-13 of the EA states that the proposed project may create a cumulative impact on public services but then states, "all future uses in the region will be subject to approval by local governments. As a result, the proposed project would not result in substantial cumulative impacts to public services." This statement is incorrect since the proposed project would not be governed by the County if it was acquired into a FTT. 1-98

10. **Agriculture**

a. An EIS should be prepared to examine indirect impacts to the existing agricultural operations caused by the proposed conversion of the property to a retail land use. The proposed project could create indirect agricultural impacts to surrounding agricultural operations. Typically, when more urban development is located in the center of an agricultural use area, as is the case for this project, conflicts occur between non-agricultural uses and surrounding agricultural uses. 1-99

b. The proposed project could be growth inducing, which could foster the conversion of existing farmland to non-agricultural land uses and more urban land uses. This additional growth, and its effect on the impetus to convert agricultural lands to non-agricultural uses, should be analyzed in an EIS. 1-100

c. The EA does not provide adequate analysis to address cumulative impacts caused by the loss of agricultural resources. An EIS should be prepared which analyzes this potentially significant impact. 1-101

d. In order to determine the impact of converting agricultural resources to non-agricultural land uses, the project should follow the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources. These Guidelines contain the Local Agricultural Resources Assessment (LARA) Model, which presents a rational, quantitative analysis of the loss of potential agricultural resources. The County considers an Agricultural Resource to be the agricultural soils on the property, as designated by the Farmland Mapping and Monitoring Program (FMMP). The County does not consider the presence of an agricultural operation as the determining factor to designate a property as an Agricultural Resource. The 9.08 acre property is completely underlain by soils of both Statewide Significance and Prime Farmland Soils as designated by the FMMP. Therefore, the County strongly recommends that an EIS present a completed LARA Model to assess the significance of agricultural impacts. 1-102

11. **Public Services**

a. The gas station or retail outlet may include the sale of alcoholic beverages which would be inconsistent with the provisions of Board of Supervisors Policy I-21. In accordance with Policy I-21, the County can make a determination of public convenience or necessity for alcoholic beverage license applications (consistent with the requirements of Section 23958.4 of the State Business and Professions Code). The Sheriff's Department determines whether the approval of a proposed retail outlet will negatively influence the rate of criminal activity in the neighborhood. In making this determination, the Sheriff considers factors such as the incidence of: 1-103

i. Loitering and vandalism.

ii. Public drinking and drunkenness.

iii. Illegal drug usage and sales.

iv. Theft and violent behavior.

The County's Department of Planning and Land Use then evaluates whether the proposed retail outlet is compatible with the neighborhood character and would be of benefit to the neighborhood. In making this determination, the County considers:

i. Proximity and number of other retail outlets selling alcohol. 1-103 Cont.

ii. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.

iii. Proximity of the retail outlet to residential neighborhoods.

iv. Whether the retail outlet provides: (1) a wide range of desirable goods and services; (2) a unique type of goods or services.

The County is very concerned about the close proximity of the Valley Center Middle School and residential properties to the retail area and does not feel that it is an appropriate location for the proposed uses.

b. Any installation of Underground Storage Tanks (UST's) should follow or exceed the requirements/standards of Title 23 of Division 3 of the California Code of Regulations. 1-104

c. The property is located in a known high groundwater area and it is unlikely that the installation of an on-site wastewater disposal system would meet groundwater separations as required by the Regional Water Quality Control Board. The EA references that some deep borings were completed nearby in 1967, but they don't show where these borings were located, or when they were monitored. In addition, the development proposal has structures or pavement for parking over the entire parcel. Given the scope of the proposal, it is highly unlikely that an on-site wastewater disposal system could be designed to meet County standards. The County advises that the Tribe design the wastewater disposal system to meet these County standards. 1-105

d. Page 4-8 of the EA, states that the proposed shopping plaza would utilize existing water meters at the site and that the project would not impact the local water supply. There is no justification for the conclusion that the local water supply would not be impacted or how much water would be used as a result of the proposed commercial use. The VCMND should provide a will serve letter to the County to ensure that the facility will not impact the supply of water available to neighboring farms and residences. 1-106

12. **Noise**

a. The EA does not give enough supporting information to determine that there will not be significant noise impacts as a result of the proposed project. An EIS 1-107

should be prepared to determine if the proposed project will have a significant noise impact as a result of the gas station and retail outlet. 1-107 Cont.

b. Section 5.11 of the EA, is incomplete due to the lack of information to support a sound wall design. The following would be necessary to support any proposed sound wall mitigation:

i. Noise source details that are causing the noise impact(s).

ii. Quantifiable data that demonstrates the recommended noise mitigation would reduce noise levels to less than significant. 1-108

iii. Details of the noise mitigation measure(s), construction materials, design, location, etc.

c. An EIS should be prepared to analyze noise impacts in accordance with the County of San Diego Noise Element, Policy 4b, and the County Noise Ordinance (Sections 36.404, 36.409, and 36.410). 1-109

d. The project should comply with the County of San Diego Noise Ordinance, Section 36.409 which would include types of construction equipment on-site. Noise emission levels associated with each construction equipment type would be discussed and noise calculations would determine whether these temporary noise impacts are significant. Additionally, the EA does not disclose whether impulsive types of equipment will be used such as, but not limited to, rock breakers, drills, hoe rams, etc. The EIS should demonstrate compliance with an eight hour average 75 decibels A weighted (dBA) equivalent noise level (Leq) at the project property line where an existing occupied structure is located. 1-110

e. Section 4.1.10 of the EA is inadequate as all related temporary noise sources associated with the preparation of the proposed shopping plaza are not discussed. 1-111

f. The noise section of the EA is inadequate due to lack of noise source information, no noise level threshold references of acceptable levels, and no quantifiable data to determine whether the operations of the project are significant. All noise generating activities and mechanical equipment from the proposed project (gas station, restaurant and commercial buildings) should be evaluated for noise compliance pursuant to County noise standards. In Section 4.1.10 of the EA, The Operation Noise section would be considered incomplete by the County. The current EA document states that a sound barrier may be necessary. No detailed noise source information is discussed and no quantifiable data is included to justify the potential sound barrier. 1-112

g. Section 4.1.10 of the EA should include an Exposure to Noise Sensitive Land Uses (NSLU). Proposed and existing NSLU should be evaluated for General Plan Noise Element conformance. Since the proposed shopping plaza does not propose any on-site noise sensitive land uses, the County would typically require a noise assessment to off-site noise sensitive receptors. This analysis would 1-113

determine whether the project introduces direct noise impacts to off-site noise sensitive receptors. 1-113 Cont.

h. Section 4.3.11 of the EA should provide additional quantifiable data to support the findings in this section. Additional noise information would include project generated traffic in relation to the cumulative traffic on nearby roads. This section does not properly evaluate whether the project has cumulatively considerable noise impacts. 1-114

13. **Hazardous Materials**

a. An EIS should be prepared to ensure that significant hazardous materials will not be released as a result of the proposed project. A Hazardous Materials Business Plan (HMBP) or HMBP equivalent should be prepared to demonstrate that risks are minimized from the proposed gas station to human health and the environment from fires, explosions or an unplanned release of hazardous substances. 1-115

b. The EA does not provide adequate information to ensure that the soils and groundwater would not be contaminated by hazardous materials as a result of the proposed project. An EIS should be prepared that includes an examination of the design and location of the Underground Storage Tanks (USTs) to be installed for the gas station. Underground storage tank systems store petroleum products or certain other hazardous liquids that can harm the environment and human health. If USTs are not properly installed and maintained, leakage could occur which could affect neighboring properties within the County's jurisdiction. The main issues involving USTs are: soil and groundwater contamination, fire risk and tank collapse, and contamination clean-up. The greatest potential hazard from a leaking UST is that its contents can seep into the soil and contaminate groundwater. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were contaminated by a gas station's leaking storage tank. There are also many agricultural properties and a school adjacent to the property that could be affected if the USTs contaminate the soil or groundwater. 1-116

c. The EA does not adequately address whether the proposed uses could negatively impact the health and welfare of the nearby residents and children who attend the adjacent middle school with decreased air quality and exposure to hazardous materials. Numerous studies have shown that gas stations can pose significant hazards to neighbors, especially children. Some of the problems include ground-level ozone caused by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure to chemicals that might be used at the gas station. Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical. 1-117

d. A discussion of the HMBP in relation to the existing school bordering the project site should be included in an EIS. The San Diego County Department of Environmental Health (DEH), Hazardous Materials Division (HMD), Underground Storage Tank Program, administers and enforces federal and state laws and regulations and local ordinances for the construction/installation, modification, 1-118

upgrade, and removal of USTs in San Diego County. The law, regulations, and ordinances are designed to protect public health and the environment by reducing or eliminating accidental leakage or spills from USTs to the state's water resources. For the installation of any new UST system, a permit from the DEH HMD should be obtained. 1-118 Cont.

14. **Fire Safety Impacts**

a. An EIS should be prepared to assess and mitigate the risk of human life as a result of wildfires. The County has concerns that if the parcel was acquired in a FTT, that the future ability of properties in the immediate area to develop in the jurisdiction of the County may be compromised. The Public Resources Code, CCR Title 14 SRA Fire Safe Regulations and the County Consolidated Fire Code establish maximum allowable dead-end fire access road lengths, based roughly on number of people at risk and potential evacuation time. Opportunities for adequate fire access and evacuation may be reduced to a point where development may not be possible, and the safety of existing occupants is significantly diminished. The proposed project is located in the "high" and "moderate" fire severity zone, bordering on a large expanse of "very high" zoned to the east, as mapped by Cal Fire. 1-119

b. Public roads should be established to legally accommodate emergency access and evacuation for the benefit of all tribal and non-tribal land occupants. Wildfire is a major on-going threat to all people in San Diego County. The most critical and most interdependent problem among tribal/non-tribal boundaries is access in terms of fire/life safety factors. Wildfire does not respect jurisdictional borders. To help insure safety of all citizens and firefighting crews, public roads should be established for emergency access for all tribal and non-tribal lands. 1-120

c. The project is in the Wildland Urban Interface, and State Responsibility Area and is located in the Valley Center Fire Protection District. If these parcels were to remain under the jurisdiction of the County, they would be subject to the Public Resources Code, CCR Title 14 "SRA Fire Safe Regulations", the County Building Code and the County Consolidated Fire Code which establish minimum fire safety standards for fire fighter emergency access and civilian evacuation, vegetation management in proximity to people and access, building resistance to wildfire ignition and water supply for firefighting, and related issues. An EIS should be prepared which complies with these County fire regulations. 1-121

d. The EA fails to assess the fire services needed and available to serve the proposed development, including fire suppression, emergency medical and fire prevention/code compliance staffing. 1-122

e. An EIS should be completed that follows the County Building Code and State Building Code (which is based on the International Building Code). These codes include critical ignition-resistant exterior construction components that were developed in San Diego County and adopted by the state in response to wildfires such as the Paradise fire (2003) which occurred on the subject property. 1-123

f. An EIS should be completed which provides an in-depth wildfire evaluation in a formal Fire Protection Plan which evaluates the fire threat, precautions, fuel management, construction, water supply, emergency services delivery, and other related fire issues. The EA states that current building and fire codes would be adhered to in relation to fire safety; however, it is unclear who enforces the building code, evaluates plans for structural elements, and it lacks a commitment to address such safety concerns. While an increase in fire and Emergency Medical Services (EMS) calls is anticipated, it states that the levels are not significant which is unsubstantiated in the EA. 1-124

15. **Visual Resources**

a. Page 1-5, of the EA states, "the proposed action would create small view impacts to the effected environment. However, since the site is located in a low-lying residential and commercial area, impacts to existing visual and scenic resources would be small." These statements are incorrect and unjustified as there is no proposed landscaping or buffering to screen neighboring views from visual impacts caused by the inconsistent land practices on the project site. A Landscape Plan should be prepared using native vegetation and conforming to the Valley Center Design Guidelines to reduce the visual impacts to residents in the neighborhood. The County also disagrees with the characterization of the site being in a commercial area. The area of the site is more correctly characterized as a residential and agricultural area according to the existing land uses and the proposed General Plan Update land use designations. As a result, development of the scale being proposed would have a significant impact to the character of this area, which includes two County Scenic Highways, Valley Center and Lake Wohlford Roads (refer to County Scenic Highway Element and proposed General Plan Update Conservation and Open Space Element). In addition, the project is not in compliance with either the current Scenic Highway Element Policy 2, which requires the establishment and application design standards to regulate the visual quality of development within designated scenic highway corridors, or the draft General Plan Update Conservation and Open Space Policies COS-11.1, Protection of Scenic Resources, and COS-11.3, Development Siting and Design. 1-125

b. An EIS should be prepared which discusses lighting requirements for the proposed structures, signage, and parking area. The proposed project is located within Zone A as identified by the San Diego County Light Pollution Code (approximately 11 miles from the Palomar Observatory). If not properly shielded or controlled (through restrictions on the types of fixtures used and lumens allowed), the outdoor lighting could spill onto adjacent properties. All outdoor lighting should conform to the Dark Skies Ordinance and the Light Pollution Code (Section 59, 101-59, 115). The preferred lighting would be shielded and would consist of low pressure sodium cutoff light fixtures. Lighting restrictions are also outlined in the Valley Center Design Guidelines and Valley Center Community Plan. 1-126

c. Section 4.2.8 is inaccurate since it states that the No-Action Alternative would have no change to existing visual and scenic resources at the site and there would be no impact to the affected environment. Since there is a County 1-127

approved Site Plan (STP 06-004) on the property, which requires the parking lot to be screened from adjacent views and compliance with the VCDG, the No-Action Alternative would have a greater impact on visual resources compared to the proposed project which does not include any landscaping or compliance with the design guidelines. 1-127 Cont.

d. On Page 3-37, the site is described as "sparse, with approximately half of the Site being occupied by mixed ruderal growth and dirt patches." The EA is incorrect in how the current visual conditions for the project site are characterized. This description does not take into account the requirements, which were agreed upon by the Tribe, during the approval for the Site Plan (STP 06-004) that allowed for construction of a parking lot on this property. The County conditioned its approval of the current parking lot with a requirement to make improvements which showed extensive and deep landscaping along the edges of Valley Center and Lake Wohlford Roads, a meandering roadside trail and an attractive post and rail fencing to protect pathways for school children. The site plan also showed the western half of the property in revegetated open space. Although the site plan was approved in 2009, none of the improvements have been initiated or constructed. Since this is a requirement for how the parking lot would ultimately look without the proposed project, the EA should use this as a basis for the site inventory. This would take into account the agreements previously made between the Tribe and the County. 1-128

e. Table 3-9 of the EA discusses a Scenic Quality Rating Summary and a score of "1" is assigned with a rating of "C." The County contends that the methodology for this rating determination is not clearly presented and finds that the resulting rating appears arbitrary. For example a score of "-8" is assigned to the Cultural Modifications category, which is significantly lower than other scores assigned and has the consequence of dramatically altering the ultimate rating assigned. The methodology for how each score is determined needs to be fully explained in an EIS so that a full assessment by the County can be made. 1-129

Thank you for the opportunity to comment on this application and for your consideration of the County's concerns. The County opposes the expansion of tribal lands without appropriate mitigation for resulting impacts. Additional work is needed and at minimum, an EIS is required to determine consequences of the proposed project. If you have any questions, please contact Teresa Brownyard, Tribal Liaison at (619) 685-2287.

Sincerely,

Chandra Wallar

CHANDRA L. WALLAR
Deputy Chief Administrative Officer

Attachments:
S86 Parking Use Regulations (Zoning Ordinance Sections 2860)
STP 06-004 Approved Final Decision of the Planning Commission
STP 06-004 Stamped Final Plot Plan

copies:

Honorable Chairman Allen E. Lawson, Jr., San Pasqual Band of Diegueño Mission Indians, P.O. Box 365, Valley Center, CA 92082
Ms. Andrea Hoch, Legal Affairs Secretary, Office of the Governor, State Capitol, Sacramento, CA, 95814
Department of Justice, Office of the Attorney General, Attn. Peter Kaufman, P.O. Box 85266, San Diego CA 92186-5266
Libby Lucas, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123
U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, CA 92009
Valley Center Community Planning Group, PO Box 127, Valley Center, CA 92082-0127
Valley Center Design Review Board, Lael Montgomery, 13678 McNally Road, Valley Center, CA 92082
Claudia Anzures, Chief Deputy County Counsel, M.S. A12
Richard Haas, Assistant Director, Department of Planning and Land Use
Teresa Brownyard, Tribal Liaison, County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 Ruffin Road San Diego, CA 92123

May 22, 2009

Decision of the Director of the Department of Planning and Land Use
On the Application of Site Plan
Number S06-004

Deposit Account #: 04-0025880

APPROVE, as per plot plan dated June 18, 2008, consisting of eight sheets, a Site Plan pursuant to Section 7150 of the Zoning Ordinance for a 143 space parking lot, with accessory structures, for the Valley View Casino.

NOTE: This Site Plan has been reviewed pursuant to Ordinance No. 9967, for the "V" Setback Designator to establish setbacks, and Section 5900 of the Zoning Ordinance for the "D" Designator requirements to demonstrate compliance with the Valley Center Community Plan.

Compliance with other applicable San Diego County codes, ordinances, and requirements is required, unless otherwise noted.

CONDITIONS:

The following conditions are imposed with the granting of this Site Plan:

The applicant shall allow the County to inspect the property for which the Site Plan has been granted, at least once every 12 months, to determine if the applicant is complying with all terms and conditions of the Site Plan. If the County determines the applicant is not complying with the Site Plan terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every 12 months until the County determines the applicant is in compliance.

A. Prior to obtaining any building, grading, or other permit pursuant to this Site Plan, and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:

1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and the Department of Public Works.

2. Submit evidence to the satisfaction of the Director of Planning and Land Use (Building Division) that all "Prior to Use or Occupancy" conditions B.1

though B.3 of this Site Plan have been printed on a separate sheet of all building plans associated with this Site Plan. [DPLU, FEE]

a. The conditions shall be printed on a separate sheet of the building plans.

b. The Directors of Public Works or Planning and Land Use may waive this condition to allow the issuance of a grading permit. The requirement shall be met before the issuance of any building permit.

3. Dedicate right-of-way along the project frontage from easterly line of the property to the westerly line of School Bus Road for public road to fifty-three feet (53') on project side of the ultimate centerline plus slope and drainage rights for Valley Center Road (SF 639), which is shown on the Circulation Element of the County General Plan as a Collector Road with Bike Lane, with thirty-foot (30') radius property line corner rounding at the southwest corner of Valley Center Road / Lake Wohlford Road intersection. The outer ten feet (10') of road right-of-way along the Project side of Valley Center Road is for non-motorized transportation and recreation purposes. Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of any subsequent parcel map or subdivision map filed on the property or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

4. Execute an Irrevocable Offer to Dedicate Real Property to the County along the project frontage from the westerly line of School Bus Road to westerly line of the property for fifty-three feet (53') on project side of the ultimate centerline plus slope and drainage rights for Valley Center Road (SF 639) from the School Bus Road westerly to the northwest corner of the property, which is shown on the Circulation Element of the County General Plan as a Collector Road with Bike Lane, with twenty-foot (20') radius property line corner rounding at Valley Center Road and School Bus Road intersection. The outer ten feet (10') of road right-of-way along the Project side of Valley Center Road is for non-motorized transportation and recreation purposes. Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of any subsequent parcel map or subdivision map filed on the property or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

The applicant shall process parking prohibitions along Valley Center Road; application for said parking prohibition shall be made to The Traffic Advisory Committee (TAC)-Maria Rubio-Lopez 858-874-4030. If a "Parking Prohibitions" are processed and not approved by Traffic Advisory Committee (TAC); fifty-nine feet (59') right-of-way shall be dedicated along the project frontage from North Lake Wohlford Road westerly to northwest corner of the project. All of the above shall be to the satisfaction of the Director of Public Works.

5. Execute a lien agreement to improve North Lake Wohlford Road (SA 130) along the project frontage in accordance with Public Collector Road Standards with Bike Lane to a graded width of sixty-feet (60') from centerline with forty-five feet (45') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at forty-five feet (45') from centerline. Construct widening to provide separate fourteen-foot (14') wide, (seven-foot (7'), half width from the centerline) left turn lane from northbound Lake Wohlford Road to westbound Valley Center Road. Provide taper transitions constructed to meet existing improvements. Improve the outer ten feet (10') of road right-of-way as a pathway in conformance with County Public Road Standards, and at grade or above ground utilities will not be placed within the outer ten feet (10') of road right-of-way. Provide asphalt concrete (A.C.) pavement over approved base pavement widening for pocket and transitions, and asphalt concrete dike taper to existing pavement. All of the above shall be to the satisfaction of the Director of Public Works. The extra five feet (5') of pavement width is to accommodate a bike lane and 13' wide adjoining lane (sec 7.3, Public Road Standards). This lien agreement against the property is granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future.

6. Execute a lien agreement to improve Valley Center Road (SF 639) along the project frontage in accordance with Public Collector Road Standards with Bike Lane to a graded width of fifty-three feet (53') from centerline with forty-five feet (45') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at forty-five feet (45') from centerline. Construct widening to provide separate fourteen-foot (14') wide, (seven-foot (7'), half width from the centerline) left turn lane from westbound Valley Center Road to northbound Thundernut Lane. Provide taper transitions constructed to meet existing improvements. Improve the outer ten feet (10') of road right-of-way as a pathway in conformance with County Public Road Standards,

and at grade or above ground utilities will not be placed within the outer ten feet (10') of road right-of-way. Provide asphalt concrete (A.C.) pavement over approved base pavement widening for pocket and transitions, and asphalt concrete dike taper to existing pavement. All of the above shall be to the satisfaction of the Director of Public Works. The extra six feet (6') of pavement width is to accommodate a bike lane and 13' wide adjoining lane (sec 7.3, Public Road Standards). The extra five feet (5') of graded width is to accommodate pathway. This lien agreement against the property is granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future.

7. Obtain a Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements.

8. Incorporate with the L-grading plan a signing, striping and pavement plan for on-site parking and access driveways, and turnarounds to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.

9. Submit and process L- grading plans (to address improvements to on- and off-site grading, paving and drainage improvements, and submit updated drainage study and SWMP to the satisfaction of the Director of Public Works.

10. No access is permitted into Valley Center Road (SF 639) except for an access at existing driveway "School Bus Road" (per CG 3866, L-2544) to the satisfaction of the Director of Public Works, and other access(es) that may be provided in the future westerly of the existing "School Bus Road" driveway that either align with existing driveways or roads along the north side of Valley Center Road or are separated at least 300 feet (300') per the Public Road Standards

11. Relinquish access into Lake Wohlford Road (SA 130) except for an access at right-turn, egress only driveway approximately 267 feet south of the centerline of Valley Center Road, to the satisfaction of the Director of Public Works.

12. The project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security

to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

13. Obtain a signed statement from a registered civil engineer, a registered traffic engineer, or a licensed land surveyor that: "Physically, there is a minimum unobstructed sight distance in both directions along Valley Center Road from project access driveway ("School Bus Road"), for the prevailing operating speed of traffic on Valley Center Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

14. Obtain a signed statement from a registered civil engineer, a registered traffic engineer, or a licensed land surveyor that: "Physically, there is a minimum unobstructed sight distance in both directions along N. Lake Wohlford Road from the proposed project access driveway, for the prevailing operating speed of traffic on N. Lake Wohlford Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

15. Comply with street lighting requirements as follows:

    a. Allow transfer of the property subject to REZ 04-017 into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer.

16. The desired location of the centerlines for Lake Wohlford Road (SA 130) and for Valley Center Road (SF 639) must be determined and used both for right of way grants and improvements required for this project. Both Roads are shown on the Circulation Element of the County General Plan as a Collector Roads with Bike Lanes. The following shall be shown on the plats to be submitted with these plans and dedications:

    a. The centerline location as approved by the Department of Public Works.

17. By separate document, the applicant shall execute and record a dedication to the County of San Diego of an up to 10 foot non-motorized

trail easement over those portions of the trail that will occur on private property, as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use.

18. By separate document, the applicant shall execute and record an up to 10 foot maintenance agreement over those portions of the pathway that will occur on public property, as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use. The easement shall establish that the property owner is responsible for the maintenance of the public property portions of the pathway, to the satisfaction of the Director of Public Works (DPW).

19. To the satisfaction of the Directors of Public Works and Parks and Recreation, improve or agree to improve the trails/pathways to a width of ten feet (10-feet) as indicated on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use. The trails and pathways shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines. [DPR]

20. Provide proof that the noise conditions as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use have been complied with.

21. Provide evidence to the satisfaction of the Director of Public Works (DPW) and/or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and/or improvement plans:

(Air Quality Conditions)

a. "The site grading is subject to the following conditions to reduce, or improve air quality from dust particulate generated from grading:"

   1. "Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction areas, between dozer/scraper passes and on any unpaved roads within the project limits."

   2. "Grading is to be terminated in winds exceed 25 mph."

   3. "Sweepers and water trucks shall be used to control dust and debris at public street access points."

   4. "Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures."

5. "Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading" (unnumbered design measure)."

6. "All generators or portable equipment with a 50hp or greater engine must be permitted by the San Diego Air Pollution Control District."

22. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter. Plans shall include:

a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.

b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used that can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.

d. Spot elevations of the hardscape, building, and proposed fine grading of the installed landscape.

e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.

f. Landscape plans shall be in substantial conformance with the approved conceptual landscape plan.

g. Prior to submittal of final landscape plans, the applicant shall obtain an encroachment permit through the Department of Public Works for tree planting within the public rights-of-ways along Valley Center Road and Lake Wohlford Rd. Please contact the Department's Construction/Road Right-of-Way division at (858) 694-3275 for further instructions and submittal requirements. Proof of this permit shall be required upon submittal of the construction document set of landscape plans.

23. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public Works stating Conditions A.3 thorough A.19 have been complied with to that Department's satisfaction.

B. Prior to any occupancy or use of the premises pursuant to this Site Plan, the applicant shall:

1. Submit to the Director of Planning and Land Use a statement from a California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.

2. Design and adjust all light fixtures to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Sections 6324 and 6326 of The Zoning Ordinance.

3. Provide proof that temporary lighting has been removed from the site to the satisfaction of the Director of Planning and Land Use.

C. Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Site Plan, the following conditions shall apply during the term of this Site Plan:

1. All future structures are limited to accessory structures or other structures permitted in conformance with the "A" Building Type Designation pursuant to Zoning Code Section 4310.

2. The parking areas and driveways shall be well maintained.

3. The landscaping shall be adequately watered and well maintained at all times.

4. The trails/pathways shall be well maintained pursuant to the maintenance agreement.

5. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

6. The project shall conform to the approved plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

D. This Site Plan expires on May 22, 2011 (two years from the date of approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration). If construction or use of the property in reliance on a Site Plan approval has not commenced within the two year period, said period may be extended by the Director of Planning and Land Use at any time prior to the original expiration date. The request for an extension of time shall be filed prior to the expiration date and accompanied by the required filing fee.

FINDINGS:

CEQA FINDINGS

It is hereby certify that the Negative Declaration (MND) dated July 10, 2008 on file with the Department of Planning and Land Use (DPLU) as Environmental Review Number 04-09-014 has been completed in compliance with CEQA, reflects the Director of Planning and Land Use's independent judgment and analysis, was presented to the Director of Planning and Land Use, and the Director of Planning and Land Use has reviewed and considered the information contained in the ND prior to approving the project.

STORMWATER FINDINGS

It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed protection, Stormwater Management and Discharge Control Ordinance.

SITE PLAN FINDINGS

a. That the proposed development meets the intent and specific standards and criteria prescribed in Section 5750 of the Zoning Ordinance because the development is compatible with adjacent land uses and is not detrimental to the scenic resources present in the adjacent areas because of the proposed parking lot design, and landscaping.

b. That the proposed development is compatible with the Valley Center Community Plan because it proposes a private parking lot in an area that has all necessary public facilities, is within the existing sewer and water districts, and is adjacent to major roads and commercial areas. The project includes dense landscaping to screen parking areas, and buffer neighboring land uses from incompatible activities on site.

c. That any applicable standards or criteria waived by the Director pursuant to Section 7158d. have been or will be fulfilled by the condition or conditions of a use permit or Variance. No standard or criteria has been waived.

d. That the proposed development provides structures compatible and in keeping with those in the designated area, since the structures consist of low accessory structures which are designed in compliance with the "Early California" style from the Valley Center Community Plan.

e. That the placement of buildings and structures does not detract from the visual setting or obstruct significant views, since the structures consist of three very small accessory structures.

f. That the replacement vegetation is compatible with a vegetation of the designated area and harmonizes with the natural landscaping, since the landscape plan uses a broad palette of materials selected for compatibility, including native plants.

g. That the roads, pedestrian walkways, parking and storage areas are screened from view to the maximum extent feasible, since the parking lot will be surrounded by dense landscaping, including trees, shrubs and ground cover.

h. That the alteration of the natural topography is minimized and avoids detrimental effects to the visual setting of the designated area, since the site is relatively flat and is proposed to remain so.

i. That the exterior lighting is compatible with the lighting employed in the designated area, since the lighting employs downcast design and is shielded by the dense landscaping.

j. That the proposed development complies with the standards adopted pursuant to Ordinance No. 9967 to establish the "D" Designator.

NOTICES:

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on May 22, 2009.

NOTICE: Low Impact Development (LID) requirements apply to all priority projects as of March 25, 2008. These requirements can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. You can access the Handbook at the following DPLU web address:

http://www.co.san-diego.ca.us/dplu/docs/LID-Handbook.pdf

NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit must be implemented beginning March 25, 2008. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc

All priority projects must minimize directly connected impervious areas and promote biofiltration. Section 67.812 includes the minimal site design requirements that project applicants must address and implement. These can be summarized into the following

All priority projects must minimize directly connected impervious areas and promote biofiltration. Section 67.812 includes the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces, Design impervious surfaces to drain into properly designed pervious areas, Use pervious surfaces wherever appropriate, Implement site design BMPs. The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Game Fees have been paid in the amount of $1993 for the review of the Negative Declaration (receipt number 367343 dated July 10, 2008, and receipt number 365183 dated December 16, 2008).

The decision of the Director becomes final on the eleventh day following the date on this permit unless prior to that date, you or a protestant files a written appeal to the Planning Commission accompanied by a fee of seven hundred and fifty dollars ($750.00). Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission.

DEPARTMENT OF PLANNING AND LAND USE
ERIC GIBSON, DIRECTOR

BY: _____
Richard Grunow, Planning Manager
Project Planning Division

RG:TT:tt

SITE PLAN
FOR THE
VALLEY VIEW CASINO EMPLOYEE PARKING LOT

GENERAL NOTES

1. APPROVAL OF THIS GRADING PLAN DOES NOT CONSTITUTE APPROVAL OF VERTICAL OR HORIZONTAL ALIGNMENT OF ANY PRIVATE ROAD SHOWN HEREON FOR COUNTY ROAD PURPOSES.

2. FINAL APPROVAL OF THESE GRADING PLANS SUBJECT TO FINAL APPROVAL OF THE ASSOCIATED IMPROVEMENT PLANS WHICH APPROVALS, FINAL GRAD ELEVATIONS MAY REQUIRE CHANGES IN THESE PLANS.

3. IMPORT MATERIAL SHALL BE OBTAINED FROM A LEGAL SITE.

4. A CONSTRUCTION, EXCAVATION OR ENCROACHMENT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS WILL BE REQUIRED FOR ANY WORK IN THE COUNTY RIGHT OF WAY.

5. NO SLOPES OVER THREE FEET IN HEIGHT WILL BE PLANTED IN ACCORDANCE WITH SAN DIEGO COUNTY SPECIFICATIONS.

6. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF PROPOSED WORK SHALL BE GIVEN TO THE FOLLOWING AGENCIES:

SAN DIEGO GAS & ELECTRIC:	TELEPHONE NO.
PACIFIC TELEPHONE:	TELEPHONE NO.
CATV:	TELEPHONE NO.
WATER:	TELEPHONE NO.
SEWER:	TELEPHONE NO.

7. A SOILS REPORT MAY BE REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

8. APPROVAL OF THESE PLANS BY THE DIRECTOR OF PUBLIC WORKS DOES NOT AUTHORIZE ANY WORK OR GRADING TO BE PERFORMED UNTIL THE PROPERTY OWNER'S PERMISSION HAS BEEN OBTAINED AND VALID GRADING PERMIT HAS BEEN ISSUED.

9. THE DIRECTOR OF PUBLIC WORKS' APPROVAL OF THESE PLANS DOES NOT CONSTRUE COUNTY BUILDING OFFICIAL APPROVAL OF ANY PERMANENT FOR STRUCTURES TO BE PLACED ON THE FINISH GRADES BY THESE PLANS. NO GRADES OF THE GRADING DRAINAGE REQUIREMENTS CONTAINED HEREIN COULD CONTAIN 30% OR MORE OF APPLIES (EXCEPTIONS 30 AND 8 ABOVE). ANY SUCH GRADES MUST BE OBTAINED FROM THE DIRECTOR OF PLANNING AND LAND USE.

10. ALL EXCAVATIONS CONDUCTED ON THE PREMISES, INCLUDING THE WASHING UP, REPAIR, ARRIVAL, DEPARTURE OR DURING OF TRUCKS, EARTH MOVING EQUIPMENT AND ANY OTHER ASSOCIATED GRADING EQUIPMENT SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 6:00 PM EACH DAY, MONDAY THROUGH SATURDAY, AND NO EARTH MOVING OR GRADING OPERATIONS SHALL BE CONDUCTED ON THE PREMISES ON SUNDAYS OR HOLIDAYS.

11. ALL MAJOR SLOPES SHALL BE ROUNDED AND EVENING BERMS TO PROVIDE A NON-TORNED TRANSITION FROM CUT OR FILL FACES TO NATURAL GROUND AND ADJOINING CUT OR FILL SURFACES.

12. NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE GRADING ORDINANCE AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, THE PERMITTEE IS RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO ADJACENT PROPERTIES. NO PERSON SHALL DIVERTED OR LAND TO CLOSE TO THE PROPERTY LINE AS TO DAMAGE ANY ADJACENT PUBLIC STREET, SIDEWALK, ALLEY, FUNCTION OF ANY DRAINAGE MATERIAL SYSTEM, OR ANY OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT SUPERVISION AND PROTECTION. SUCH PROPERTY THEN INCLUDE, DRAINAGE BLOCKS, BERMS OR OTHER DAMAGE WHICH MAY RESULT FROM THE GRADING DESCRIBED ON THE PLAN. THE COUNTY WILL HOLD NO RESPONSIBILITY FOR CORRECTION OF NON-ADDRESSED IMPROVEMENTS WHICH DAMAGE ADJACENT PROPERTY.

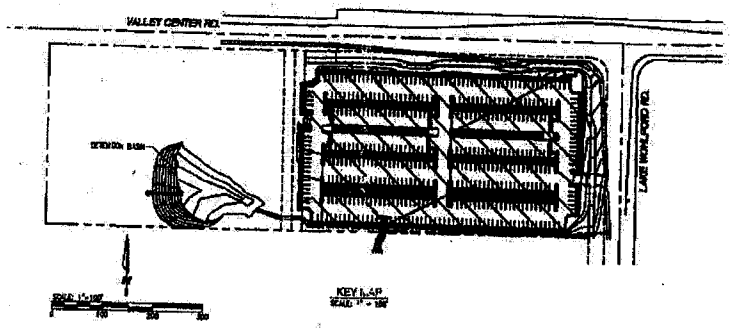
13. SLOPE RATIOS:
CUT-1.5:1 FOR MINOR SLOPES UNDER 10' HIGH OR 2:1 FOR MAJOR SLOPES FILL-2:1
EXCAVATION: FILL: WASTE/IMPORTS
(NOTE: A SEPARATE VALID PERMIT MUST EXIST FOR OTHER WASTE OR IMPORT AREAS)

14. SPECIAL CONDITIONS: IF ANY ARCHAEOLOGICAL RESOURCES ARE DISCOVERED ON THE SITE, AT ANY GRADING DURING GRADING OPERATIONS, SUCH OPERATIONS WILL CEASE IMMEDIATELY, AND THE PERMITTEE WILL NOTIFY THE DIRECTOR OF PUBLIC WORKS. PERMITTEE WILL NOTIFY THE DIRECTOR OF PUBLIC WORKS OF THE IF THE PROPERTY DISCOVERY, GRADING OPERATIONS WILL NOT RECOMMENCE UNTIL THE PERMITTEE HAS RECEIVED WRITTEN AUTHORITY FROM THE DIRECTOR OF PUBLIC WORKS.

15. ALL GRADING DETAILS WILL BE IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARD DRAWINGS D5-6, D5-10, D5-11, AND D-12.

16. THE CONSTRUCTION OF ONE PCC STANDARD RESIDENTIAL DRIVEWAY PER LOT, LOCATION TO BE DETERMINED IN THE FIELD BY ENGINEER OF WORK AND SURVEYING OF GRADE, BUT TO ENTIRE FROM CLOSE TO PROPERTY LINE, USE STANDARD DRAWINGS D-14A D-14B, D-14C, D-15 AND D-16

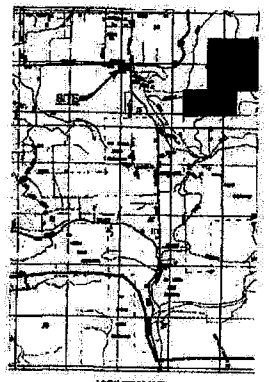
17. ENTIRE GRADING SHALL BE CERTIFIED BY A REGISTERED CIVIL ENGINEER AND INSPECTED BY THE COUNTY ENGINEER FOR DRAINAGE CLEARANCE. (APPROVAL OF ROUGH GRADING DOES NOT CERTIFY FINISH GRADES OR POTENTIAL SURFACE DRAIN— SEE REQUIRED THAT MAY BE CREATED BY LANDSCAPING ACCOMPLISHED AFTER ROUGH GRADING CERTIFICATION.



DESCRIPTION	QUANTITY	UNITS
EMPLOYEE PARKING LOT		
LANDSCAPE AREA	13491.25	SF
PARKING AREA	191372.30	SF
HANDICAP PARKING	8	EA
STALL PARKING SPACES	435	EA
TOTAL PARKING SPACES	443	EA
GRADING		
CUT SLOPE	5,000	CY
FILL SLOPE	17,230	CY
IMPORT	12,174	CY

LEGEND

- PROPERTY LINE
- EASEMENT
- PROP CURB AND GUTTER
- PROP WALL
- PROP ROAD
- WHEEL STOP
- FINISH CONTOURS
- EXISTING CONTOURS
- SLOPES
- DIRECTION OF DRAINAGE
- VEGETATED SWALE
- SWALE PATH
- LANDSCAPE AREA/BIO SWALE
- RIP RAP
- PROP 4" PVC SCH 40



VICINITY MAP
NOT TO SCALE

The following application

- [ ] Tentative Map No.
- [ ] Tentative Parcel Map No.
- [ ] Preliminary Grading Plan No.
- [x] Site Plan No. 06-004
- [ ] Plot Plan No.
- [ ] Other No.

Was approved on May 22 2009 by

- [x] The Director of Planning and Land Use
- [ ] The Zoning Administrator
- [ ] The San Diego Planning Commission
- [ ] The San Diego County Board of Supervisors

No. Sheets: 8

BY _____ Planning MGR
Name Title

SOURCE OF TOPOGRAPHY
THE SOURCE OF TOPOGRAPHY IS VARIOUS FIELD SURVEYS PERFORMED BY WYNN ENGINEERING, INC. BETWEEN 2003 AND 2007. WYNN ENGINEERING, INC. PERFORMED MULTIPLE FIELD TOPOGRAPHIC SURVEYS DURING THIS TIME PERIOD TO UPDATE AND ADJUST SITE CONDITIONS DUE TO COUNTY OF SAN DIEGO ROAD IMPROVEMENT CONSTRUCTION ON VALLEY CENTER ROAD AND LAKE WOHLFORD ROAD.

RECEIVED
DEC 1 8 2008
DEPARTMENT OF PLANNING AND LAND USE

APPLICANT/OWNER
SAN PASQUAL CASINO DEVELOPMENT GROUP, INC.
SAN PASQUAL BAND OF MISSION INDIANS
15520 AVOCA PARK ROAD
VALLEY CENTER, CA. 92082

ASSESSOR'S PARCEL
188-061-02

LEGAL DESCRIPTION
THE PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

BENCHMARK
FOUND DISC 3 1/2" BRASS DISC (PORTION OF DISK BROKEN OFF), SET IN CE STAMPED U.S. COAST & GEODETIC SURVEY, NAME 5300 1936 LOCATED NEAR "WHITE POST, 14' ELY OF E/L OWT DRIVEWAY OF RESIDENCE AT 28486 VALLEY CENTER ROAD, 12' ELY OF VALLEY CENTER ROAD AND 8'S/T OF SUNSET ROAD.
EL. = 1003.89

NOTE:
THIS PLAN IS PROVIDED TO ALLOW FOR FILE AND ACCURATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMITS(S) BEFORE COMMENCING SUCH ACTIVITY.

Jones & Stokes
9903 Businesspark Ave. San Diego, CA 92131
Phone: (858) 578-8964 Fax (858) 578-0573

SHEET INDEX

SHEET NO.	DESCRIPTION
1	LOCATION AND KEY MAP
2	EAST – GRADING, DRAINAGE AND SIGNING PLAN
3	WEST – GRADING AND DRAINAGE PLAN
4	EAST – CONCEPTUAL LANDSCAPE PLAN
5	WEST – CONCEPTUAL LANDSCAPE PLAN
6	CONCEPTUAL LIGHTING PLAN
7	DETAILS AND DRAWINGS

1-5-09

STP 06-004
R04-017
LOG NO. 04-09-014

WYNN ENGINEERING, INC.
2788 VALLEY CENTER ROAD, VALLEY CENTER, CA 92082
(760) 749-8721 (858) 385-9700 FAX (760) 749-0443

WEI	WEI JOB NO. 03-060	03-4-08	B-195

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

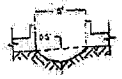
LOCATION AND KEY MAP FOR
VALLEY VIEW CASINO EMPLOYEE PARKING

SHEET 1 OF 8

APPROVED
DIRECTOR OF PLANNING AND LAND USE
BY: DATE:

GRADING PERMIT NUMBER:

CROSS-SECTION X-X
NOT TO SCALE



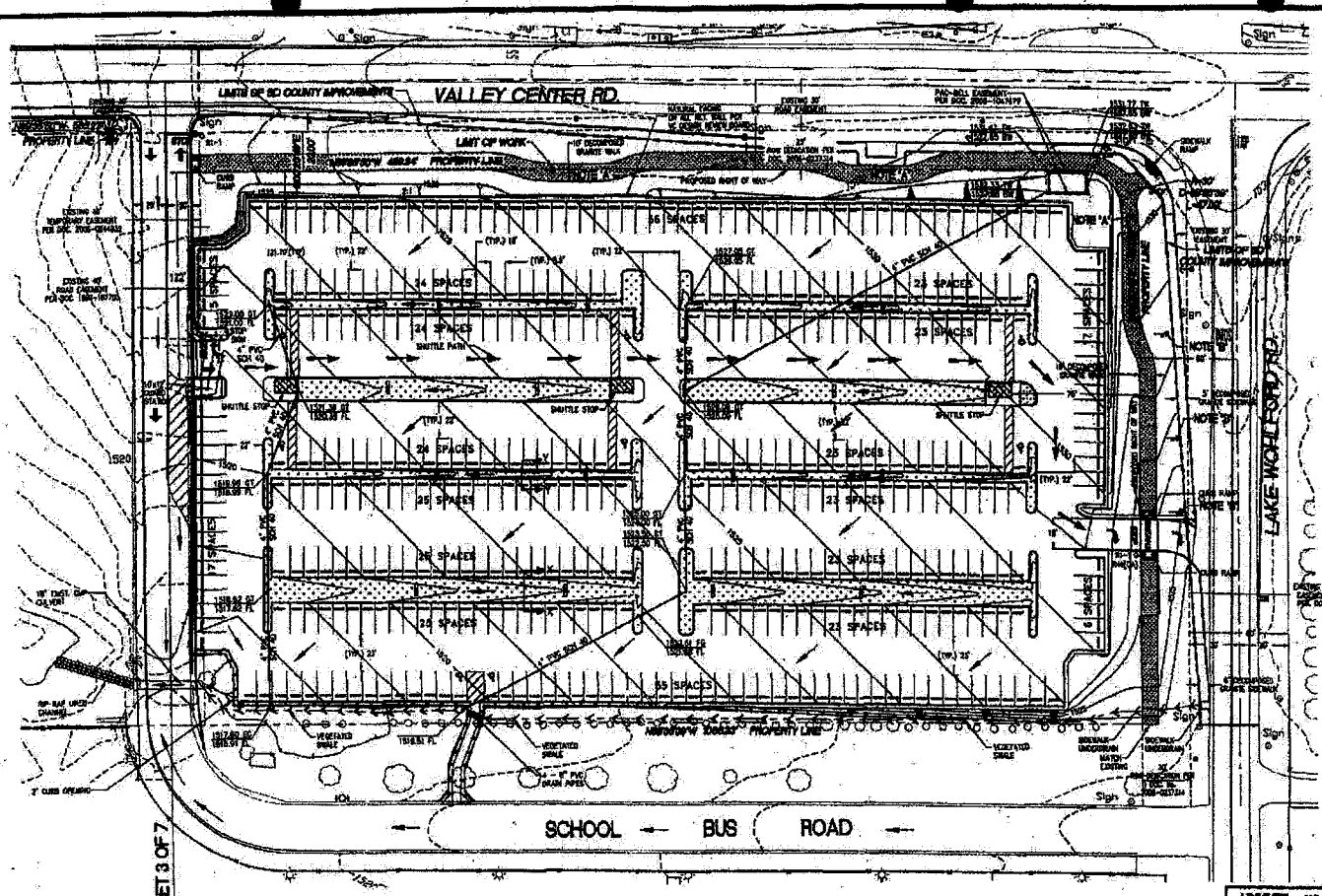
CROSS-SECTION Y-Y
NOT TO SCALE

SIDEWALK PAVING NOTE
PROPOSED SIDEWALK SHALL BE SURFACED TO THE SATISFACTION OF THE COUNTY OF SAN DIEGO.

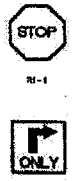
COUNTY PROVIDED IMPROVEMENT LIMIT OF WORK NOTE:
COUNTY OF SAN DIEGO SHALL PROVIDE ALL SIDEWALK AND MISC. IMPROVEMENTS INSIDE THE DESIGNATED AREA.

NOTE 'A':
PORTIONS OF PATHWAY THAT FALL OUTSIDE OF THE RIGHT-OF-WAY WILL BE OFFERED FOR DEDICATION TO THE COUNTY OF SAN DIEGO.

NOTE 'B':
SIGN SHOWN IN ULTIMATE PROPOSED LOCATION AND IS NOT AN EXISTING LOCATION.



ON-SITE SIGNAGE



MAY 22 2009

DEPARTMENT OF PLANNING AND LAND USE

EAST - GRADING, DRAINAGE AND STRIPING PLAN

THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE, OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITIES.

Jones & Stokes
9775 Businesspark Ave, Suite 200 San Diego, CA 92131
Phone: (858) 578-5964 Fax (858) 578-0573

WYNN ENGINEERING, INC.
2330 VALLEY CENTER ROAD, VALLEY CENTER, CA. 92082
(760) 749-6720 (858) 305-0728 FAX (760) 749-0412

WO | WEI JOB NO. 05-040 | 05-10-07 | 0-05

PRIVATE CONTRACT

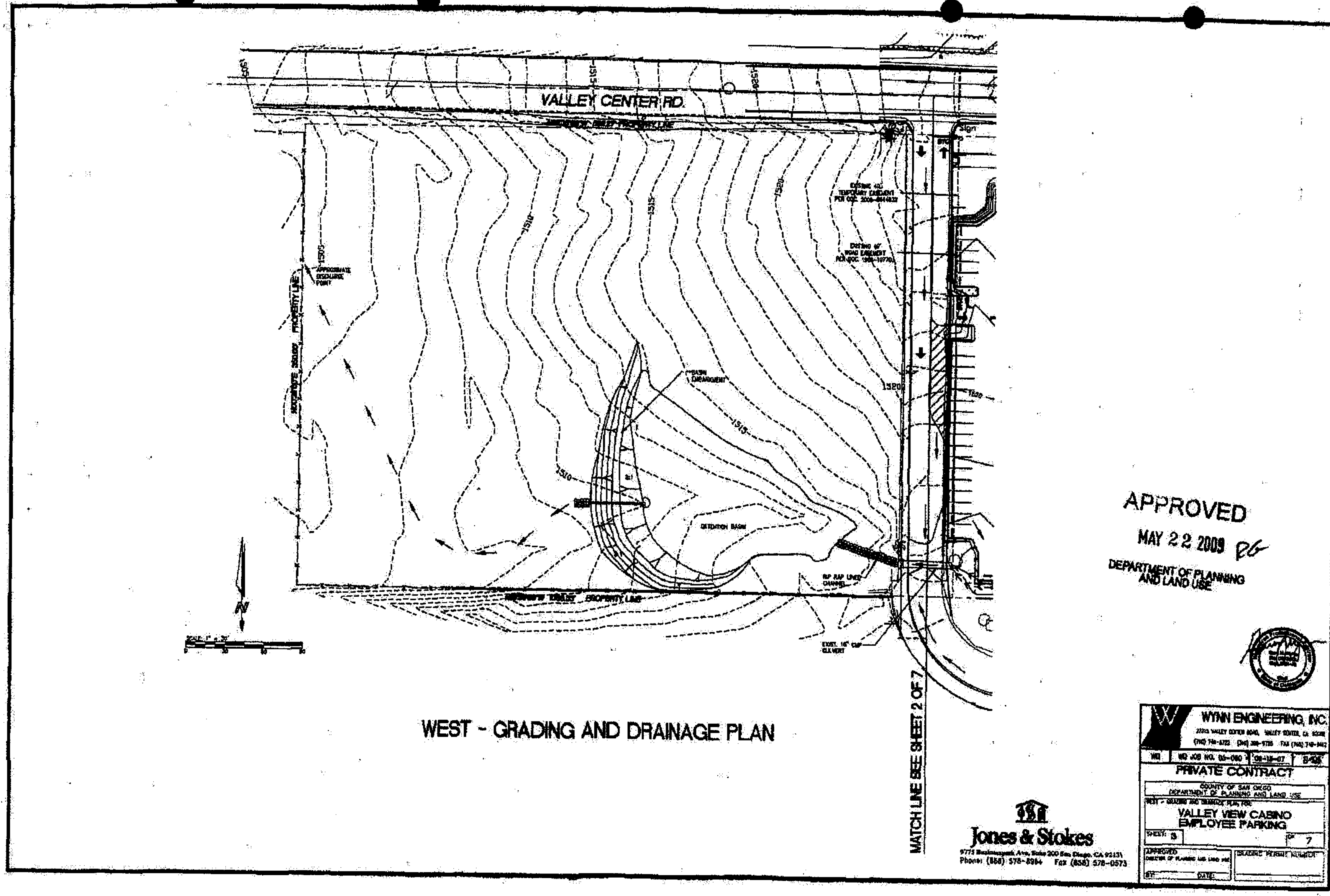
COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

EAST - GRADING, DRAINAGE AND STRIPING PLAN FOR:
VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET 2 OF 7

APPROVED
DIRECTOR OF PLANNING AND LAND USE
BY: DATE:

GRADING PERMIT NUMBER:


VALLEY CENTER RD.
PROPERTY LINE
APPROXIMATE DISCHARGE POINT
DETENTION BASIN
RIP RAP LINED CHANNEL
MATCH LINE SEE SHEET 2 OF 7
WEST - GRADING AND DRAINAGE PLAN
APPROVED
MAY 22 2009
DEPARTMENT OF PLANNING AND LAND USE
WYNN ENGINEERING, INC.
PRIVATE CONTRACT
COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE
VALLEY VIEW CASINO
EMPLOYEE PARKING
SHEET 3 OF 7
Jones & Stokes
9775 Businesspark Ave, Suite 200 San Diego, CA 92131
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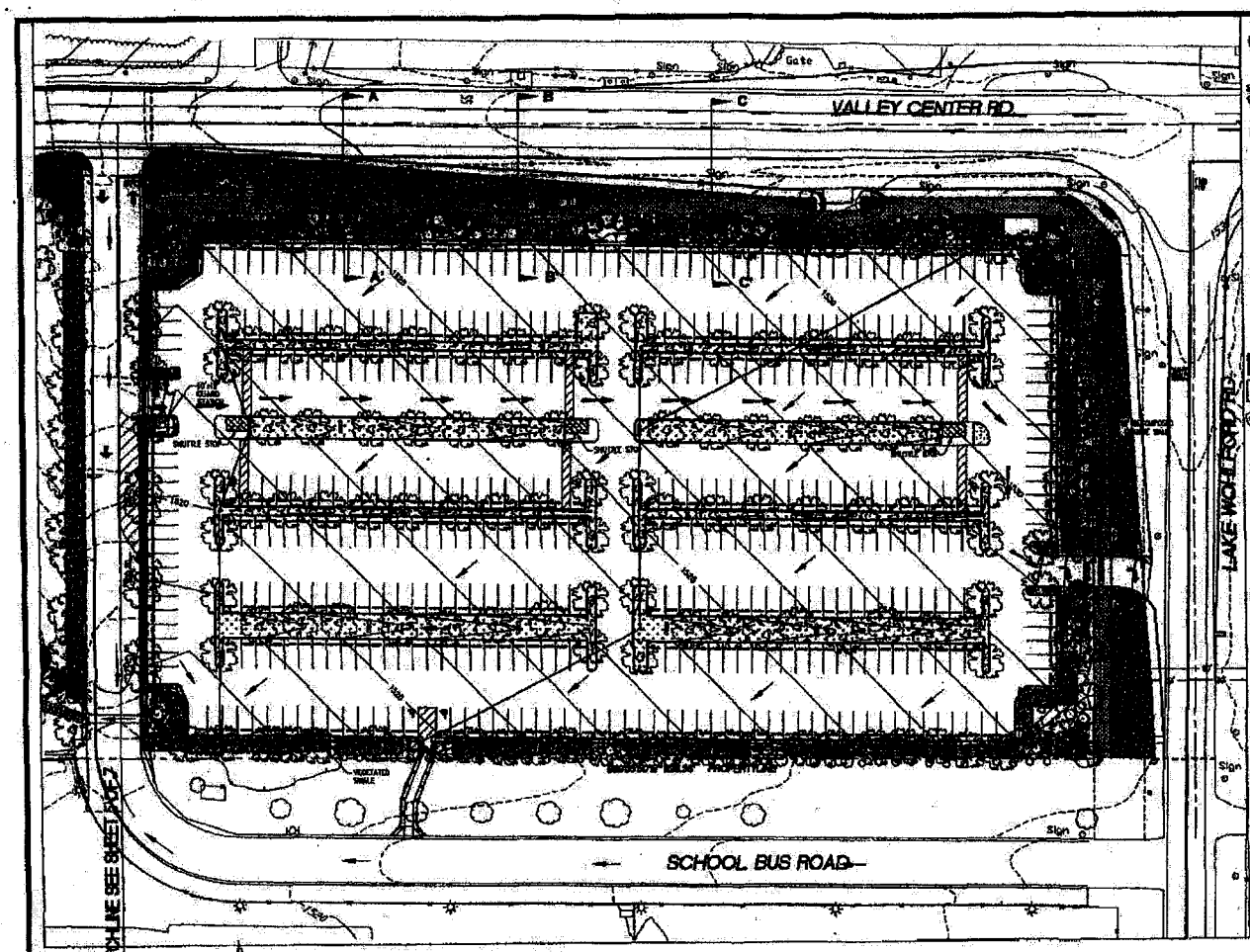


LEGEND

TREES STREET TREES 24" BOXES; PARKING LOT TREES 25% MIN. 24" BOXES AND MINIMUM 15 GALLON

CALOCEDRUS DECURRENS	CAPE CHESTNUT	PLATANUS ACERIFOLIA	LONDON PLANE TREE
		PLATANUS RACEMOSA	WESTERN SYCAMORE
KOELREUTERIA PANICULATA	GOLD TREE	PRUNUS CERASIFERA	PURPLE-LEAF PLUM
LAGERSTROEMIA INDICA	CRAPE MYRTLE	QUERCUS AGRIFOLIA	COAST LIVE OAK
		QUERCUS ILEX	HOLLY OAK
OLEA EUROPAEA (FRUITLESS)	FRUITLESS OLIVE	SCHINUS MOLLE	CALIFORNIA PEPPER
PISTACIA CHINENSIS	CHINESE PISTACHE	SALIX SPECIES	NATIVE WILLOW
		TRISTANIA CONFERTA	BRISBANE BOX

SHRUBS 50 % 5 GALLON, 40% 1 GALLON, 5% 15 GALLON

ARBUTUS UNEDO/MARINA	ELFIN ARBUTUS	LIGUSTRUM JAPONICUM	WAX-LEAF PRIVET
CEANOTHUS SPECIES	WILD LILAC	MELALEUCA HYPERICIFOLIA	PINK MELALEUCA
CORREIA MACCOA 'PURPUREA'	CORREIA	NANDINA DOMESTICA	HEAVENLY BAMBOO
CISTUS CROCEUS/ALBUS	LAVENDER STAR/FLOWER	PHORMIUM TENAX	NEW ZEALAND FLAX
HEBE/BOTTLE SPECIES	DAY LILIES	PRUNUS PRAECOX	PRUNUS
HETEROMELES ARBUTIFOLIA	TOYON	PITTOSPORUM TOBIRA	MOCK ORANGE
JUNIPER SPECIES	JUNIPER	RAPHIOLEPIS INDICA	INDIAN HAWTHORN
LEPTOSPERMUM SPEC.	MANY GLOW	ROSMARINUS PROSTRATUS	ROSE OR LOCKERBIE DE FOREST

GROUNDCOVER

BACCHARIS PILULARIS 'PIGEON POINT'	TRAILING DOYLEYSTOWN	
CEANOTHUS GRIGNA HORIZ.	CARMEL CREEPER	
HYPOCHAERIS PAPHYLLISH	HYPOCHAERIS	
NATIVE WILDFLOWER MIXES		

ACCENT BOULDERS

5 RAIL LODGE POLE FENCE PER COUNTY TRAILS STANDARD

LIGHT STANDARD
(Lights Shielded Adjacent to Residential Land Uses)

APPROVED
MAY 22 2009
DEPARTMENT OF PLANNING AND LAND USE

GENERAL NOTES:
Due to anticipated road improvements and utility reallocations that will occur before the pathway is constructed the final alignment of the pathway may need to be adjusted to accommodate roadway grading and utility poles.

LANDSCAPE NOTES:
The use of landscaping to screen the parking area from Valley Center Road and North Lake Wollford is proposed. Landscape screening, rather than walls or fences, would be more compatible with the rural and agricultural setting. A distance of 20 feet between the ultimate right-of-way for both Valley Center and North Lake Wollford Roads and the parking area shall be densely landscaping to adequately screen the parking area. Shrub container stock at planting shall be such that they will reach a height of 30 inches within two growing seasons. The effect of the landscape screening will be enhanced by the 18 to 24 inch berm between the surface of Valley Center Road and the parking pavement. A 20-foot deep landscaped area will also be installed between the expanded parking area and the ultimate 60-foot from centerline right-of-way for North Lake Wollford Road. Additional mounding and construction of low walls in this area would provide additional screening. The Conceptual Planting Plan proposes a mixture of trees, shrubs and ground cover that will create a dense landscape screen between the parking area and both Valley Center Road and North Lake Wollford Road. Evergreens species will be clustered adjacent to light standards for year-round screening. Accent trees will be grouped at the parking lot corners and access driveways. Tree densities are based on the Valley Center Design Guidelines of at least one tree per every 400 square feet of property within the 20-foot zone. Tree container stock at planting shall be such that trees will reach a height of 18 feet within two growing seasons. Additionally a minimum of 10 percent of the parking lot's interior will be landscaped to reduce the visual impacts and will conform to Section 6712 of the Zoning Code and the Valley Center Design Guidelines. All planting areas shall receive a 2" minimum layer of organic mulch.

MAINTENANCE:
All areas of landscaping, pathways, fencing, etc. shown are to be maintained by developer/owner into perpetuity.

WYNN ENGINEERING, INC.
2235 VALLEY CENTER ROAD, VALLEY CENTER, CA. 92082
(760) 749-8312 (760) 295-1718 FAX (760) 749-0412

NO	DATE	REVISION	BY
	06-080	09-18-07	9-06

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

CONCEPTUAL LANDSCAPE PLAN – EAST FOR:
VALLEY VIEW CASINO
EXPLORER RANCHO

SHEET 4 OF 7

APPROVED
DIRECTOR OF PLANNING AND LAND USE
BY: DATE:

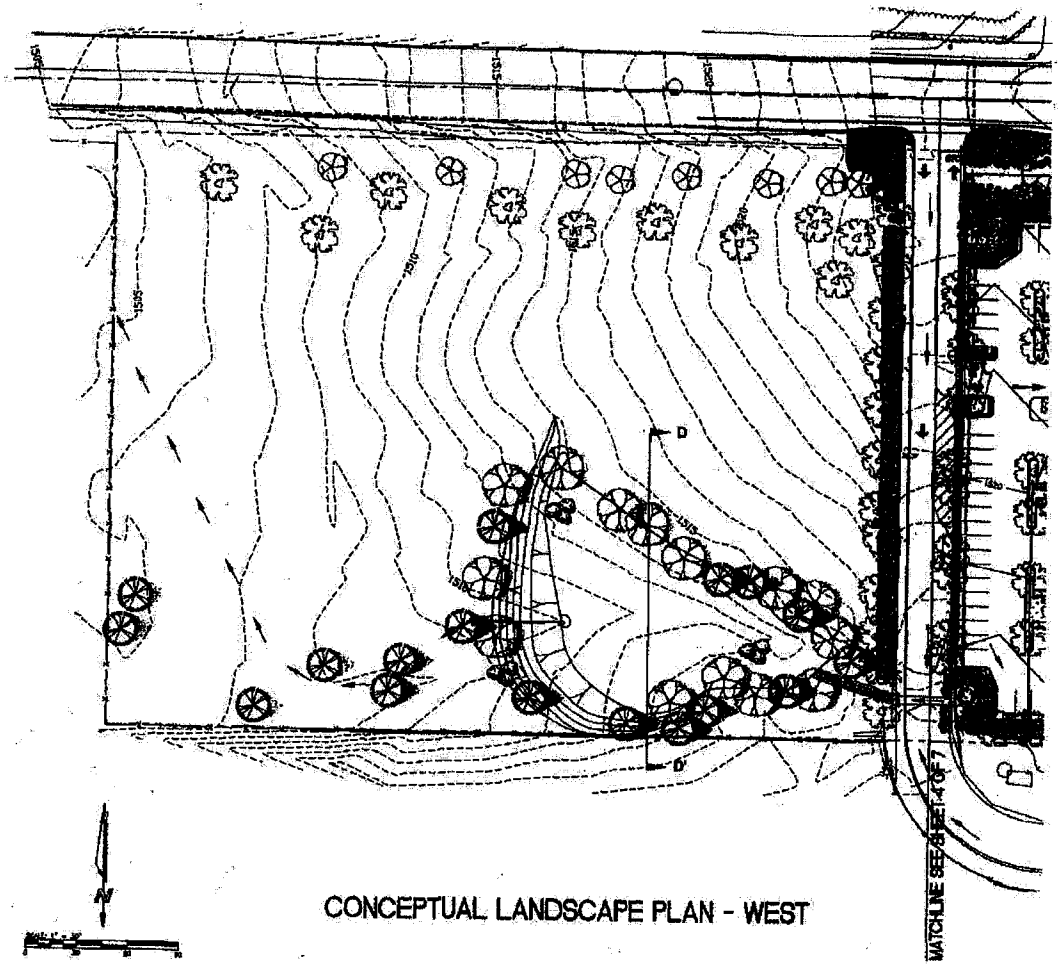
GRADING PERMIT NUMBER:

CONCEPTUAL LANDSCAPE PLAN - EAST

SDC DPLU RCVD 12-16-08

REZ 04-017

Jones & Stokes
9775 Businesspark Ave, Suite 200 San Diego, CA 92131
Phone: (858) 578-8994 Fax (858) 578-0573



CONCEPTUAL LANDSCAPE PLAN - WEST

LEGEND

ROCKS / BOULDERS

IRRIGATION NOTES:

A permanent irrigation system shall be designed to afford optimum coverage for the support of plant growth. The coverage shall meet the water requirements for the selected plant material within the given planting area. The design shall take into consideration the exposure, soil types, and slope gradient the system will have. The system shall be design in accordance with the water conservation ordinance. The system shall be fully automatic with rain sensors for water conservation measures and as maintenance free as possible.

MAINTENANCE NOTES:

All landscaping area both on-site and in the ROW shall be maintained by property owner. The landscaped areas shall be free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced.

LIGHTING NOTES:

Lighting shall be shielded low pressure sodium fixtures on 25 foot high maximum light standards.

STORM WATER RUNOFF:

Storm water runoff will be treated within a detention basin west of School Bus Road. Willow, oak, sycamore trees as well as boulders will be added to this area to increase the habitat biological diversity. Maintenance will be as described in the Stormwater Management Plan.

APPROVED

MAY 22 2009 RB

DEPARTMENT OF PLANNING AND LAND USE

Jones & Stokes

9775 Businesspark Ave, Suite 200 San Diego, CA 92131
Phone: (858) 578-8864 Fax: (858) 578-0578

WYNN ENGINEERING, INC.

REV	NO. JOB NO. 05-060	06-18-07	B-95

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

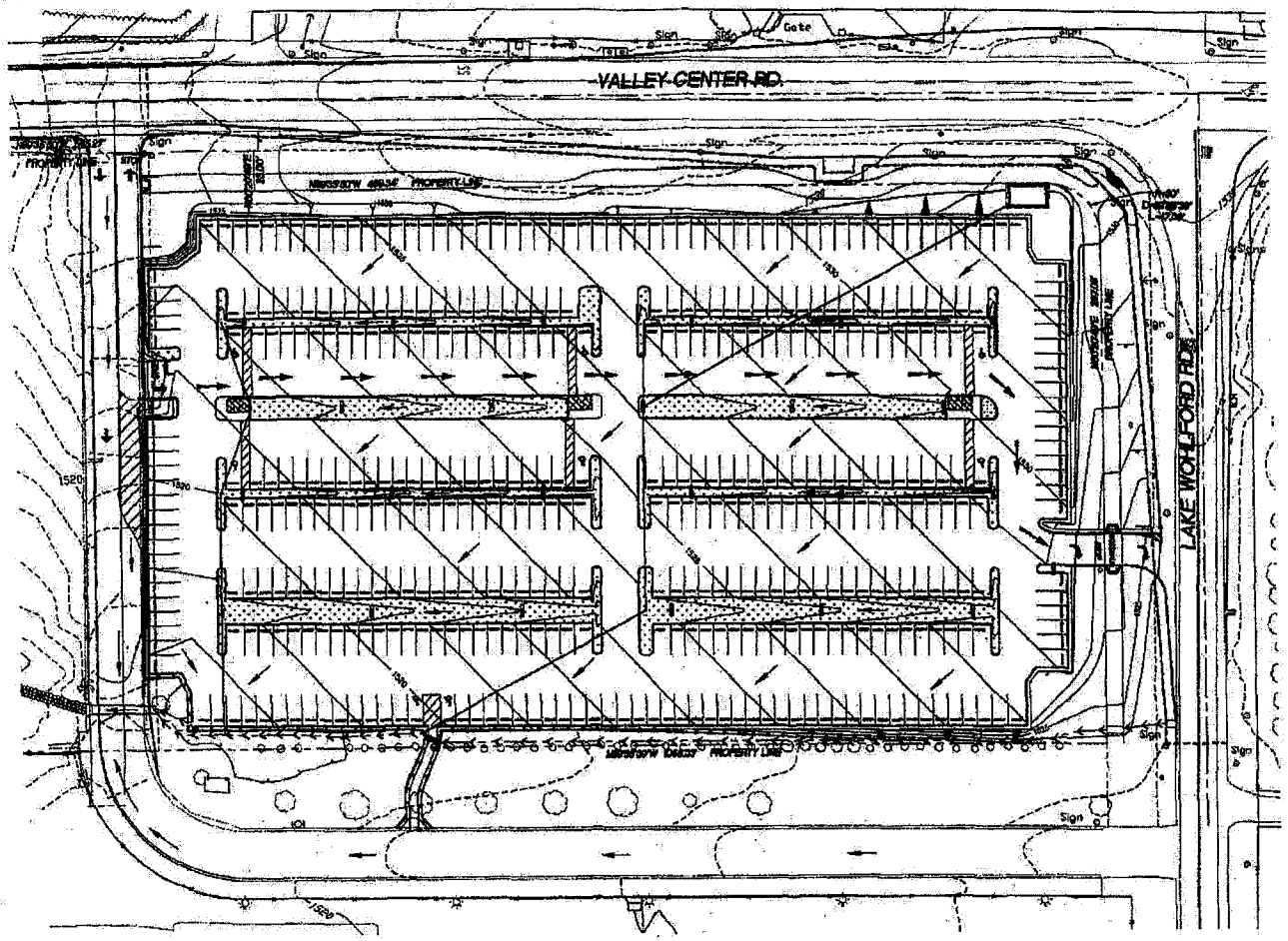
CONCEPTUAL LANDSCAPE PLAN - WEST for
VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET 8 OF 7

APPROVED
DIRECTOR OF PLANNING AND LAND USE

DATE:

GRADING PERMIT NUMBER:



LEGEND
LIGHT STANDARD

APPROVED
MAY 22 2009 RG
DEPARTMENT OF PLANNING AND LAND USE

CONCEPTUAL LIGHTING PLAN

Jones & Stokes
9775 Businesspark Ave, Suite 300 San Diego, CA 92131
Phone: (858) 578-8854 Fax: (858) 578-0573

Walter Electric, Inc.

WYNN ENGINEERING, INC.

PRIVATE CONTRACT

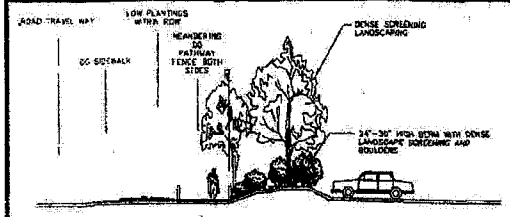
COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

CONCEPTUAL LIGHTING PLAN
VALLEY VIEW CASINO
EMPLOYEE PARKING

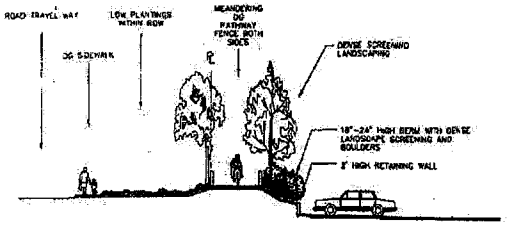
SHEET 6 OF 7

APPROVED
DIRECTOR, PLANNING AND LAND USE
BY: DATE:

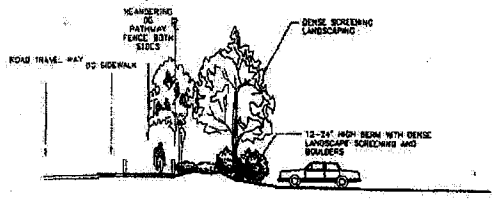
GRADING PERMIT NUMBER:



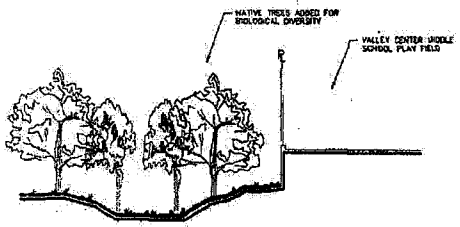
CROSS-SECTION A-A'
TYPICAL ROAD FRONTAGE CROSS-SECTION
SCALE: 1"=10'-0"



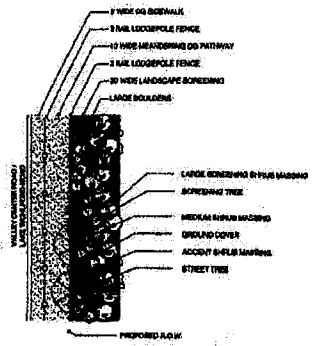
CROSS-SECTION B-B'
SCALE: 1"=10'-0"



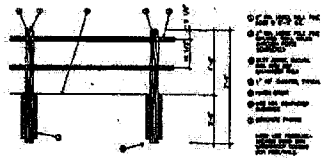
CROSS-SECTION C-C'
SCALE: 1"=10'-0"



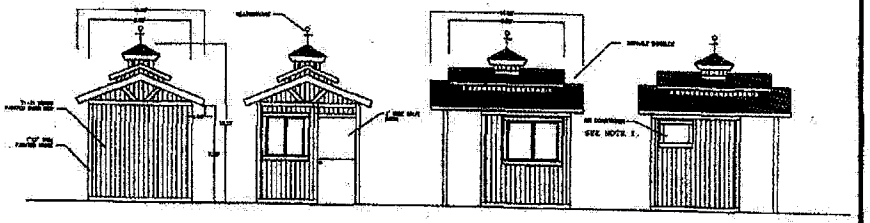
DETENTION BASIN SECTION D-D'
SCALE: 1"=10'-0"



TYPICAL ROAD FRONTAGE LANDSCAPE SCREENING
SCALE: 1"=20'-0"

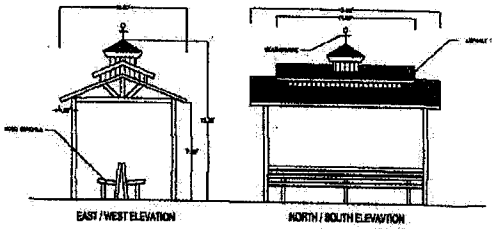


FENCING DETAIL
NOT TO SCALE



GUARD STATION
SCALE: 1/4" = 1'

NOTE 1:
ONE-WALL MOUNTED LG ELECTRONICS MODEL LW6070HD MR SINGLE PACKAGE AIR CONDITIONER OR AN EQUIVALENTLY SIZED UNIT WITH A MAXIMUM SOUND PRESSURE LEVEL OF 54 DECIBELS AT A REFERENCE DISTANCE OF 5 FEET OR LESS.



SHADE STRUCTURES
SCALE: 1/4" = 1'

APPROVED
MAY 22 2009 TCG
DEPARTMENT OF PLANNING AND LAND USE

ELEVATIONS AND DETAILS

Jones & Stokes
9775 Businesspark Ave. Suite 200 San Diego, CA 92131
Phone: (858) 578-9884 Fax (858) 578-0573

WYNN ENGINEERING, INC.
27281 VALLEY CENTER ROAD, VALLEY CENTER, CA 92082
(760) 749-0722 (760) 294-9726 FAX (760) 749-0411

NO.	NO. JOB NO: 03-040	DATE: 04-15-07	9-95

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

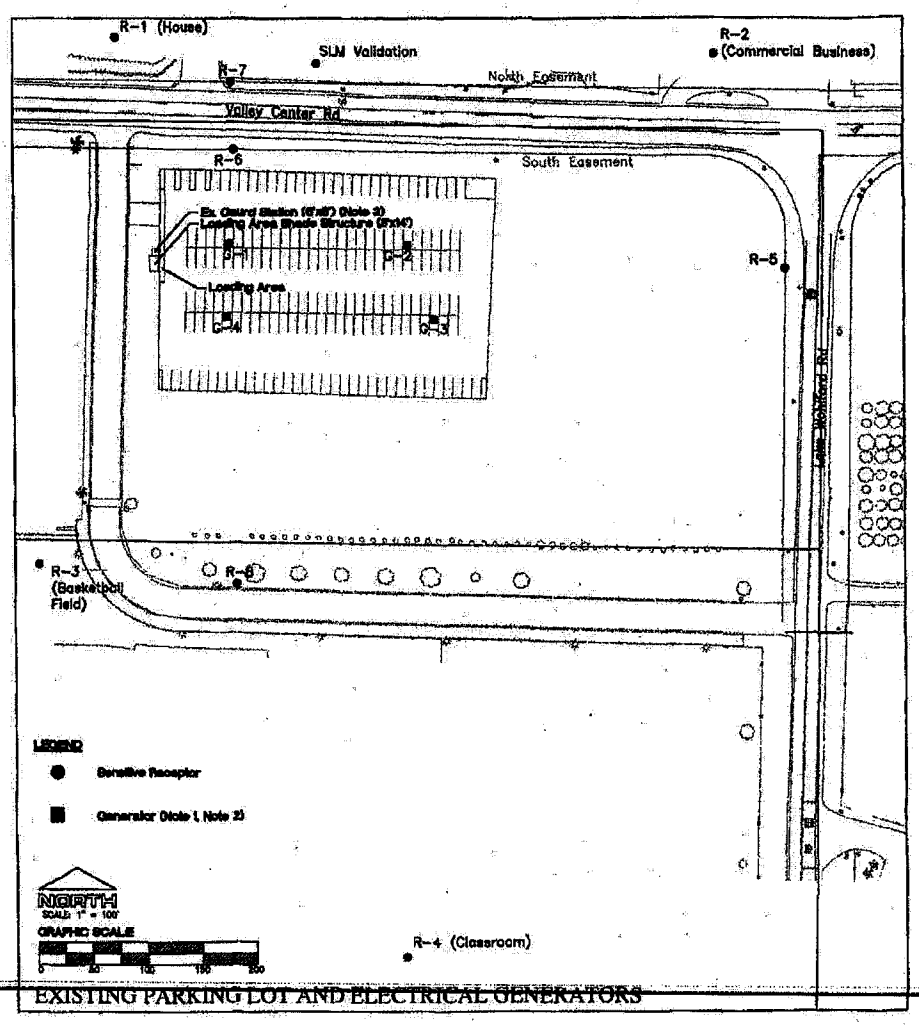
ELEVATIONS AND DETAILS FOR:
VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET: 7 OF 7

APPROVED
DIRECTOR OF PLANNING AND LAND USE
BY: DATE:

GRADING PERMIT NUMBER:

Interim Generator Facility



EXISTING PARKING LOT AND ELECTRICAL GENERATORS

NOTES

Note 1. No light tower shall be located closer than 130 feet from any property line including the centerlines of Valley Center and Lake Wohlford Roads. The engine side or rear façade of each light pole generator shall be prohibited from facing south. The minimum separation distance between light towers shall be 70 feet. The minimum setback for each light tower from any roadway easement shall be 80 feet.

Note 2. 4 (four) portable Magnum Industries Model MLT4060 light towers with retrofits or equivalently sized units with a maximum sound pressure level of 61 decibels or less at a reference distance of 50 feet.

Note 3. 1 (one) wall-mounted LG Electronics Model LWHD7000HR single package air conditioner or an equivalently sized unit with a maximum sound pressure level of 54 decibels or less at a reference distance of 5 feet.

APPROVED

MAY 22 2009

DEPARTMENT OF PLANNING AND LAND USE

RG

Mooney-Jones & Stokes

S86 PARKING USE REGULATIONS

2860 INTENT.

The provisions of Section 2860 through Section 2869, inclusive, shall be known as the S86 Parking Use Regulations. The S86 Use Regulations are intended to identify and create areas for automotive parking in association with another dominant land use. Typically, the S86 Use Regulation would be applied to assure a physical separation between one type of use and another, or to accommodate off-street parking requirements for commercial or industrial uses. Various applications of the S86 Use Regulations with appropriate development designators can create small buffer areas between uses or large parking areas designed to satisfy parking needs of a major commercial or industrial complex.

2862 PERMITTED USES.

The following use types are permitted by the S86 Use Regulations:

a. Civic Use Types.

Essential Services
Fire Protection Services (see Section 6905)
Parking Services

b. Commercial Use Types.

Automotive and Equipment: Parking

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

2863 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the S86 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Wood or Green Materials "3"

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2864 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the S86 Use Regulations upon issuance of a Minor Use Permit.

2864

a. Civic Use Types.

Law Enforcement Services
Minor Impact Utilities

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2865 USES SUBJECT TO A MAJOR USE PERMIT.
The following use types are permitted by the S86 Use Regulations upon issuance of a Major Use Permit.

a. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Letter 2

Leal Montgomery, Valley Center Design Review Board

June 1, 2010

Comment Letter 2

Valley Center Design Review Board

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2010 JUN -1 PM 4:11
PACIFIC REGIONAL OFFICE

June 1, 2010

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

RE: Draft Environmental Assessment, 9-Acre Site
San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

Dear Mr. Morris,

Thank you for the opportunity to comment on the Environmental Assessment for the proposed trust acquisition of a parcel encompassing 9.08 acres (at the corner of Valley Center and Lake Wohlford Roads in the valley Center Community Planning Area) by the United States for the San Pasqual Band of Diegueno Mission Indians.

Our Board is very familiar with this property. This site is located more than a half-mile from tribal land at the intersection of two County Circulation Element roads and is adjacent to the Valley Center Middle School campus, most immediately to its athletic fields. The DRB worked for several years with the San Pasqual Band leadership and their consultants to ensure that their re-zone application for this property complied with Valley Center's Design Guidelines. Only half the property would be used for an employee parking lot. The other half would be re-vegetated open space. Community support for a re-zone of this land was based entirely on the use and site design they presented, which has never been installed.

The previous site plan provided extensive landscaped buffers between the parking lot, streets and school athletic fields, and included heavily landscaped off-road pedestrian trails and post and rail fencing for the safety of school children. This abundantly landscaped low-traffic employee parking lot and open space, as was proposed, was consistent with Design Guidelines and with low-intensity uses that are appropriate for the school zone.

In stark contrast, the proposal that has been submitted with this Environmental Assessment places the community's public middle school and its athletic fields between two high-traffic tribal commercial ventures which are beyond the greater community's influence and the County's jurisdiction. The site design does not begin to meet the community's Design Guidelines for landscaped setbacks for parking lots, commercial uses, or for Valley Center Road.

Nor can this proposal be construed as a "continued use" as a parking lot. This application proposes a very significant increase of commercial intensity on this property, intensity that will involve hazardous materials, impact air and groundwater quality and require wastewater treatment. It will significantly impact near neighboring properties, as well as the compact commercial village that is planned by the community for the center of town.

The proposal is inconsistent with the San Diego County General Plan, the Valley Center Community Plan – in which hundreds of residents have participated during the last ten years – and Valley Center's Design Guidelines. Further, it contradicts representations that the San Pasqual leaders have made repeatedly to the Design Review Board and the community. Moreover, the tribe's use of this property as a parking lot was a code violation to begin with. The rezone application was meant to remedy that code violation. However, the site plan upon

which the rezone application was based has never been installed. It would seem that the tribe's failure to meet the requirements of the rezone approval would suggest that the property is not currently being used as a parking lot. Continued use as a parking lot be a code violation.

Finally, the tribe's intention to convert this strategic and sensitive location to a gas station, commercial strip mall and parking lot beyond local jurisdiction and influence has come to our attention only this week. Evidently it has been in the works for many months. I would like to think that this action was not taking place at the same time that our good faith and energies were devoted to working with the applicant.

Based upon the very significant impacts to the community of this proposal, we would hope that a full Environmental Review will be recommended.

Most Sincerely,

Lael Montgomery, Chair

cc:
Oliver Smith, Valley Center Planning Group
Diane Buell, San Diego County Depart of Planning and Land Use

Valley Center Pauma Reservation
13678 McNally Rd.
Valley Ctr. CA 92082

SAN DIEGO CA 920
28 MAY 1994 3 T

USA44

Mr. Dale Morris, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

95825-1846

Letter 3

Dr. Lou Obermayer, Valley Center Pauma Unified School District

June 2, 2010

Comment Letter 3

28751 Cole Grade Road, Valley Center, CA 92082-6599 • 760.749.0464 f: 760.749.1208 • www.vcpusd.net

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June 2, 2010

PUBLIC COMMENT TO ENVIRONMENTAL ASSESSMENT

Mr. Dale Morris
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Morris,

Re: Response to EA, San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

The Valley Center/Pauma Unified School District (VCPUSD) is in receipt of the Environmental Assessment related to the acreage adjacent to Valley Center Middle School. This letter constitutes our response to the notice.

We encourage and support the economic development of Valley Center, and do not wish to discourage projects that bring sorely needed jobs to the region. However, VCPUSD will be impacted by the proposed project.

The District has evaluated the EA and has areas of concern that we feel require additional evaluation and mitigation. The areas of concern are:

1. Adjacency of a school to a gasoline storage facility and gasoline lines and air emissions of the gasoline station and parking garage
2. Adjacency of a school to a store that may sell alcohol
3. Relocation and design of student bus drop-off, including adjustment to the existing site easement

Superintendent
Dr. Lou Obermeyer

Board of Trustees
Douglas C. Dechairo, MD
Lori A. Johnson
Donald L. Martin
Barbara P. Rohrer
Henry P. Van Wyk, DVM

School Districts in the State of California are required to comply with the California Code of Regulations, Title 5 sections 14001-14036 on School Facilities Construction as enforced by the California Department of Education. Title 5 has direct relation to sections 17017.5, 17251(b) and 33031 of the Education Code, (http://www.cde.ca.gov/ls/fa/sf/title5regs.asp). These same codes are used when evaluating alterations in use of adjacent property. The EA on the proposed action has not addressed the impacts of the changed use on the immediately adjacent school site.

1. **Hazardous Materials:** According to the School Site Selection and Approval Guide prepared by the School Facilities Planning Division of the California Department of Education, (http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp), "The presence of potentially toxic or hazardous substances on or in the vicinity of a prospective school site is another concern relating to the safety of students, staff, and the public." Hazard include, but are not limited to: gas pipelines, gas storage facilities, and hazardous air emissions. Hazardous air emissions are those within ¼ mile, (Education Code Section 17213(b) and Public Resources Code Section 21151.8(a)(2)) The school site and its playfields are well within this boundary and additional study is warranted before allowing this use.

2. **Adjacencies to Incompatible Uses:** A school is considered a safety zone for children. The District is concerned that the proposed use may include the sale of alcohol at the gas station or at other stores within the mall. It is felt that this potential use could cause a nuisance at the school. The study should clearly state whether the sale of alcohol will be prohibited. If not prohibited, then discuss the proposed mitigation.

3. **Student Bus Safety:** According to the School Site Selection and Approval Guide referenced above, "When designing pickup and drop-off points, the team should remember that the separation of bus traffic from all other traffic is of paramount importance." It is appreciated that the proposed plan attempts to address the student drop-off, but the District needs to be included as one of the required agency approvals of School Bus Road to ensure that bus entrances and exits will be safe and of sufficient size to accommodate the buses in use now and in the future. Additionally, the existing easement will need to be adjusted to address the relocation of the road, and this should be accomplished at no cost to the District.

Based on the above issues, the District respectfully requests that the Bureau of Indian Affairs (BIA) recommend that an Environmental Impact Statement be prepared.

We look forward to working with the BIA to reduce or fully mitigate these impacts in creative and mutually beneficial ways when possible. If you have any questions regarding this correspondence, please feel free to contact me at (760) 749-0464.

Sincerely,

Dr. Lou Obermeyer

Superintendent

Encl. –Copy of Easement

c: J. Branch, Facility Planner, SDCOE

ORDER NO. 6766-01

1601

LEGAL DESCRIPTION

PARCEL 1:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER NORTH 89°57'20" EAST, 1366.60 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER NORTH 00°20'40" EAST, 1023.76 FEET TO A POINT HEREIN DESIGNATED AS POINT "X"; THENCE NORTH 89°35'50" WEST, 1126.35 FEET; THENCE SOUTH 00°38'00" WEST, 472.46 FEET; THENCE NORTH 89°22'00" WEST 235.00 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 15; THENCE ALONG SAID WESTERLY LINE SOUTH 00°38'00" WEST, 562.90 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

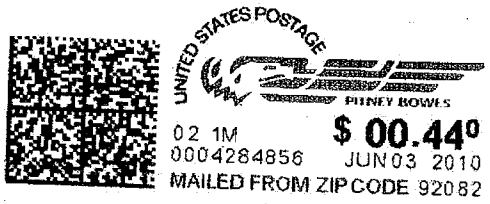
AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS A STRIP OF LAND 40.00 FEET IN WIDTH LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THE CENTER LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "X" HEREINABOVE DEISGNATED IN PARCEL 1; THENCE NORTH 89°35'50" WEST, 641.00 FEET; THENCE SOUTH 00°20'40" WEST, 20.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°20'40" EAST 370.00 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15.

THE SIDELINES OF SAID STRIP TO BE PROLONGED OR SHORTENED SO AS TO BEGIN IN A LINE WHICH BEARS NORTH 89°35'50" WEST FROM SAID POINT "X" AND END IN THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER.

EXCEPT THEREFROM THAT PORTION LYING WITHIN PARCEL 1 HEREINABOVE DESCRIBED.

VALLEY CENTER-PAUMA
UNIFIED SCHOOL DISTRICT
28751 Cole Grade Road
Valley Center, CA 92082-6599



Mr. Dale Morris
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

95825$1885 C079

Letter 4

Dave Singleton, Native American Heritage Commission

May 12, 2010

Comment Letter 4

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

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May 12, 2010

Mr. Dale Morris, Regional Director
United States Department of the Interior
BUREAU OF INDIAN AFFAIRS – PACIFIC REGIONAL OFFICE
2800 Cottage Way
Sacramento, CA 95825

Re: SCH#2010054003 NEPA Environmental Assessment (EA) for a *Proposed Trust Acquisition of a Fee Parcel*; a Nine-Acre Development for a Possible Commercial Retail Mall for the **San Pasqual Band of Diegueño Mission Indians of California**, to Have Real Property Accepted into Trust by the United States of America; Valley Center Community; San Diego County, California

Dear Mr. Morris:

The NAHC has no objections or concerns regarding the pending action, referenced above. The San Pasqual Band is capable of addressing issues and the impacts of proposed projects on Native American resources pursuant to state and federal statutes and regulations.

The Native American Heritage Commission (NAHC) is the state agency responsible for the protection and preservation of Native American Cultural Resources, pursuant to California Public Resources Code §2170 and also c.f. *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604*),. Please feel free to contact me at (916) 653-6251 if you have any questions about our comments.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Janielle Jenkins, Governor's Office of Legal Affairs
State Capitol
Sacramento, CA 95814
(916) 558-3173 (FAX)

Sara J. Drake, Deputy Attorney General
P.O. Box 944255
Sacramento, CA 95814

Ms. Andrea Lynn Hoch, Esquire
Governor's Office of Legal Affairs
State Capitol
Sacramento, CA 95814

received
RES 6/7/2010

State of California
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

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Letter 5

Oliver Smith & Paul Herigstad, Valley Center Community Planning District

June 7, 2010

Valley Center Community Planning Group

PO Box 127 Valley Center CA 92082

Comment Letter 5

Oliver Smith
Chair

Ann Quinley
Vice Chair

Deb Hofler
Secretary

Dave Anderson

Brian Bachman

Hans Britsch

Chad Christianson

Robert Davis

Paul Herigstad

Christine Lewis

David Montross

Keith Robertson

Rich Rudolf

Jon Vick

1 vacancy

June 7, 2010

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

RE: Draft Environmental Assessment, 9-Acre Site
San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

Dear Mr. Morris,

Thank you for the opportunity to comment on the Environmental Assessment for the proposed trust acquisition of a parcel encompassing 9.08 acres (at the corner of Valley Center and Lake Wohlford Roads, Valley Center, Ca in the Valley Center Community Planning Area) by the United States for the San Pasqual Band of Diegueno Mission Indians.

We reject the rationale stated for putting this land, and potentially other adjacent and nearby properties, into trust. This site, located more than a half-mile from tribal land at the intersection of two County Circulation Element roads, came before the elected Valley Center Community Planning Group four years ago to resolve a formal code complaint. A zoning change was requested to permit the parking lot already in operation. The support by the local community, Community Planning Group, and San Diego County Planning Commission for a re-zone of this land was based entirely on the use and site design they presented to us.

Our objections to the request to put the land in trust and to accepting the Environmental Assessment are based on the following:

1) The County of San Diego General Plan Update, in development for more than 10 years, has as one if its primary objectives the need to restrict urban development to areas that have the infrastructure to support it. The area in question has no existing appropriate water source, waste treatment, or roads to justify placing an urbanized shopping center in that location.

2) The Valley Center Community Plan, developed in conjunction with the San Diego County General Plan Update, has consistently kept the areas involved as rural or semi-rural residential 2-10 acre per dwelling unit zoning. The plan to put a significant urbanized shopping center in this rural area is totally contradictory to planning that has been developed by the Valley Center Community and endorsed by the County Planning Commission and County Board of Supervisors over the last decade. Planned and existing commercial enterprises like restaurants and gas stations are located in existing village areas with supporting water, waste treatment, and transportation infrastructure in place.

3) The Valley Center Middle School and athletic fields are located between the existing tribal lands and this new trust land request. Of the 850 students attending the school, some 500 use school buses for transportation, the loading/unloading zone for which is directly adjacent to the proposed trust land. In addition, after school community sports activities use the fields and have a wide range of ages participating. This coupled with environmental emissions concerns for the hydrocarbons and other materials next to a public school in and of itself should be sufficient reason to reject the Environmental Assessment as inadequate, let alone justifying trust land conversion.

4) The tribe's use of this property as a parking lot was initially determined by the county to be a zoning code violation. The rezone application was meant to remedy that code violation. As approved, the proposed parking lot and open space was consistent with Valley Center Design Guidelines and with low-intensity uses appropriate for the school zone. The requirements that formed the basis of the county's zoning change approval have not been completed in the 3+ years since the rezone was approved and the property is still being used as a parking lot. If the tribe is unwilling to do what they said they were going to do for San Diego County, what assurances are there that they will live up to their obligations to the Federal government in the future?

5) The San Pasqual Tribe has a history of ignoring critical community concerns and county ordinances. Their overwhelming lighting goes significantly beyond violating the county's dark sky ordinance, a major reason for many residents to live in Valley Center. Activities at their casino operations routinely violate the county noise ordinances for a wide area extending well beyond even the proposed trust land. The apparent lack of open communication fosters a feeling of the tribe's unwillingness to work with the local community in which they reside.

6) Recent comments made by tribal members and employees voiced to local residents indicate this is only the first of a number of related requests to convert other Tribal owned fee title land into trust land around the existing tribal land. This highlights the need for an Environmental Assessment of "The Project" as a whole instead of piecemeal so that individual and cumulative impacts may be thoroughly analyzed.

7) The tribe's intentions in this matter have come to our attention only very recently. The EA says it was prepared in consultation with the VC community. We have had a Tribal Liaison Subcommittee for years that has regularly asked this Tribe about upcoming items. The San Pasqual Band has NEVER spoken to the Subcommittee, nor the full VCCPG, about this transfer into trust, much less worked with us in development of the idea, or preparation of the EA itself. That fact sets the tone for the level of trust the VC community and VCCPG has that any representations or promises made in the EA are true or will be followed through on.

The Valley Center Community Planning Group, as elected representatives of the community of Valley Center, ask that you reject the Environmental Assessment. We feel that, in its current form, the trust conversion as proposed in the EA would do the community a great injustice.

The Valley Center Community Planning Group stands ready to work with the tribe on this proposal for the benefit of all concerned. Please let me know if you have any questions. Thank you for your consideration.

Regards,

Oliver Smith
Chair, Valley Center Community Planning Group
(760) 918-7331
oliver.smith@philips.com

Paul Herigstad
Chair, Tribal Liaison Subcommittee
Valley Center Community Planning Group

cc:
Lael Montgomery, Chair, Valley Center Design Review Board
Diane Buell, San Diego County Depart of Planning and Land Use
Richard Haas, Assistant Director, Department of Planning and Land Use, County of San Diego
Dr. Lou Obermeyer, Superintendent, Valley Center Pauma Unified School District

Letter 6

Bill Trok, Ridgeview Church

June 7, 2010

Comment Letter 6

From: Omallan, Patrick [Patrick.OMallan@bia.gov]
Sent: Tuesday, June 08, 2010 10:25 AM
To: Anthony Silvia; Matthew J. Kelly
Cc: Omallan, Patrick
Subject: FW: san pasqual dev in valley center

Categories: San Pasqual

Gentlemen:

FYI

Thank you

Pat

-----Original Message-----
From: billt@ridgeviewchurch.org [mailto:billt@ridgeviewchurch.org]
Sent: Monday, June 07, 2010 5:02 PM
To: Omallan, Patrick
Subject: san pasqual dev in valley center

June 07, 2010

To: Patrick O'Mallan, Bureau of Indian Affairs

Re: The proposal to Federalize the San Pasqual Tribe's property at Valley Center Rd. and Lake Wohlford Rd.

Dear Mr. O'Mallan

Thank you for your time on the phone this afternoon.

As I expressed to you earlier, I would like to go on record as being opposed to the idea of creating a federal designation for the San Pasqual Tribe's property at Valley Center and Lake Wohlford Roads.

I strongly believe that because of its proximity to the Valley Center Middle School any development of said property should occur with the legal enforcement of local ordinances and regulations.

Preserving local jurisdiction is especially important due the intention to sell alcohol and gasoline. I am also concerned that the federalization of the property would open up the possibility of gaming activities within a very short distance of a public school. I would urge the tribe to go forward with

the development maintaining the jurisdictions of The County of San Diego and The State of California.

Sincerely,

Bill Trok
Senior Pastor, Ridgeview Church
PO Box 2169
Valley Center, CA 92082
760-751-9890
billt@ridgeviewchurch.org

Letter 7

Irma Montejano

June 11, 2010

Comment Letter 7

FYI

From: Irma Montejano [mailto:andyirma@sbcglobal.net]
Sent: Friday, June 11, 2010 1:57 PM
To: Omallan, Patrick
Subject: Proposed convenience store/gas station

Mr. O'Mallan:

I'm writing you to voice my concerns over the proposed convenience store/gas station construction at Valley Center Road and Lake Wohlford Road. As you are well aware, the Valley Center Middle School is on Lake Wohlford Road, a short walking distance from the proposed construction site. The childen that attend that school are 6th, 7th and 8th graders, ranging in ages from 10 to 15 years old. I'm sure you will agree that these children are of impressionable ages and not the best decision makers.

It's my opinion that we, as members of the general public, should set our kids up for success whenever possible, and not expose them to anything that encourages bad or destructive behavior. Certainly, having a gas station selling alcoholic beverages right next to your school is a temptation our children do not NEED.

Convenience stores such as the one proposed are also magnets for loitering of people that are "just passing through" our community. People that loiter as gas stations are not concerned about the welfare of our children and have no long-term care for our town. It is that attitude, I believe, will lead to more severe problems in the future.

Please do the right thing by our town, and pass my concern on to the Bureau of Indian Affairs. I trust that the Bureau has no intention of exposing our children to potentially dangerous situations.

Irma Montejano
P. O. Box 2182
Valley Center, CA 92082
(760) 749-1843

Letter 8

Amy Archipov

June 11, 2010

FYI

Comment Letter 8

From: Amy Archipov [mailto:archipov@aol.com]
Sent: Friday, June 11, 2010 1:10 PM
To: Omallan, Patrick
Subject: Parcel at VC and Lake Wohlford Roads

6/11/2010

Amy Archipov
30393 Via Valencia
Valley Center, CA 92082
760-749-3110
archipov@aol.com

Bureau of Indian Affairs
Mr. Patrick O'Mallan

Subject: Parcel at the corner of Valley Center and Lake Wohlford Roads, San Pasqual Tribe's obtainment of a trust to use the property as they wish

Dear Mr. O'Mallan,

I am against anyone putting up a retail center at the subject location that would sell alcohol. This is location is just too close to the Valley Center Middle School. Students do not need to be near this type of environment.

In addition, I do not believe that the San Pasqual Indian Tribe should be allowed to acquire a trust for this location. It is my understanding that once the property is trusted, then the town is not allowed to be part of the decision making process concerning the type of business that is allowed on this parcel.

I will be at the next Valley Center Planning meeting to learn more about this situation.

Thank You,

Amy Archipov

Letter 9

Robert J. Caven, Jr.

June 11, 2010

FYI,

Pat

Comment Letter 9

-----Original Message-----
From: ERIC RESER [mailto:binkieboy98@yahoo.com]
Sent: Friday, June 11, 2010 4:00 PM
To: Omallan, Patrick
Subject: Fw: Proposed land near VC Middle School

--- On Fri, 6/11/10, ERIC RESER <binkieboy98@yahoo.com> wrote:

> From: ERIC RESER <binkieboy98@yahoo.com>
> Subject: Proposed land near VC Middle School
> To: "patrick omallan" <patrick.omallan@bia.gov>
> Date: Friday, June 11, 2010, 3:57 PM
> Dear Mr. O'Mallan,
> I would like to take this time to express my concerns
> regarding the federalization of land on the corner of N Lake
> Wohlford and VC Road. I oppose this action due to the
> close distance to VC Middle School. These are young
> children and should not be exposed alcohol and future
> possible gaming near their school. I'm concerned about
> drunk driving and the kids being privy to unsavory
> characters and actions. I believe that if the Tribe is
> allowed, that the County of San Diego and the State of
> California maintain juridiction. Thank you for hearing my
> opinion.
>
> Thank You,
> Robert J Caven Jr.
> 760-749-3973
>
>
>
>
>

ATTACHMENT B

RESPONSE TO COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE 9-ACRE FEE-TO-TRUST AND RETAIL PLAZA PROJECT

RESPONSE TO COMMENTS
on the
DRAFT ENVIRONMENTAL ASSESSMENT
9 Acre Fee-To-Trust and Retail Plaza Project

SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS

August 2010

Lead Agency:
Bureau of Indian Affairs
Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Prepared by:
Analytical Environmental Services
1801 7th Street, Suite 100
Sacramento, CA 95811

SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS 9-ACRE FEE-TO-TRUST COMMENT LETTERS SUBMITTED ON THE DRAFT EA AND RESPONSES

AUGUST 2010

INTRODUCTION

The Environmental Assessment (EA) for the San Pasqual Band of Diegueño Mission Indians (Tribe) 9-acre Fee-to-Trust Acquisition was circulated to interested parties for comment from May 10, 2010 to June 6, 2010. Copies of the EA were sent to Federal, State, local, and Tribal agencies, as well as the State Clearinghouse. A Notice of Availability (NOA) for the EA was published in two local newspapers, the San Diego Union Tribune and the North County Times on May 7 and 23, 2010. A total of nine comment letters were received during the public comment period, and are listed in the table below:

Letter #	Commenter	Date of Letter
1	County of San Diego	06/04/2010
2	Valley Center Design Review Board	06/01/2010
3	Valley Center Pauma Unified School District	06/02/2010
4	Native American Heritage Commission	05/12/2010
5	Valley Center Community Planning Group	06/07/2010
6	Ridgeview Church	06/07/2010
7	Irma Montejano	06/11/2010
8	Amy Archipov	06/11/2010
9	Eric Reser	06/11/2010

A complete copy of all comment letters received on the Environmental Assessment (EA) is included as **Attachment 1** of this Response to Comments and is maintained by the Bureau of Indian Affairs (BIA) as part of the administrative record for this project. Individual substantive comments within Comment Letter 1 have been bracketed and numbered for cross-referencing with a response. The remaining letters are addressed within a single response statement.

RESPONSE TO COMMENTS

All of the comments in the nine letters included within **Attachment 1** are responded to within this section. Once an issue has been addressed in a response to a comment, the subsequent responses to similar comments reference the initial response. This format eliminates redundancy where

multiple comments have been submitted on the same issue. If necessary, the chapters in the Final EA have been modified in response to comments, and the nature and the location of the modification is identified in the response. No new unmitigatable adverse environmental effects or significant modifications to the Proposed Action analyzed within the EA have been made in response to comments. Responses to comments within the nine comment letters, including the bracketed comments within Comment Letter 1, are provided below.

COMMENT LETTER 1 – COUNTY OF SAN DIEGO

Response 1-1

Under the No Action Alternative, the Tribe would develop the eastern half of the site as a 143-space parking lot, with accessory structures, in accordance with the Site Plan (Number S06-004) for the Valley View Casino Employee Parking Lot (Site Plan). All of the conditions of approval and mitigation measures included therein would be adhered to. The discussion of the No-Action Alternative has been clarified within **Section 2.0** of the Final EA.

Under the Proposed Action, conditions of approval and mitigation measures related to the Site Plan approved by the County would not be applicable to the Proposed Project once the land is taken into trust. However, all impacts of the Proposed Action have been analyzed within the EA and, where appropriate, mitigation has been required by the BIA to ensure that adverse environmental effects would not occur. This includes mitigation for water resources, cultural resources, transportation, and hazardous materials. The Tribe will implement the mitigation measures required by the BIA.

Response 1-2

As the commenter states, the cooperative agreements regarding improvements to Valley Center Road and Lake Wohlford Road were entered into as part of the approval of the Site Plan and, therefore, only apply to the No Action Alternative. Under the No Action Alternative the site would be developed accordance with the Site Plan and all of the conditions of approval and mitigation measures included therein would be adhered to. The revised Traffic Impact Analysis (TIA) prepared by Linscott Law & Greenspan Engineers (LLG) analyzed the potential impacts of the Proposed Action and recommended mitigation as appropriate, including mitigation for effects to traffic operations on Valley Center Road and Lake Wohlford Road. These mitigations were incorporated into the **Section 5.7** of the Final EA as described in **Response 1-1**.

Response 1-3

The Proposed Action does not include the expansion of gaming activities. As described in **Response 1-1**, the Final EA includes mitigation to avoid or minimize potential adverse impacts of the Proposed Action where appropriate. The commenter does not indicate how the mitigation

measures proposed within the EA are inappropriate nor does the commenter identify how the EA did not sufficiently address the impacts of the Proposed Action.

Response 1-4

The commenter is correct that the EA states that the Tribe has entered into an agreement with the County in which the Tribe has agreed to comply with County zoning ordinances set forth by the County of San Diego Department of Planning and Land Use. The commenter is also correct that "the agreement" referred to on page 3-32 of the Draft EA is related to the Site Plan. As described in **Response 1-1**, under the No-Action Alternative the Tribe would adhere to all of the conditions of approval and mitigation measures included within the Site Plan. The Tribe has not entered into an agreement with the County regarding compliance with the County Zoning Ordinance under the Proposed Action. Should the project site be taken into trust, the site would no longer be under the jurisdiction of the County and the Tribe will not be obligated to comply with County ordinances. However, as stated in **Section 2.1** of the Final EA, although San Diego County land use restrictions are not applicable to the Proposed Action, the Tribe desires to work cooperatively with local governments, and to the extent feasible, intends to develop the property in manner reasonably consistent with adopted County and Valley Center Design Guidelines (VCDG) and ordinances.

Response 1-5

The cumulative analysis within the EA considered all reasonably foreseeable projects. The following clarification has been added to Section 4.3 of the EA:

Projects that were considered within this analysis include, but were not limited to:

- The Hoag Major Use Permit;
- The Hidden Meadows Residential Subdivision; and
- The Garcia Residential Subdivision.

The cumulative analysis in **Section 4.3** of the Final EA has been updated accordingly.

Response 1-6

In response to the County's comments (see **Responses 1-61** through **1-79**) the TIA has been revised and updated (see Appendix H of the Final EA). Refer to Section 4.1.7, 4.3.7, and 5.7 of the Final EA for the revised discussion of traffic effects and recommended mitigation.

Response 1-7

An analysis of effects of the proposed Action is related to aesthetics and community character is included within **Section 4.1.13** of the Final EA.

Regarding the need to prepare an Environmental Impact Statement (EIS), the EA has been prepared in accordance with the procedures adopted by the U.S. Department of Interior (DOI) and BIA for complying with the National Environmental Policy Act (NEPA). These procedures state an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) are appropriate where it is determined a project will not adversely impact the human environment (Bureau of Indian Affairs, FY 2005 NEPA Handbook, Section 41.), as is the case with the Proposed Action.

Response 1-8

The aerial figures within the Final EA have been updated to reflect the project site conditions in 2008, including a paved parking lot and graveled area. As described above, an EIS is not warranted for the Proposed Action because the EA determined that the Proposed Action will not adversely impact the human environment (Bureau of Indian Affairs, FY 2005 NEPA Handbook, Section 41.).

Response 1-9

As required, this EA has been prepared in compliance with NEPA and procudures adopted by the U.S. Department of Interior (DOI) and BIA for complying with NEPA. County guidelines and significance standards are not applicable to the Proposed Action. Furthermore, an EIS is not warranted for the Proposed Action because the EA determined that the Proposed Action will not adversely impact the human environment (Bureau of Indian Affairs, FY 2005 NEPA Handbook, Section 41.).

Response 1-10

The site plan provided as Figure 2-1 of the EA is sufficient to evaluate potential effects of the Proposed Action. The commenter does not describe what detail is missing from the Proposed Action Site Plan, thus no further response can be given.

Response 1-11

Easements do not confer property rights to the easement holder; therefore, the comment is incorrect in asserting that the land into trust action would constitute a taking of public property. Acquisition of the land into trust status does not require the removal of public utility easements.

Response 1-12

The approval date of the rezone has been corrected within the **Section 3.8** of the Final EA.

Response 1-13

Section 3.7 of the Final EA has been revised to state that the site is owned by the Tribe, but is not currently located within the San Pasqual Indian Reservation.

Response 1-14

As stated in **Section 2.1** of the Final EA, although San Diego County land use restrictions are not applicable to the Proposed Action, the Tribe desires to work cooperatively with local governments, and to the extent feasible, intends to develop the property in manner reasonably consistent with adopted County and Valley Center Design Guidelines and ordinances.

Response 1-15

The potable water supply source for the Proposed Action has been clarified within all appropriate sections of the Final EA. Groundwater is no longer the primary option under consideration for potable water service to the project. Potable water service will be provided by Valley Center Municipal Water District (VCMWD). The VCMWD water supply is primarily imported surface water, and would not use groundwater resources to serve the project. A Will Serve letter from VCMWD has been included as **Appendix B** of the Final EA. The Will Serve letter states that facilities to serve the Proposed Action are reasonably expected to be available within the next five years based on the capital facility plans of the VCMWD. However, the letter also notes that given the long term hydrologic, legal, and regulatory conditions impacting supplies from the State Water Project and Colorado River, there is a possibility that VCMWD may not have capacity to serve the project in the future. There exists a possibility that groundwater resources or privately purchased water would be utilized to serve the water demands of the Proposed Action. The discussion of potential effects to groundwater within **Sections 4.1.2** and **4.3** of the Final EA has been revised accordingly.

Response 1-16

Since the circulation of the Draft EA, the septic system and leachfield option for wastewater treatment has been eliminated from consideration. Raw wastewater will be treated by the Valley View Casino wastewater treatment plant operated by the Tribe as discussed in the Final EA (**Section 2.1**). An underground raw wastewater holding tank will be installed on-site, and wastewater will be removed by vacuum truck and delivered to the WWTP as needed (see revised discussion in **Section 2.1** of the Final EA).

Response 1-17

Under the Proposed Action, the property would be taken into federal trust for the Tribe, and would therefore not be subject to County or state stormwater regulations or be required to obtain

any state or County permits. All mitigation measures listed within **Section 5.0** of the Final EA will be included within the FONSI and implemented by the Tribe.

As stated in **Section 4.1.2** of the Final EA, the Tribe would be required to comply with the Clean Water Act and obtain coverage under the NPDES Stormwater General Permit for Construction Activities on Tribal lands. A SWPPP is required for coverage under this permit, and mitigation for construction stormwater impacts is provided in **Section 5.2** in the form of BMPs to be included in the SWPPP. These BMPs include post-construction low-impact development measures such as grease traps and oil catch basins, vegetated strips or grassy swales, and stenciling of storm drains. BMPs and low-impact development measures incorporated into the project design are listed in **Section 2.1** of the Final EA. As stated in **Section 5.2** of the EA, the project is also required to comply with the provisions within 40 CFR Part 280, the Federal regulations concerning underground fuel storage tanks.. Specific requirements of 40 CFR part 280 are provided as mitigation measures within **Section 5.2** of the Final EA.

Response 1-18

As stated above, under the Proposed Action the property would be taken into federal trust for benefit of the Tribe, and would therefore not be subject to state or county stormwater regulations or be required to obtain any state or county permits. Under the No Action alternative, the Tribe would be required to comply with San Diego County requirements.

Response 1-19

See Response 1-17 and 1-18.

Response 1-20

See Response 1-17 and 1-18.

Response 1-21

See Response 1-17 and 1-18.

Response 1-22

Further quantification and analysis of potential air quality effects has been provided within **Section 4.1.3** of the Final EA. Construction and operational project emissions were estimated using the URBEMIS air quality program. As demonstrated in **Section 4.1.3** of the Final EA, project emissions would not exceed federal air quality standards (de minimus levels). Therefore, the Proposed Action would not result in significant adverse effects associated with air quality.

Response 1-23

The Proposed Project is a federal project and is therefore, subject to federal conformity. 40 CFR Part 51 provides de minimus levels to determine federal project conformance with the applicable State Implementation Plan (SIP). Since the project does not exceed de minimus levels (refer to **Section 4.1.7** of the Final EA), then the project is considered to conform with the SIP. Because the Proposed Project is a federal action, conformance with the San Diego Regional Air Quality Strategy is not required. The Final EA provides an air quality assessment which shows that the Proposed Project does not exceed applicable federal emission level standards and criteria; therefore, an EIS is not warranted.

Response 1-24

Comment noted, the California Air Resource Board (CARB) discourages the location of gasoline dispensing facilities (GDF) within 300 feet of schools. The Proposed Project is a federal action and is therefore not under the jurisdiction of CARB. The proposed location of the GDF, however, is located greater than 300 feet from the nearest school building. Preparation of a health risk assessment is not warranted because the distance of the proposed GDF to the nearest sensitive receptors is in accordance with accepted standards and would allow any hazardous air pollutants emitted by the GDF to disperse to acceptable concentrations. The Tribe shall comply with all applicable GDF regulations in accordance with 40 CFR Part 63, the National Emissions Standards for Hazardous Air Pollutants (NESHAP). NESHAP and hazardous air pollutants (HAPs) are discussed in **Section 3.3** and **Section 4.1.3** of the Final EA.

The Final EA provides an assessment of traffic on School Bus Road (refer to **Section 4.1.7** of the Final EA). Traffic on School Bus Road would not increase as a result of the Proposed Action as traffic entering and exiting the project site would do so from Lake Wohlford Road and Valley Center Road. School Bus Road would continue to be used primarily by school buses.

Response 1-25

The Final EA provides an URBEMIS air quality emission analysis in **Section 4.1.3**. This analysis includes an estimate of construction equipment, the area of grading, construction timeline, and soil hauling emission estimates.

Response 1-26

A CO hot spots analysis is provided in **Section 4.1.3** of the Final EA. After mitigation, no intersection would operate at or below a level of service E; therefore, no further CO hot spots analysis is warranted.

Response 1-27

As stated in Response 1-25, a full analysis of construction emissions is provided in the Final EA (**Section 4.1.3**). The project is not considered a major source of odors (CARB's Air Quality and Land Use Handbook: a Community Health Prospective, April 2005). Dust control BMP's that would be implemented during construction are described in **Section 2.1** of the Final EA.

Response 1-28

The Proposed Project is a federal action and is therefore not subject to San Diego County jurisdiction, nor is the Proposed Project subject to the South Coast Air Quality Management District (SCAQMD) jurisdiction. Therefore, the reference to the SCAQMD within the Final EA has been removed. The proposed gas station facilities would be located further than 300 feet from the nearest school building, which meets land use guidelines of the CARB (refer to Response 1-24). The Tribe shall comply with all applicable GDF regulations in accordance with 40 CFR Part 63, the National Emissions Standards for Hazardous Air Pollutants (NESHAP). NESHAP and hazardous air pollutants (HAPs) as discussed in **Sections 3.3** and **4.1.3** of the Final EA.

Response 1-29

The Proposed Project is a federal action and is therefore, not subject to the California Ambient Air Quality Standards (CAAQS); therefore, references to the CAAQS have been removed.

Response 1-30

The Final EA correctly refers to the San Diego Air Basin.

Response 1-31

The Final EA provides only the applicable Nation Ambient Air Quality Standards (NAAQS). The current NAAQS are correctly presented in **Section 3.1.3** of the Final EA (as of August 2010).

Response 1-32

The Site does not occur within the boundaries of the North County Multiple Habitat Conservation Program (MHCP). The EA has been revised as follows:

> "The North County Multiple Habitat Conservation Program (MHCP) is a comprehensive conservation planning process, adopted in 2003, that addresses the needs of multiple plant and animal species in North Western San Diego County. The MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Its goal is to conserve approximately 19,000 acres of habitat for the protection of more than 80 rare, threatened, or endangered species. Subarea plans for the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, and Vista are being prepared and

must be adopted by each City Council and implementing agreements with the California Department of Fish and Game and U.S. Fish and Wildlife Service must be signed before incidental take permits can be issued. The MHCP is one of three subregional habitat conservation planning programs in the region that, together, will contribute to a coordinated preserve system for the San Diego region and Southern California. The Site does not occur within the MHCP boundaries."

Response 1-33

Existing conditions in the biological sections of the Final EA are described based on a July 20, 2010 biological survey of the Site (refer to Response 1-34 for a discussion of changes that have been made to the biological resources sections of the Final EA). The Final EA has been revised as follows:

> "The western half of the Site is comprised of ruderal/disturbed areas. The ruderal/disturbed areas include dirt roads and ornamental trees and nonnative species on disturbed land. Dominant vegetation in the ruderal/disturbed areas of the Site includes Bermuda grass (*Cynodon dactylon*), black mustard (*Brassica nigra*), narrowleaf plantain (*Plantago lanceolata*), soft chess (*Bromus hordeaceus*), smooth cat's ear (*Hypochaeris glabra*), common dandelion (*Taraxacum officinale),* black mustard, coastal sagebrush (*Artemesia californica*), common deerweed (*Lotus scoparius*), common purslane (*Portulaca oleracea*), puncture vine (*Tribulus terrestris*), alfalfa (*Medicago sativa*), Cooper's goldenbush (*Ericameria cooperi*), ragweed (*Ambrosia* sp.), Mexican palo verde (*Parkinsonia aculeate*), and California buckwheat (*Eriogonum fasciculatum*). Ornamental trees include an isolated palm (*Washingtonia* sp.) and peppertree (*Schinus* sp.)."

Response 1-34

The County expressed concern that the previous Biological Assessment (BA) (Vanasse Hangen Brustlin, Inc., 2009) of the project site was inadequate because the results were based on a winter survey. Since the circulation of the Draft EA, an additional biological survey of the Site was conducted and a separate BA Technical Memorandum was prepared (AES, 2010) and is provided within **Appendix D** of the Final EA. The memo supplements and updates the findings of the 2009 BA. The memo includes a detailed evaluation of the Site, summarizes regionally occurring federal listed species in the vicinity of the Site, and provides a rationale as to whether the species has the potential to occur within the Site based on the July 20, 2010 biological survey. **Section 3.4** of the Final EA has been revised to reflect the findings identified within the memo. Potential impacts and mitigation measures have been revised in Sections 4 and 5 based on the evaluation of potentially occurring federal listed species identified in Section 3 of the Final EA.

Response 1-35

The Tribe has indicated that it prefers to keep the cultural resources report confidential due to the fact that the report includes sensitive information regarding the location of cultural resources in the vicinity of the project site. Archaeologists on file with the California Historical Resource Information System (CHRIS) are required to sign confidentiality agreements stating they will not distribute sensitive information particularly the locations of the archaeological sites and/or cultural resources. Thus, this information is not distributed to the public.

Response 1-36

AES prepared an addendum to the cultural resources study that includes evaluations for inclusion on the National Register of Historical Places for both isolated artifacts encountered on the project site. Updates to the Department of Park & Recreation (DPR 523) forms are appended to the addendum. The cultural resources study addendum can be found in **Appendix G** of the Final EA. The evaluation confirmed that the sites are not eligible for inclusion within the NRHP. The SHPO has concurred with the BIA's determination of "no historic properties affected."

Response 1-37

Section 3.5.2 of the Final EA has been revised to state that two previously conducted cultural resources investigations were completed within the project area (Dallas, 2007; WhatFJ, 2007).

Response 1-38

Information regarding the recordation, and curation of cultural resources was provided in Section 3.5 of the Draft EA.

Section 3.5 of the Draft EA states that cultural resources identified during the survey were recorded on appropriate Department of Parks and Recreation forms and will be submitted to the South Coastal Information Center for trinomials. Photographs and project records for this inventory will be temporarily curated at Laguna Mountain until final curation arrangements can be made at the San Diego Archaeological Center or another appropriate regional repository.

Additionally, the following sentence was added to **Section 3.5** of the Final EA: "Cultural resources identified on the project site were not collected during the course of the reconnaissance survey."

Response 1-39

Section 4.1.5 of the Final EA states that because the Site contains potential for unknown buried prehistoric archaeological sites, construction monitoring is recommended during construction earthwork activities.

Response 1-40

The BIA submitted the Cultural Resource Report to SHPO to initiate consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA). The office of the SHPO responded on January 22, 2010 and provided concurrence with the findings of the cultural resources report. It is assumed that the SHPO will provide the survey reports to the SCIC for their records.

Response 1-41

Please refer to Response1-38 for information regarding the curation of artifacts. Please refer to Response 1-39 for information regarding construction monitoring for previously unrecorded cultural resources. The SHPO provided concurrence findings of the Cultural Resource Report that the Proposed Action will result in *No Historic Properties Affected.*

Response 1-42

As stated in **Section 3.6** of the Final EA, the total annual property tax for the 2009-2010 fiscal year was approximately $1,778 for the Site. In the 2008-2009 fiscal year, approximately $4.4 billion in property taxes was paid to the San Diego County Tax collector (CSCO, 2009). Therefore, the tax owed to the county for the subject property parcel was approximately .00004 percent of the county's total tax revenue. The approximate 0.00004 percent loss in property taxes is considered diminutive and would not be anticipated to result in an adverse physical environmental effect. As stated in **Section 4.1.6** of the Final EA, "effects due to the loss of state and federal tax revenues as a result of transferring the land into trust would be offset by increased local, state and federal tax revenues resulting from construction and operation of the Project."

There is a common misconception that operations on land held in trust do not generate fiscal benefits beyond tribal governments. This is because tribes, as sovereign governments, do not pay corporate income taxes on revenue or property taxes on tribal land; tribal members that both live and work on a Reservation do not pay state income taxes; and state and/or local sales/excise taxes are levied on purchases by tribal members on reservations. However, taxes are paid in all other circumstances, including: purchases made by non-tribal members, income taxes paid by non-tribal members or members that live off of the reservation, and all indirect and induced activity generated during operation. As such, federal, state, and local governments typically experience substantial fiscal benefits from tribal business operations. For these reasons, it is anticipated that the Proposed Action will result in an overall increase in revenues for federal, state, and local taxes, rather than an overall decrease. This would be considered a beneficial impact for the County of San Diego.

Response 1-43

Please refer to Response 1-42 above. A more detailed discussion of the cumulative fiscal impact of the Proposed Action has been added to **Section 4.3.6** of the Final EA. It is anticipated that substantial fiscal benefits would be experienced by federal, state, and local governments. As such, the Proposed Action would result in an overall tax revenue increase for San Diego County despite the loss of property tax revenues. Therefore, since the overall fiscal impact for federal, state, and local governments, would be anticipated to increase, an adverse cumulative fiscal impact would not occur.

Response 1-44

As discussed in **Section 4.1.6**, the Proposed Action would result in a significant amount of new economic activity in the town of Valley Center including increased overall economic output, employment opportunities, and tax revenues. The significant amount of new economic activity resulting from the Proposed Action would strengthen the local economy. A stronger economy would be expected to translate into stronger property values, especially in close proximity to the project site where the majority of economic impacts would occur (WRC, 2005). This would be considered a beneficial impact. However, based on available data of economic impacts, the magnitude of this effect cannot be quantified.

Response 1-45

Refer to Response 1-42 regarding socioeconomic impacts of the proposed development. The purpose of the EA is to evaluate potential environmental impacts of the Proposed Action. As stated in **Section 1.1**, "the Proposed Action consists of (1) the transfer of a 9.08 acre site into federal trust status for the Tribe and (2) the subsequent development of a portion of the project site into a small shopping plaza." The proposed trust parcel is currently owned by the Tribe and used as an overflow parking lot for the Valley View Casino. As stated in **Section 1.4** of the EA, because of limitations to development on the Tribe's reservation, the Tribe has purchased additional lands contiguous to and surrounding the Reservation in order to provide an economically viable land base for its membership and to increase opportunities for economic development and tribal self-determination. The purpose and need for the proposed action is to facilitate Tribal self-determination and economic development, and allow the Tribe to exercise sovereignty over lands currently held in fee title. Off-site locations for commercial development are not analyzed in the EA as they would not fulfill the purpose and need for the project.

Response 1-46

Comment noted. The TIA for the Proposed Action has been revised and is included in **Appendix H** of the Final EA. The findings of the updated TIA have been incorporated into the Final EA. Please refer to **Sections 3.1.7, 4.1.7**, and **5.7** of the Final EA for updates.

Response 1-47

Section 2.0 of the Final EA provides further explanation of the No-Action Alternative. Under the No-Action Alternative, the 9.08-acre site would not be placed into trust for the benefit of the Tribe. The Tribe would develop the eastern half of the site as a 143-space parking lot, with accessory structures, in accordance with the Site Plan for the Valley View Casino Employee Parking Lot (SP 06-004). All of the conditions of approval and mitigation measures included within SP 06-004 would be adhered to by the Tribe under this alternative. Analysis of potential impacts of the Proposed Action are described in **Section 4.1.7** with mitigation included in **Section 5.7** to reduce traffic effects to less than significant levels.

Response 1-48

The Proposed Action would not be subject to conformance with the County of San Diego's General Plan Update; however, the TIA, **Sections 3.1.7** and **4.1.7** of the Final EA identify, analyze, and mitigate to less than significant level, all identified traffic impacts resulting from the proposed development.

Response 1-49

Section 1.6 of the Final EA lists all regulatory requirements and approvals for the Proposed Action.

Response 1-50

The intersection does not meet the requirement of analysis standard (an additional 25 trips per peak hour); therefore, no analysis of the intersection was performed. However, the segment of Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road was analyzed in the TIA and was found to require mitigation. The proposed mitigation to the intersection of Valley Center Road and Molly Anne Court is recommended to mitigate through traffic on Valley Center Road by providing a left-turn only lane to Molly Anne Court. The improvement would remove the necessity for vehicles to stop along Valley Center Road when turning left onto Molly Anne Court, improving traffic safety.

Response 1-51

The updated TIA provides a direct and cumulative analysis of Cole Grade Road between Valley Center Road and Fruitvale Road. Cole Grade Road was found to operate at level of service D in the near term and level of service F in the cumulative year 2030. Therefore, mitigation has been recommended in **Section 5.7** of the Final EA.

Response 1-52

Comment noted. As stated in the updated TIA (**Appendix H**, page 36) and **Section 5.7** of the Final EA, the left-hand only turn lane on westbound Valley Center Road at Molly Anne Court in combination with proposed mitigation at the Valley Center Road/Street "A" intersection would mitigate the significant direct and cumulative impacts to Valley Center Road between Cole Grade Road and N. Lake Wohlford Road. Capacity improvement along the impacted portion of Valley Center Road would directly improve traffic flow and are proportional improvements to the amount of traffic the project adds to the segment. The implementation of a left turn only lane on westbound Valley Center Road at Molly Anne Court would remove the necessity for cars to stop in the westbound lane to cross on-coming traffic; therefore removing the potential for congestion along this roadway segment and improving roadway safety.

Response 1-53

Comment noted. The Valley Center Road and Project Access/Street A intersection is not aligned with the private roadway on the north side of Valley Center Road. The proposed signal may need to be an offset signal. As stated in **Section 5.7** of the Final EA, the proposed traffic signal would be installed when traffic warrants are met through the monitoring program included within the **Section 5.7**. Mitigation would be a requirement of the BIA's approval of the project and will be specified in the FONSI.

Response 1-54

Section 2.1.2 of the Final EA (page 6) has been revised to state that road improvements would be approved by the County.

Response 1-55

The description of Valley Center Road east/north of Cole Grade Road has been updated per the County's comment.

Response 1-56

The description of Lake Wohlford Road has been updated per the County's comment.

Response 1-57

As stated in **Section 3.7** of the Final EA and the updated TIA, peak (highest) hour traffic counts were taken between the hours of 7:00 am to 9:00 am and 4:00 pm to 6:00 pm. Average daily trips shown in **Table 3.7-1** of the Final EA are from the most recently available traffic counts. Traffic volumes used in the TIA were higher than projected by the 2008 General Plan Update. The updated TIA was prepared based on the County of San Diego's Report Format & Content Requirements: Transportation & Traffic, First Modification February 19, 2010 (**Appendix H** of the Final EA).

Response 1-58

In the updated TIA and the Final EA, traffic operations that are not equal to or better than level of service (LOS) D were considered to be unacceptable. **Tables 4.7-2** and **4.2-3** of the Final EA show that when traffic operations are below LOS D (in other words, LOS E or F) traffic operations are unacceptable. Mitigation measures are provided in **Section 5.7** of the Final EA, which mitigate project related traffic effects at all impacted intersections and roadways to a level of service of D or better.

Response 1-59

The reason Table 8-2 of the updated TIA shows 6,060 trip rather than 4,078 trips is due to the right-in/right-out only driveway along Lake Wohlford Road; which causes the distribution of project trips to overlap in certain areas. For example, the site access on Lake Wohlford Road for those traveling southbound (right in/right out only) cannot be accessed while traveling northbound; therefore, those southbound trips that entered from that driveway are redirected to the Valley Center access to exit the site to travel toward their destination on Thundernut Lane or west/east Valley Center Road. This access configuration increases the number of project trips at certain locations on Valley Center Road and Lake Wohlford.

Response 1-60

In response to comments submitted on the Draft EA, the scope of the TIA has been expanded and the results of the updated analysis have been incorporated into the Final EA (refer to **Sections 3.7** and **4.1.7**). As stated in Response 1-57, **Section 3.7** of the Final EA, and the updated TIA, traffic counts were conducted in July 2009 and July 2010. Based on these counts the updated TIA determined that Valley Center Road currently operates at level of service E. The General Plan Update states that Valley Center Road operates at of service as D; therefore, the TIA provides a more conservative analysis of project related traffic effects on Valley Center Road. Valley Center Road west of Lake Wohlford Road is projected to operate at an LOS E in the year 2030 with project traffic (TIA page 27, **Appendix D** of the Final EA); however, with the implementation of mitigation provided in **Section 5.7** of the Final EA, the roadway segment

would operate at an acceptable level of service D or better; therefore, no significant adverse effect to this roadway segment would occur.

Response 1-61

Refer to Response 1- 50 regarding mitigation at Valley Center Road and Molly Anne Court. Further explanation of how the proposed mitigation at Valley Center Road and Molly Anne Court intersection would reduce project-related traffic impacts on the roadway segment of Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road is provided in Section 11.2 of the TIA (**Appendix D** of the Final EA).

Response 1-62

The second opening year mitigation measure (formerly numbers1 & 3) has been revised to state a left-turn in the westbound direction along Valley Center Road at Molly Anne Court.

Response 1-63

Striping plans will be develop during the design phase of the Proposed Action. The description of the Proposed Action provided within **Section 2.0** of the Final EA provides a sufficient level of detail to conduct a thorough and adequate evaluation of project related effects in accordance with NEPA. The EA addresses the environmental impacts of the Proposed Action and provides reasonable mitigation were applicable.

Response 1-64

Section 2.0 of the Final EA has been revised to clarify that the turning radii within the parking lots and School Bus Road will be designed to accommodate commercial, bus, shuttle, and gasoline trucks.

Response 1-65

Pedestrian improvements are discussed in **Section 3.8** of the Final EA. Appropriate pedestrian facilities will be constructed to to comply with conditions of approval of County encroachment permits

Response 1-66

The traffic counts were conducted during July due to the period of time when commencement of the traffic study occurred. The July traffic counts have been updated to reflect non-summer conditions using a growth rate of five percent; a rate based on a comparison of previous non-summer counts collected in the general vicinity of the project site. Section 3.2 of the TIA has been updated accordingly.

Response 1-67

Page 12 of the TIA (**Appendix D**) has been updated to state the significance criteria used to analysis potential project impacts is based on the County's adopted Significance Criteria/Traffic Impact Guidelines modified February 19, 2010.

Response 1-68

Analysis of potential project impacts to Cole Grade Road between Valley Center Road and Fruitvale Road has been added the updated TIA and incorporated into the Final EA.

Response 1-69

Roadway segments within the updated TIA and the Final EA have been revised to be more specific regarding roadway segments. For example, Valley Center Road west of Lake Wohlford Road (N.) has become Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road, Lake Wohlford Road (N.) south of Woods Valley Road has become Lake Wohlford Road (N.) between Woods Valley Road and Guejito Road, and Woods Valley Road west of Lake Wohlford Road (N.) has become Woods Valley Road between Valley Center Road and Lake Wohlford Road (N.).

Response 1-70

In response to the County's comment regarding 25 peak hour trip threshold, the intersections of Valley Center Road/Lilac Road and Valley Center Road/Woods Valley Road, as well as the roadway segments between these two intersections were additionally analyzed within the updated TIA and Final EA.

Response 1-71

Pass-by percentages for ADT and AM/PM peak hours were taken from the SANDAG *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002*. The rates for the restaurant and gasoline w/ food mart land uses have been revised to represent a more conservative approach to pass-by trips. The pass-by rates listed under the "trip categories" section of the SANDAG guide were utilized in these adjustments to the updated TIA and Final EA. These updated pass-by rates are included within Table 7–1 of the updated TIA.

Response 1-72

For purposes of this traffic study, the Year 2030 (With Project) scenario represents the cumulative traffic condition. Year 2030 traffic volumes were taken from the County General Plan Update traffic model, revised June 3, 2010. These traffic volumes include the most up-to-date County of San Diego land use and network assumptions.

Response 1-73

The driveway proposed on Lake Wohlford Road currently does not adhere to the County standard of 300 feet. An exception to the 300-foot separation between the site access driveway along Lake Wohlford Road and the Valley Center/Lake Wohlford Road intersection will be required. The Tribe would submit encroachment permits to the County for this access point for review and approval, and will implement any improvements required by the County as a condition of approval. Because the Lake Wohlford Road site access will be limited to right-in/right-out only at Lake Wohlford Road (N.) traffic circulation issue are not anticipated to result from this driveway standard spacing exception.

Response 1-74

Section 11.2 of the TIA has been updated to read Valley Center Road/ Street "A".

Response 1-75

Figure 10–1 of the TIA has been revised to show the recommendation that the driveway to the west parking lot be developed further south on Street "A" to be opposite the east parking lot access. This has additionally been added as mitigation within **Section 5.7** of the Final EA.

Response 1-76

Figure 3-1 in the TIA shows the location of the existing parking lot and Valley Center Road/School Bus Road intersection. Figure 10-1 of the TIA illustrates the proposed relocated parking lot and Valley Center Road/School Bus Road intersection.

Response 1-77

Figure 10–1 of the TIA has been revised to show the location of the middle school currently being served by School Bus Road.

Response 1-78

Comment noted, refer to Response 1-76 regarding existing and proposed access to and from School bus Road for school buses, shuttles, and private vehicles.

Response 1-79

Section 4.7 of the Final EA provides an analysis of the project construction traffic. Construction traffic would have a less than significant impact on traffic in the study area.

Response 1-80

Implementation of the Proposed Action would result in the federal government taking the Site into trust for the benefit of the Tribe. As described in **Section 4.8** of the EA, once the land is in trust, it would be not subject to municipal land use rules and regulations, including the Site Plan, General Plan, General Plan Update, Valley Center Community Plan (VCCP) and the VCDG. Application and enforcement of local land use and zoning enactments on trust lands is beyond the jurisdiction of local governments. The Tribe would retain jurisdiction over land use and zoning matters on lands within its reservation boundaries. Although local and municipal land use restrictions would not be applicable to the Proposed Action, as stated in **Section 2.1** of the Final EA, the Tribe desires to develop the property in a manner reasonably consistent with existing County and Valley Center land use ordinances and design guidelines.

NEPA 1502.16(c) requires that an EA must evaluate potential conflicts between the Proposed Action and applicable land use plans, policies, and controls for the area affected. An evaluation of potential conflicts between the Proposed Action and adopted land use regulations and policies is included within **Section 4.0** of the Final EA. Immediate and long-term incompatibility effects with surrounding land uses would manifest in specific environmental effects (e.g., noise, air quality, traffic, etc.). **Section 4.0** of the EA details the various environmental effects that may result from the construction and operation of the Proposed Action.

The significance of potential conflicts with local land use plans resulting from the Proposed Project will be considered by the BIA during the decision-making process. However, it should be noted that the BIA retains authority to move forward with the proposal despite potential conflicts that could occur. Denial of a land acquisition request due to conflicts with local land use plans would improperly grant veto power over such land acquisition requests to local governments, contrary to the clear intent of the Indian Reorganization Act (IRA).

Response 1-81

See Response 1-80.

Response 1-82

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action.

Response 1-83

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action.

Response 1-84

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues.

Response 1-85

See Response 1-80.

Response 1-86

See Response 1-80.

Response 1-87

See Response 1-80.

Response 1-88

See Response 1-80.

Response 1-89

See Response 1-80.

Response 1-90

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action.

Response 1-91

See Response 1-80.

Response 1-92

See Response 1-80. Potential effects to agricultural resources are discussed in **Section 4.1.8** of the Final EA.

Response 1-93

See Response 1-80. Potential effects associated with traffic and circulation are addressed in **Section 4.1.7** of the Final EA.

Response 1-94

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Responses 119-124 regarding fire safety issues.

Response 1-95

See Response 1-80. Potential effects associated with noise are addressed in **Section 4.1.10** of the Final EA.

Response 1-96

See Response 1-80.

Response 1-97

See Response 1-80. The development of commercial land uses outside of tribal trust land will be subject to County approvals.

Response 1-98

The Proposed Project would utilize the local municipal water supply and a private wastewater system. As potential development and redevelopment of the surrounding area occurs, the combined need for public services may create a cumulative impact. However, the provision of public services to all future uses in the region would be subject to approval by local governments. VCMWD has indicated that facilities to serve the water supply demands of the Proposed Action have been reserved. In accordance with the VCMWD Will Serve Letter (**Appendix B** of the Final EA), the Tribe shall provide financial security for the construction of all facilities in order to supply the development. In the event that VCMWD does not have the ability to serve the development in the future, there is a low possibility that groundwater resources would be explored. Mitigation has been added to **Section 5.2** and **5.10** of the Final EA to address potential impacts. As a result, the Proposed Action would not result in substantial cumulative impacts to public services. Further discussion of cumulative effects associated with public services has been provided in **Section 4.3.10** of the Final EA.

Response 1-99

As noted in **Section 3.8** of the Final EA, the project site is currently zoned as Special Purpose, Parking (S86). Potential effects to agricultural resources are discussed in **Section 4.1.8** of the Final EA. It is additionally noted, as stated in Comment 1-102, that the County considers the agricultural soils on site as the determinacy of Agricultural Resources, rather than the presence of an agricultural operation or zoning. Implementation of the Proposed Action would not result in development on adjacent lands, indirectly impact existing agricultural operations, or otherwise induce growth. The new employment opportunities created by the project are expected to be absorbed by the existing labor pool and housing stock. Thus, because no additional housing or commercial growth is expected to result from the project, further conversion of farmland and decreased agricultural production on adjacent lands would not occur. Additionally, any future conversion of existing farmland in the vicinity of the project site to non-agricultural purposes would be through appropriate zoning authorization or permit expectations by the County.

Response 1-100

See Response 1-99.

Response 1-101

Discussion of the potential for a cumulative loss of agricultural lands is provided in **Section 4.3.9** of the Final EA. It is additionally noted, as stated in Comment 1-102 that the County considers the agricultural soils on site as the determinacy of Agricultural Resources, rather than the presence of an agricultural operation or zoning. The project site does not contain any FMMP designated soils of statewide significance or prime farmland.

Response 1-102

Because the Proposed Project represents a federal action, it is not required, nor is it appropriate, to use state and locally developed programs to assess potential impacts to agricultural resources. The Farmland Mapping and Monitoring Program (FMMP) for San Diego County was accessed regarding the County comment stating that the project site is underlain by soils of Statewide Significance and Prime Farmland Soils. The FMMP within the most recent San Diego County Important Farmland 2006 map, produced by the California Department of Conservation, designated the project site as "other lands", (California Department of Conservation, 2010 - ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/sdg06_west.pdf accessed August 18, 2010).

Response 1-103

As stated in **Section 4.1.9** of the Final EA, the Tribe has an existing agreement with the San Diego County Sheriff's department to provide law enforcement services on the reservation that would be extended to include the project site.

Section 4.1.6 of the Final EA has been amended to clarify potential impacts associated with crime including alcohol-related crime, drug use and sales, theft, and loitering as a result of the Proposed Action. As stated in **Section 4.1.6** of the Final EA, increased tax revenues resulting from the Proposed Action would assist in off-setting the cost from increased demand for law enforcement services. In addition, mitigation measures outlined in **Section 5.6** of the Final EA, such as adopting ordinances governing the sale and use of alcohol and prohibiting loitering on the site, will prevent minors from purchasing alcohol on the site and reduce the potential for theft and violent behaviors.

Response 1-104

Refer to Response 1-80 for information regarding the applicability of local and state regulations on the Proposed Action.

Under the Proposed Action, the property will be taken into federal trust for the benefit of the Tribe and therefore the will be subject to all Federal regulations that apply to underground storage tanks. As outlined in **Section 5.2** of the Final EA, the Proposed Action will abide by Federal regulations governing underground storage tanks as contained in 40 CFR Part 280 and enforced by the EPA.

Response 1-105

As stated in **Section 4.1.9** of the Final EA, the wastewater will not be kept on within the project site for treatment. Wastewater will be transported to the wastewater treatment plant at the Valley View Casino for treatment and disposal.

Response 1-106

As stated in **Section 4.1.9** of the Final EA, a Will Serve letter from the VCMWD was obtained by the Tribe and is appended to the Final EA as Appendix B. The Will Serve letter includes stipulations for the provision of services, which have been included in **Section 5.10** of the Final EA. Therefore, the Proposed Action will not result in any negative impacts to the local water supply.

Response 1-107

A full noise evaluation is included in **Section 4.1.10** of the Final EA, which includes an analysis of noise generated by construction and operation of the Proposed Project. Through the detailed noise analysis presented in **Section 4.1.10** of the Final EA it was determined that the project generated noise would have a less than significant impact on the ambient noise environment in the vicinity of the Proposed Project.

Response 1-108

The Final EA provides a detailed account of project generated noise in **Sections 3.1.10** and **4.1.10**. As stated in **Section 4.1.10** federal noise standards could be exceeded during construction of the Proposed Project. The sound wall mitigation measure has been modified to state "the height, length, placement, and construction of the sound wall shall be designed to reduce noise levels from construction and operation to below the federal standard".

Response 1-109

The Proposed Project is a federal action and is therefore, not under the jurisdiction of San Diego County. Federal noise standards were used to evaluate the potential for adverse noise effects. An EIS is not warranted.

Response 1-110

Comment noted, see Response 1-109 with regards to the use of federal standards. **Section 4.1.10**, Table 4.10-1 provides the expected noise levels of each phase of construction. With mitigation, the Proposed Action would be in compliance with the standard of 67 dBA for nearby land uses (refer to **Section 3.1.10** of the Final EA).

Response 1-111

The Final EA, in **Section 4.1.10,** provides an adequate and thorough analysis of project related noise including noise generated from all project components.

Response 1-112

Section 4.1.10 of the Final EA describes project related noise sources, noise level standards, and quantified estimated increases in the ambient noise level. Refer to Response 1-109 regarding applicable noise standards. **Section 4.1.10** of the Final EA has been revised to provide detailed noise source information and quantified noise data to demonstrate the need for a sound barrier.

Response 1-113

The Proposed Project is a federal action, and is therefore not subject to conformance with the County General Plan. A full analysis of off-site noise impacts is provided in **Section 4.1.10** of the Final EA.

Response 1-114

The Final EA provides additional quantifiable data which supports a finding of no significant adverse noise effects. The updated noise analysis in **Section 4.1.10** of the Final EA includes an analysis of traffic noise, which includes project generated traffic (as provided in the Traffic Impact Analysis) in relation to the cumulative traffic on local roads.

Response 1-115

A Hazardous Materials Business Plan (HMBP) is a requirement for facilities under the California Health and Safety Code (HSC) Chapter 6.95 and California Code of Regulations Titles 19 Div 2 and 22 Div 4.5. An HMBP is required for facilities that handle virgin or waste hazardous materials, including flammable or combustible liquids such as petroleum products, in quantities in excess of 55 gallons of a single liquid [HSC §25503.5(a)].

Under the Proposed Action, the Department of Interior would place the site into Federal trust for the Tribe. The trust action would shift civil regulatory jurisdiction over the 9.08 acres from the State of California and San Diego County to the Tribe and the federal government; therefore, an HMBP would not be required. As stated in **Sections 4.1.11** and **5.2** of the EA, the Tribe would be required to conform to federal regulations under 40 CFR Part 280, Technical Standards and

Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs). The specific provisions of these standards as they relate to Comments 1-116, 1-117, and 1-118 are discussed below.

Under the No Action alternative as discussed above, the site would be developed into a parking lot, and no hazardous materials would be handled or stored; therefore, an HMBP would not be required.

Response 1-116

Accidental release of petroleum products into navigable waters of the United States is regulated by the Clean Water Act. In event of accidental release of petroleum products to navigable waters of the United States, the Tribe would bear liability for the cost of the removal, clean-up, and damages as the owner and operator of the facility under the Oil Pollution Act (USC Title 33 Chapter 40 Subchapter I). All other discharges are subject to the provisions of 40 CFR Part 280. Compliance with this regulation is required by federal law and enforceable by EPA Region 9, which ensures that the risk of accidental release, fire, and tank collapse are minimized.

As stated in **Section 5.2** of the EA, the project would comply with the provisions of 40 CFR Part 280, including Part 280.20 Performance Standards for new UST systems, which includes requirements designed to prevent leaks and the subsequent release of petroleum into the environment. The standards are therefore protective of both public health and the environment (including soil and groundwater) through the prevention of accidental release which could lead to soil and groundwater contamination.

The Tribe as the owner and operator of a UST system regulated by 40 CFR Part 280 is responsible for initial response to any release as described under Subpart F as follows:

> "(a) Report the release to the implementing agency (e.g., by telephone or electronic mail);
> (b) Take immediate action to prevent any further release of the regulated substance into the environment; and
> (c) Identify and mitigate fire, explosion, and vapor hazards."

In addition, the Tribe is responsible under Subpart F for site characterization, free product removal, soil and groundwater investigation and cleanup, and any additional information as required by the implementing agency such as a corrective action plan. The Tribe would be liable for any site investigation or cleanup activities after the normal closure and removal of the tanks, or a change in their use as described under Subpart F, § 280.72.

The Tribe is also financially liable as the owner and operator of a UST system regulated by 40 CFR Part 280 for corrective action and the compensation of third parties for damages under Subpart H.

Sections 3.11 and **4.1.11** of the Final EA have been edited to clarify these requirements.

Response 1-117

As stated in Response 1-116, exposure of soil and groundwater to petroleum products is minimized by the requirements of 40 CFR Part 280. Impacts to air quality from gas station operations are discussed in Response 1-24.

Response 1-118

As stated in Response 1-115, an HMBP would not be required. Under the Proposed Action as stated above, the trust action would shift civil regulatory jurisdiction from San Diego County to the Tribe and the federal government; therefore, a permit from the San Diego County Department of Environmental Health (DEH) Hazardous Materials Division (HMD) would not be required.

Response 1-119

Under the Proposed Action, the subject property will be taken into federal trust on behalf of the Tribe. Therefore, Public Resources Code CCR Title 14 SRA Fire Safe Regulations and San Diego County's Consolidated Fire Code as they apply to land under the jurisdiction of San Diego County would not apply to the project site. However, as clarified in **Section 2.1** of the Final EA, the Proposed Action would be developed in compliance with the most recent International Fire Code requirements for commercial structures of this size. Additionally, the Tribe intends to develop the property in a manner reasonably consistent with adopted County codes and ordinances, and will continue to consult with the County and Fire Department on issues related to fire safety and protection.

Response 1-120

Comment noted. Evacuation and access routes to the project site would be available via driveways connection to Lake Wohlford Road, and Valley Center Road. Design of driveway access points with these County roadways would be subject to conditions of approval of encroachment permits that may be required from the County. These public roadways, located adjacent to or within the project site are in adequate locations to provide emergency access and potential evacuation routes. The development of the Proposed Action would not separate existing access or create barriers to fire protection and emergency medical service providers in the event of a fire scenario. Potential calls for service would not be disproportionate to other commercial development in the County, as the commercial development under the Proposed Action is assumed to generate similar call rates as other County commercial developments.

Response 1-121

Refer to Response 1-119 for information regarding compliance with fire safety code regulations and standards.

Response 1-122

Additional information regarding the surrounding fire protection agencies and emergency medical service providers has been provided in **Section 3.9.6** and **4.1.9** of the Final EA.

An agreement exists between the BIA and the California Department of Forestry and Fire Protection (CAL FIRE) to provide services on tribal land within the State of California. **Section 3.9.6** of the Final EA has been updated to state the location of the nearest CAL FIRE station at 16971 Highway 76 Pauma Valley, CA 92061. This seasonal fire station would provide additional wildfire protection to the project site during the summer months, when regional wildland fires most commonly occur.

Response 1-123

Refer to Response 1-119 for information regarding compliance with fire safety code regulations and standards.

Response 1-124

See Response 1-119 for information regarding the applicability of Local and State regulations under the Proposed Action. Under the Proposed Action, there would be an increase in the number of fire and Emergency Medical Services (EMS) calls. However, it is assumed that these calls for emergency medical and fire protection services would be directed to the first San Pasqual Reservation Fire Department, which would provide services to the subject property. These potential calls for service would not be disproportionate to other commercial developments in the County. Refer to Response 1-123 regarding agreements with Calfire for fire protection services during summer months.

Response 1-125

The reference to the project site being in a commercial area has been removed from page 1-7 of the Final EA. The visual character of the surrounding area and the potential aesthetic impacts from implementation of the Proposed Action were analyzed within Section 4.1.12 of the Final EA using federally accepted methodology developed by the U.S. Bureau of Land Management (BLM) for Visual Resource Management. The project, to be located on land held in trust by the federal government for the Tribe, would not be subject to San Diego County General Plan goals and policies. However, the Tribal Government wishes to work cooperatively with local

communities, and to the extent feasible, intends to develop the property in manner reasonably consistent with adopted VCDG and ordinances. Mitigation measures to reduce to impacts associated with nighttime lighting and glare have been added to **Section 5.13** of the Final EA.

Response 1-126

Under the Proposed Action, the property would be taken into federal trust on behalf of the Tribe, and would therefore not be subject to State, County, or local regulations. Therefore, the subject property would not be subject to the Site Plan, San Diego County Light Pollution Code, the VCDG, or the Valley Center Community Plan. However, the Tribal Government wishes to work cooperatively with local communities, and to the extent feasible, intends to develop the property in manner reasonably consistent with adopted VCDG and ordinances. Further clarification of effects associated with lighting has been included within **Section 4.1.12** of the Final EA. Mitigation measures to minimize effects associated with lighting are presented in **Section 5.13** of the Final EA.

Response 1-127

Under the No Action alternative, the property would be subject to the Site Plan (STP 06-004) agreed upon by the County and the Tribe, and development in accordance with VCDG. If the No Action alternative is adopted, the Tribe will comply with the Site Plan (STP 06-004) conditions of approval and mitigations including the installation of landscape shielding. Under the Proposed Action mitigation measures shall be implemented to mitigate effects associated with lighting (**Section 5.13** of the Final EA).

Response 1-128

See Response 1-126.

Response 1-129

The rating for "cultural modifications" in **Table 3-9** has been revised from a rating of negative 8 to a rating of 0. The revised cultural modification rating does not change the overall scenic rating of "C" as the "C" value encompasses rating of 11 or less. Therefore, the revised score had no effect on the assigned Class IV scenic quality value. **Appendix I** has been added to the Final EA, which provides an explanation of the Bureau of Land Management standards for the Scenic Quality rating scores that was used to complete the analysis for Visual Resources.

COMMENT LETTER 2 – VALLEY CENTER DESIGN REVIEW BOARD

Response

As discussed in Responses 1-1 and 1-4, above, under the No Action Alternative the Tribe would develop the eastern half of the site as a 143-space parking lot, with accessory structures, in

accordance with the Site Plan (Number S06-004) for the Valley View Casino Employee Parking Lot (Site Plan). All of the conditions of approval and mitigation measures included therein would be adhered to under the No Action Alternative.

The Tribal Government relies upon the Tribal Council, the governing body of the Tribal Government, to guide and regulate land use on Tribal lands. As stated on within Section 2.1 of the Final EA, although County land use regulations would not be applicable to the project site once the land is acquired into federal trust, the Tribe desires to develop the property, to the extent possible, in a manner reasonably consistent with the adopted Design Guidelines for Valley Center during the design of the Proposed Project.

As discussed in Section 4.8 of the Final EA, while the Proposed Action is not consistent with the current County land use designations for the project site, the intensity and types of proposed land uses on the site would not result in conflicts with adjacent land uses and would not impede the County's ability to implement its long term land use plan for the area. Potential impacts that could result from the Proposed Action and inconsistency with the current County and community land use plans for the site would primarily be associated with increased vehicle trip generation and public use of the area.

Section 4.0 of the Final EA provides a comprehensive analysis of the potential environmental consequences that could result from the Proposed Action, including potential effects associated with hazardous materials, air quality, groundwater quality, and public services. Best management practices and low impact development strategies incorporated into the project design (refer to **Section 2.1** of the Final EA) and mitigation measures recommended in Section 5.0 of the Final EA relating to traffic, noise, air quality, water quality, public services, and aesthetics, would reduce environmental effects associated with the project's inconsistency with adopted San Diego County land use designations to less than significant.

COMMENT LETTER 3 – VALLEY CENTER-PAUMA UNIFIED SCHOOL DISTRICT

Response

Under the Proposed Action as stated above, the trust action would shift civil regulatory jurisdiction from the State of California to the Tribe and the federal government. Specific concerns raised in the County's comment letter are addressed below:

Hazardous Materials

Please see Responses #1-115 through 1-118 above regarding potential toxic or hazardous substances. As stated therein, the Tribe would be required to conform to federal regulations under 40 CFR Part 280, Technical Standards and Corrective Action Requirements for Owners

and Operators of Underground Storage Tanks (USTs), which includes requirements designed to prevent leaks and the subsequent release of petroleum into the environment. The standards are therefore protective of both public health and the environment (including soil and groundwater) through the prevention of accidental release which could lead to soil and groundwater contamination.

Regarding hazardous air emissions, see Response 1-24 above. As stated therein, the project would be required to adhere to all applicable gas dispensing facility regulations in accordance with 40 CFR Part 63, the National Emissions Standards for Hazardous Air Pollutants (NESHAP). NESHAP and hazardous air pollutants (HAPs) are discussed in Sections 3.3 and 4.1.3 of the Final EA. Futher, the proposed gas station facility would be located more than 300 feet from the nearest school building, which is in accordance with standards adopted by the California Air Resources Board.

Adjacencies to Incompatible Uses

Section 4.1.6 has been revised to further clarify potential impacts associated with crime, including alcohol-related crime, as a result of the Proposed Action. As stated in **Section 4.1.6** and identified as a mitigation measure in **Section 5.6**, the Tribe shall adopt an ordinance governing the sale and use of alcohol on the Site. The ordinance shall include, but not be limited to, the prohibition of the sale of alcohol to minors under 21 years of age, as well as the prohibition of public drinking and/or intoxication at the Site. With implementation of the mitigation measures recommended in **Section 5.6**, the Proposed Action would not result in significant adverse effects associated with alcohol-related crime.

Student Bus Safety

In accordance with the School Site Selection and Approval Guide, no project-related traffic would access the Site via School Bus Road. As currently aligned, School Bus Road provides the only point of access to the project site. Under the Proposed Action, School Bus Road would be realigned around the perimeter of the western parking lot, which would effectively reduce the traffic on this roadway. Traffic entering the Site would do so from separate access driveways along Lake Wohlford Road and Valley View Road. The realignment of School Bus Road would require relocation of the existing easement, which would be coordinated at no cost to the School District. The Final EA has been revised to clarify that the School District will be consulted during the realignment of the roadway within the project site to ensure that bus entrances are of sufficient size to accommodate the buses in use now and in the future.

Refer to Response 1-7 regarding the need to prepare an EIS.

COMMENT LETTER 4 – NATIVE AMERICAN HERITAGE COMMISSION

Response

No response is required.

COMMENT LETTER 5 – VALLEY CENTER COMMUNITY PLANNING GROUP

Response

Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action. Effects associated with public services are discussed in Section 4.1.9 of the Final EA. Refer to Response 1-15 regarding potable water service, and Response 1-16 regarding wastewater treatment. Refer to Response to Letter 3 regarding the proximity of the proposed gas station to the Valley Center Middle School.

COMMENT LETTER 6 – RIDGEWAY CHURCH

Response

Please refer to Response to Comment Letter 3 above regarding the sale and use of alcohol at the Site. Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action. The Proposed Action does not include the expansion of gaming activities. The Final EA includes mitigation to avoid or minimize potential adverse impacts of the Proposed Action where appropriate.

COMMENT LETTER 7 – IRMA MONTEJANO

Response

Please refer to Response to Comment Letter 3 above regarding the sale and use of alcohol at the Site. **Section 4.1.6** has been revised to further clarify potential impacts associated with crime. As stated in **Section 4.1.6** and identified in **Section 5.6**, the Tribe agrees to adopt an ordinance prohibiting loitering and other suspicious behavior on Site. With implementation of the mitigation measures recommended in **Section 5.6**, the Proposed Action would not result in significant adverse effects associated with crime.

COMMENT LETTER 8 – AMY ARCHIPOV

Response

Please refer to Response to Comment Letter 3 above regarding the sale and use of alcohol at the Site. Refer to Response 1-80 regarding land use jurisdiction and compatibility issues, and Response 1-45 regarding the purpose and need for the Proposed Action.

COMMENT LETTER 9 – ERIC RESER

Response

Please refer to responses to Comment Letter 3 and Comment Letter 7 regarding the sale and use of alcohol at the Site, and the prohibition of loitering and other suspicious behavior at the Site.

ATTACHMENT 1

COMMENT LETTERS

ATTACHMENT 1

COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT

This attachment to the response to comments provides all of the comments received by the BIA during the public review period for the Draft Environmental Assessment for the 9 Acre Site San Pasqual Band of Diegueño Mission Indians (April, 2010). The comments presented herein were submitted by way of letter and email. A total of nine comment letters were received by the BIA: five from public agencies or organizations and four from private citizens and groups. All of the comments received are indexed in **Table A1-1**. The comment letters are presented immediately after the comment index.

Table A1-1: Index of All Comments Received on the Draft EA.

Letter No.	Name	Agency / Organization	Date of Letter
1	Chandra L. Walker	Deputy Chief Administrative Officer, San Diego County	June 4, 2010
2	Leal Montgomery	Chair, Valley Center Design Review Board	June 1, 2010
3	Dr. Lou Obermayer	Superintendent, Valley Center Pauma Unified School District	June 2, 2010
4	Dave Singleton	Program Analyst, Native American Heritage Commission	May 12, 2010
5	Oliver Smith & Paul Herigstad	Valley Center Community Planning District	June 7, 2010
6	Bill Trok	Senior Pastor, Ridgeview Church	June 7, 2010
7	Irma Montejano		June 11, 2010
8	Amy Archipov		June 11, 2010
9	Eric Reser		June 11, 2010

Letter 1

County of San Diego

June 4, 2010

Comment Letter 1

✓ DEC RMS NS

County of San Diego

LAND USE AND ENVIRONMENT GROUP

CHANDRA L. WALLAR
DEPUTY CHIEF ADMINISTRATIVE OFFICER

1600 Pacific Highway, Room 212, San Diego, CA 92101
(619) 531-6256
Fax: (619) 531-5476

June 4, 2010

Mr. Dale Risling, Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

RE: ENVIRONMENTAL ASSESSMENT FOR PROPOSED TRUST ACQUISITION OF 9.08 ACRE FEE PARCEL – APN 189-051-02– FOR SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS

Dear Mr. Risling:

This letter is in response to the "Notice of Land Acquisition Application" (Notice) seeking acceptance of title to Assessor's Parcel No. 189-051-02 in trust by the United States of America for the San Pasqual Band of Diegueño Mission Indians (Tribe). The County of San Diego (County) appreciates the opportunity to comment on the proposed acquisition. 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. The County comments relate to issues within its statutory responsibilities and impacts of the project.

By Resolution (No. 94-115) dated March 29, 1994 and again by unanimous vote on November 1, 2000, the San Diego County Board of Supervisors has stated opposition to taking of additional land into trust and has urged the Secretary of the Interior to decline to designate as "tribal land" newly purchased land acquired for the purpose of Indian gaming and related uses. When these lands are taken into trust, gaming and other uses of the property are expanded outside of existing reservations at an intensity that may not be compatible with the surrounding area. The impact on residents of adjacent communities often exceeds anything that could have been reasonably anticipated. impacts can occur not only because of incompatible land uses, but also can occur due to traffic generation, groundwater capacity, biological resources, and a host of impacts to other sensitive resources.

The County is opposed to this application and urges denial of the request. In addition, based on review of the Environmental Assessment (EA), the County believes that the environmental consequences of the proposed project justify the need for an Environmental Impact Statement (EIS) rather than a Finding of No Significant Impact (FONSI). A FONSI would not be appropriate due to the potentially significant environmental impacts detailed in this comment

letter. Based on the information in the EA, the County believes that the environmental consequences of the proposed federal undertaking may be significant. Further environmental review is needed through the EIS process to ensure that project impacts are thoroughly evaluated and properly mitigated if the land were to be taken into trust.

1. **Major Project Issues**.

a. The County was notified in March 2004 that a portion of this property was illegally being used as an overflow parking lot for the Valley View Casino. The County's Code Enforcement Division also indicated that there was improper lighting and an illegal guard station on-site. The Tribe applied for a Rezone (REZ 04-017) and Site Plan (STP 06-004) to remedy these illegal land uses. The Site Plan was approved by the Director of Planning and Land Use on May 22, 2009 (see attached approved Site Plan decision and approved final Plot Plan for STP 06-004) to allow an overflow parking lot for 500 employees and visitors of the Valley View Casino. Several conditions of approval and mitigation measures were required in order for the Site Plan to be approved by the Director of Planning and Land Use. These included mitigation for traffic impacts, visual/aesthetics, stormwater, lighting, trails, air quality, and landscaping. To date, the Tribe has not completed any of the conditions of approval of the site plan, and these impacts remain unmitigated. None of these issues have been adequately addressed in the EA to ensure that they will not cause significant impacts as a result of the newly proposed project. The County urges you to ensure that these issues are resolved prior to the Bureau of Indian Affairs (BIA) consideration of the requested fee-to-trust (FTT) application. To do otherwise would allow the Tribe to conduct activities on this site that have been shown to have environmental impacts, but to avoid the mitigation for those impacts by placing the land into trust. 1-1

b. The EA lacks discussion of an existing lien and cooperative agreements between the County and the Tribe in which the Tribe has agreed to perform improvements to portions of Valley Center Road and Lake Wohlford Road. These agreements were entered into as part of the approval of the Site Plan (STP 06-004) and should be included in an EIS to evaluate whether there is adequate mitigation for the additional traffic impacts caused by the proposed project. 1-2

c. Page 2-1 of the EA, reads that the "tribe would enter into a lease with the Casino Board for the use of this land, which the San Diego County Board of Supervisors has recently rezoned for parking use. This type of structure provides the Tribe additional flexibility regarding land management." The County opposes the expansion of tribal lands and Indian gaming activities in the State of California without appropriate mitigation for resulting impacts. The County opposes this FTT application because the EA does not sufficiently address impacts, both as currently proposed or on future development that could occur when the project is no longer under the County's jurisdiction. 1-3

d. Page 3-32 of the EA, states that the Tribe has entered into an agreement with the County regarding the development of the site. The EA states that in the agreement, the Tribe will comply with the County Zoning Ordinance. The EA states that the Tribe will dedicate areas of the site for easements relating to utility 1-4

placement and access, surface water drainage, the construction of sidewalks and bike lanes for pedestrian access, a landscape plan, as well as other land use controls. The information in the EA has not adequately demonstrated that these issues have been addressed or that this agreement has been met or how it will be implemented. Note: The County is unclear as to the agreement being referenced in this section of the EA. It is our understanding that the agreement referenced refers to the conditions of approval of the site plan number SO6-004. All improvements should be required to be completed by the Tribe before land is considered to be taken into Trust. 1-4 Cont.

e. The Cumulative Effects Section (Section 4.3) in the EA is inadequate. An EIS must be prepared which examines the cumulative effects of this project in conjunction with other projects in the immediate area. When direct impacts from a proposed project are less than significant, a project may still have a cumulatively considerable impact on the environment if the proposed project, in combination with other proposed projects or reasonable foreseeable future projects within proximity of the project, will cumulatively cause a significant impact. The County has identified the following projects (listed below), though there may be others in the area. These projects should be analyzed in an EIS for cumulative impacts in all of the Environmental Consequences Sections. 1-5

Permit Name	Permit Number
Hoag Major Use Permit	MUP 04-007
Hidden Meadows Residential Subdivision	TM 5176
Garcia Residential Subdivision	TM 5458

f. The impacts of the proposed commercial development will greatly increase traffic impacts in the surrounding areas. The Tribe should be required to enter into a cooperative agreement with the County to mitigate direct and cumulative traffic impacts. The County has identified that there would be significant impacts to Valley Center Road between Cole Grade Road and Lake Wohlford Road based on the information provided in the EA. 1-6

g. The County requests that an EIS be prepared which contains an analysis of the design of structures and signage on the project area to ensure that there will be no impacts to the community character of Valley Center. 1-7

2. **General Comments**

a. A review of recent aerials illustrates that Figures 1-2, 2-1, 3-2, and 3-4 in the EA are inaccurate depictions of the project area. The County's GIS aerials indicate that these figures resemble what the project looked like in 2002. An EIS should be prepared with figures reflecting the existing land conditions (paved parking lot and graveled area on the eastern portion of the property). 1-8

b. The County's Land Use and Environment Group has developed guidelines for determining significance that are used to determine the impacts of environmental consequences in the unincorporated portions of the County. The guidelines also provide mitigation options for addressing significant impacts. To assure that all 1-9

impacts from the project are adequately analyzed, the County urges the use of these guidelines in preparation of all environmental sections of an EIS. The guidelines are available on the Department of Planning and Land Use website. In addition, the County encourages the Tribe to hire consultants from the County approved list for all environmental subject areas. 1-9 Cont.

c. The EA lacks a detailed project map which makes it difficult to fully address environmental concerns. 1-10

d. The County opposes the incorporation of any easements held by the County and other agencies into trust lands because it would constitute a taking of public property. 1-11

e. Page 3-33 of the EA, incorrectly states that the rezone was approved by the Board of Supervisors on February 28, 2009. The project was approved on January 28, 2009. 1-12

f. Page 3-30 of the EA incorrectly states that the project is located within the San Pasqual Indian Reservation. The project is not located on land that is either within the reservation, nor is it contiguous to the reservation boundary. 1-13

g. The Tribe should provide a decomposed granite (DG) pathway along the road right of way on Valley Center Road and Lake Wohlford Roads to implement the Valley Center Community Trails and Pathways Plan. 1-14

2. **Water Resources**

a. The EA is inadequate as it does not include a detailed analysis of the use of groundwater on the property. Section 4.3.2 of the EA discusses that impacts to the groundwater basin are anticipated to not be cumulatively significant since the project will be using a relatively small increment of available groundwater. However, this statement is unsubstantiated in the EA. An EIS should be prepared which indicates the source of groundwater to be utilized at the site and the estimated quantity of groundwater to be used. An EIS should also make it clear whether the project is going to be served by the Valley Center Municipal District (VCMD) or local groundwater wells. The VCMD primarily receives its water from imported water sources and would most likely not provide the project with local groundwater resources. 1-15

b. Page 4-3 in the EA does not include sufficient description of the Valley View Casino wastewater treatment alternative, including consistency with existing discharge permits, to support the finding that the project will have no impacts to municipal or private wastewater facilities in the area. The EA indicates that wastewater treatment will be provided either by on-site septic system or by the existing Valley View Casino wastewater treatment facility. The EA lacks analysis to determine if any improvements will be required to implement the Valley View Casino treatment alternative, such as construction of conveyance facilities or expanded treatment process and/or disposal facilities. 1-16

c. County, state and federal stormwater regulations and permits should be followed and monitored for all project components. The activities proposed under this application should be in compliance with the State Water Resources Control Board (SWRCB), San Diego Regional Water Quality Control Board (RWQCB), and the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (Ordinance No. 9926 and Appendix A). A monitoring system should be in place to ensure that the mitigations outlined in the EA are completed, including, but not limited to the filing of a Notice of Intent, preparation of the Storm Water Pollution Prevention Plan (SWPPP), provision for construction Best Management Practices (BMP's) and provision of post construction BMP's such as detention basins, vegetative strips, grassy swales and high infiltration substrates. 1-17

d. A Major Storm Water Management Plan (SWMP) form should be completed for the proposed project components. The form is found at: http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_c.pdf. Post construction treatment control BMP's should apply to the various development components. 1-18

e. The project should comply with the County Low Impact Development (LID) requirements. The LID Handbook and accompanying information can be found at: http://www.sdcounty.ca.gov/dplu/procguid.html#hydro. 1-19

In addition, the project should comply with the California Department of Transportation (Caltrans) low impact development information found at: http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml 1-20

f. Applicability of Hydromodification requirements should be reviewed and complied with if applicable for the proposed development. Information regarding Hydromodification may be found at the County's Project Clean Water website at: http://www.projectcleanwater.org/html/wg_susmp.html 1-21

3. **Air Quality**

a. Page 4-4 of the EA states that "impacts to air quality would be small." The County does not agree with this statement and the EA provides no justification for this claim. 1-22

b. The EA should include an evaluation of whether the proposed project would conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP). An EIS should be prepared which includes an Air Quality Assessment to determine whether the proposed project would conform to the RAQS and SIP. Growth that is consistent with the General Plan would be consistent with the RAQS. The County of San Diego General Plan Land Use Designation for the site is (17) Estate Residential, which does not allow commercial use. If a project proposes development that is greater than that anticipated by the County of San Diego General Plan and San Diego Association of Governments (SANDAG's) 1-23

growth projects, the project would be in conflict with the RAQS and SIP and might have a significant impact on air quality. 1-23 Cont

c. The California Air Resources Board (CARB) discourages the location of Gasoline Dispensing Facilities within 300 feet of sensitive land uses such as schools. The proposed gasoline station would be located directly south of the Valley Center Middle School. An EIS should be prepared which includes a Health Risk Assessment (HRA) to evaluate the extent of airborne emissions from the project and the potential public health impacts of those emissions. The EIS should specifically address increased traffic on School Bus Road, which is directly adjacent to the Valley Center Middle School's recreational facilities. 1-24

d. The EA does not indicate the amount of grading for the proposed project or detail the type of temporary construction equipment that would be required to construct the proposed project. An EIS should be prepared which includes a calculation of the resulting construction emissions. 1-25

e. An EIS should be prepared that includes a "Hot Spot" analysis to address air quality impacts caused by increased traffic volumes at intersections serving the proposed gas station and retail center. The County of San Diego's Guidelines for Determining Significance for Air Quality indicate that a project would have a significant impact if it causes a road intersection to operate at or below a Level of Service (LOS) E (analysis only required when the addition of peak-hour trips from the proposed project and the surrounding projects exceed 2,000 average daily trips) and create a Carbon monoxide (CO) hot spot and cumulative considerable net increase in CO. 1-26

f. An EIS should be prepared that evaluates the potential odor and construction impacts on sensitive receptors resulting from the construction and operational phases of the project. These impacts could affect a considerable number of adjacent County residents. 1-27

g. The project should adhere to gas dispensing facility regulations of the San Diego County Air Pollution Control District (SDCAPCD), specifically Rules 61.3, 61.3.1, 61.4, and 61.4.1, to ensure compliance with County air quality standards. The EA is inadequate since it indicates that the proposed gas station would be subject to "South Coast Air Quality Management District regulations" pertaining to gas dispensing facilities when it should be stated that it should comply with SDCAPCD regulations. 1-28

h. In Section 3.3.2, the last column in Table 3-3 incorrectly indicates SAAQS instead of CAAQS. 1-29

i. The EA incorrectly references the San Diego County Air Basin (SDCAB) instead of the San Diego Air Basin (SDAB). 1-30

j. In Section 3.3.2, Table 3-3 is incorrect since it reads that there is no annual Ambient Air Quality Standard for Nitrogen Dioxide. Nitrogen Dixoide is calculated by an Annual Arithmetic Mean and the standard is 0.030 parts per million. 1-31

4. **Biological Resources**

a. Page 3-18 of the EA erroneously indicates that the project area is subject to the requirements of the Multiple Habitat Conservation Program when it should state that it is within the boundaries of the draft North County Multiple Species Conservation Program (MSCP). 1-32

b. Historic aerial photographs show that the western half of the project site is not ruderal/developed as it is described in the EA. The western half of the property is fully vegetated, though it has been historically mowed, with no clear legal land disturbance. An EIS should be prepared which analyzes the project site prior to ground disturbing activities and should include mitigation for impacts to the biological baseline condition. 1-33

c. The EA is inadequate as the biological survey was completed in December by a biology consultant with no prior San Diego or California experience. In addition, the EA is inadequate because the winter is not appropriate for observing sensitive annual plants since they are not typically present during the winter months. 1-34

5. **Cultural Resources**

a. The EA is inadequate as it does not include the cultural resources technical report prepared by Laguna Mountain Environmental as a separate appendix to the EA. According to the BIA, the Tribe must grant permission before the technical report can be released to the County; therefore, the County is requesting permission for the release of these documents. 1-35

b. The EA does not include supporting evidence that the isolates are not eligible for inclusion to the National Register of Historic Places (NRHP). The EA makes statements that cultural resources are not eligible for inclusion to the NRHP, but there is no supporting evidence within the EA as to how these determinations where made. Impacts (both direct and indirect) to cultural resources should be identified and an assessment as to whether the cultural resources are significant should be included in an EIS. 1-36

c. Section 3.5.2, states that the project site has not been previously surveyed for cultural resources, however, the Archaeology layer on the County's GIS mapping system indicates that the property was surveyed twice in 2007 (Dallas 2007, WhatFJ 2007). 1-37

d. The EA does not indicate whether the isolates have been adequately recorded, whether they were collected, and where they will be curated. 1-38

e. The EA indicates that ground visibility was 40% due to heavy vegetation. Therefore, it is possible that other cultural resources exist on the property. A Native American monitor and qualified archaeologist should be on-site during any project grading to ensure that buried archaeological resources are not impacted. 1-39

f. The Archaeology layer on the County's GIS mapping system does not indicate that the property was surveyed for cultural resources by Laguna Mountain Environmental in 2009 or that there are two isolated resources located on the property. The cultural resources report and the site records for the two isolates should be sent to the South Coastal Information Center for their records. 1-40

g. The mitigation for cultural resources is inadequate in the EA. Section 5.5, should include grading monitoring (consisting of a qualified archaeologist and Native American monitor) and curation of the two isolated artifacts as mitigation measures for project impacts as recommended by the archaeological firm, Laguna Mountain Environmental, due to the high likelihood of buried cultural deposits. 1-41

6. **Socioeconomic Impacts**

a. The EA does not adequately address the loss of tax revenue that is collected for numerous agencies which could potentially affect public services in the area. This FTT application proposes a transfer of 9.08 acres of land currently under the jurisdiction of the County of San Diego, with approximately $1,778 per year of property taxes levied on the property. This annual loss will be further compounded based on the assessed value of the property projected in future years. Tax revenues are currently collected for the County General Fund, County Library, Educational Revenue Augmentation Fund (ERAF) County Program for schools, San Diego County Lighting District, San Diego County Flood Control District, Valley Center Fire Protection District, Valley Center Cemetery District, Escondido Union High School District, Palomar Community College District, County Office of Education, Palomar Pomerado Health, Greater San Diego Resource Conservation District, Valley Center Municipal Water District, Metropolitan Water District of California, San Diego County Water Authority and Valley Center Parks and Recreation District. 1-42

b. The EA does not adequately address the cumulative fiscal impact of FTT applications on the County and other local agencies. The current application in combination with other applications has a significant cumulative fiscal impact on the County that should be analyzed as part of any BIA application that proposes to acquire land currently under the jurisdiction of the County. 1-43

c. Section 3.6 of the EA does not address the potential negative impact on the property values of adjacent properties as a result of the proposed project. The change in use of the site from a parking lot to a commercial use could negatively affect the property values of nearby residences and farms. 1-44

d. The proposed project has the potential to cause significant socioeconomic impacts on the area by competing with Valley Center's desire to support compact villages surrounded by rural and semi-rural lands. Page 3-27 of the EA states, "because of the growth of Valley Center it is expected that the shopping plaza would be able to alleviate need in the surrounding community for certain stores and other needs." The EA is correct that the population growth in Valley Center has created the need for more commercial services, many of which are provided outside the community, such as in the City of Escondido. However, the EA is 1-45

incorrect on where those commercial services should be provided. There are two existing villages to the west of the project site that are centrally located within the Valley Center Community Plan Area and contain many existing commercial and community services. The General Plan Update includes a plan to provide infill development in these existing villages to provide additional commercial and residential land uses in smart growth patterns of development that will provide land use patterns that create sustainable walkable communities with a mix of residences, jobs, and services. The commercial services provided by the proposed project in a semi-rural area would compete with the existing and planned commercial uses in the village centers, where commercial uses are desired. 1-45 Cont

8. **Transportation and Circulation**

a. The EA is inadequate as it does not thoroughly incorporate information from the traffic study provided in Appendix D of the EA. Recommendations in the traffic study that buses and vehicles should continue entering from Valley Center Road and exit to Lake Wohlford Road, and that the relocated parking lot entrance should be realigned with the commercial parking lot should be consistent in all documents. 1-46

b. Section 4.2.9 is incorrect when it states that the No-Action Alternative would result in the same impacts as the proposed project. Since there is a County approved Site Plan (STP 06-004) on the property, road improvements were required as mitigation for the parking lot usage. If the project were to be acquired through the FTT process, these road improvements would not be required and thus, the impacts would be much more impactive than the No-Action Alternative. 1-47

c. The proposed commercial uses identified in the EA are more intensive than what would be allowed under the current zoning and what would be allowed under the proposed General Plan Update. This new project would result in additional traffic impacts than what has been planned. These impacts should be clearly identified and analyzed in an EIS. 1-48

d. The EA should include all construction and encroachment permits from the County that would be required for work performed within the County's right-of-way. 1-49

e. The traffic study in Appendix D of the EA proposes an intersection improvement at the Valley Center Road and Molly Anne Court intersection to mitigate the direct segment impact; however, the intersection is not included in Section 4.1.6 of the Intersection Analysis or Figures of the EA. 1-50

f. Page 18 (Table 7-1) of the traffic study in Appendix D of the EA states that Cole Grade Road would receive 12% of the proposed project's traffic; however, the direct and cumulative impacts to Cole Grade Road are not identified in the Transportation and Circulation Sections of the EA. 1-51

g. In Section 5.7, the provision of a left turn only lane at the intersection of Valley Center Road and Molly Anne Court is inadequate to mitigate the additional traffic 1-52

on Valley Center Road. Molly Anne Court serves less than 10 homes and has less than 100 Average Daily Trips (ADT). 1-52 Cont

h. The EA recommends the signalization of the Valley Center Road and Project Access/Street "A" intersection when traffic signal warrants are met to address a cumulative impact. However, the proposed Street "A" is not aligned with the private roadway on the north side of Valley Center Road (approximately 80 feet east of the proposed Street "A"). In addition, the proposed signalization at this intersection may require either an offset signal or the realignment of the private roadway and/or Street "A". A timeline indicating when the traffic signal should be installed and that is agreed upon by the County should be included in an EIS. Also, a guarantee of the provision of the signal and a cash deposit would be required to ensure the signal was installed in a timely manner. 1-53

m. The EA is incorrect in the approval process for roadway improvements. Page 2-6, of the EA states that, "roadway improvements would be constructed at the site to provide proper access to the proposed facilities. All access points and traffic flow at the Site would be submitted to the City of San Diego Development Services for approval. Encroachment permits (if needed) would be submitted to the City of San Diego to construct suitable access to the Site." The project is within the land use authority of the County and road improvements would need to be submitted to the County Departments of Planning and Land Use and Public Works for approval. 1-54

n. The EA is incorrect in its identification of the existing Circulation Element classification for Valley Center Road east/north of Cole Grade Road. Page 3-29 of the EA states that, "Valley Center Road is classified on the existing County of San Diego Circulation Element as a Rural Collector east/north of Cole Grade Road." The existing classification of this segment of Valley Center Road is a four-lane Collector Road. In addition, the EA does not identify the proposed classification under the General Plan Update, which is 2.1D Community Collector with Improvement Options (passing lanes are the community's preferred improvement). This classification, with preferred improvement, has a threshold capacity of 13,500 ADT for LOS D (per County Public Road Standards, dated March 3, 2010). In addition, this classification has a right-of-way requirement of 96 feet. 1-55

o. The EA is incorrect in its identification of the existing Circulation Element classification for Lake Wohlford Road. Page 3-29 of the EA states, "Lake Wohlford Road is classified on the existing County of San Diego Circulation Element as a Rural Collector." The existing classification for Lake Wohlford Road is a four-lane Collector Road. In addition, the EA does not identify the proposed classification under the General Plan Update, which is 2.2D Light Collector with Improvement Options (there is no preferred improvement). The threshold capacity for this classification (assuming some improvements) is 13,500 ADT for LOS D. 1-56

p. Page 3-30 of the EA states: "Peak hour intersection turning movement traffic counts and segment counts within the project area were conducted by LLG 1-57

(Linscott, Law, and Greenspan) in July 2009. Traffic counts were conducted between 7:00 A.M. and 9:00 A.M. and the highest hour of traffic within this period was utilized. Similarly, the highest hour of traffic between 4:00 P.M. and 6:00 P.M. was used in the analysis. Table 3-8 shows the existing traffic volumes. Table 3-7, (incorrectly referenced as 3-8 in the EA text quoted above) provides existing average daily traffic volumes; however, the EA indicates that traffic counts were taken from 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. in July 2009. Therefore, if the counts were only taken during a portion of the day, then additional information needs to be provided as to what assumptions were made to determine the ADT volumes. The volumes used in the analysis are significantly higher than volumes derived by the General Plan Update traffic model. For example, Table 3-7 identifies 14,900 existing ADTs for Valley Center Road, but the General Plan Update identifies only 9,500 – 10, 400 ADT for the same segment of roadway. 1-57 Cont.

q. The following inconsistencies are found on Page 4-7 (Table 4-2):

i. The table analysis is based on a LOS threshold of LOS E; however, both the current General Plan (Public Facilities Element, page XII-4-18) and proposed General Plan Update (Mobility Element Policy M-2.1, Level of Service Criteria) require development projects to provide associated road improvements to achieve LOS D or better. Therefore, the LOS threshold shown in this table should be for LOS D rather than LOS E. 1-58

ii. The table presents inconsistent information. The table identifies the total project induced traffic (Valley Center and Lake Wohlford Roads) as 3,130 ADT; however, in the traffic study (Appendix D of the EA), Table 7-1, 5,072 ADT is identified as the traffic volumes the project would generate. After subtracting the pass-by traffic of 904 ADT, there remains 4,168 ADT. Therefore, the trip generation of the project is not consistent with the total project induced traffic (3,130 ADT) identified Table 4-2. This would indicate that the impacts expressed in Table 4-2 are understated. 1-59

r. The County disagrees with the statement on Page 4-7 of the EA that "Impacts to existing traffic patterns would be small". In the absence of actual traffic counts, the County asserts that Valley Center Road is currently operating at LOS D according to the analysis conducted during the General Plan Update traffic modeling, rather than LOS E as indicated in Table 4-2 of the EA. In addition, the General Plan Update traffic forecast model indicates that the segment of Valley Center Road west of Lake Wohlford Road would operate at LOS D in 2030 with build-out of the General Plan Update, without the proposed project included in the analysis. However, the additional traffic that this project would generate would cause this segment of Valley Center Road to operate at LOS E, even if the road improvement mitigation measures were implemented. Therefore, in accordance with the County's established significance criteria, the impacts to traffic by this project would be significant, not small as stated in the EA. 1-60

s. The traffic study in Appendix D of the EA that was relied upon for the Transportation and Circulation portions of the EA is inadequate for the following reasons and these issues should be addressed in an EIS:

i. The traffic study lacks information detailing how the Valley Center Road and Molly Anne Court intersection improvement will fully mitigate the segment impact. The narrative should be supported with a quantitative analysis (such as travel speed survey, travel time savings, etc.) to demonstrate the effectiveness of the intersection improvement in fully mitigating the direct segment impact. Because Molly Anne Court serves less than 10 homes, it is unlikely that the proposed improvement will fully mitigate the proposed projects direct traffic impact to Valley Center Road. 1-61

ii. Page 30 of the traffic study indicates that the project's mitigation measure #1 and #3 will provide an eastbound left-turn lane only at the Valley Center Road/Molly Anne Court intersection. Molly Anne Court is located on the south side of Valley Center Road so subsequently it would appear that the proposed left-turn lane should be in the westbound direction and not the eastbound direction. The traffic consultant should verify that the mitigation measure is accurately described in the traffic study. 1-62

iii. The traffic study lacks adequate striping plans for the roadways. An EIS should include conceptual striping plans for the project's proposed frontage improvements along Valley Center Road and Lake Wohlford Road. Striping plans should also be provided for School Bus Road and Street "A". 1-63

iv. The traffic study should confirm that turn radii within the relocated parking lot, commercial parking lot, and along School Bus Road are designed to accommodate the type of vehicles (such as school buses, shuttle buses, commercial delivery trucks, gasoline trucks, etc.) that will be accessing the parking lots and roadways. 1-64

v. The traffic study should discuss what proposed pedestrian improvements are needed along/across School Bus Road to provide safe access from neighboring sites, especially the middle school, to and from the proposed commercial development. 1-65

vi. Page 8 of the traffic study indicates that the traffic counts were collected during July 2009. This is not an appropriate time to collect these counts since the adjacent middle school would not be in session in July. 1-66

vii. Page 12 of the traffic study should use the County's adopted Significance Criteria/Traffic Impact Guidelines modified February 19, 2010 to determine the project's direct and cumulative traffic impacts. 1-67

viii. Figure 7-1 in the traffic study identifies 12% of the proposed project trips being distributed onto Cole Grade Road. Potential direct and cumulative traffic impacts onto Cole Grade Road should be assessed and identified. 1-68

ix. The roadway segment traffic volume/LOS tables (Table 6-2) in the traffic study should be more specific in identifying the segment extents. For example, instead of identifying Valley Center Road west of Lake Wohlford Road, the tables should identify Valley Center Road from Lake Wohlford Road to Cole Grade Road. 1-69

x. The traffic consultant should verify that the roadway segment and intersection study area is consistent with the County's 25 peak-hour trip threshold. 1-70

xi. Some of the pass-by factors/percentages in the traffic study do not appear to be consistent with the regional planning agency's (SANDAG's) pass-by factors (Table 7-1). The traffic study should elaborate on how the project's trip generation assumptions were derived and how the pass-by trip reduction factors were applied. It also appears that the project's trip generation assumptions are deducting both daily and peak hour pass-by trips which may result in double-counting. 1-71

xii. The traffic study should provide a cumulative traffic analysis based on a list of projects in the area. 1-72

xiii. Section 10.0 of the traffic study should verify that the project's driveway locations conform to the County's driveway/intersection spacing standards. 1-73

xiv. The traffic study should consistently identify the Valley Center Road/project access intersection as the Valley Center Road/Street "A" intersection (Section 10.1). 1-74

xv. Page 29 of the traffic study should be consistent with the project access recommendations (such as relocated parking lot aligned opposite commercial parking lot access). 1-75

xvi. The traffic study should provide a figure that shows the existing and proposed/relocated parking lot and Valley Center Road/School Bus Road intersection. 1-76

xvii. The site plan figures in the traffic study should show the location of the school that is served by School Bus Road. 1-77

xviii. The traffic study should provide figures that clearly illustrate existing and proposed access to and from School Bus Road for school buses, shuttles and private vehicles. 1-78

xix. The traffic study should discuss the project's potential construction traffic impacts. 1-79

9. **Land Use**

a. An EIS should be prepared which identifies the existing zoning on the parcel and allowable uses that could be developed on the site as it is currently zoned by the County. The EIS should include the future uses on the parcel as shown in the proposed County's General Plan Update. 1-80

b. Page 3-32 of the EA states, "as the Site would be located on Federal Trust land, no San Diego County or State of California land use regulations or permit requirements would be applicable to the development of the proposed shopping plaza. Although San Diego County land use regulations are not applicable to the proposed action, the Tribe desires to comply, to the extent possible, with existing land use requirements that apply to nearby land under County jurisdiction." The proposed commercial uses are inconsistent with the current zoning, General Plan, General Plan Update, Valley Center Community Plan and Valley Center Design Review Guidelines as detailed in the following comments:

i. *General Plan Information*

The proposed project (commercial uses) would not be compatible with the current General Plan or the draft General Plan Update. The parcel is located in the General Plan Regional Category for Estate Development Area (EDA), Land Use Designation (17) Estate Residential. Estate Development Areas provide for minor agricultural and low density residential uses. The General Plan Update designation would be Semi-Rural Residential (SR-4). Semi-Rural densities range from one dwelling unit per 0.5 acre to one dwelling unit per ten gross acres. Residential development within Semi-Rural areas is not typically served by municipal sewer systems, but is often served by municipal water systems especially where water-intensive crops such as avocado and citrus are common. 1-81

The proposed commercial development is not consistent with the General Plan Update Guiding Principles (particularly Guiding Principles 2, 3, 7 and 10). These principles promote environmentally sustainable communities in compact patterns of development near infrastructure and services that reinforce the vitality of communities and recognize community and stakeholder interests. 1-82

General Plan Update Policies for Land Use Element (LU-10.4, Commercial and Industrial Development, and LU-11.1, Location and Connectivity), both promote commercial development in villages, discouraging it in rural and semi-rural areas. During the land use mapping process for the General Plan Update, a conscious effort was made, in coordination with the Valley Center Community Planning Group, to restrict further commercial development in this area. The intention is to focus the commercial development in the villages to ensure it is economically viable. The proposed project would ignore these policies and site new commercial development in a semi-rural area. 1-83

ii. *Zoning Information*

The proposed uses (retail outlet and gas station) are not allowed under the S-86 (Parking Use Regulations) zoning designation, and therefore would not be compatible under current zoning. The property was approved for a rezone on January 28, 2008 from A-70 (Limited Agricultural Use Regulations) to S-86 with a "D" Special Area Designator (Design Review) to ensure consistency with the Valley Center Community Plan and Design Guidelines. The "D" Designator requires authorization of a Site Plan, adherence to the Valley Center Design Review Guidelines, and review by the Valley Center Design Review Board. The S-86 Use Regulations are intended to identify and create areas for automotive parking in association with another dominant land use (in this circumstance parking for employees of the Valley View Casino). In addition, the proposed commercial project is located near a school, residences, and farms which would cause an incompatible land use in the area. 1-84

iii. *Valley Center Design Review Guidelines*

The proposed development as outlined in Figure 2-1 of the EA is not in compliance with the following Valley Center Design Guidelines (VCDG):

- Valley Center Road should have a planted median of trees, shrubs, and grasses and boulders emphasizing elements of the native landscape. The VCDG state that parking lots and service areas should be fully screened from road view. Figure 2-1 of the EA does not show any landscape screening of the roadways or parking lots. 1-85

- The VCDG state that new commercial development should fit quietly into the landscape, deferring to open spaces, existing natural features and planting. The current site plan shows the entire land as paved and covered with buildings thus removing the natural features of the project area. 1-86

- The site plan shows an inadequate setback from Valley Center Road. The VCDG require a 30 foot setback from the property line. A wide setback requirement of 30 feet (from property line) is prescribed to preserve the present spacious character of Valley Center Road. This is in addition to a 96 foot right-of-way for Valley Center Road, based on the draft Mobility Element road classification and the County Bicycle Master Plan's designation of Valley Center Road as a Class II Bikeway. 1-87

- The long, narrow retail building proposed by this project typifies the strip commercial development that the VCDG greatly discourage. The VCDG require arranging buildings in compact clusters that create clear coherent open spaces. The site plan 1-88

does not include open spaces for people to gather, as intended in the guidelines. The site plan provided illustrated in the EA in Figure 2-1 shows buildings around a parking lot with little to no pedestrian circulation between buildings. 1-88 Cont.

- It is unclear from the site plan whether the proposed project will be designed with the architectural character of Valley Center. The VCDG define the desired character for buildings in Valley Center to be of the Early California style. Also, the buildings should be designed to provide visual contrast of light and shadow to give the buildings depth and substance, plan offsets should be provided on primary elevations, and gable, hip, or shed roofs are preferred over flat roofs. Should plans to construct the commercial development proceed, additional direction provided in the VCDG should be followed, including consideration of building materials, accessory structures, landscaping, exposure of mechanical equipment and service areas, lighting levels, parking lot design and signage. 1-89

iv. *Valley Center Community Plan*

The proposed project does not conform with the goals of the Valley Center Community Plan (VCCP) as described in the following comments.

- One of the land use goals of the VCCP is to provide a land use pattern which will give the Valley Center Community Planning Group the opportunity to remain economically and socially viable. The proposed project does not conform to this goal since the land use is not consistent with adjacent areas (a middle school, residential properties, and agricultural uses) and could compete with the commercial area that has been established in the community plan. 1-90

- Another land use goal of the VCCP is to "provide for well planned and designed, small scale, centralized and contained commercial areas that are compatible with a low density rural residential community." The proposed project does not conform to this goal since the proposed land use is not in a contained commercial area and is not considered small scale. In addition, the VCCP prohibits strip commercial development, commercial development shall not interfere either functionally or visually with adjacent land uses or the rural atmosphere of the community and it discourages commercial and civic uses outside of the "Country Towns." 1-91

- The project does not conform to the Agricultural goal to "preserve and enhance existing and future agricultural uses." The VCCP opposes the development of agricultural land for commercial or residential development. The proposed project could also impact agricultural lands adjacent to the property. 1-92

- The project does not conform to the Circulation goal to "develop a circulation system which will preserve the rural character of the community and provide a safe, balanced transportation system which can accommodate all modes of traffic needed by the community. Long-range planning shall be stressed in order to support both present and future traffic." The VCCP also tries to minimize private driveway and private road access on to Circulation Element Roads (such as Lake Wohford and Valley Center Road). 1-93

- The project does not conform to the Fire goal to "protect all life and property from fire hazard potential and minimize those elements within the natural and human-made environment which pose a clear and significant fire hazard." The Community Plan states that all new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing County standards. These issues have not been addressed in the EA. 1-94

- The project does not conform to the Noise goal to "maintain an environment free of excessive noise by providing control of noise at its source, along the noise transmission path and at the receiver site. Develop and implement land use plans and circulation patterns that will minimize noise in residential neighborhoods." The noise analysis outlined in the EA does not address the impacts of the project on nearby residences nor does it ensure that this goal will be maintained after it is no longer under the County's jurisdiction. 1-95

c. Page 4-8 of the EA, states that the proposed facilities would create a new use that is not congruent with the prevailing agricultural and residential uses in the surrounding area. There is no proposed mitigation to account for this identified significant impact and therefore an EIS should be prepared to address inconsistent land use patterns caused by the proposed project. 1-96

d. Page 4-12 of the EA, states that there are no potential cumulative impacts relevant to land resources. This statement is incorrect and unsubstantiated. The proposed project is not consistent with existing land use patterns and could result in future commercial uses in the vicinity as a result. 1-97

e. Page 4-13 of the EA states that the proposed project may create a cumulative impact on public services but then states, "all future uses in the region will be subject to approval by local governments. As a result, the proposed project would not result in substantial cumulative impacts to public services." This statement is incorrect since the proposed project would not be governed by the County if it was acquired into a FTT. 1-98

10. **Agriculture**

a. An EIS should be prepared to examine indirect impacts to the existing agricultural operations caused by the proposed conversion of the property to a retail land use. The proposed project could create indirect agricultural impacts to surrounding agricultural operations. Typically, when more urban development is located in the center of an agricultural use area, as is the case for this project, conflicts occur between non-agricultural uses and surrounding agricultural uses. 1-99

b. The proposed project could be growth inducing, which could foster the conversion of existing farmland to non-agricultural land uses and more urban land uses. This additional growth, and its effect on the impetus to convert agricultural lands to non-agricultural uses, should be analyzed in an EIS. 1-100

c. The EA does not provide adequate analysis to address cumulative impacts caused by the loss of agricultural resources. An EIS should be prepared which analyzes this potentially significant impact. 1-101

d. In order to determine the impact of converting agricultural resources to non-agricultural land uses, the project should follow the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources. These Guidelines contain the Local Agricultural Resources Assessment (LARA) Model, which presents a rational, quantitative analysis of the loss of potential agricultural resources. The County considers an Agricultural Resource to be the agricultural soils on the property, as designated by the Farmland Mapping and Monitoring Program (FMMP). The County does not consider the presence of an agricultural operation as the determining factor to designate a property as an Agricultural Resource. The 9.08 acre property is completely underlain by soils of both Statewide Significance and Prime Farmland Soils as designated by the FMMP. Therefore, the County strongly recommends that an EIS present a completed LARA Model to assess the significance of agricultural impacts. 1-102

11. **Public Services**

a. The gas station or retail outlet may include the sale of alcoholic beverages which would be inconsistent with the provisions of Board of Supervisors Policy I-21. In accordance with Policy I-21, the County can make a determination of public convenience or necessity for alcoholic beverage license applications (consistent with the requirements of Section 23958.4 of the State Business and Professions Code). The Sheriff's Department determines whether the approval of a proposed retail outlet will negatively influence the rate of criminal activity in the neighborhood. In making this determination, the Sheriff considers factors such as the incidence of: 1-103

i. Loitering and vandalism.

ii. Public drinking and drunkenness.

iii. Illegal drug usage and sales.

iv. Theft and violent behavior.

The County's Department of Planning and Land Use then evaluates whether the proposed retail outlet is compatible with the neighborhood character and would be of benefit to the neighborhood. In making this determination, the County considers:

i. Proximity and number of other retail outlets selling alcohol. 1-103 Cont.

ii. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.

iii. Proximity of the retail outlet to residential neighborhoods.

iv. Whether the retail outlet provides: (1) a wide range of desirable goods and services; (2) a unique type of goods or services.

The County is very concerned about the close proximity of the Valley Center Middle School and residential properties to the retail area and does not feel that it is an appropriate location for the proposed uses.

b. Any installation of Underground Storage Tanks (UST's) should follow or exceed the requirements/standards of Title 23 of Division 3 of the California Code of Regulations. 1-104

c. The property is located in a known high groundwater area and it is unlikely that the installation of an on-site wastewater disposal system would meet groundwater separations as required by the Regional Water Quality Control Board. The EA references that some deep borings were completed nearby in 1967, but they don't show where these borings were located, or when they were monitored. In addition, the development proposal has structures or pavement for parking over the entire parcel. Given the scope of the proposal, it is highly unlikely that an on-site wastewater disposal system could be designed to meet County standards. The County advises that the Tribe design the wastewater disposal system to meet these County standards. 1-105

d. Page 4-8 of the EA, states that the proposed shopping plaza would utilize existing water meters at the site and that the project would not impact the local water supply. There is no justification for the conclusion that the local water supply would not be impacted or how much water would be used as a result of the proposed commercial use. The VCMND should provide a will serve letter to the County to ensure that the facility will not impact the supply of water available to neighboring farms and residences. 1-106

12. **Noise**

a. The EA does not give enough supporting information to determine that there will not be significant noise impacts as a result of the proposed project. An EIS 1-107

should be prepared to determine if the proposed project will have a significant noise impact as a result of the gas station and retail outlet. 1-107 Cont.

b. Section 5.11 of the EA, is incomplete due to the lack of information to support a sound wall design. The following would be necessary to support any proposed sound wall mitigation:

i. Noise source details that are causing the noise impact(s).

ii. Quantifiable data that demonstrates the recommended noise mitigation would reduce noise levels to less than significant. 1-108

iii. Details of the noise mitigation measure(s), construction materials, design, location, etc.

c. An EIS should be prepared to analyze noise impacts in accordance with the County of San Diego Noise Element, Policy 4b, and the County Noise Ordinance (Sections 36.404, 36.409, and 36.410). 1-109

d. The project should comply with the County of San Diego Noise Ordinance, Section 36.409 which would include types of construction equipment on-site. Noise emission levels associated with each construction equipment type would be discussed and noise calculations would determine whether these temporary noise impacts are significant. Additionally, the EA does not disclose whether impulsive types of equipment will be used such as, but not limited to, rock breakers, drills, hoe rams, etc. The EIS should demonstrate compliance with an eight hour average 75 decibels A weighted (dBA) equivalent noise level (Leq) at the project property line where an existing occupied structure is located. 1-110

e. Section 4.1.10 of the EA is inadequate as all related temporary noise sources associated with the preparation of the proposed shopping plaza are not discussed. 1-111

f. The noise section of the EA is inadequate due to lack of noise source information, no noise level threshold references of acceptable levels, and no quantifiable data to determine whether the operations of the project are significant. All noise generating activities and mechanical equipment from the proposed project (gas station, restaurant and commercial buildings) should be evaluated for noise compliance pursuant to County noise standards. In Section 4.1.10 of the EA, The Operation Noise section would be considered incomplete by the County. The current EA document states that a sound barrier may be necessary. No detailed noise source information is discussed and no quantifiable data is included to justify the potential sound barrier. 1-112

g. Section 4.1.10 of the EA should include an Exposure to Noise Sensitive Land Uses (NSLU). Proposed and existing NSLU should be evaluated for General Plan Noise Element conformance. Since the proposed shopping plaza does not propose any on-site noise sensitive land uses, the County would typically require a noise assessment to off-site noise sensitive receptors. This analysis would 1-113

determine whether the project introduces direct noise impacts to off-site noise sensitive receptors. 1-113 Cont.

h. Section 4.3.11 of the EA should provide additional quantifiable data to support the findings in this section. Additional noise information would include project generated traffic in relation to the cumulative traffic on nearby roads. This section does not properly evaluate whether the project has cumulatively considerable noise impacts. 1-114

13. **Hazardous Materials**

a. An EIS should be prepared to ensure that significant hazardous materials will not be released as a result of the proposed project. A Hazardous Materials Business Plan (HMBP) or HMBP equivalent should be prepared to demonstrate that risks are minimized from the proposed gas station to human health and the environment from fires, explosions or an unplanned release of hazardous substances. 1-115

b. The EA does not provide adequate information to ensure that the soils and groundwater would not be contaminated by hazardous materials as a result of the proposed project. An EIS should be prepared that includes an examination of the design and location of the Underground Storage Tanks (USTs) to be installed for the gas station. Underground storage tank systems store petroleum products or certain other hazardous liquids that can harm the environment and human health. If USTs are not properly installed and maintained, leakage could occur which could affect neighboring properties within the County's jurisdiction. The main issues involving USTs are: soil and groundwater contamination, fire risk and tank collapse, and contamination clean-up. The greatest potential hazard from a leaking UST is that its contents can seep into the soil and contaminate groundwater. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were contaminated by a gas station's leaking storage tank. There are also many agricultural properties and a school adjacent to the property that could be affected if the USTs contaminate the soil or groundwater. 1-116

c. The EA does not adequately address whether the proposed uses could negatively impact the health and welfare of the nearby residents and children who attend the adjacent middle school with decreased air quality and exposure to hazardous materials. Numerous studies have shown that gas stations can pose significant hazards to neighbors, especially children. Some of the problems include ground-level ozone caused by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure to chemicals that might be used at the gas station. Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical. 1-117

d. A discussion of the HMBP in relation to the existing school bordering the project site should be included in an EIS. The San Diego County Department of Environmental Health (DEH), Hazardous Materials Division (HMD), Underground Storage Tank Program, administers and enforces federal and state laws and regulations and local ordinances for the construction/installation, modification, 1-118

upgrade, and removal of USTs in San Diego County. The law, regulations, and ordinances are designed to protect public health and the environment by reducing or eliminating accidental leakage or spills from USTs to the state's water resources. For the installation of any new UST system, a permit from the DEH HMD should be obtained. 1-118 Cont.

14. **Fire Safety Impacts**

a. An EIS should be prepared to assess and mitigate the risk of human life as a result of wildfires. The County has concerns that if the parcel was acquired in a FTT, that the future ability of properties in the immediate area to develop in the jurisdiction of the County may be compromised. The Public Resources Code, CCR Title 14 SRA Fire Safe Regulations and the County Consolidated Fire Code establish maximum allowable dead-end fire access road lengths, based roughly on number of people at risk and potential evacuation time. Opportunities for adequate fire access and evacuation may be reduced to a point where development may not be possible, and the safety of existing occupants is significantly diminished. The proposed project is located in the "high" and "moderate" fire severity zone, bordering on a large expanse of "very high" zoned to the east, as mapped by Cal Fire. 1-119

b. Public roads should be established to legally accommodate emergency access and evacuation for the benefit of all tribal and non-tribal land occupants. Wildfire is a major on-going threat to all people in San Diego County. The most critical and most interdependent problem among tribal/non-tribal boundaries is access in terms of fire/life safety factors. Wildfire does not respect jurisdictional borders. To help insure safety of all citizens and firefighting crews, public roads should be established for emergency access for all tribal and non-tribal lands. 1-120

c. The project is in the Wildland Urban Interface, and State Responsibility Area and is located in the Valley Center Fire Protection District. If these parcels were to remain under the jurisdiction of the County, they would be subject to the Public Resources Code, CCR Title 14 "SRA Fire Safe Regulations", the County Building Code and the County Consolidated Fire Code which establish minimum fire safety standards for fire fighter emergency access and civilian evacuation, vegetation management in proximity to people and access, building resistance to wildfire ignition and water supply for firefighting, and related issues. An EIS should be prepared which complies with these County fire regulations. 1-121

d. The EA fails to assess the fire services needed and available to serve the proposed development, including fire suppression, emergency medical and fire prevention/code compliance staffing. 1-122

e. An EIS should be completed that follows the County Building Code and State Building Code (which is based on the International Building Code). These codes include critical ignition-resistant exterior construction components that were developed in San Diego County and adopted by the state in response to wildfires such as the Paradise fire (2003) which occurred on the subject property. 1-123

f. An EIS should be completed which provides an in-depth wildfire evaluation in a formal Fire Protection Plan which evaluates the fire threat, precautions, fuel management, construction, water supply, emergency services delivery, and other related fire issues. The EA states that current building and fire codes would be adhered to in relation to fire safety; however, it is unclear who enforces the building code, evaluates plans for structural elements, and it lacks a commitment to address such safety concerns. While an increase in fire and Emergency Medical Services (EMS) calls is anticipated, it states that the levels are not significant which is unsubstantiated in the EA. 1-124

15. **Visual Resources**

a. Page 1-5, of the EA states, "the proposed action would create small view impacts to the effected environment. However, since the site is located in a low-lying residential and commercial area, impacts to existing visual and scenic resources would be small." These statements are incorrect and unjustified as there is no proposed landscaping or buffering to screen neighboring views from visual impacts caused by the inconsistent land practices on the project site. A Landscape Plan should be prepared using native vegetation and conforming to the Valley Center Design Guidelines to reduce the visual impacts to residents in the neighborhood. The County also disagrees with the characterization of the site being in a commercial area. The area of the site is more correctly characterized as a residential and agricultural area according to the existing land uses and the proposed General Plan Update land use designations. As a result, development of the scale being proposed would have a significant impact to the character of this area, which includes two County Scenic Highways, Valley Center and Lake Wohlford Roads (refer to County Scenic Highway Element and proposed General Plan Update Conservation and Open Space Element). In addition, the project is not in compliance with either the current Scenic Highway Element Policy 2, which requires the establishment and application design standards to regulate the visual quality of development within designated scenic highway corridors, or the draft General Plan Update Conservation and Open Space Policies COS-11.1, Protection of Scenic Resources, and COS-11.3, Development Siting and Design. 1-125

b. An EIS should be prepared which discusses lighting requirements for the proposed structures, signage, and parking area. The proposed project is located within Zone A as identified by the San Diego County Light Pollution Code (approximately 11 miles from the Palomar Observatory). If not properly shielded or controlled (through restrictions on the types of fixtures used and lumens allowed), the outdoor lighting could spill onto adjacent properties. All outdoor lighting should conform to the Dark Skies Ordinance and the Light Pollution Code (Section 59, 101-59, 115). The preferred lighting would be shielded and would consist of low pressure sodium cutoff light fixtures. Lighting restrictions are also outlined in the Valley Center Design Guidelines and Valley Center Community Plan. 1-126

c. Section 4.2.8 is inaccurate since it states that the No-Action Alternative would have no change to existing visual and scenic resources at the site and there would be no impact to the affected environment. Since there is a County 1-127

approved Site Plan (STP 06-004) on the property, which requires the parking lot to be screened from adjacent views and compliance with the VCDG, the No-Action Alternative would have a greater impact on visual resources compared to the proposed project which does not include any landscaping or compliance with the design guidelines. 1-127 Cont.

d. On Page 3-37, the site is described as "sparse, with approximately half of the Site being occupied by mixed ruderal growth and dirt patches." The EA is incorrect in how the current visual conditions for the project site are characterized. This description does not take into account the requirements, which were agreed upon by the Tribe, during the approval for the Site Plan (STP 06-004) that allowed for construction of a parking lot on this property. The County conditioned its approval of the current parking lot with a requirement to make improvements which showed extensive and deep landscaping along the edges of Valley Center and Lake Wohlford Roads, a meandering roadside trail and an attractive post and rail fencing to protect pathways for school children. The site plan also showed the western half of the property in revegetated open space. Although the site plan was approved in 2009, none of the improvements have been initiated or constructed. Since this is a requirement for how the parking lot would ultimately look without the proposed project, the EA should use this as a basis for the site inventory. This would take into account the agreements previously made between the Tribe and the County. 1-128

e. Table 3-9 of the EA discusses a Scenic Quality Rating Summary and a score of "1" is assigned with a rating of "C." The County contends that the methodology for this rating determination is not clearly presented and finds that the resulting rating appears arbitrary. For example a score of "-8" is assigned to the Cultural Modifications category, which is significantly lower than other scores assigned and has the consequence of dramatically altering the ultimate rating assigned. The methodology for how each score is determined needs to be fully explained in an EIS so that a full assessment by the County can be made. 1-129

Thank you for the opportunity to comment on this application and for your consideration of the County's concerns. The County opposes the expansion of tribal lands without appropriate mitigation for resulting impacts. Additional work is needed and at minimum, an EIS is required to determine consequences of the proposed project. If you have any questions, please contact Teresa Brownyard, Tribal Liaison at (619) 685-2287.

Sincerely,

Chandra Wallar

CHANDRA L. WALLAR
Deputy Chief Administrative Officer

Attachments:
S86 Parking Use Regulations (Zoning Ordinance Sections 2860)
STP 06-004 Approved Final Decision of the Planning Commission
STP 06-004 Stamped Final Plot Plan

copies:

Honorable Chairman Allen E. Lawson, Jr., San Pasqual Band of Diegueño Mission Indians, P.O. Box 365, Valley Center, CA 92082
Ms. Andrea Hoch, Legal Affairs Secretary, Office of the Governor, State Capitol, Sacramento, CA, 95814
Department of Justice, Office of the Attorney General, Attn. Peter Kaufman, P.O. Box 85266, San Diego CA 92186-5266
Libby Lucas, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123
U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, CA 92009
Valley Center Community Planning Group, PO Box 127, Valley Center, CA 92082-0127
Valley Center Design Review Board, Lael Montgomery, 13678 McNally Road, Valley Center, CA 92082
Claudia Anzures, Chief Deputy County Counsel, M.S. A12
Richard Haas, Assistant Director, Department of Planning and Land Use
Teresa Brownyard, Tribal Liaison, County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 Ruffin Road San Diego, CA 92123

May 22, 2009

Decision of the Director of the Department of Planning and Land Use
On the Application of Site Plan
Number S06-004

Deposit Account #: 04-0025880

APPROVE, as per plot plan dated June 18, 2008, consisting of eight sheets, a Site Plan pursuant to Section 7150 of the Zoning Ordinance for a 143 space parking lot, with accessory structures, for the Valley View Casino.

NOTE: This Site Plan has been reviewed pursuant to Ordinance No. 9967, for the "V" Setback Designator to establish setbacks, and Section 5900 of the Zoning Ordinance for the "D" Designator requirements to demonstrate compliance with the Valley Center Community Plan.

Compliance with other applicable San Diego County codes, ordinances, and requirements is required, unless otherwise noted.

CONDITIONS:

The following conditions are imposed with the granting of this Site Plan:

The applicant shall allow the County to inspect the property for which the Site Plan has been granted, at least once every 12 months, to determine if the applicant is complying with all terms and conditions of the Site Plan. If the County determines the applicant is not complying with the Site Plan terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every 12 months until the County determines the applicant is in compliance.

A. Prior to obtaining any building, grading, or other permit pursuant to this Site Plan, and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:

1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and the Department of Public Works.

2. Submit evidence to the satisfaction of the Director of Planning and Land Use (Building Division) that all "Prior to Use or Occupancy" conditions B.1

though B.3 of this Site Plan have been printed on a separate sheet of all building plans associated with this Site Plan. [DPLU, FEE]

a. The conditions shall be printed on a separate sheet of the building plans.

b. The Directors of Public Works or Planning and Land Use may waive this condition to allow the issuance of a grading permit. The requirement shall be met before the issuance of any building permit.

3. Dedicate right-of-way along the project frontage from easterly line of the property to the westerly line of School Bus Road for public road to fifty-three feet (53') on project side of the ultimate centerline plus slope and drainage rights for Valley Center Road (SF 639), which is shown on the Circulation Element of the County General Plan as a Collector Road with Bike Lane, with thirty-foot (30') radius property line corner rounding at the southwest corner of Valley Center Road / Lake Wohlford Road intersection. The outer ten feet (10') of road right-of-way along the Project side of Valley Center Road is for non-motorized transportation and recreation purposes. Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of any subsequent parcel map or subdivision map filed on the property or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

4. Execute an Irrevocable Offer to Dedicate Real Property to the County along the project frontage from the westerly line of School Bus Road to westerly line of the property for fifty-three feet (53') on project side of the ultimate centerline plus slope and drainage rights for Valley Center Road (SF 639) from the School Bus Road westerly to the northwest corner of the property, which is shown on the Circulation Element of the County General Plan as a Collector Road with Bike Lane, with twenty-foot (20') radius property line corner rounding at Valley Center Road and School Bus Road intersection. The outer ten feet (10') of road right-of-way along the Project side of Valley Center Road is for non-motorized transportation and recreation purposes. Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of any subsequent parcel map or subdivision map filed on the property or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

The applicant shall process parking prohibitions along Valley Center Road; application for said parking prohibition shall be made to The Traffic Advisory Committee (TAC)-Maria Rubio-Lopez 858-874-4030. If a "Parking Prohibitions" are processed and not approved by Traffic Advisory Committee (TAC); fifty-nine feet (59') right-of-way shall be dedicated along the project frontage from North Lake Wohlford Road westerly to northwest corner of the project. All of the above shall be to the satisfaction of the Director of Public Works.

5. Execute a lien agreement to improve North Lake Wohlford Road (SA 130) along the project frontage in accordance with Public Collector Road Standards with Bike Lane to a graded width of sixty-feet (60') from centerline with forty-five feet (45') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at forty-five feet (45') from centerline. Construct widening to provide separate fourteen-foot (14') wide, (seven-foot (7'), half width from the centerline) left turn lane from northbound Lake Wohlford Road to westbound Valley Center Road. Provide taper transitions constructed to meet existing improvements. Improve the outer ten feet (10') of road right-of-way as a pathway in conformance with County Public Road Standards, and at grade or above ground utilities will not be placed within the outer ten feet (10') of road right-of-way. Provide asphalt concrete (A.C.) pavement over approved base pavement widening for pocket and transitions, and asphalt concrete dike taper to existing pavement. All of the above shall be to the satisfaction of the Director of Public Works. The extra five feet (5') of pavement width is to accommodate a bike lane and 13' wide adjoining lane (sec 7.3, Public Road Standards). This lien agreement against the property is granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future.

6. Execute a lien agreement to improve Valley Center Road (SF 639) along the project frontage in accordance with Public Collector Road Standards with Bike Lane to a graded width of fifty-three feet (53') from centerline with forty-five feet (45') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at forty-five feet (45') from centerline. Construct widening to provide separate fourteen-foot (14') wide, (seven-foot (7'), half width from the centerline) left turn lane from westbound Valley Center Road to northbound Thundernut Lane. Provide taper transitions constructed to meet existing improvements. Improve the outer ten feet (10') of road right-of-way as a pathway in conformance with County Public Road Standards,

and at grade or above ground utilities will not be placed within the outer ten feet (10') of road right-of-way. Provide asphalt concrete (A.C.) pavement over approved base pavement widening for pocket and transitions, and asphalt concrete dike taper to existing pavement. All of the above shall be to the satisfaction of the Director of Public Works. The extra six feet (6') of pavement width is to accommodate a bike lane and 13' wide adjoining lane (sec 7.3, Public Road Standards). The extra five feet (5') of graded width is to accommodate pathway. This lien agreement against the property is granted to the County of San Diego as security in lieu of the immediate installation of the full standard street improvements. It shall declare that present and future owners of this property construct the street improvements in the future.

7. Obtain a Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements.

8. Incorporate with the L-grading plan a signing, striping and pavement plan for on-site parking and access driveways, and turnarounds to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.

9. Submit and process L- grading plans (to address improvements to on- and off-site grading, paving and drainage improvements, and submit updated drainage study and SWMP to the satisfaction of the Director of Public Works.

10. No access is permitted into Valley Center Road (SF 639) except for an access at existing driveway "School Bus Road" (per CG 3866, L-2544) to the satisfaction of the Director of Public Works, and other access(es) that may be provided in the future westerly of the existing "School Bus Road" driveway that either align with existing driveways or roads along the north side of Valley Center Road or are separated at least 300 feet (300') per the Public Road Standards

11. Relinquish access into Lake Wohlford Road (SA 130) except for an access at right-turn, egress only driveway approximately 267 feet south of the centerline of Valley Center Road, to the satisfaction of the Director of Public Works.

12. The project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security

to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

13. Obtain a signed statement from a registered civil engineer, a registered traffic engineer, or a licensed land surveyor that: "Physically, there is a minimum unobstructed sight distance in both directions along Valley Center Road from project access driveway ("School Bus Road"), for the prevailing operating speed of traffic on Valley Center Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

14. Obtain a signed statement from a registered civil engineer, a registered traffic engineer, or a licensed land surveyor that: "Physically, there is a minimum unobstructed sight distance in both directions along N. Lake Wohlford Road from the proposed project access driveway, for the prevailing operating speed of traffic on N. Lake Wohlford Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

15. Comply with street lighting requirements as follows:

    a. Allow transfer of the property subject to REZ 04-017 into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer.

16. The desired location of the centerlines for Lake Wohlford Road (SA 130) and for Valley Center Road (SF 639) must be determined and used both for right of way grants and improvements required for this project. Both Roads are shown on the Circulation Element of the County General Plan as a Collector Roads with Bike Lanes. The following shall be shown on the plats to be submitted with these plans and dedications:

    a. The centerline location as approved by the Department of Public Works.

17. By separate document, the applicant shall execute and record a dedication to the County of San Diego of an up to 10 foot non-motorized

trail easement over those portions of the trail that will occur on private property, as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use.

18. By separate document, the applicant shall execute and record an up to 10 foot maintenance agreement over those portions of the pathway that will occur on public property, as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use. The easement shall establish that the property owner is responsible for the maintenance of the public property portions of the pathway, to the satisfaction of the Director of Public Works (DPW).

19. To the satisfaction of the Directors of Public Works and Parks and Recreation, improve or agree to improve the trails/pathways to a width of ten feet (10-feet) as indicated on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use. The trails and pathways shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines. [DPR]

20. Provide proof that the noise conditions as shown on STP 06-004 Plot Plan dated June 18, 2008 on file with the Department of Planning and Land Use have been complied with.

21. Provide evidence to the satisfaction of the Director of Public Works (DPW) and/or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and/or improvement plans:

(Air Quality Conditions)

a. "The site grading is subject to the following conditions to reduce, or improve air quality from dust particulate generated from grading:"

   1. "Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction areas, between dozer/scraper passes and on any unpaved roads within the project limits."

   2. "Grading is to be terminated in winds exceed 25 mph."

   3. "Sweepers and water trucks shall be used to control dust and debris at public street access points."

   4. "Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures."

5. "Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading" (unnumbered design measure)."

6. "All generators or portable equipment with a 50hp or greater engine must be permitted by the San Diego Air Pollution Control District."

22. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter. Plans shall include:

a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.

b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used that can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.

d. Spot elevations of the hardscape, building, and proposed fine grading of the installed landscape.

e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.

f. Landscape plans shall be in substantial conformance with the approved conceptual landscape plan.

g. Prior to submittal of final landscape plans, the applicant shall obtain an encroachment permit through the Department of Public Works for tree planting within the public rights-of-ways along Valley Center Road and Lake Wohlford Rd. Please contact the Department's Construction/Road Right-of-Way division at (858) 694-3275 for further instructions and submittal requirements. Proof of this permit shall be required upon submittal of the construction document set of landscape plans.

23. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public Works stating Conditions A.3 thorough A.19 have been complied with to that Department's satisfaction.

B. Prior to any occupancy or use of the premises pursuant to this Site Plan, the applicant shall:

1. Submit to the Director of Planning and Land Use a statement from a California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.

2. Design and adjust all light fixtures to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Sections 6324 and 6326 of The Zoning Ordinance.

3. Provide proof that temporary lighting has been removed from the site to the satisfaction of the Director of Planning and Land Use.

C. Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Site Plan, the following conditions shall apply during the term of this Site Plan:

1. All future structures are limited to accessory structures or other structures permitted in conformance with the "A" Building Type Designation pursuant to Zoning Code Section 4310.

2. The parking areas and driveways shall be well maintained.

3. The landscaping shall be adequately watered and well maintained at all times.

4. The trails/pathways shall be well maintained pursuant to the maintenance agreement.

5. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

6. The project shall conform to the approved plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.

D. This Site Plan expires on May 22, 2011 (two years from the date of approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration). If construction or use of the property in reliance on a Site Plan approval has not commenced within the two year period, said period may be extended by the Director of Planning and Land Use at any time prior to the original expiration date. The request for an extension of time shall be filed prior to the expiration date and accompanied by the required filing fee.

FINDINGS:

CEQA FINDINGS

It is hereby certify that the Negative Declaration (MND) dated July 10, 2008 on file with the Department of Planning and Land Use (DPLU) as Environmental Review Number 04-09-014 has been completed in compliance with CEQA, reflects the Director of Planning and Land Use's independent judgment and analysis, was presented to the Director of Planning and Land Use, and the Director of Planning and Land Use has reviewed and considered the information contained in the ND prior to approving the project.

STORMWATER FINDINGS

It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed protection, Stormwater Management and Discharge Control Ordinance.

SITE PLAN FINDINGS

a. That the proposed development meets the intent and specific standards and criteria prescribed in Section 5750 of the Zoning Ordinance because the development is compatible with adjacent land uses and is not detrimental to the scenic resources present in the adjacent areas because of the proposed parking lot design, and landscaping.

b. That the proposed development is compatible with the Valley Center Community Plan because it proposes a private parking lot in an area that has all necessary public facilities, is within the existing sewer and water districts, and is adjacent to major roads and commercial areas. The project includes dense landscaping to screen parking areas, and buffer neighboring land uses from incompatible activities on site.

c. That any applicable standards or criteria waived by the Director pursuant to Section 7158d. have been or will be fulfilled by the condition or conditions of a use permit or Variance. No standard or criteria has been waived.

d. That the proposed development provides structures compatible and in keeping with those in the designated area, since the structures consist of low accessory structures which are designed in compliance with the "Early California" style from the Valley Center Community Plan.

e. That the placement of buildings and structures does not detract from the visual setting or obstruct significant views, since the structures consist of three very small accessory structures.

f. That the replacement vegetation is compatible with a vegetation of the designated area and harmonizes with the natural landscaping, since the landscape plan uses a broad palette of materials selected for compatibility, including native plants.

g. That the roads, pedestrian walkways, parking and storage areas are screened from view to the maximum extent feasible, since the parking lot will be surrounded by dense landscaping, including trees, shrubs and ground cover.

h. That the alteration of the natural topography is minimized and avoids detrimental effects to the visual setting of the designated area, since the site is relatively flat and is proposed to remain so.

i. That the exterior lighting is compatible with the lighting employed in the designated area, since the lighting employs downcast design and is shielded by the dense landscaping.

j. That the proposed development complies with the standards adopted pursuant to Ordinance No. 9967 to establish the "D" Designator.

NOTICES:

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on May 22, 2009.

NOTICE: Low Impact Development (LID) requirements apply to all priority projects as of March 25, 2008. These requirements can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. You can access the Handbook at the following DPLU web address:

http://www.co.san-diego.ca.us/dplu/docs/LID-Handbook.pdf

NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit must be implemented beginning March 25, 2008. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc

All priority projects must minimize directly connected impervious areas and promote biofiltration. Section 67.812 includes the minimal site design requirements that project applicants must address and implement. These can be summarized into the following

All priority projects must minimize directly connected impervious areas and promote biofiltration. Section 67.812 includes the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces, Design impervious surfaces to drain into properly designed pervious areas, Use pervious surfaces wherever appropriate, Implement site design BMPs. The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Game Fees have been paid in the amount of $1993 for the review of the Negative Declaration (receipt number 367343 dated July 10, 2008, and receipt number 365183 dated December 16, 2008).

The decision of the Director becomes final on the eleventh day following the date on this permit unless prior to that date, you or a protestant files a written appeal to the Planning Commission accompanied by a fee of seven hundred and fifty dollars ($750.00). Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission.

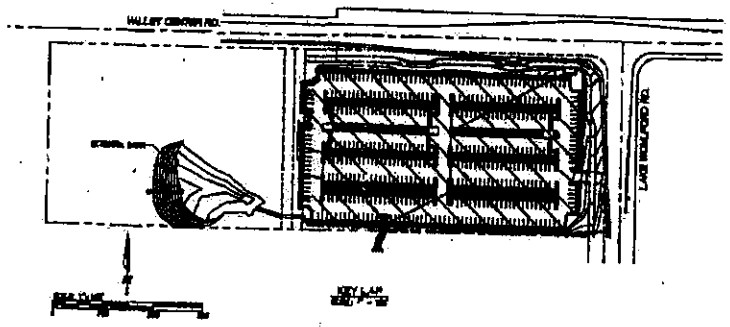
DEPARTMENT OF PLANNING AND LAND USE
ERIC GIBSON, DIRECTOR

BY: _____
Richard Grunow, Planning Manager
Project Planning Division

RG:TT:tt

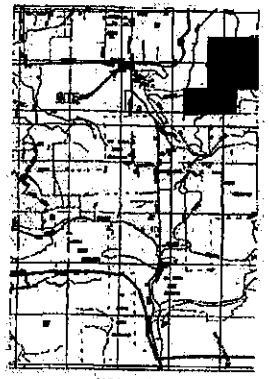
SITE PLAN
FOR THE
VALLEY VIEW CASINO EMPLOYEE PARKING LOT

GENERAL NOTES



DESCRIPTION	QUANTITY	UNITS
PARKING AREA		
LANDSCAPE AREA		SF
PAVING AREA		SF
HANDICAP PARKING		EA
STANDARD PARKING SPACES		EA
TOTAL PARKING SPACES		EA
GRADING		
CUT		CY
FILL		CY
EXPORT		CY

LEGEND



The following application

- [ ] Tentative Map No.
- [ ] Tentative Parcel Map No.
- [ ] Preliminary Grading Plan No.
- [x] Site Plan No. 06-004
- [ ] Plot Plan No.
- [ ] Other No.

Was approved on May 22 2009 by

- [x] The Director of Planning and Land Use
- [ ] The Zoning Administrator
- [ ] The San Diego Planning Commission
- [ ] The San Diego County Board of Supervisors

No. Sheets 8

BY _____ Planning MGR

Name Title

APPLICANT/OWNER

ASSESSOR'S PARCEL

LEGAL DESCRIPTION

BENCHMARK

SOURCE OF TOPOGRAPHY

NOTE:

SHEET INDEX

SHEET NO.	DESCRIPTION
1	LOCATION AND KEY MAP
2	GRAD – GRADING, DRAINAGE AND DRAINAGE PLAN
3	WPP – GRADING AND DRAINAGE PLAN
4	CLP – CONCEPTUAL LANDSCAPE PLAN
5	NLP – CONCEPTUAL LANDSCAPE PLAN
6	TRANSITIONAL GRADING PLAN
7	DETAILS AND SECTIONS

RECEIVED
DEC. 1.
JUN 1 0 2008
DEPARTMENT OF PLANNING AND LAND USE

Jones & Stokes

WYNN ENGINEERING, INC.

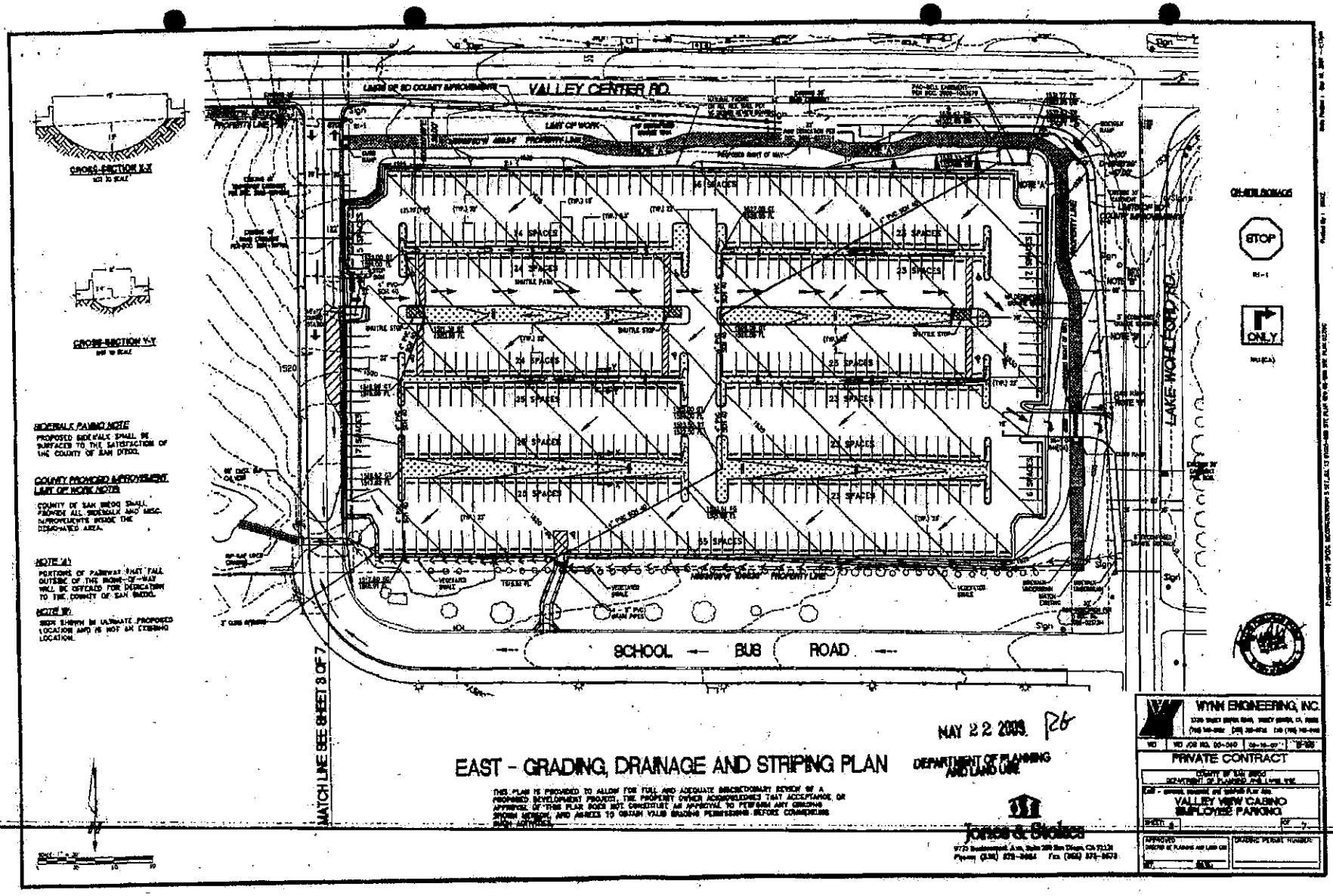
PRIVATE CONTRACT

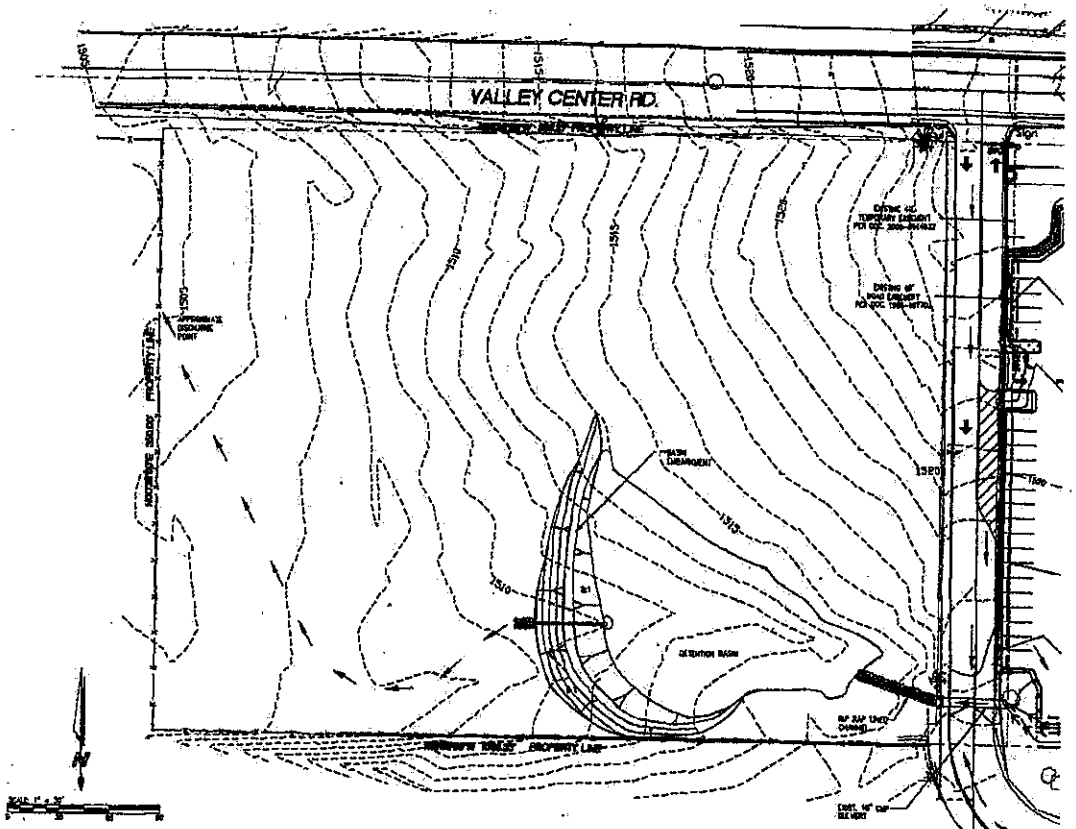
COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

VALLEY VIEW CASINO EMPLOYEE PARKING

SCALE 1 | SHEET 1 OF 8

CONSULTANTS | DRAWING FILENAME | NO. | DATE


VALLEY CENTER RD.
LAKE WOHLFORD RD.
SCHOOL BUS ROAD
MATCH LINE SEE SHEET 3 OF 7
CROSS-SECTION X-X
CROSS-SECTION Y-Y
SIDEWALK PAVING NOTE
COUNTY PROVIDED IMPROVEMENT LIMIT OF WORK NOTE
NOTE 'A'
NOTE 'B'
ON-SITE SIGNAGE
STOP
ONLY
EAST - GRADING, DRAINAGE AND STRIPING PLAN
MAY 22 2009
DEPARTMENT OF PLANNING AND LAND USE
Jones & Stokes
WYNN ENGINEERING, INC.
PRIVATE CONTRACT
VALLEY VIEW CASINO
EMPLOYEE PARKING



WEST - GRADING AND DRAINAGE PLAN

APPROVED
MAY 22 2009 PG
DEPARTMENT OF PLANNING AND LAND USE

Jones & Stokes
9777 Businesspark Ave, Suite 200 San Diego, CA 92131
Phone: (858) 578-8964 Fax (858) 578-0873

WYNN ENGINEERING, INC.
27315 VALLEY CENTER ROAD, VALLEY CENTER, CA 92082
(760) 749-1283 (760) 749-9236 FAX (760) 749-0412

INIT.	WO JOB NO. 08-080	09-12-07	8-08

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

SHEET 2 GRADING AND DRAINAGE PLAN FOR THE:

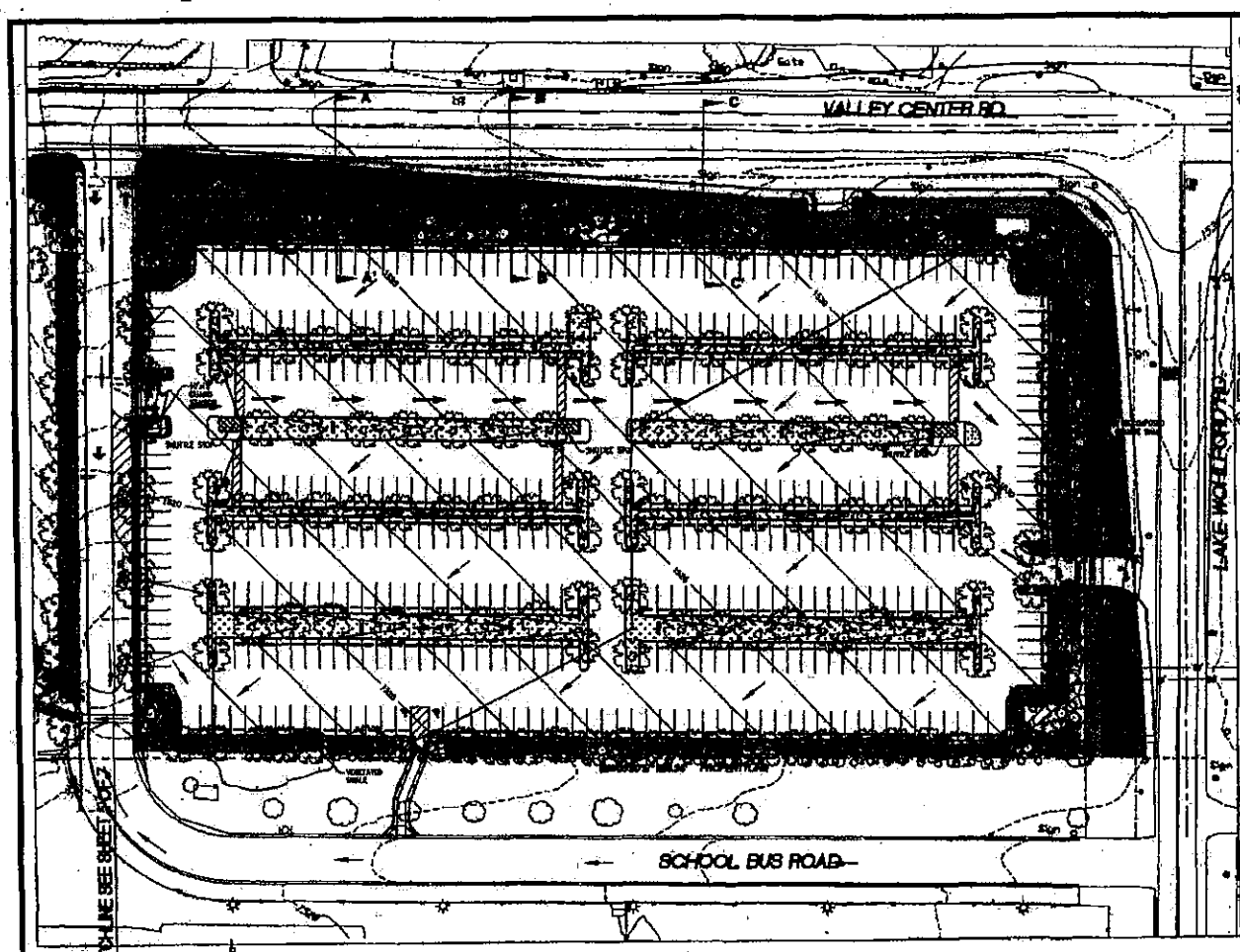
VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET 2 OF 7

APPROVED
DIRECTOR OF PLANNING AND LAND USE

BY: DATE:

GRADING PERMIT NUMBER



CONCEPTUAL LANDSCAPE PLAN - EAST

SDC DPLU RCVD 12-16-08

REZ 04-017

LEGEND

TREES

SHRUBS

GROUNDCOVER

LIGHT STANDARDS

APPROVED

MAY 22 2008

DEPARTMENT OF PLANNING AND LAND USE

GENERAL NOTES:

Due to anticipated road improvements and utility relocations that will occur before the pathway is constructed the final alignment of the pathway may need to be adjusted to accommodate roadway grading and utility poles.

LANDSCAPE NOTES:

The use of landscaping to screen the parking area from Valley Center Road and North Lake Wollford is proposed. Landscape screening, rather than walls or fences, would be more compatible with the rural and agricultural setting. A distance of 20 feet between the ultimate right-of-way for both Valley Center and North Lake Wollford Roads and the parking area shall be densely landscaping to adequately screen the parking area. Shrub container stock at planting shall be such that they will reach a height of 30 inches within two growing seasons. The effect of the landscape screening will be enhanced by the 18 to 24 inch berm between the bottom of Valley Center Road and the parking pavement. A 20-foot deep landscaped area will also be installed between the expanded parking area and the ultimate 55-foot from centerline right-of-way for North Lake Wollford Road. Additional mounding and construction of low walls in this area would provide additional screening. The Conceptual Planting Plan proposes a mixture of trees, shrubs and ground cover that will create a dense landscape screen between the parking area and both Valley Center Road and North Lake Wollford Road. Evergreens species will be clustered adjacent to light standards for year-round screening. Accent trees will be grouped at the parking lot corners and access driveways. Tree densities are based on the Valley Center Design Guidelines of at least one tree per every 400 square feet of property within the 20-foot berm. Tree container stock at planting shall be such that trees will reach a height of 16 feet within two growing seasons. Additionally a minimum of 10 percent of the parking lots interior will be landscaped to reduce the visual impacts and will conform to Section 6713 of the Zoning Code and the Valley Center Design Guidelines. All planting areas shall receive a 2" minimum layer of organic mulch.

MAINTENANCE:

All areas of landscaping, pathways, fencing, etc. shown are to be maintained by the/a property owner into perpetuity.

WYNN ENGINEERING, INC.

NO	NO. JOB NO. 05-080	09-16-07	S-06

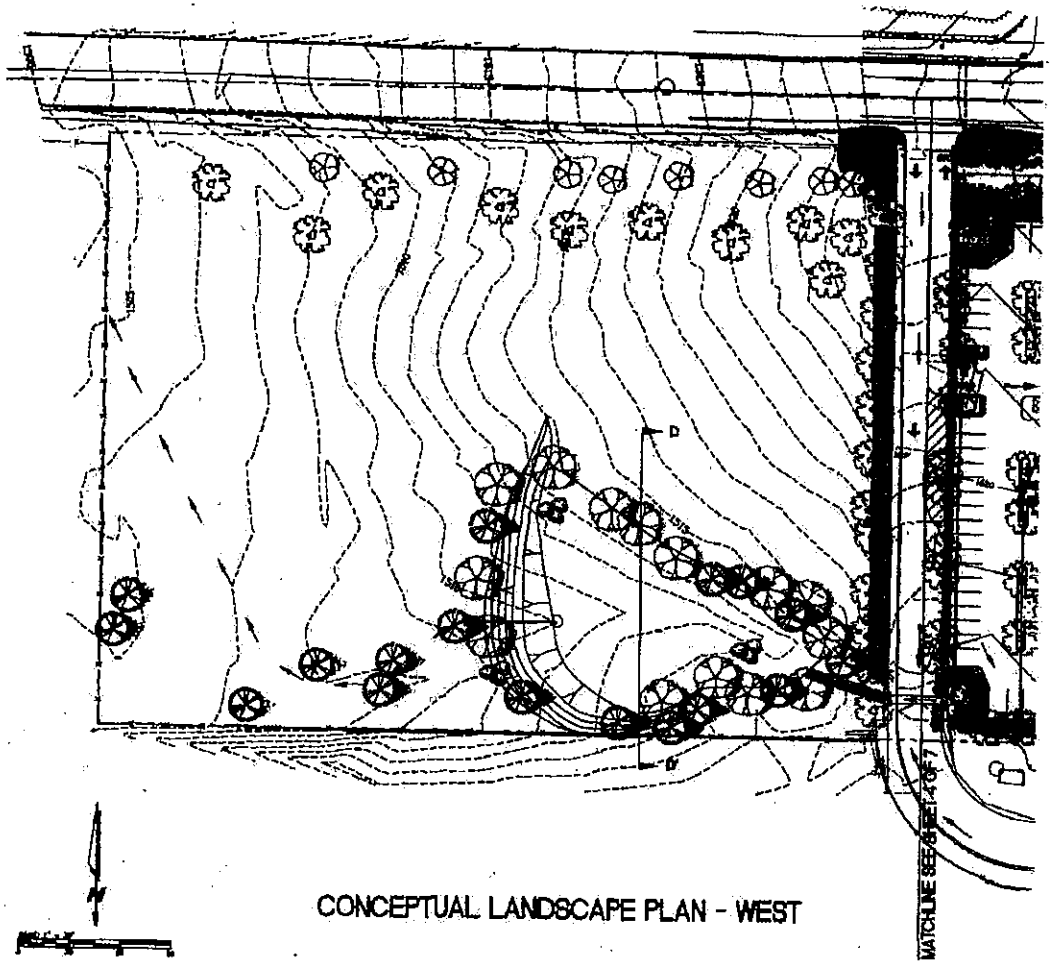
PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

VALLEY VIEW CASINO

SHEET 4 OF 7

Jones & Stokes



CONCEPTUAL LANDSCAPE PLAN - WEST

LEGEND

IRRIGATION NOTES:

A permanent irrigation system shall be designed to afford optimum coverage for the support of plant growth. The coverage shall meet the water requirements for the selected plant material within the given planting area. The design shall take into consideration the exposure, soil types, and slope gradient the system will have. The system shall be design in accordance with the water conservation ordinance. The system shall be fully automatic with rain sensors for water conservation purposes and as maintenance free as possible.

MAINTENANCE NOTES:

All landscaping area both on-site and in the ROW shall be maintained by property owner. The landscaped areas shall be free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be immediately treated or replaced.

LIGHTING NOTES:

Lighting shall be standard low pressure sodium fixtures on 25 foot high maximum light standards.

STORM WATER RUNOFF:

Storm water runoff will be treated within a detention basin west of School Bus Road. Willow, oak, sycamore trees as well as bamboo will be added to this area to increase the habitat biological diversity. Maintenance will be as described in the Stormwater Management Plan.

APPROVED

MAY 22 2009 RB

DEPARTMENT OF PLANNING AND LAND USE

Jones & Stokes

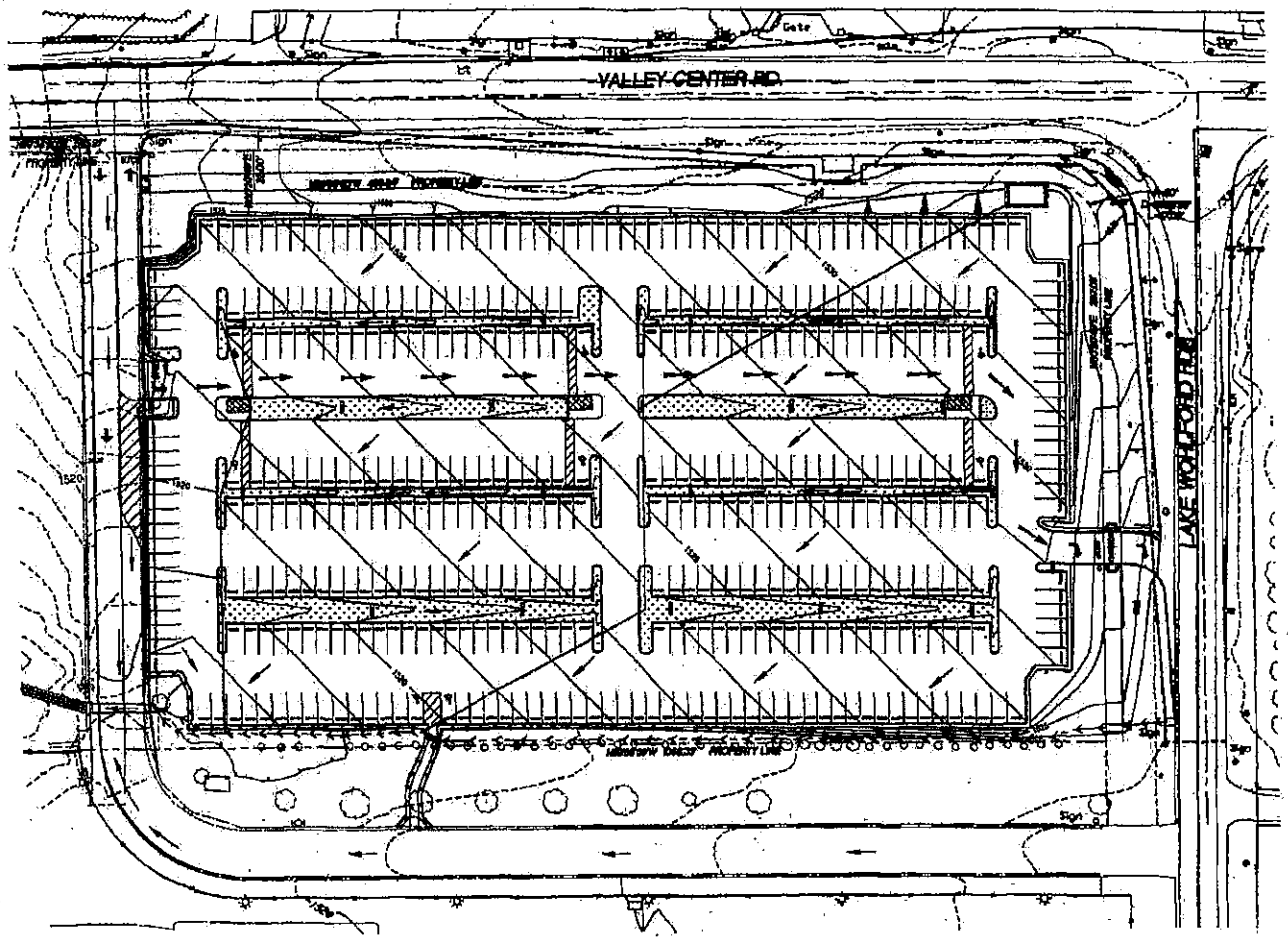
WYNN ENGINEERING, INC.

PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET 6 OF 7



CONCEPTUAL LIGHTING PLAN

LEGEND
UNIT STANDARD

APPROVED
MAY 22 2003 RG
DEPARTMENT OF PLANNING AND LAND USE

Walter Mestris, Inc.

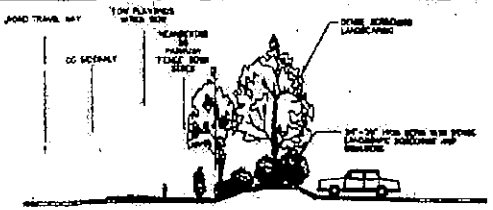
WYNN ENGINEERING, INC.

PRIVATE CONTRACT

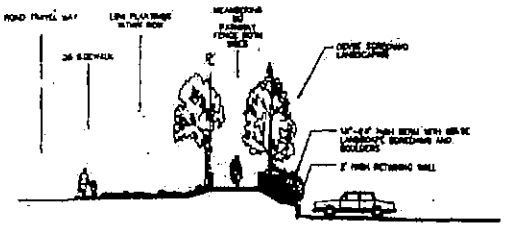
COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

VALLEY VIEW CASINO
EMPLOYEE PARKING

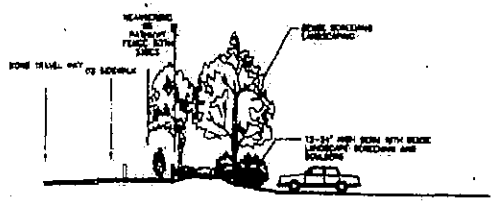
Jones & Stokes



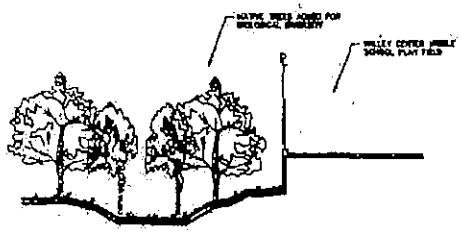
CROSS-SECTION A-A'
TYPICAL ROAD FRONTAGE CROSS-SECTION



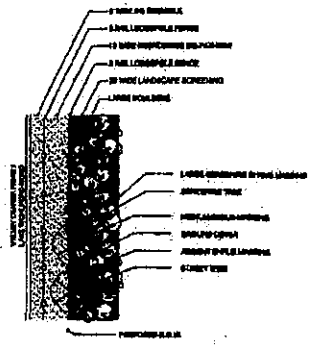
CROSS-SECTION B-B'



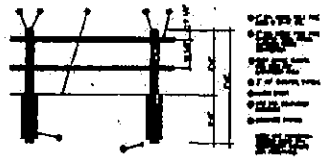
CROSS-SECTION C-C'



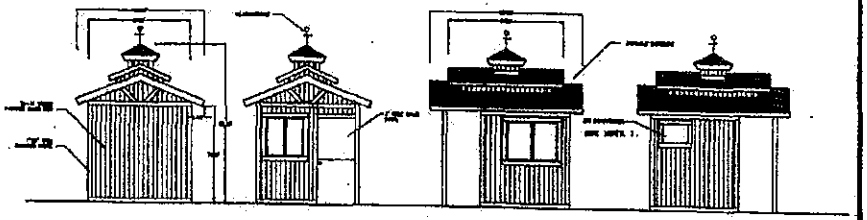
DETENTION BASIN SECTION D-D'



TYPICAL ROAD FRONTAGE LANDSCAPE SCREENING

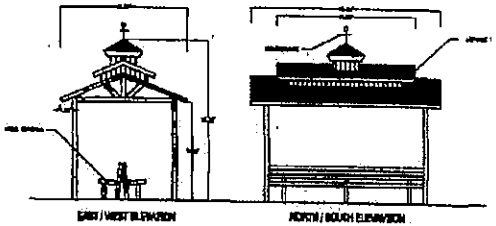


FENCING DETAIL



WEST ELEVATION
EAST ELEVATION
NORTH ELEVATION
SOUTH ELEVATION

GUARD STATION



EAST / WEST ELEVATION
NORTH / SOUTH ELEVATION

GUARD STATION

APPROVED
MAY 22 2009 TDG
DEPARTMENT OF PLANNING AND LAND USE

ELEVATIONS AND DETAILS

Jones & Stokes

WYNN ENGINEERING, INC.

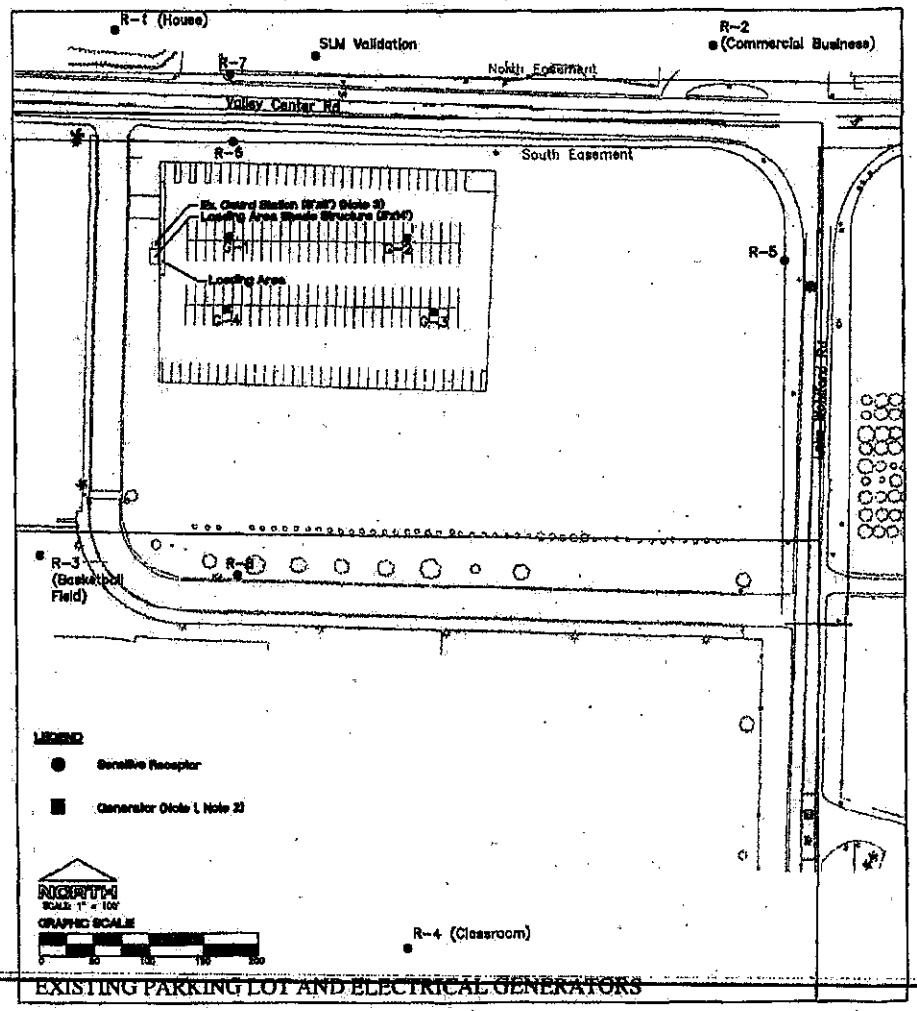
PRIVATE CONTRACT

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE

VALLEY VIEW CASINO
EMPLOYEE PARKING

SHEET 7 OF 7

Interim Generator Facility



EXISTING PARKING LOT AND ELECTRICAL GENERATORS

NOTES

Note 1. No light tower shall be located closer than 130 feet from any property line including the centerlines of Valley Center and Lake Wohlford Roads. The engine side or rear façade of each light pole generator shall be prohibited from facing south. The minimum separation distance between light towers shall be 70 feet. The minimum setback for each light tower from any roadway easement shall be 80 feet.

Note 2. 4 (four) portable Magnum Industries Model MLT4060 light towers with retrofits or equivalently sized units with a maximum sound pressure level of 61 decibels or less at a reference distance of 50 feet.

Note 3. 1 (one) wall-mounted LG Electronics Model LWHD7000HR single package air conditioner or an equivalently sized unit with a maximum sound pressure level of 54 decibels or less at a reference distance of 5 feet.

APPROVED

MAY 22 2009

DEPARTMENT OF PLANNING AND LAND USE

RG

Mooney-Jones & Stokes

S86 PARKING USE REGULATIONS

2860 INTENT.

The provisions of Section 2860 through Section 2869, inclusive, shall be known as the S86 Parking Use Regulations. The S86 Use Regulations are intended to identify and create areas for automotive parking in association with another dominant land use. Typically, the S86 Use Regulation would be applied to assure a physical separation between one type of use and another, or to accommodate off-street parking requirements for commercial or industrial uses. Various applications of the S86 Use Regulations with appropriate development designators can create small buffer areas between uses or large parking areas designed to satisfy parking needs of a major commercial or industrial complex.

2862 PERMITTED USES.

The following use types are permitted by the S86 Use Regulations:

a. Civic Use Types.

Essential Services
Fire Protection Services (see Section 6905)
Parking Services

b. Commercial Use Types.

Automotive and Equipment: Parking

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

2863 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the S86 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Wood or Green Materials "3"

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2864 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the S86 Use Regulations upon issuance of a Minor Use Permit.

2864

a. Civic Use Types.

Law Enforcement Services
Minor Impact Utilities

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2865 USES SUBJECT TO A MAJOR USE PERMIT.
The following use types are permitted by the S86 Use Regulations upon issuance of a Major Use Permit.

a. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Letter 2

Leal Montgomery, Valley Center Design Review Board

June 1, 2010

Comment Letter 2

Valley Center Design Review Board

RECEIVED
2010 JUN -1 PACIFIC REGIONAL OFFICE

June 1, 2010

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

RE: Draft Environmental Assessment, 9-Acre Site
San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

Dear Mr. Morris,

Thank you for the opportunity to comment on the Environmental Assessment for the proposed trust acquisition of a parcel encompassing 9.08 acres (at the corner of Valley Center and Lake Wohlford Roads in the valley Center Community Planning Area) by the United States for the San Pasqual Band of Diegueno Mission Indians.

Our Board is very familiar with this property. This site is located more than a half mile from tribal land at the intersection of two County Circulation Element roads and is adjacent to the Valley Center Middle School campus, most immediately to its athletic fields. The DRB worked for several years with the San Pasqual Band leadership and their consultants to ensure that their re-zone application for this property complied with Valley Center's Design Guidelines. Only half the property would be used for an employee parking lot. The other half would be re-vegetated open space. Community support for a re-zone of this land was based entirely on the use and site design they presented, which has never been installed.

The previous site plan provided extensive landscaped buffers between the parking lot, streets and school athletic fields, and included heavily landscaped off-road pedestrian trails and post and rail fencing for the safety of school children. This abundantly landscaped low-traffic employee parking lot and open space, as was proposed, was consistent with Design Guidelines and with low-intensity uses that are appropriate for the school zone.

In stark contrast, the proposal that has been submitted with this Environmental Assessment places the community's public middle school and its athletic fields between two high-traffic tribal commercial ventures which are beyond the greater community's influence and the County's jurisdiction. The site design does not begin to meet the community's Design Guidelines for landscaped setbacks for parking lots, commercial uses, or for Valley Center Road.

Nor can this proposal be construed as a "continued use" as a parking lot. This application proposes a very significant increase of commercial intensity on this property, intensity that will involve hazardous materials, impact air and groundwater quality and require wastewater treatment. It will significantly impact near neighboring properties, as well as the compact commercial village that is planned by the community for the center of town.

The proposal is inconsistent with the San Diego County General Plan, the Valley Center Community Plan – in which hundreds of residents have participated during the last ten years – and Valley Center's Design Guidelines. Further, it contradicts representations that the San Pasqual leaders have made repeatedly to the Design Review Board and the community. Moreover, the tribe's use of this property as a parking lot was a code violation to begin with. The rezone application was meant to remedy that code violation. However, the site plan upon

which the rezone application was based has never been installed. It would seem that the tribe's failure to meet the requirements of the rezone approval would suggest that the property is not currently being used as a parking lot. Continued use as a parking lot be a code violation.

Finally, the tribe's intention to convert this strategic and sensitive location to a gas station, commercial strip mall and parking lot beyond local jurisdiction and influence has come to our attention only this week. Evidently it has been in the works for many months. I would like to think that this action was not taking place at the same time that our good faith and energies were devoted to working with the applicant.

Based upon the very significant impacts to the community of this proposal, we would hope that a full Environmental Review will be recommended.

Most Sincerely,

Lael Montgomery, Chair

cc:
Oliver Smith, Valley Center Planning Group
Diane Buell, San Diego County Depart of Planning and Land Use

Valley Center Pauma Reservation
(36 78 McNally Rd.
Valley Ctr. CA 92082

SAN DIEGO CA 920
28 MAY 01 PM 5 T

USA44

Mr. Dale Morris, Regional Director
Pacific Regional office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

95825-1846

Letter 3

Dr. Lou Obermayer, Valley Center Pauma Unified School District

June 2, 2010

Comment Letter 3

28751 Cole Grade Road, Valley Center, CA 92082-6599 • 760.749.0464 F 760.749.1208 • www.vcpusd.net

RECEIVED BIA
2010 JUN -7 PM 4:12
PACIFIC REGIONAL OFFICE

June 2, 2010

PUBLIC COMMENT TO ENVIRONMENTAL ASSESSMENT

Mr. Dale Morris
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Morris,

Re: Response to EA, San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

The Valley Center/Pauma Unified School District (VCPUSD) is in receipt of the Environmental Assessment related to the acreage adjacent to Valley Center Middle School. This letter constitutes our response to the notice.

We encourage and support the economic development of Valley Center, and do not wish to discourage projects that bring sorely needed jobs to the region. However, VCPUSD will be impacted by the proposed project.

The District has evaluated the EA and has areas of concern that we feel require additional evaluation and mitigation. The areas of concern are:

1. Adjacency of a school to a gasoline storage facility and gasoline lines and air emissions of the gasoline station and parking garage
2. Adjacency of a school to a store that may sell alcohol
3. Relocation and design of student bus drop-off, including adjustment to the existing site easement

Superintendent Dr. Lou Obermeyer
Board of Trustees Douglas C. Dechairo, MD Lori A. Johnson Donald L. Martin Barbara P. Rohrer Henry P. Van Wyk, DVM

School Districts in the State of California are required to comply with the California Code of Regulations, Title 5 sections 14001-14036 on School Facilities Construction as enforced by the California Department of Education. Title 5 has direct relation to sections 17017.5, 17251(b) and 33031 of the Education Code, (http://www.cde.ca.gov/ls/fa/sf/title5regs.asp). These same codes are used when evaluating alterations in use of adjacent property. The EA on the proposed action has not addressed the impacts of the changed use on the immediately adjacent school site.

1. **Hazardous Materials:** According to the School Site Selection and Approval Guide prepared by the School Facilities Planning Division of the California Department of Education, (http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp), "The presence of potentially toxic or hazardous substances on or in the vicinity of a prospective school site is another concern relating to the safety of students, staff, and the public." Hazard include, but are not limited to: gas pipelines, gas storage facilities, and hazardous air emissions. Hazardous air emissions are those within ¼ mile, (Education Code Section 17213(b) and Public Resources Code Section 21151.8(a)(2)) The school site and its playfields are well within this boundary and additional study is warranted before allowing this use.

2. **Adjacencies to Incompatible Uses:** A school is considered a safety zone for children. The District is concerned that the proposed use may include the sale of alcohol at the gas station or at other stores within the mall. It is felt that this potential use could cause a nuisance at the school. The study should clearly state whether the sale of alcohol will be prohibited. If not prohibited, then discuss the proposed mitigation.

3. **Student Bus Safety:** According to the School Site Selection and Approval Guide referenced above, "When designing pickup and drop-off points, the team should remember that the separation of bus traffic from all other traffic is of paramount importance." It is appreciated that the proposed plan attempts to address the student drop-off, but the District needs to be included as one of the required agency approvals of School Bus Road to ensure that bus entrances and exits will be safe and of sufficient size to accommodate the buses in use now and in the future. Additionally, the existing easement will need to be adjusted to address the relocation of the road, and this should be accomplished at no cost to the District.

Based on the above issues, the District respectfully requests that the Bureau of Indian Affairs (BIA) recommend that an Environmental Impact Statement be prepared.

We look forward to working with the BIA to reduce or fully mitigate these impacts in creative and mutually beneficial ways when possible. If you have any questions regarding this correspondence, please feel free to contact me at (760) 749-0464.

Sincerely,

Dr. Lou Obermeyer

Superintendent

Encl. –Copy of Easement

c: J. Branch, Facility Planner, SDCOE

ORDER NO. 6766-01

1601

LEGAL DESCRIPTION

PARCEL 1:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER NORTH 89°57'20" EAST, 1366.60 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER NORTH 00°20'40" EAST, 1023.76 FEET TO A POINT HEREIN DESIGNATED AS POINT "X"; THENCE NORTH 89°35'50" WEST, 1126.35 FEET; THENCE SOUTH 00°38'00" WEST, 472.46 FEET; THENCE NORTH 89°22'00" WEST 235.00 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 15; THENCE ALONG SAID WESTERLY LINE SOUTH 00°38'00" WEST, 562.90 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS A STRIP OF LAND 40.00 FEET IN WIDTH LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THE CENTER LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "X" HEREINABOVE DEISGNATED IN PARCEL 1; THENCE NORTH 89°35'50" WEST, 641.00 FEET; THENCE SOUTH 00°20'40" WEST, 20.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°20'40" EAST 370.00 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15.

THE SIDELINES OF SAID STRIP TO BE PROLONGED OR SHORTENED SO AS TO BEGIN IN A LINE WHICH BEARS NORTH 89°35'50" WEST FROM SAID POINT "X" AND END IN THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER.

EXCEPT THEREFROM THAT PORTION LYING WITHIN PARCEL 1 HEREINABOVE DESCRIBED.

VALLEY CENTER-PAUMA
UNIFIED SCHOOL DISTRICT
28751 Cole Grade Road
Valley Center, CA 92082-6599

UNITED STATES POSTAGE
PITNEY BOWES
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Mr. Dale Morris
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

95825\1885 C079

Letter 4

Dave Singleton, Native American Heritage Commission

May 12, 2010

Comment Letter 4

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

RECEIVED BY
2010 MAY 19 PM 4:2
PACIFIC REGIONAL OFFICE

May 12, 2010

Mr. Dale Morris, Regional Director
United States Department of the Interior
BUREAU OF INDIAN AFFAIRS – PACIFIC REGIONAL OFFICE
2800 Cottage Way
Sacramento, CA 95825

Re: SCH#2010054003 NEPA Environmental Assessment (EA) for a *Proposed Trust Acquisition of a Fee Parcel*; a Nine-Acre Development for a Possible Commercial Retail Mall for the **San Pasqual Band of Diegueño Mission Indians of California**, to Have Real Property Accepted into Trust by the United States of America; Valley Center Community; San Diego County, California

Dear Mr. Morris:

The NAHC has no objections or concerns regarding the pending action, referenced above. The San Pasqual Band is capable of addressing issues and the impacts of proposed projects on Native American resources pursuant to state and federal statutes and regulations.

The Native American Heritage Commission (NAHC) is the state agency responsible for the protection and preservation of Native American Cultural Resources, pursuant to California Public Resources Code §2170 and also c.f. *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604*),. Please feel free to contact me at (916) 653-6251 if you have any questions about our comments.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Janielle Jenkins, Governor's Office of Legal Affairs
State Capitol
Sacramento, CA 95814
(916) 558-3173 (FAX)

Sara J. Drake, Deputy Attorney General
P.O. Box 944255
Sacramento, CA 95814

Ms. Andrea Lynn Hoch, Esquire
Governor's Office of Legal Affairs
State Capitol
Sacramento, CA 95814

received
RES 6/7/2010

State of California
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

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Letter 5

Oliver Smith & Paul Herigstad, Valley Center Community Planning District

June 7, 2010

Valley Center Community Planning Group

PO Box 127 Valley Center CA 92082

Comment Letter 5

Oliver Smith
Chair

Ann Quinley
Vice Chair

Deb Hofler
Secretary

Dave Anderson

Brian Bachman

Hans Britsch

Chad Christianson

Robert Davis

Paul Herigstad

Christine Lewis

David Montross

Keith Robertson

Rich Rudolf

Jon Vick

1 vacancy

June 7, 2010

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

RE: Draft Environmental Assessment, 9-Acre Site
San Pasqual Band of Diegueno Mission Indians
Valley Center, CA

Dear Mr. Morris,

Thank you for the opportunity to comment on the Environmental Assessment for the proposed trust acquisition of a parcel encompassing 9.08 acres (at the corner of Valley Center and Lake Wohlford Roads, Valley Center, Ca in the Valley Center Community Planning Area) by the United States for the San Pasqual Band of Diegueno Mission Indians.

We reject the rationale stated for putting this land, and potentially other adjacent and nearby properties, into trust. This site, located more than a half-mile from tribal land at the intersection of two County Circulation Element roads, came before the elected Valley Center Community Planning Group four years ago to resolve a formal code complaint. A zoning change was requested to permit the parking lot already in operation. The support by the local community, Community Planning Group, and San Diego County Planning Commission for a re-zone of this land was based entirely on the use and site design they presented to us.

Our objections to the request to put the land in trust and to accepting the Environmental Assessment are based on the following:

1) The County of San Diego General Plan Update, in development for more than 10 years, has as one if its primary objectives the need to restrict urban development to areas that have the infrastructure to support it. The area in question has no existing appropriate water source, waste treatment, or roads to justify placing an urbanized shopping center in that location.

2) The Valley Center Community Plan, developed in conjunction with the San Diego County General Plan Update, has consistently kept the areas involved as rural or semi-rural residential 2-10 acre per dwelling unit zoning. The plan to put a significant urbanized shopping center in this rural area is totally contradictory to planning that has been developed by the Valley Center Community and endorsed by the County Planning Commission and County Board of Supervisors over the last decade. Planned and existing commercial enterprises like restaurants and gas stations are located in existing village areas with supporting water, waste treatment, and transportation infrastructure in place.

3) The Valley Center Middle School and athletic fields are located between the existing tribal lands and this new trust land request. Of the 850 students attending the school, some 500 use school buses for transportation, the loading/unloading zone for which is directly adjacent to the proposed trust land. In addition, after school community sports activities use the fields and have a wide range of ages participating. This coupled with environmental emissions concerns for the hydrocarbons and other materials next to a public school in and of itself should be sufficient reason to reject the Environmental Assessment as inadequate, let alone justifying trust land conversion.

4) The tribe's use of this property as a parking lot was initially determined by the county to be a zoning code violation. The rezone application was meant to remedy that code violation. As approved, the proposed parking lot and open space was consistent with Valley Center Design Guidelines and with low-intensity uses appropriate for the school zone. The requirements that formed the basis of the county's zoning change approval have not been completed in the 3+ years since the rezone was approved and the property is still being used as a parking lot. If the tribe is unwilling to do what they said they were going to do for San Diego County, what assurances are there that they will live up to their obligations to the Federal government in the future?

5) The San Pasqual Tribe has a history of ignoring critical community concerns and county ordinances. Their overwhelming lighting goes significantly beyond violating the county's dark sky ordinance, a major reason for many residents to live in Valley Center. Activities at their casino operations routinely violate the county noise ordinances for a wide area extending well beyond even the proposed trust land. The apparent lack of open communication fosters a feeling of the tribe's unwillingness to work with the local community in which they reside.

6) Recent comments made by tribal members and employees voiced to local residents indicate this is only the first of a number of related requests to convert other Tribal owned fee title land into trust land around the existing tribal land. This highlights the need for an Environmental Assessment of "The Project" as a whole instead of piecemeal so that individual and cumulative impacts may be thoroughly analyzed.

7) The tribe's intentions in this matter have come to our attention only very recently. The EA says it was prepared in consultation with the VC community. We have had a Tribal Liaison Subcommittee for years that has regularly asked this Tribe about upcoming items. The San Pasqual Band has NEVER spoken to the Subcommittee, nor the full VCCPG, about this transfer into trust, much less worked with us in development of the idea, or preparation of the EA itself. That fact sets the tone for the level of trust the VC community and VCCPG has that any representations or promises made in the EA are true or will be followed through on.

The Valley Center Community Planning Group, as elected representatives of the community of Valley Center, ask that you reject the Environmental Assessment. We feel that, in its current form, the trust conversion as proposed in the EA would do the community a great injustice.

The Valley Center Community Planning Group stands ready to work with the tribe on this proposal for the benefit of all concerned. Please let me know if you have any questions. Thank you for your consideration.

Regards,

Oliver Smith
Chair, Valley Center Community Planning Group
(760) 918-7331
oliver.smith@philips.com

Paul Herigstad
Chair, Tribal Liaison Subcommittee
Valley Center Community Planning Group

cc:
Lael Montgomery, Chair, Valley Center Design Review Board
Diane Buell, San Diego County Depart of Planning and Land Use
Richard Haas, Assistant Director, Department of Planning and Land Use, County of San Diego
Dr. Lou Obermeyer, Superintendent, Valley Center Pauma Unified School District

Letter 6

Bill Trok, Ridgeview Church

June 7, 2010

Comment Letter 6

From: Omallan, Patrick [Patrick.OMallan@bia.gov]
Sent: Tuesday, June 08, 2010 10:25 AM
To: Anthony Silvia; Matthew J. Kelly
Cc: Omallan, Patrick
Subject: FW: san pasqual dev in valley center

Categories: San Pasqual

Gentlemen:

FYI

Thank you

Pat

-----Original Message-----
From: billt@ridgeviewchurch.org [mailto:billt@ridgeviewchurch.org]
Sent: Monday, June 07, 2010 5:02 PM
To: Omallan, Patrick
Subject: san pasqual dev in valley center

June 07, 2010

To: Patrick O'Mallan, Bureau of Indian Affairs

Re: The proposal to Federalize the San Pasqual Tribe's property at Valley Center Rd. and Lake Wohlford Rd.

Dear Mr. O'Mallan

Thank you for your time on the phone this afternoon.

As I expressed to you earlier, I would like to go on record as being opposed to the idea of creating a federal designation for the San Pasqual Tribe's property at Valley Center and Lake Wohlford Roads.

I strongly believe that because of its proximity to the Valley Center Middle School any development of said property should occur with the legal enforcement of local ordinances and regulations.

Preserving local jurisdiction is especially important due the intention to sell alcohol and gasoline. I am also concerned that the federalization of the property would open up the possibility of gaming activities within a very short distance of a public school. I would urge the tribe to go forward with

the development maintaining the jurisdictions of The County of San Diego and The State of California.

Sincerely,

Bill Trok
Senior Pastor, Ridgeview Church
PO Box 2169
Valley Center, CA 92082
760-751-9890
billt@ridgeviewchurch.org

Letter 7

Irma Montejano

June 11, 2010

Comment Letter 7

FYI

From: Irma Montejano [mailto:andyirma@sbcglobal.net]
Sent: Friday, June 11, 2010 1:57 PM
To: Omallan, Patrick
Subject: Proposed convenience store/gas station

Mr. O'Mallan:

I'm writing you to voice my concerns over the proposed convenience store/gas station construction at Valley Center Road and Lake Wohlford Road. As you are well aware, the Valley Center Middle School is on Lake Wohlford Road, a short walking distance from the proposed construction site. The childen that attend that school are 6th, 7th and 8th graders, ranging in ages from 10 to 15 years old. I'm sure you will agree that these children are of impressionable ages and not the best decision makers.

It's my opinion that we, as members of the general public, should set our kids up for success whenever possible, and not expose them to anything that encourages bad or destructive behavior. Certainly, having a gas station selling alcoholic beverages right next to your school is a temptation our children do not NEED.

Convenience stores such as the one proposed are also magnets for loitering of people that are "just passing through" our community. People that loiter as gas stations are not concerned about the welfare of our children and have no long-term care for our town. It is that attitude, I believe, will lead to more severe problems in the future.

Please do the right thing by our town, and pass my concern on to the Bureau of Indian Affairs. I trust that the Bureau has no intention of exposing our children to potentially dangerous situations.

Irma Montejano
P. O. Box 2182
Valley Center, CA 92082
(760) 749-1843

Letter 8

Amy Archipov

June 11, 2010

FYI

Comment Letter 8

From: Amy Archipov [mailto:archipov@aol.com]
Sent: Friday, June 11, 2010 1:10 PM
To: Omallan, Patrick
Subject: Parcel at VC and Lake Wohlford Roads

6/11/2010

Amy Archipov
30393 Via Valencia
Valley Center, CA 92082
760-749-3110
archipov@aol.com

Bureau of Indian Affairs
Mr. Patrick O'Mallan

Subject: Parcel at the corner of Valley Center and Lake Wohlford Roads, San Pasqual Tribe's obtainment of a trust to use the property as they wish

Dear Mr. O'Mallan,

I am against anyone putting up a retail center at the subject location that would sell alcohol. This is location is just too close to the Valley Center Middle School. Students do not need to be near this type of environment.

In addition, I do not believe that the San Pasqual Indian Tribe should be allowed to acquire a trust for this location. It is my understanding that once the property is trusted, then the town is not allowed to be part of the decision making process concerning the type of business that is allowed on this parcel.

I will be at the next Valley Center Planning meeting to learn more about this situation.

Thank You,

Amy Archipov

Letter 9

Robert J. Caven, Jr.

June 11, 2010

FYI,

Pat

-----Original Message-----

Comment Letter 9

From: ERIC RESER [mailto:binkieboy98@yahoo.com]
Sent: Friday, June 11, 2010 4:00 PM
To: Omallan, Patrick
Subject: Fw: Proposed land near VC Middle School

--- On Fri, 6/11/10, ERIC RESER <binkieboy98@yahoo.com> wrote:

> From: ERIC RESER <binkieboy98@yahoo.com>
> Subject: Proposed land near VC Middle School
> To: "patrick omallan" <patrick.omallan@bia.gov>
> Date: Friday, June 11, 2010, 3:57 PM
> Dear Mr. O'Mallan,
> I would like to take this time to express my concerns
> regarding the federalization of land on the corner of N Lake
> Wohlford and VC Road. I oppose this action due to the
> close distance to VC Middle School. These are young
> children and should not be exposed alcohol and future
> possible gaming near their school. I'm concerned about
> drunk driving and the kids being privy to unsavory
> characters and actions. I believe that if the Tribe is
> allowed, that the County of San Diego and the State of
> California maintain juridiction. Thank you for hearing my
> opinion.
>
> Thank You,
> Robert J Caven Jr.
> 760-749-3973
>
>
>
>
>

ATTACHMENT C

FINAL ENVIRONMENTAL ASSESSMENT FOR THE 9-ACRE SITE

FINAL ENVIRONMENTAL ASSESSMENT

9 Acre Site

SAN PASQUAL BAND OF DIEGUEÑO MISSION INDIANS

August 2010

Lead Agency:
Bureau of Indian Affairs
Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

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Appendix E United States Fish & Wildlife Services Data File
Appendix F Cultural Resource Inventory – Confidential (Bound Under Separate Cover)
Appendix G Supplemental Cultural Resources Information (SHPO Concurrence Letter and Cultural Resources Report Addendum)
Appendix H Traffic Impact Analysis
Appendix I Bureau of Land Management Manual 8410 Visual Resources Inventory Guidelines
Appendix J URBEMIS Files

Section 1 **INTRODUCTION**

1.1 ***Introduction***

This Final Environmental Assessment (EA) has been prepared for the U.S. Bureau of Indian Affairs (BIA) to support an application from the San Pasqual Band of Diegueño Mission Indians (Tribe) for land to be placed into federal trust (Proposed Action). The BIA is the federal agency that is charged with reviewing and approving tribal applications to take land into federal trust status. The Proposed Action consists of (1) the transfer of a 9.08 acre site into federal trust status for the Tribe and (2) the subsequent development of a portion of the project site into a small retail plaza.

The Draft EA for the proposed San Pasqual Band of Diegueño Mission Indians (Tribe) 9-acre Fee-to-Trust and Retail Plaza Project, (GreenWave Inc., April 2010) (SCH #2010054003) was submitted to the State Clearinghouse and released for public and agency review for a 30-day comment period beginning on May 10, 2010 and ending on June 8, 2010. A Notice of Availability was published in the San Diego Union-Tribune and North County Times on May 7 and 23, 2010, announcing the release of the Draft EA for public review and comment (**Appendix A)**.

This Final EA has been completed in accordance with the requirements set out in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4321 et seq.), the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA, and the BIA's NEPA handbook (59 IAM 3-H). This document provides a detailed description of the Proposed Action and an analysis of the potential environmental consequences associated with the development of the project. This document also includes a discussion of alternatives, impact avoidance, and mitigation measures. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, or request that an Environmental Impact Statement (EIS) be prepared.

1.2 ***Background***

The San Pasqual Band of Indians is one of thirteen Kumeyaay or I'pai bands who traditionally inhabited the San Diego County area. The San Pasqual Band was originally populated by Indians from the San Diego Mission, the first Mission established in Alta California by Father Junipero Serra in 1769. Today, San Pasqual counts Rincon, Pauma, Pala, La Jolla, Mesa Grande, Santa Ysabel, and Pechanga as its neighbors, along with non-Indian populations interspersed throughout the area.

In 1970, the San Pasqual Band created an independent arm called the San Pasqual Economic Development Agency ("Agency"). The Agency was established to "implement Tribal Economic Development programs for the benefit of the Tribal lands and Tribal members." The Agency adopted an Ordinance on November 21, 1999, which provides the procedural structure under which the Agency operates.

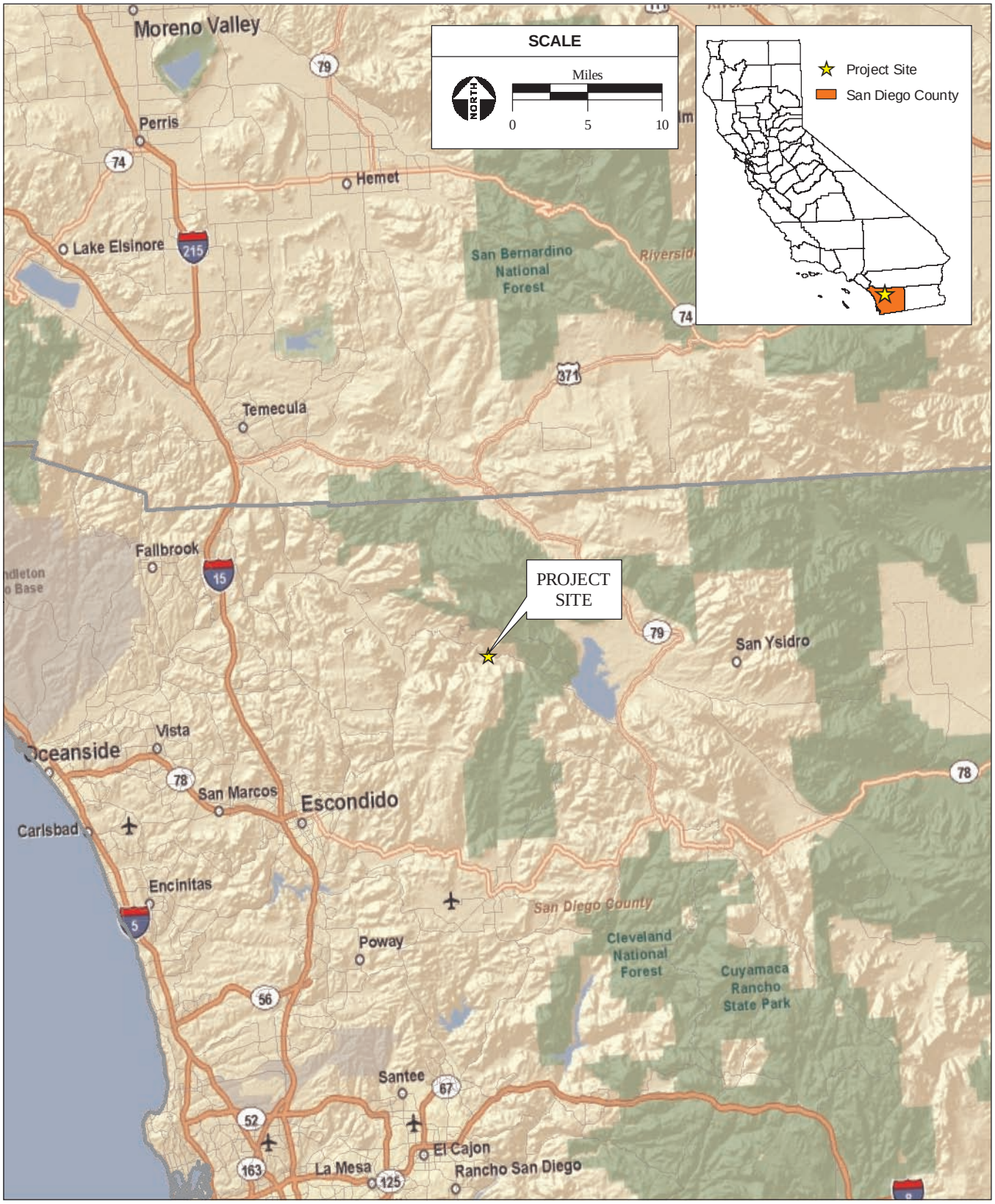
The San Pasqual Reservation is situated in the Peninsular Mountains, located in the unincorporated area of San Diego County known as Valley Center, about 11 miles northeast of Escondido. It comprises 1,380 acres consisting of five separate parcels in a semi-checkerboard configuration. A network of three County roads, four BIA roads, and nineteen tribal roads serve the San Pasqual Reservation. Interstate Route 15 is the major highway serving the area, locating 17 miles to the West, running in a North/South direction through Escondido.

The San Pasqual Reservation has no individual allotments of land, and much of the Reservation is dedicated to land assignments to tribal members, generally 2.5 or 5 acres per assignment. There are approximately 230 residential units on the Reservation. Other developments include Valley View Casino with supporting offices, Tribal facilities consisting of administration offices, the Gaming Commission offices, a community hall, an education resource center, a fire station, a housing and community development office, and environmental protection offices.

1.3 *Location and Setting*

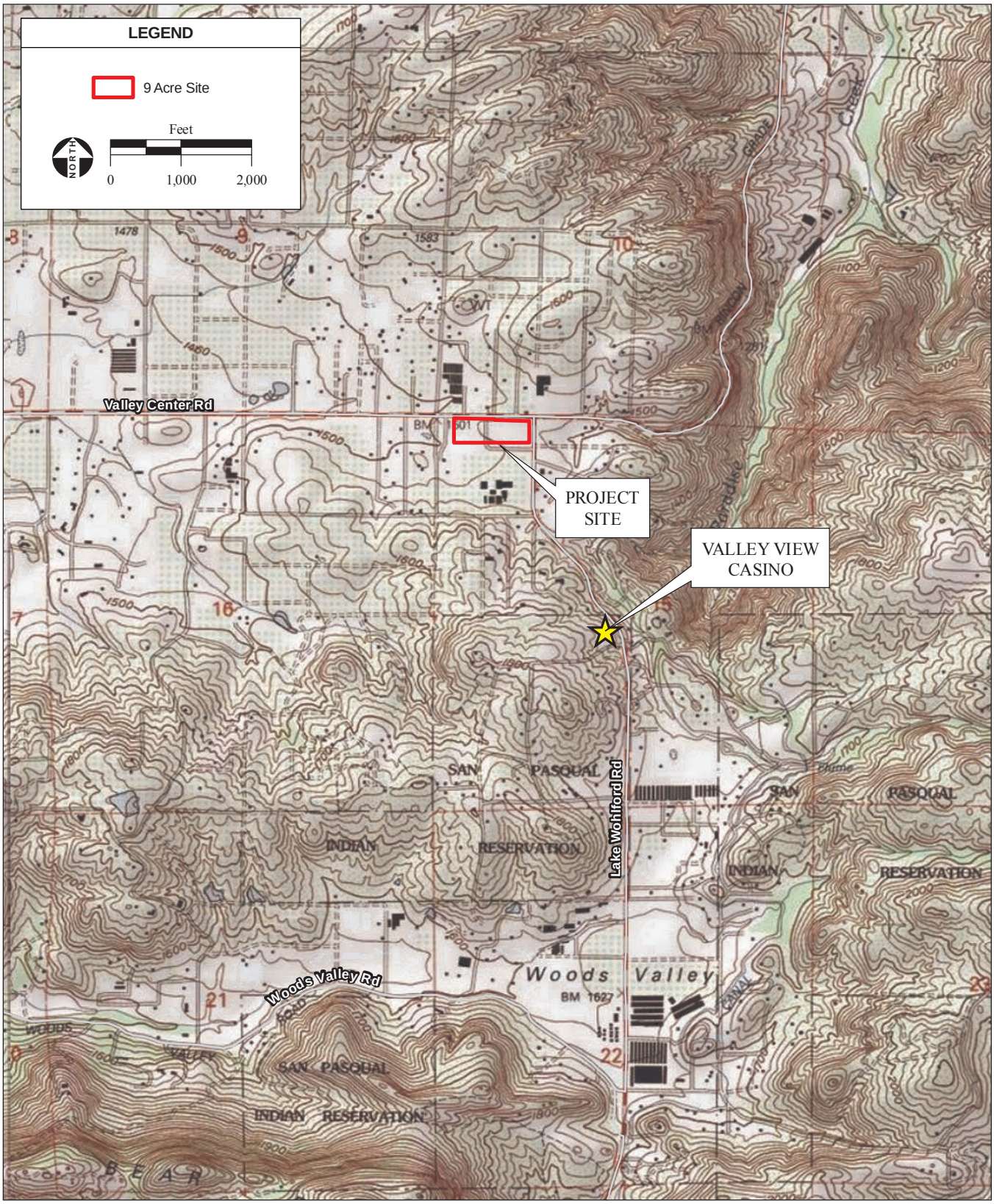
The project site (Assessor's Parcel Number 189-051-02) addressed in this EA is located in Valley Center, California, on the southwest corner of Valley Center Road and North Lake Wohlford Road. The project site is located in Section 15 of Township 11 South, Range 1 West, on the Rodriguez MT, California U.S. Geological Survey (USGS) 7.5-Minute Topographic Quadrangle (quad), San Bernardino Baseline & Meridian. **Figure 1-1** shows the regional location and **Figure 1-2** shows the project site and vicinity. The parcel is described as:

> THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST OF SECTION 15; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF NORTHWEST QUARTER, NORTH 89º57'20" EAST, 1366.60 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, NORTH 00º20'40" EAST, 1023.76 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89º35'50" WEST, 1361.35 FEET MORE OR LESS, TO THE WESTERLY LINE OF SAID SECTION 15; THENCE NORTH 00º38'00" EAST TO THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 89º34'00" EAST ALONG THE NORTH LINE OF SAID SECTION 15; TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 00º20'40" WEST TO THE TRUE POINT OF BEGINNING.
>
> EXCEPTING THEREFROM THE WESTERLY 235.00 FEET THEREOF.



SOURCE: ESRI Data, 2007; AES 2010

Figure 1-1
Regional Location



SOURCE: "Rodriguez MT, CA" USGS 7.5 Minute Topographic Quadrangle, T11S, R1W, Sections 15; San Bernardino Baseline & Meridian; AES, 2010

Figure 1-2
Site and Vicinity

The Site is located within an area to which the Tribe has strong cultural and historical connections, having occupied the area surrounding the Site since 1911 (Eargle, 1986).

The proposed trust parcel is currently used as an overflow parking lot for the Valley View Casino, which is located approximately 0.5 miles to the southeast. Approximately 50 percent of the proposed trust parcel is either paved or covered with gravel while the remaining 50 percent exists as a vacant lot and contains no unique vegetation or wildlife. **Figure 1-3** presents an aerial photograph of the project site.

1.4 *Purpose and Need for the Proposed Action*

Opportunities for economic development on the San Pasqual Reservation (Reservation) are constrained by the Reservation's geography. The Reservation consists of approximately 1,380 acres situated on five separate parcels of land. It is situated primarily on steep and rolling hills; only about fifteen percent, or 207 acres, of the Reservation is considered appropriate for development. Because of this limitation, the Tribe started purchasing additional lands contiguous to and surrounding the Reservation in order to provide an economically viable land base for its membership and to increase opportunities for economic development and tribal self-determination.

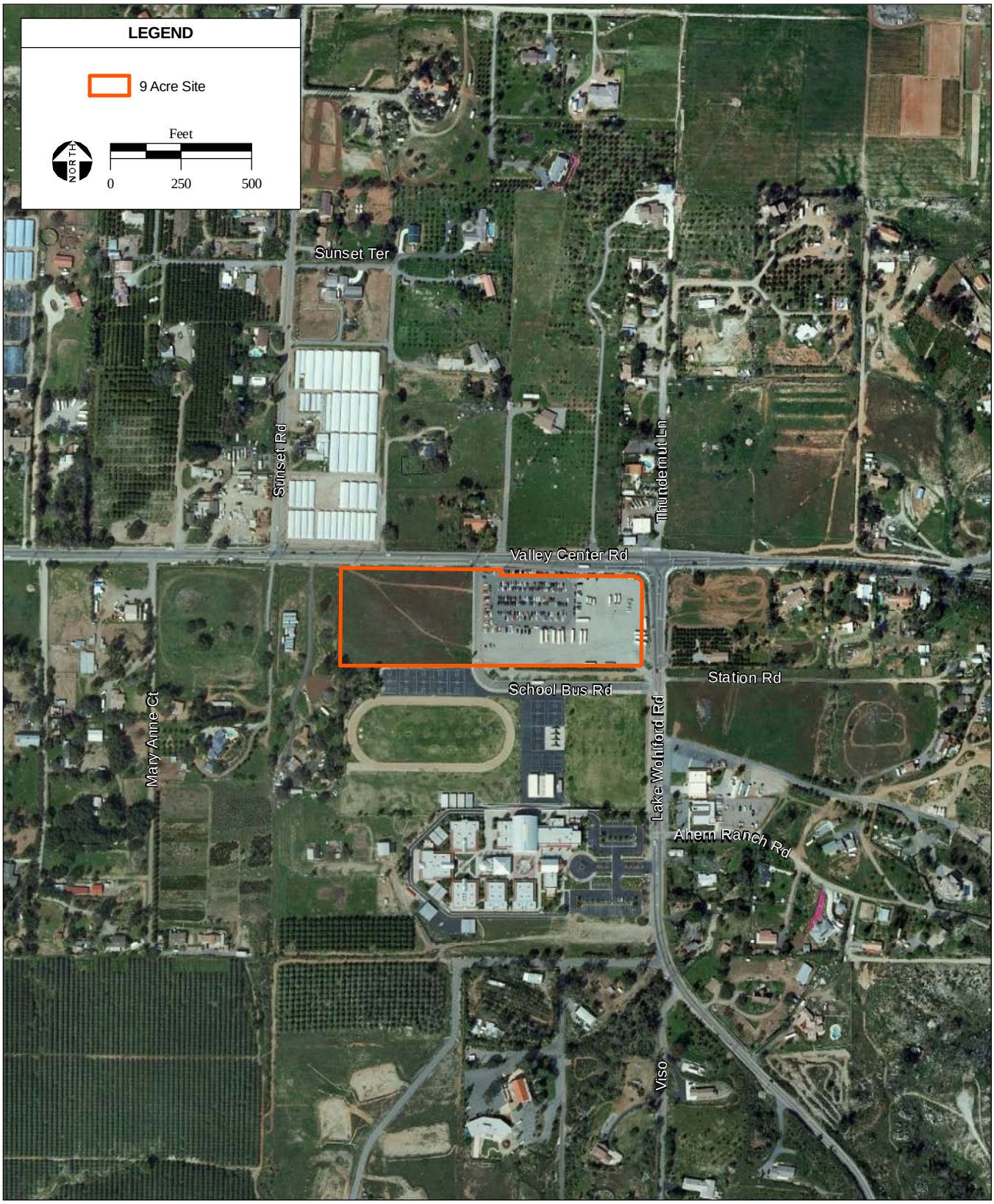
The proposed action would facilitate Tribal self-determination and economic development, and allow the Tribe to exercise sovereignty over lands currently held in fee title. The development of a portion of the Site into a small retail plaza would offer important economic development opportunities that would support the Tribe's pursuit of self-determination. It would increase tribal revenues and provide employment and managerial experience for tribal members, and would help serve the needs of Valley Center from anticipated community growth.

1.5 *Overview of the Environmental Review Process*

This EA has been prepared to analyze and document the environmental consequences associated with: 1) the proposed transfer of 9.08 acres of land into federal trust status for the Tribe, and 2) the anticipated development of a portion of the Site into a small retail plaza. The BIA will use this EA to determine if the Proposed Action would result in significant impacts to the environment and whether a Finding of No Significant Impact can be made or an Environmental Impact Statement should be prepared.

This EA is intended to satisfy the environmental review process of 59 IAM 3-H, 40 CFR § 1501.3, and 40 CFR § 1508.9. The BIA, its internal manual setting forth NEPA procedures, recognizes that an EA must meet two sets of requirements:

- The first set is based on NEPA as amended and the implementing regulations issued by the Council on Environmental Quality found in 40 CFR Parts 1500 through 1508, and;
- The second set is derived from the other statutory and regulatory requirements of various Federal agencies such as the U.S. Environmental Protection Agency, the Advisory Council on Historic Resources, or the BIA's own requirements.



SOURCE: Aerial Express aerial photograph, 3/2008; AES, 2010

Figure 1-3
Aerial View Map

1.6 *Environmental Issues Addressed*

Preparation of this Final EA has included ongoing consultation with the BIA; the U.S. Fish and Wildlife Service, United States Department of Agriculture, U.S. Environmental Protection Agency (EPA), Natural Resources Conservation Service (NRCS), South Coastal Information Center, and California Native American Heritage Commission. Based on this consultation, a review of relevant literature, and field reconnaissance, this Final EA evaluates the following key environmental issues associated with the Proposed Action:

Land Resources

- The Proposed Action would have impacts on soils at the site in the grading and construction phases, and with the permanent change to land surfaces. There would be minimal impacts to the site topography since the lands are nearly level.

Water Resources

- There would be potential impacts to the affected environment from increased stormwater runoff under the proposed action during the construction period. There may be impacts to groundwater resources if groundwater is contacted during construction. However, groundwater contamination is unlikely at the site. Mitigation measures presented in this EA, and the attached Stormwater/ Drainage Report (**Appendix C**) are presented to help minimize impacts to the site and the surrounding area.

Air Quality

- The proposed action would result in the emission of criteria air pollutants from construction and mobile emissions. Further, the permanent presence of a gas station at the Site could create potential impacts from gasoline fume emission that could affect air quality at the site.

Biological Resources

- There would be impacts to existing vegetation at the Site as a result of the proposed action. However, there are no known endangered or special status species at the Site, so impacts to living resources would be small**.** An analysis of existing living resources at the Site, and possible impacts are discussed in this EA and in the attached Biological Resources Reports (**Appendix D**).

Cultural Resources

- A cultural assessment has been completed at the site and mitigation measures that would minimize potential impacts to unanticipated discoveries are discussed within this EA.

Socioeconomic Conditions

- The proposed action would have a positive effect on current socioeconomic conditions in the surrounding area. The Tribe would benefit from increased revenues that they could use to invest in programs to help improve living conditions for Tribal members and the surrounding community.

Noise

- There could be impacts to local sensitive receptors from the proposed action during the construction period, and on a permanent basis with the presence of a multi-use retail facility at the site. Mitigation measures that would minimize anticipated impacts are discussed in this EA.

Visual and Scenic Resources

- The proposed action could create small view impacts to the affected environment. Mitigation measures that would minimize anticipated impacts are discussed in this EA.

Traffic

- The proposed action would lead to increased traffic flow at the site, and within the surrounding transportation corridors. Detailed traffic circulation impacts, as well as mitigation measures to minimize these impacts, are presented in this EA, and in the attached site-specific Traffic Analysis (**Appendix H**).

1.7 *Regulatory Requirements and Approvals*

The following direct and indirect agency approvals and actions may be required for implementation of the Proposed Action:

- Transfer of the 9.08-acre site into Federal trust status for the Tribe by the Secretary of the Interior.
- USEPA approval of an application for an NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
- Consultation with the State Historic Preservation Office under Section 106 of the National Historic Preservation Act, if cultural resources may be impacted by the project.
- Approval of encroachment permits by the County Departments of Planning and Land Use and Public Works for off-site roadway improvements.
- Consultation with the Valley Center-Pauma Unified School District regarding the realignment design of School Bus Road.

Section 2 **PROPOSED ACTION AND ALTERNATIVES**

The Proposed Action and project alternatives are described in this section. This section also summarizes the potential environmental consequences associated with each alternative as well as the protective measures and Best Management Practices (BMPs) incorporated into the project to reduce potential adverse impacts to environmental resources. A summary of each development alternative and associated components is provided below. The project alternatives evaluated in the Environmental Assessment (EA) include:

- Proposed Action – Placement of a 9.08 acre parcel into federal trust and the subsequent development of a retail plaza;
- No-Action Alternative – Development of a parking lot on the eastern portion of the site; and
- Other alternatives eliminated from consideration.

2.1 ***Proposed Action***

The Proposed Action consists of two main components: (1) placing one parcel of 9.08 acres into Federal trust status, and (2) development of a portion of the Site into a small retail plaza. The Proposed Action is described in more detail below.

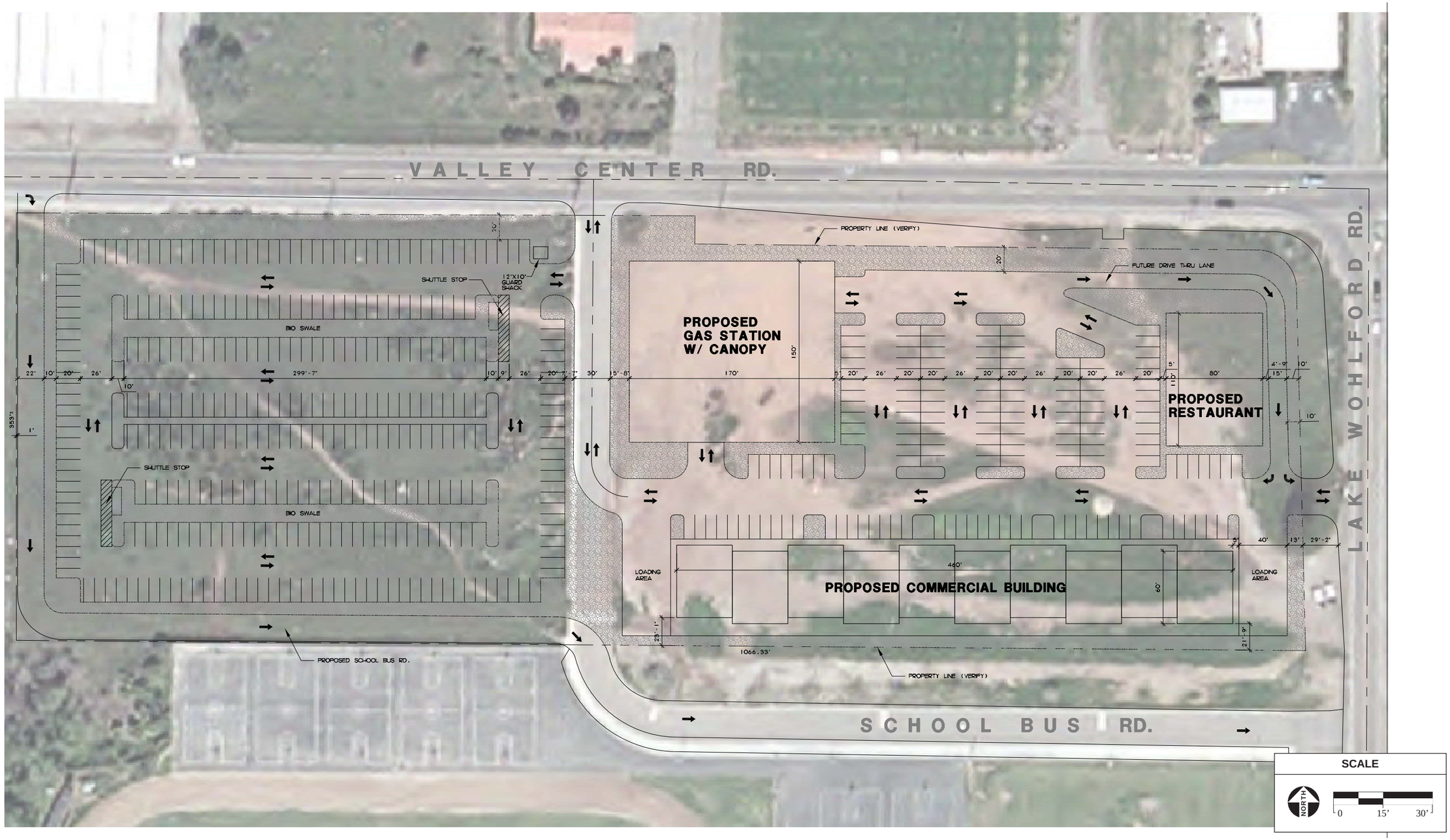
Land Into Trust Action

The Proposed Action consists of the fee simple conveyance of the 9.08-acre site into Federal trust status for the benefit of the Tribe. The land transfer would be in accordance with procedures set forth in 25 CFR § 151.3 and involves numerous steps. The trust action would shift civil regulatory jurisdiction over the 9.08 acres from the State of California and San Diego County to the Tribe and the federal government; the State and County would continue to exercise criminal jurisdiction under 18 U.S.C. § 1162 and other federal laws pertaining to jurisdiction in Indian country.

Proposed Development

The Tribe intends to develop a small retail plaza on the eastern portion of the Site. The retail plaza is expected to contain a commercial building, a restaurant, and a gas station. These components are shown in **Table 2-1**. The remainder of the Site would continue to be utilized as an overflow parking area for the Valley View Casino. A guard shack and two shuttle stops will be located within the parking lot. School Bus Road would be realigned so that it runs from Valley Center Road south along the western border of the site then east along the southern boundary of the site until it exits the Site. The site plan for the proposed development is shown in **Figure 2-1**.

It should be noted that once the Federal government acquires the land in trust for the Tribe, trust land would not be subject to municipal land use regulations. Only Tribal land use regulations are



SOURCE: Howard Parsell Company, 2009; AES, 2010

Figure 2-1
Proposed Action Site Plan

applicable on trust lands. The Tribal Government relies upon the Tribal Council, the governing body of the Tribal Government, to guide and regulate land use on Tribal lands. However, the Tribal Government wishes to work cooperatively with local communities, and to the extent feasible, intends to develop the property in manner reasonably consistent with adopted County and Valley Center design guidelines and ordinances.

Access to the retail plaza and parking lot would be provided via one full access driveway on Valley Center Road and one right-turn in/out only driveway on Lake Wohlford Road. No access to the retail plaza or parking lot will be available through the realigned one-way School Bus Road.

The Tribe would enter into a lease with the Casino Board for the use of this land, which the San Diego County Board of Supervisors has recently re-zoned for parking use (Special Purpose-Parking (S86)). This type of structure provides the Tribe additional flexibility regarding land management.

Table 2-1: Proposed Retail Plaza Components

Component	Approximate Square Footage
Commercial Building	27,600
Restaurant	8,800
Gas Station with Canopy	25,500
Total	**61,900**

Source: AES, 2010.

Public Services

Through an existing contractual agreement with the Tribe, the San Diego County Sheriff's Department would provide law enforcement services to the site. Fire protection services would be provided by the Valley Center Fire Protection District and the San Pasqual Reservation Fire Department. The Valley Center Fire Protection District has three fire rescue stations within the vicinity of the site, and the San Pasqual Reservation Fire Department also has a fire station located approximately one mile south of the site at 16150 Kumeyaay Way. These facilities would provide fire protection and emergency medical services. Solid waste collection would be provided through contract with the regional solid waste collector. Electric and telephone services would be extended to the site as needed.

The following best management practices would be included as part of the Proposed Action to minimize the risk of fire during construction:

- Any construction equipment that normally includes a spark arrester would be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

- During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment would be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor would keep these areas clear of combustible materials in order to maintain a firebreak.
- Structural fire protection would be provided through compliance with the International Fire Code requirements for commercial structures of this size. The Tribe would ensure that appropriate water supply and pressure is available for emergency fire flows.
- Typical fire flow allowances would be confirmed with the local Fire Marshall prior to construction water tank storage if constructed.
- For the gas station, the Tribe would create and maintain a facility equipped with the latest early detection systems that insure an initial response to any fire alarm (automatic, local, or report). This would rely on automatic sprinkler systems in the areas of the facility that are normally unoccupied, such as storerooms and mechanical areas.

Water Supply

Water will be supplied to the site by the Valley Center Municipal Water District (VCMWD) via an existing one-inch water line and meter set on the northern border of the site which is fed from an 8-inch district water line (see Will Serve letter included as **Appendix B**). This water meter is an active account and is assigned a Commercial user code (Valley Center Municipal Water District Communication, 2009). VCMWD has indicated that facilities to serve the Proposed Action are reasonably expected to be available within the next five years based on the capital facility plans of the VCMWD. However, given the long term hydrologic, legal, and regulatory conditions impacting water supplies from the State Water Project and Colorado River, there is a possibility that VCMWD may not have capacity to serve the project in the future. Groundwater resources or privately purchased water may be utilized to serve the water demands of the Proposed Action in the future.

Wastewater Treatment and Disposal

Wastewater generated from the proposed retail plaza would be directed to a 20,000-gallon on-site raw wastewater holding tank that would be constructed beneath the parking lot on the western portion of the site. The raw wastewater would be pumped from the holding tank and trucked, as required, to the Tribe's wastewater treatment facility at the Valley View Casino.

Grading and Drainage

All structures would meet the California Building Code requirements for the site; including the seismic design criteria of the most recent edition of the International Building Code for Seismic Zone 4. Prior to finalization of the grading and development plans for the property, design-level geotechnical specifications addressing the specific grading and development plans shall be developed. The specifications should include, but not be limited to, the following:

- Site, building and facility-specific grading recommendations regarding site preparation, clearing and grubbing.

- Select grading procedures, remedial grading procedures, material suitability and compaction criteria.
- Cut and fill slope stability analyses, recommend slope configurations and inclinations.
- Evaluation of soil expansion and corrosion potential.
- Building-specific foundation design parameters.
- Site-specific seismic design parameters.
- Lateral earth pressure parameters for retaining wall design, if any.
- Pavement design specifications.

A detailed drainage plan would be prepared by a registered civil engineer prior to site development that shall include the following items:

- An accurate calculation of pre- and post-development runoff conditions shall be performed using appropriate hydraulic models.
- Vegetated detention swales shall be constructed according to the engineer's recommendations and engineering specifications to mitigate for increased peak flows from impervious surfaces. The following recommendations from EPA Publication 832-F-99-006 (EPA, 1999) would be followed to the extent feasible.

    - Construction:
        - Swales should be constructed with the suggested ratio of 500 square feet of swale per acre of impervious surface.
        - Location of swales should include areas adjacent to parking areas, adjacent to roadways, and along property boundaries along a natural grade.
        - Swales should utilize a parabolic or trapezoidal cross-section with side slopes no steeper than 1:3.
        - Check dams should be used every 50 feet if slopes exceed 4 percent.

    - Operation:
        - Maintenance activities should include periodic mowing (with grass kept above design flow depth), weed control, watering during drought, reseeding of bare areas, clearing of debris and blockages.
        - Accumulated sediment should be removed manually to avoid the transport of re-suspended sediments in periods of low flow and prevent damming effects from sand bars.
        - Fertilizer and pesticide use should be minimized.

The Tribe would submit a National Pollutant Discharge Elimination System (NPDES) General Construction Permit to the U.S. Environmental Protection Agency (EPA). Additionally, the Tribe would submit development plans to the County of San Diego Development Services for approval of any necessary off-site improvements and encroachment permits. The plans would include the site-specific stormwater drainage plan.

Roadway Improvements

Roadway improvements would be constructed at the site to provide proper access to the proposed facilities. Encroachment permits (if needed) would be submitted to the County of San Diego to construct suitable access to the Site.

Project Construction

The project components would be constructed after the site has been placed in federal trust. Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, masonry, electrical and mechanical work, building finishing, and paving, among other construction trades. The following measures would be incorporated into construction operations at the site:

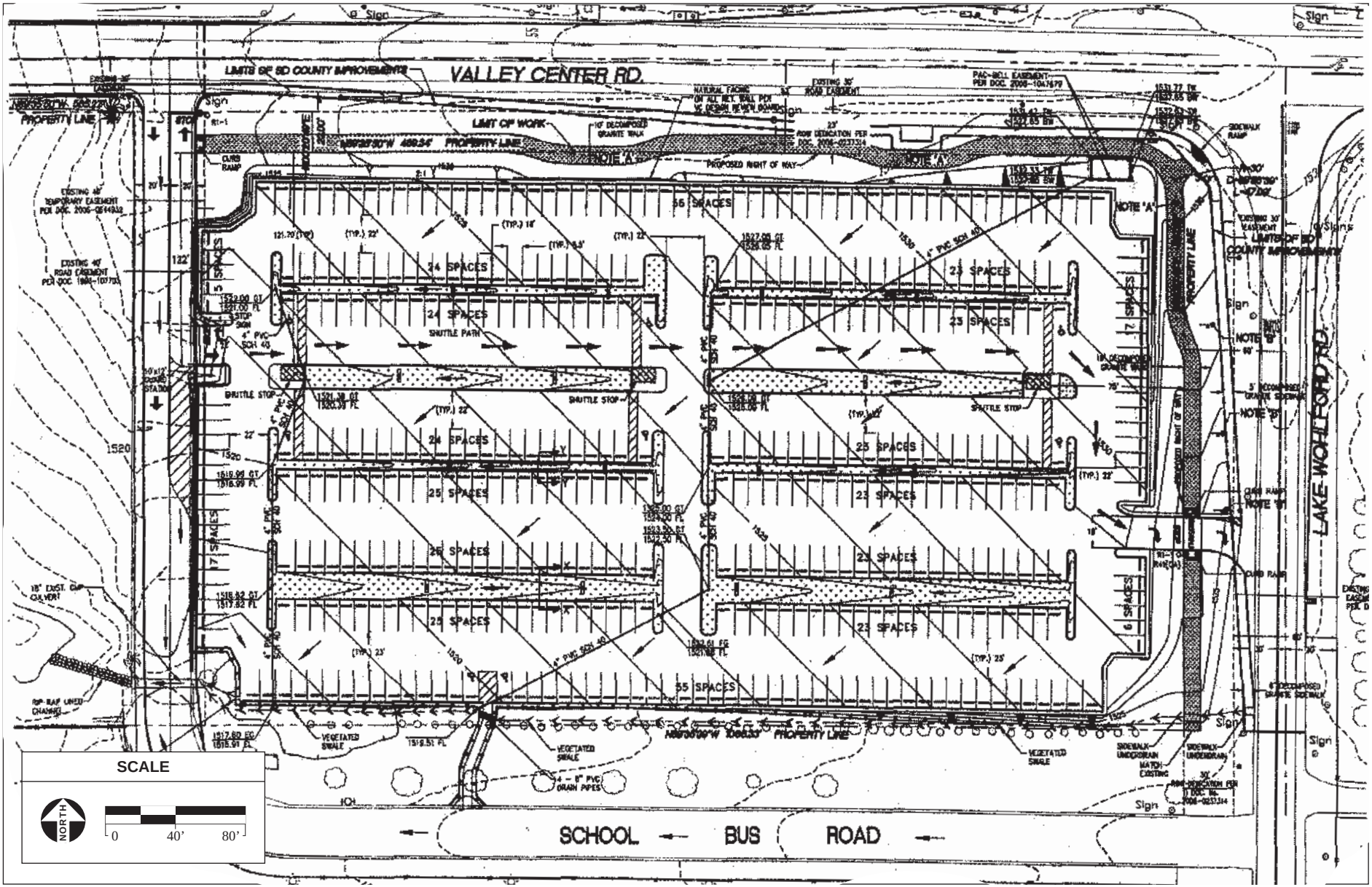
- A worksite safety plan would be prepared for construction
- Secondary containment would be stressed for the handling and storage of all hazardous materials.

Generation of construction-related emissions is considered a short-term nuisance impact. The following Best management Practices (BMPs) would be implemented to reduce these temporary construction emissions.

- The project owner shall designate an on-site Air Quality Construction BMP Manager (AQCBM) who shall be responsible for directing compliance with BMPs for the project construction heavy-duty equipment. The AQCBM shall be responsible for directing compliance with the following BMPs for fugitive dust control practices during project construction:
    - For any earth moving activities which would occur more than 100 feet from the subject property boundaries, conduct watering and/or cover as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction
    - For all disturbed surface areas apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas, which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day, and/or covered.
    - Establish a vegetative ground cover as soon as feasible after active operations have ceased.
    - For all unpaved roads either water all roads used for any vehicular traffic as often as necessary to minimize dust; or apply chemical stabilizer to all unpaved road surfaces on sufficient quantity and frequency to maintain a stabilized surface.
    - Provide track-out control to minimize tracking of soil onto neighboring roadways.
    - For all off site haul vehicles, cover loads.

2.2 *No Action Alternative*

Under the No-Action Alternative, the 9.08-acre site would not be placed into trust for the benefit of the Tribe. The Tribe would develop the eastern half of the site as a 143-space parking lot, with ancillary structures, in accordance with the Site Plan for the Valley View Casino Employee



SOURCE: Wynn Engineering, 2009; Jones & Stokes, 2009; AES, 2010

Figure 2-2
No Action Site Plan

Parking Lot (Site Plan Number 06-004), hereafter referred to as Site Plan 06-004. The grading, drainage, and striping plan drawing for Site Plan 06-004 is depicted in **Figure 2-2**. All of the conditions of approval and mitigation measures included within Site Plan 06-004 would be adhered to by the Tribe under this alternative. The western half of the site would remain undeveloped. An Initial Study for Site Plan 06-004 was completed in accordance with CEQA in May 2008. A Negative Declaration was adopted on July 10, 2008. Site Plan 06-004 was approved by the County of San Diego Director of Planning and Land Use on May 22, 2009.

The No-Action alternative would not provide economic development for the Tribe, which would not increase tribal revenues. Nor would it provide employment and managerial experience for tribal members. Under the No-Action alternative, the retail plaza would not exist and thus would not be able to help alleviate need in the surrounding community for certain neighborhood serving retail stores and other amenities.

2.3 *Alternative Eliminated from Consideration: Reduced Intensity*

The Reduced-Intensity Alternative would include (1) placing the 9.08-acre site into trust for the benefit of the Tribe, similar to the Proposed Action, and (2) the subsequent expansion of the existing overflow parking lot for the Valley View Casino. This alternative would expand the parking lot to cover the entire 9.08 acre parcel, but would not include any additional commercial development. While this alternative would provide additional parking for the Valley View Casino patrons and employees, it would not significantly enhance the economic conditions of the San Pasqual Indian Reservation. Nor would it provide new employment opportunities and managerial experience for tribal members. Expansion of the parking lot would only benefit the Valley View Casino and would not benefit the surrounding community, as would a small retail plaza. Because development of a portion of the Site into a small retail plaza would be more economically beneficial to the Tribe and would better provide for the needs of the surrounding community, the Overflow Parking Lot Expansion Alternative is not considered a reasonable alternative, and is hereby eliminated from further analysis in this EA.

Public Services

Public service providers would be the same as those listed for the Proposed Action. Best management practices for reducing the risk of fire would be implemented as for the Proposed Action, with the exception of those applying solely to the commercial development.

Water Supply and Wastewater Facilities

Since the Reduced-Intensity Alternative would include the expansion of the existing parking lot at the site, the existing municipal water source may be temporarily advanced and utilized to supply water during the construction period. However, long-term water usage would not be anticipated to occur at the site.

Grading and Drainage

Grading and drainage would be similar to that described for the Proposed Action,

Roadway Improvements

There would be additional roadway construction at the Site to create access to the western portion of the parcel, as well as an additional ingress/ egress point onto the site from Valley Center Road. All access points and traffic flow patterns at the Site would be submitted to the City of San Diego Development Services for approval.

Project Construction

Project construction under the Reduced-Intensity Alternative would involve minor grading work, the expansion of the existing parking lot, as well as the construction of a new road to provide access to the expanded parking lot. The contractor would need to design a new drainage plan to accommodate new surface water flow patterns at the Site. The same BMPs and construction mitigation measures described in the Proposed Action would be instituted under the Reduced-Intensity Alternative.

2.4 *Comparison of the Proposed Action and the Project Alternatives*

Proposed Action

The Proposed Action would create some moderate, but mitigable environmental effects associated with the following areas:

- Air Quality
- Noise
- Water Resources
- Traffic
- Visual Resources

The Proposed Action would best meet the Tribe's objectives by facilitating Tribal self-determination and economic development, and allowing the Tribe to exercise sovereignty over lands currently held in fee title. The development of a portion of the site into a small retail plaza would offer important economic development opportunities that would support the Tribe's pursuit of self-determination. It would increase tribal revenues and provide employment and managerial experience for tribal members, and would help serve the needs of Valley Center from anticipated community growth.

No-Action Alternative

While the No-Action Alternative would result in respectively less potentially adverse environmental effects than identified for the Proposed Action, the No-Action alternative would not provide economic development for the Tribe, which would not increase tribal revenues, nor would it provide employment and managerial experience for tribal members. Under the No-Action alternative, the retail plaza would not exist and thus would not be able to help alleviate need in the surrounding community for certain stores and other needs. The No-Action Alternative would not meet the purpose and need for the Proposed Action.

Reduced-Intensity Alternative

The Reduced-Intensity Alternative would generally result in similar short-term environmental impacts, and less long-term impacts when compared to the Proposed Action. However this alternative would not meet the Tribe's objective of generating increased revenues through the creation of new jobs and services that would help the Tribe to become more self sufficient, and add a wider range of services to the local community. Therefore, the reduced alternative has been eliminated from detailed consideration within this EA as it would not meet the purpose and need for the Proposed Action.

Section 3 **DESCRIPTION OF THE AFFECTED ENVIRONMENT**

This section presents relevant information about existing resources and other values that may be affected by the Proposed Project and alternatives. In accordance with the National Environmental Policy Act (NEPA) and the Bureau of Indian Affairs' (BIA) implementing guidelines (59 IAM 3-H), the existing conditions described herein provide the base line for determining the environmental effects identified in **Section 4.0**. Descriptions include the following resource and issue areas:

- Land Resources
- Water Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Socioeconomic Conditions / Environmental Justice
- Transportation and Circulation
- Land Use
- Public Services
- Noise
- Hazardous Materials
- Visual Resources

3.1 ***Land Resources***

The site is currently used as an overflow parking lot for the Valley View Casino. The site occupies 9.08 acres of land in Valley Center, California. Approximately 20 percent of the site is covered with pavement, and approximately 30 percent of the site is covered with gravel and a thin layer of asphalt. The remaining 50 percent of the site is vacant land and is unimproved. There are no existing structures on the site.

3.1.1 **Topography (land forms, drainage, gradients)**

The 1997 United States Geological Survey (USGS) Topographic Map of the area shows the site as generally flat with an elevation of approximately 1,520 feet above mean sea level (msl). The site is approximately 1,650 feet southeast of an unnamed creek and approximately 3,000 feet southwest of a second unnamed creek. There are no surface water bodies on the site or adjacent to the site. There are no other significant topographic features near the site.

There are no municipal storm drains on or in the vicinity of the site. The only stormwater infrastructure on the property at this time besides the roads, curbs, and gutters is the culvert under School Bus Road. This culvert conducts water from the eastern portion of the property to the western portion. Stormwater drains to a low area in the southwest corner of the property and flows off property on the southern boundary.

3.1.2 Geologic Setting and Seismicity

The site is located in the Coastal Plain/Foothill providence of San Diego County. The geologic history of the area generally consists of Pre-Cretaceous metasedimentary rocks intruded by Mesozoic granitic plutons. Based on the Geologic Map of California (1965), the site sits atop igneous mesozoic granitic rocks, primarily tonolite and diorite. The site lies within the International Building Code Seismic Zone 4, or high probability for a major seismic event. While Southern California is well known for seismic activity, historical seismicity of the San Diego region is low compared to the rest of Southern California. San Diego County has experienced strong shaking and damage from several earthquakes, but none of the recent ones have been particularly destructive. All of the faults which could affect San Diego County are part of the San Andreas system of faults (**Figure 3-1**). In addition to the main San Andreas fault, there are several other faults associated with this system, including: San Jacinto, Coyote Creek, Earthquake Valley, Agua Caliente, Elsinore, Rose Canyon, San Miguel (Mexico), Agua Blanca (Mexico), and Coronado Banks (offshore). The following faults may affect the site: San Andreas Fault, Coyote Creek Fault, and Elsinore Fault. For the site, the Elsinore Fault is the largest, clearly active major fault near the San Pasqual Indian Reservation. In order to address the seismic zone designation for the site, all facilities would be constructed according to the International Building Code criteria for Seismic Zone 4.

3.1.3 Soils (types, characteristics)

The soils within the site are composed of two main associations as designated by the United States Department of Agriculture (USDA): the Fallbrook sandy loam and Visalia sandy loam. The site has approximately equal amounts of these two soil types. The Visalia series consists of moderately well drained, very deep sandy loams derived from granitic alluvium. The Fallbrook sandy loam is very similar but includes more fine grain size materials. Both of these soils are on alluvial fans and flood plains that have slopes of 0 to 15%. The soils are typically used to grow avocados, citrus, walnut orchards, truck crops, irrigated pasture, field crops, tomatoes, flowers, and nursery stock. **Figure 3-2** displays the site soil map**. Table 3-1** shows the corresponding soil type descriptions and levels of soil occurrence at the site.

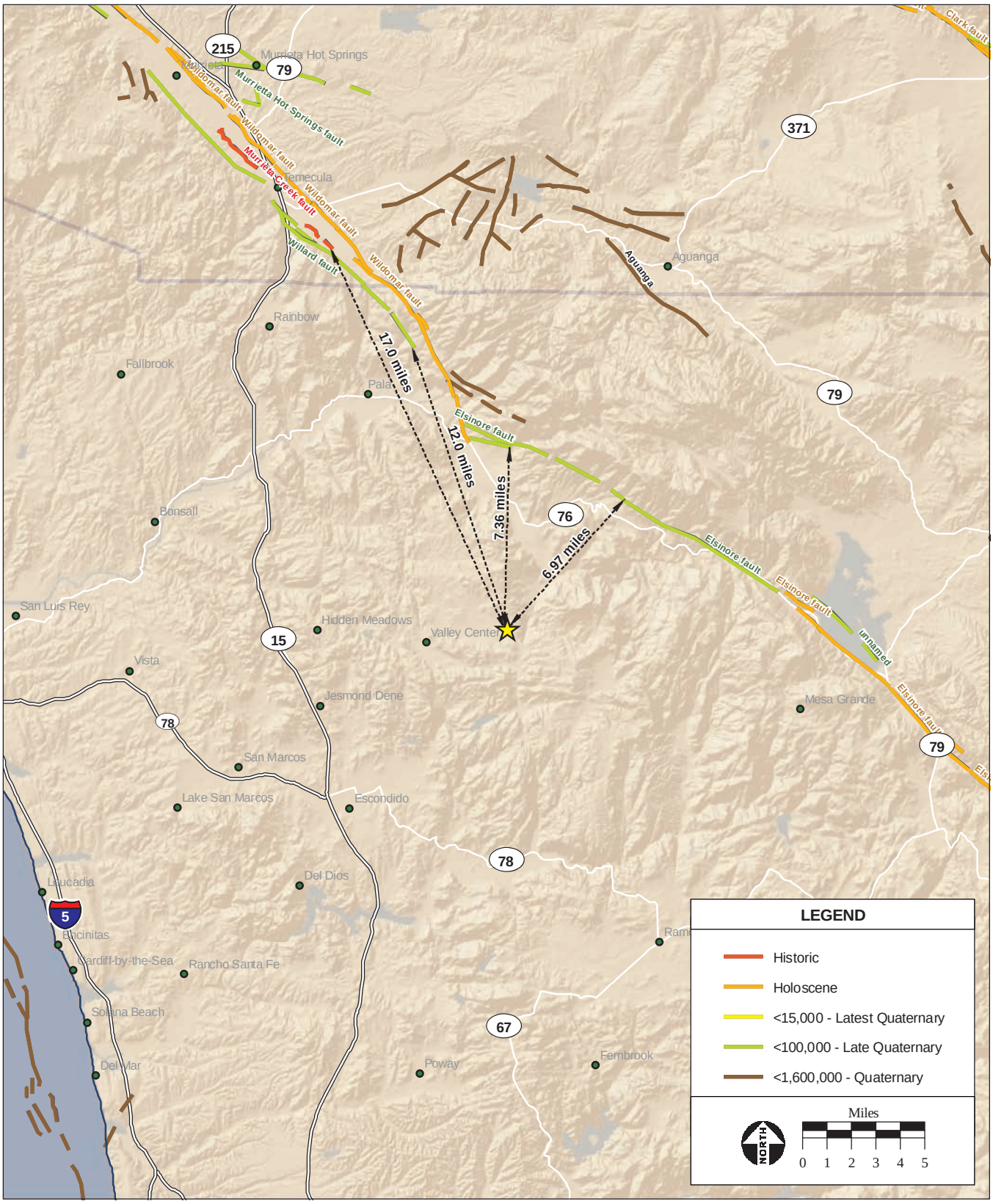
Table 3-1: Soil Map Units

Map Unit Symbol	Map Unit Name	Site Area (acres)	Site Coverage (percent)
FaC2	Fallbrook sandy loam	4.7	52%
VaB	Visalia sandy loam	4.3	48%

Source: SSURGO, 2002-2007

Soil Hydrological Classification

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by



SOURCE: USGS Earthquake Hazards Program, 2007; AES, 2010

Figure 3-1
Regional Fault Map

SOURCE: Soil Survey Geographic (SSURGO) database for San Diego County, California, 2002-2007; Aerial Express aerial photograph, 3/2008; AES, 2010

Figure 3-2
Soils Map

vegetation, are thoroughly wet, and receive precipitation from long-duration storms. The lowest to highest runoff potential runs from group A to D respectively. Both of the Site soils are classified in the soil hydrologic group B as described below according to the USDA classification.

Soil drainage class refers to the frequency and duration of wet periods under conditions similar to those under which the soil formed. Alterations of the water regime by human activities, either through drainage or irrigation, are not a consideration unless they have significantly changed the morphology of the soil. Seven classes of natural soil drainage are recognized: excessively drained, somewhat excessively drained, well drained, moderately well drained, somewhat poorly drained, poorly drained, and very poorly drained. Both of the site soils are classified as "well drained" as defined below according to the USDA classification.

- **Hydrologic Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

- **Well drained:** Water is removed from the soil readily but not rapidly. Internal free water occurrence commonly is deep or very deep; annual duration is not specified. Water is available to plants throughout most of the growing season in humid regions. Wetness does not inhibit growth of roots for significant periods during most growing seasons. The soils are mainly free of the deep to redoximorphic features that are related to wetness.

Based on the existing hydrologic soil group B and "well drained" drainage class, exposed soil on the Site has a moderate potential for runoff and erosion in extreme precipitation events.

There are no municipal storm drains on or in the vicinity of the site. The only stormwater infrastructure on the property at this time besides the roads, curbs and gutters is the culvert at the south boundary of the site. This culvert runs under the School Bus Road easement acting as a conduit for water from the eastern portion of the property to the western portion. A review of the high definition aerial and ground photos of the site shows stormwater draining to a low area in the southwest corner of the property. Much of the water appears to settle on the site; any remaining runoff appears to exit the property into a small wooded area. Some runoff flow may also drain toward the western site boundary into a channel which possibly flows into a small settling basin in the adjoining parcel. **Figure 3-3** below illustrates the drainage patterns inferred from the photos.

3.2 *Water Resources*

3.2.1 **Surface Water, Drainage, and Flooding**

The site does not have any permanent surface water bodies. Based on a review of aerial photographs, there is an intermittent drainage channel and possibly a settling basin in the vacant lot to the west of the site. From the photos, vegetation, and regional climate pattern, the channel appears to flow solely during and after heavy rainfall events. The potential settling basin is an oval feature in the adjoining vacant lot sized approximately 30 feet by 60 feet (**Figure 3-3**).

SOURCE: Wynn Engineering, 2009; Jones & Stokes, 2009; AES, 2010

Figure 3-3
Site Drainage Patterns

A July 2010 site visit confirmed the lack of permanent surface water bodies. One roadside ditch occurs within the site. The roadside ditch was excavated wholly in uplands and does not carry a relatively permanent flow of water as the manmade ditch only receives water from surrounding developed areas and through direct precipitation. The roadside ditch does not flow off of the site. A discussion of the potential Waters of the U.S. can be found in **Section 3.4**.

Drainage

The Site has a slight slope that channels surface waters to the west through the intermittent drainage described above. Water within the approximately one-foot wide roadside ditch flows west, is culverted beneath a paved road, continues for approximately 20 feet in an approximately five-foot wide channel, and ponds water where it abruptly loses its defined bed and banks at its terminus with a dirt road.

Flooding

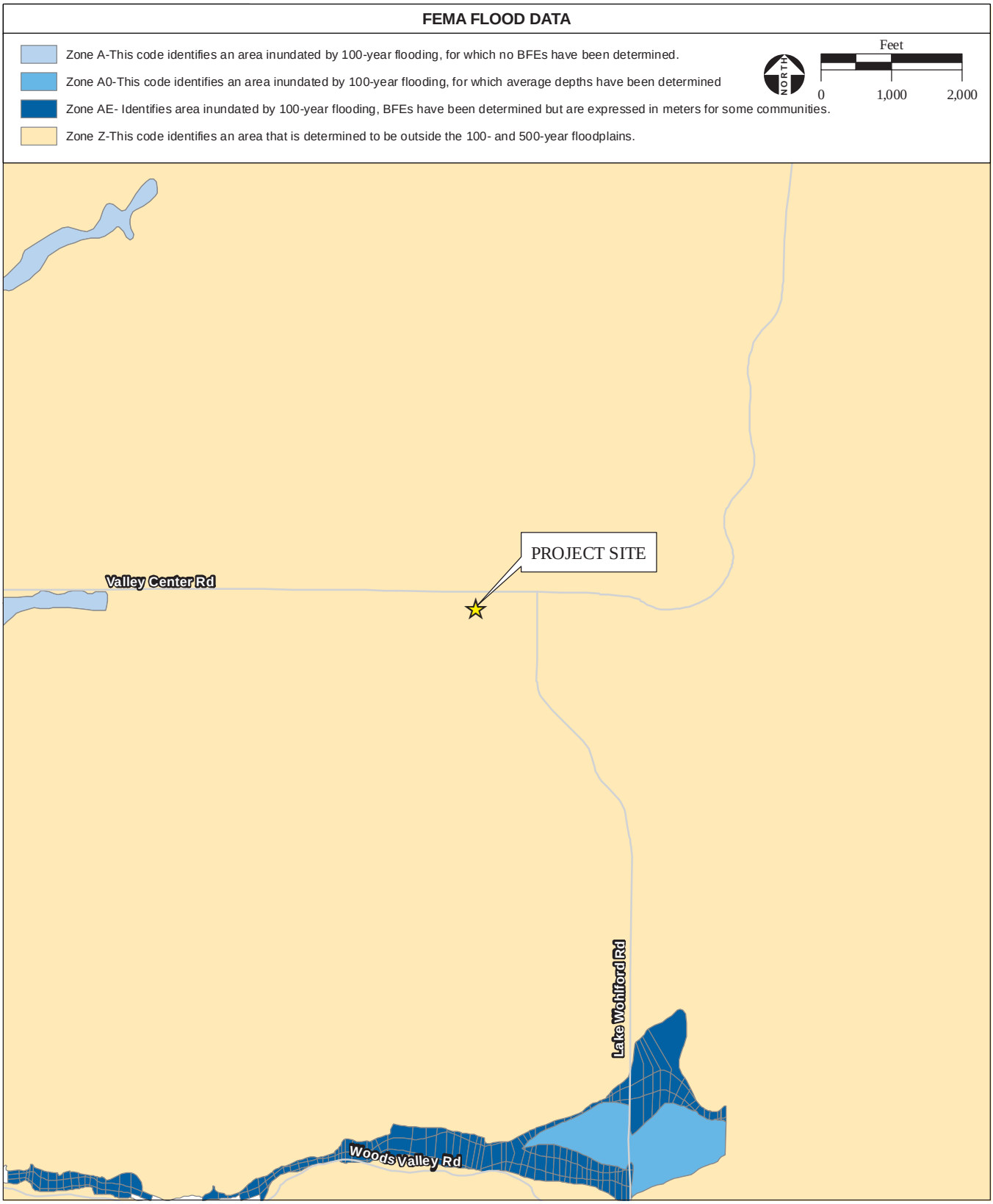
A Flood Insurance Rate Map (FIRM) displays the floodplains in a town or area. Such maps are used for town planning, the insurance industry, and by individuals. It is the official map showing Federal Emergency Management Agency (FEMA) delineations of both special hazard areas and the risk premium zones.

The entire Site is designated as Zone Z as shown in **Figure 3-4.** FEMA describes Zone Z as an area determined to be outside the 500-year floodplain. According to FEMA, for Zone Z areas, flood insurance is available to all property owners and renters as long as the community participates in the National Flood Insurance Program.

3.2.2 Climate & Precipitation

The site area has a semiarid climate with warm dry summers and mild winters. The average annual precipitation is approximately 15 inches resulting in a borderline arid climate. Rainfall is strongly concentrated in the cooler half of the year, particularly December through March. The summer months are virtually rainless. Rainfall amounts are highly variable from year to year and from month to month.

A nearby rain gauge for the site is located at Lake Wohlford. The station was in operation from 1948 to 1992. As part of a study by the National Climatic Data Center, Hourly Precipitation Data (HPD) rainfall event statistics for this station were computed based on recordings made of rainfall and time. The HPD statistics were generated through a process of computer statistical analysis of the station precipitation data in 2003. A data documentation paper on the process and the HPD statistical results for Lake Wohlford are attached as an appendix to the Stormwater/ Drainage report (**Appendix C** of this EA). A cursory review of the data shows that the station recorded precipitation values of 4-7 inches within a 24 hour period several times in the station operating period. The data displays these levels of precipitation occurring at least once if not multiple times every decade from 1940s-1980s. The large rainfall values are almost exclusively during the winter months. The highest value noted in the data is 12.1 inches over 23.5 hours in the early months of 1969. This peak value is collaborated by a nearby Escondido rain gauge station recording 7.7 inches over 16 hours during the same time frame.



SOURCE: FEMA FIRM data, 2008; FEMA Q3 Flood Data, 1996; AES, 2010

Figure 3-4
FEMA Flood Zones

3.2.3 **Water Supply and Groundwater**

Numerous wells have been drilled within the vicinity of the site. Five wells have been drilled at locations on or very near the site as shown in **Figure 3-5**. The ground water level data for these wells was reported and archived to the Water Data Library, California Department of Water Resources. **Table 3-2** displays the ground water level depths which have been consistently reported at less than 100 feet below the ground surface. The shallow ground water level is consistent with the flat basin topography of the area. The well ground water level data below may be slightly different now as all of the data was recorded in 1966-1967. For the Phase I Environmental Assessment of the site, GreenWave Consulting found no information available regarding the status of the wells. Contact with the respective state and federal agencies did not yield any information. There is a 1-inch water supply pipe owned by the Valley Center Municipal Water District located on the North border of the site. Usage at the site is designated as "Commercial."

Table 3-2: Site Groundwater Data

State Well Number	Approximate Depth to Groundwater (below ground surface)
11S01W15D001S	30 Feet
11S01W10N002S	49 Feet
11S01W10N001S	50 Feet
11S01W15C003S	48 Feet
11S01W10P001S	50 Feet

Source: California Department of Water Resources, 2010

Since the site is used as an overflow parking lot for the Valley View Casino, and as undeveloped land, there is no existing water supply or wastewater treatment system developed on-site. The existing 1-inch service line and meter at the project site are not connected to any potable water system and are not in use. There are no groundwater supply wells on the project site.

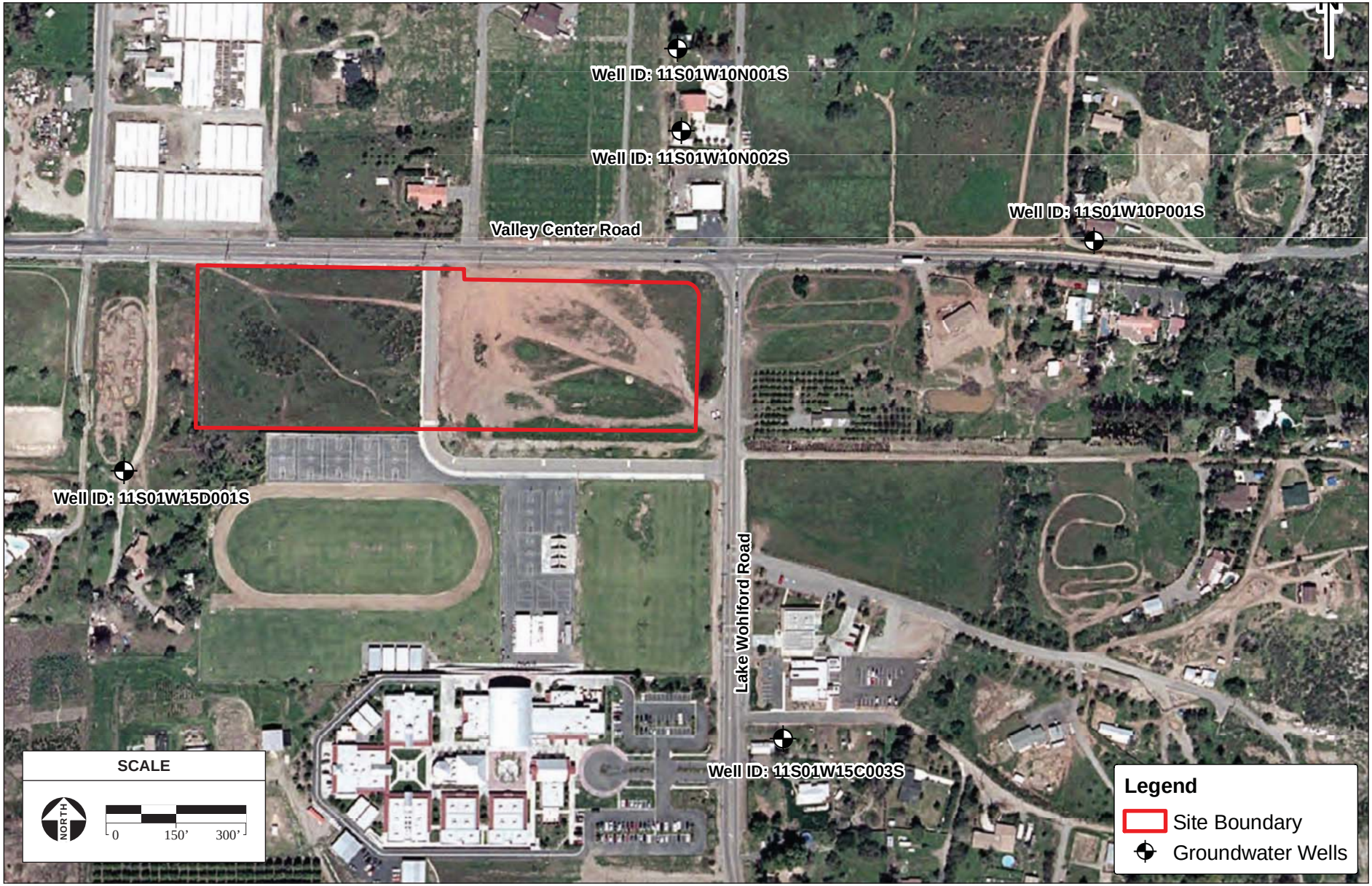
3.2.4 **Wastewater Treatment**

There is no municipal wastewater treatment service within the vicinity of the site. Most of the residences and businesses in the area utilize private on-site septic treatment systems built to San Diego County specifications. The Tribe owns a private wastewater facility which services the Valley View Casino. The wastewater facility is located approximately one mile southeast of the site. The nearest public wastewater facility is the Valley Center Municipal District Wastewater Treatment Plant.

3.2.5 **Water Quality**

Regulatory Context

The Clean Water Act (CWA) (33 U.S.C §1251) is the primary federal legislation for the prevention of pollutions of the nations navigable waters. The goal of the Clean Water Act is the



SOURCE: Wynn Engineering, 2009; Jones & Stokes, 2009; AES, 2010

Figure 3-5
Well Data Map

"restoration and maintenance of chemical, physical and biological integrity of Nation's waters" (33 U.S.C §1251). The Safe Drinking Water Act (42 U.S.C. §300f) is the major federal legislation that protects groundwater quality, as both current and potential drinking water sources.

Surface Water

The State Water Resources Control Board, in compliance with CWA section 303, has prepared a list of impaired water bodies in the State of California. Impaired water bodies occur where industrial and technological waste limits or other legal mechanisms for pollution control are not enough to meet water quality standards. The list includes a priority schedule for the development of total maximum daily loads for each contaminant or "stressor" impacting the water body. There are no surface water bodies listed on the 303(d) list within the vicinity of the site.

Accidental release of petroleum products into navigable waters of the United States is regulated by the CWA. In event of accidental release of petroleum products to navigable waters of the United States, the owner and operator of a facility that stores or handles petroleum products would bear liability for the cost of the removal, clean-up, and damages of the facility under the Oil Pollution Act (USC Title 33 Chapter 40 Subchapter I). All other discharges are subject to the provisions of 40 CFR Part 280, discussed in **Section 3.11**.

Groundwater

In order to protect water supplies and under the mandate of the Safe Drinking Water Act, the EPA defines National Primary Drinking Water Regulations (primary standards). These are legally enforceable standards that apply to public water systems. These standards are established to protect human health by limiting the levels of contaminants in drinking water. The EPA also defines National Secondary Drinking Water Regulations (secondary standards).

3.3 *Air Quality*

3.3.1 **Project Area and Vicinity**

The Site is located in the northwestern portion of the San Diego Air Basin (SDAB). Air quality in the SDAB is influenced by pollutants transported from the South Coast Air Basin (Los Angeles area) in the north and from the Tijuana, Mexico region in the south. A large portion of the air pollution in the SDAB comes from mobile-source emissions (i.e. vehicle exhaust). Pollutants in this air basin tend to be generated in areas of concentrated urban development along the coastal plain.

The topography of San Diego County is varied, resulting in climatic differences within the county. The Climate in the eastern portion of the county differs from that of the western portion. The elevation and slope of the eastern portion of the county results in a much hotter and drier climate compared to that of the coastal areas. Precipitation is heavier in the winter months. Winds in mountainous terrain are far more variable, in both speed and direction, than at the valley floor. Wind direction is typically up-slope during the daytime and downslope at night.

The overall general wind is westerly, although terrain effects can distort this general flow substantially.

3.3.2 **Regulatory Context**

Because the subject property will be taken in to federal trust for the Tribe, the project site would not be subject to state regulatory authority for air quality. The Federal government is responsible for directly administering Federal Clean Air Act (CAA) mandated programs on Tribal land in instances where the Tribe is not administering provisions of these programs. The EPA will provide assistance to the Tribe if they wish to develop their own air quality regulations under the CAA for managing air quality on their reservation.

For the reasons above, the EA analysis focuses on the regulation of air quality at the federal level. However, state regulations and regional air district requirements are also discussed to provide a broader context for air quality planning activities within the state and the region.

Federal

The CAA of 1970, as amended, establishes air quality standards for several pollutants. These pollutants are termed "criteria" pollutants because the EPA has established specific concentration threshold criteria for them based upon health effects. The EPA has designated six criteria air pollutants: ozone (O_3), carbon monoxide (CO), particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead (Pb). The national ambient air quality standards (NAAQS) for these pollutants are divided into primary standards and secondary standards. Primary standards are designed to protect the public health, and secondary standards are intended to protect the public welfare from effects such as visibility reduction, soiling, nuisance, and other forms of damage. NAAQS for the pollutants of greatest concern in the SDAB are presented in **Table 3-3**.

Air basins or portions thereof are classified with respect to their attainment or the extent of their nonattainment of the NAAQS. Non-attainment areas must take steps towards attainment within a specific timeline. The CAA places most of the responsibility for achieving compliance with the NAAQS on the states. A state achieves compliance through measures set forth in its State Implementation Plan (SIP). The SIP consists of a number of measures that set forth the state’s strategies for achieving the NAAQS. C.F.R. Title 40, Chapter I, Part 52, Subpart F, Section 52.220 lists the requirements for a SIP. The SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California's SIPs detail control strategies, including emission standards for cars and heavy trucks, fuel regulations, and limits on emissions from consumer products. Local air districts and other agencies prepare SIP elements and submit them to the California Air Resources Board (CARB) for review and approval. CARB is the lead agency for all purposes related to the SIP.

Federal Hazardous Air Pollutant Program

Title III of the CAA requires the EPA to promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The NESHAPs may differ between regional sources and

Table 3-3: National Ambient Air Quality Standards

Pollutant	Averaging Time	Standard		Violation Criteria
		parts per million	microgram per cubic meter	
		NAAQS	NAAQS	NAAQS
Ozone	8 hours	0.075	157	If exceeded on more than 3 days in 3 years
CO	8 hours	9	10,000	If exceeded on more than 1 day per year
	1 hour	35	40,000	If exceeded on more than 1 day per year
NO_x	Annual average	0.053	100	If exceeded
SO_x	Annual average	0.03	80	If exceeded
	24 hours	0.14	365	If exceeded on more than 1 day per year
PM_{10}	24 hours	N/A	150	If exceeded on more than 1 day per year
$PM_{2.5}$	Annual arithmetic mean	N/A	15	If exceeded
	24 hours	N/A	35	If exceeded on more than 1 day per year

SOURCE: CARB, 2010

area sources of hazardous air pollutants (HAPs). Major sources are defined as stationary sources with potential to emit more than 10 tons per year (tpy) of any HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. The emissions standards were promulgated in two phases. In the first phase (1992–2000), EPA developed technology-based emission standards designed to produce the maximum emission reduction achievable for major sources. For area sources, the standards were based on generally available control technology. In the second phase (2001–2008), the EPA promulgated health risk–based emissions standards necessary to address risks remaining after implementation of the technology-based NESHAP standards.

In addition to standards for stationary sources of HAPs, the CAA also requires the EPA to promulgate vehicle or fuel standards to include reasonable controls for toxic emissions, addressing at a minimum benzene and formaldehyde. Performance criteria were established to

limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene. In addition, Section 219 of the CAA requires the use of reformulated gasoline in selected U.S. cities (those with the most severe ozone nonattainment conditions) to further reduce mobile-source emissions. NESHAP regulations are also used to ensure emissions of HAPs (such as asbestos) are reduced or eliminated from gasoline dispensing facilities.

Federal General Conformity

The federal General Conformity Rule implements Section 176(c) of the CAA, and establishes minimum thresholds for reactive organic compounds (ROGs) and nitrogen oxides (NOx) (ozone precursors), particulate matter (PM), and other regulated constituents for non-attainment and maintenance areas.

Under the General Conformity Rule, the lead agency with respect to a federal action is required to demonstrate that the proposed federal action conforms to the applicable SIP before the action is taken. There are two phases to a demonstration of general conformity:

1) The Conformity Review process, which entails an initial review of the federal action to assess whether a full conformity determination is necessary, and

2) The Conformity Determination process, which requires that a proposed federal action be demonstrated to conform to the applicable SIP.

The Conformity Review requires the lead agency to compare estimated emissions to the applicable general conformity *de minimus* threshold(s). If the emission estimates from step one are below the applicable threshold(s), then a general conformity determination is not necessary and the full Conformity Determination is not required. If emission estimates are greater than *de minimus* levels, the lead agency must conduct a formal Conformity Determination. Since the San Diego County Air Basin (SDAB) is designated non-attainment for ozone, the *de minimus* threshold level of 100 tons per year applies to ozone precursors (ROG and NOx). The SDAB is in attainment or unclassifiable for all other national ambient air quality standards.

Climate Change

Climate change is a global phenomenon attributable to the sum of all human activities and natural processes. In 1997, the Council on Environmental Quality (CEQ) circulated an internal draft memorandum (CEQ, 1997a) on how global climate change should be treated for the purposes of the National Environmental Policy Act (NEPA). The CEQ draft memorandum advised federal lead agencies to consider how proposed actions subject to NEPA would affect sources and sinks of green house gases (GHGs). During the same year, CEQ released guidance on the assessment of cumulative effects in NEPA documents (CEQ, 1997b). Consistent with the CEQ draft memorandum, climate change impacts were offered as one example of a cumulative effect.

The following are the most recent regulatory actions taken by the USEPA:

- On July 23, 2009, USEPA published a final “rule which proposes to establish the criteria

for including sources or sites in a Registry of Recoverable Waste Energy Sources (Registry)," as required by the Energy Independence and Security Act of 2007. Waste energy can be used to produce clean electricity. The clean electricity produced by waste energy would reduce the need for non-renewable forms of electricity production, thus reducing greenhouse gas (GHG) emissions.

- On September 15, 2009, USEPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) proposed a new national program that would reduce GHG emissions and improve fuel economy for all new cars and trucks sold in the United States. USEPA proposed the first national GHG emissions standards under the Clean Air Act, and NHTSA proposed an increase in the Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act.

- In response to the FY2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110–161), USEPA issued the Final Mandatory Reporting of Greenhouse Gases Rule. Signed by the Administrator on September 22, 2009, the rule requires that suppliers of fossil fuels and industrial GHGs, manufacturers of vehicles and engines outside of the light duty sector, and facilities that emit 25,000 metric tons or more of GHGs per year to submit annual reports to USEPA. The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change.

- On September 30, 2009, USEPA proposed new thresholds for greenhouse gas emissions (GHG) that define when Clean Air Act permits under the New Source Review and title V operating permits programs would be required.

- In February, 2010 The CEQ Chair released a memorandum, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions. The memorandum provides guidance on how project-related GHG emission should be analyzed in NEPA documents. The Draft Guidance provides that a NEPA climate change analysis shall provide quantification and mitigation to reduce GHG emissions. The guidance also provides that 25,000 metric tons of GHG emissions per year may be a helpful guideline to assist lead agencies in making informed decisions on climate change impacts resulting from a project subject to NEPA. The guidance notes that the 25,000 metric tons is not a threshold for evaluating climate change on the project level.

3.3.3 **Pollutants of Concern**

The project area, which is within San Diego Air Basin, is in nonattainment for ozone; therefore, it is considered a pollutant of concern with regard to the construction and operation of the Proposed Project. Diesel particulate matter (DPM) is not considered a pollutant of concern due to EPA not assigning DPM an attainment status or classification; however, given the nature of the project, DPM was considered in the analysis. The following is a brief description of ozone and DPM:

Ozone

Photochemical reactions involving ROG and NO_X resulting from the incomplete combustion of

fossil fuels are the largest source of ground-level ozone. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, ozone is primarily a summer air pollution problem. As a photochemical pollutant, ozone is formed only during daylight hours under appropriate conditions, but is destroyed throughout the day and night. Ozone is considered a regional pollutant, as the reactions forming it take place over time and are often most noticeable downwind from the sources of the emissions.

Diesel Particulate Matter (DPM)

Diesel Particulate matter is not a criteria air pollutant, however, diesel particulate matter is of great concern to public health. DPM is considered a pollutant of concern when heavy duty diesel construction equipment and diesel transportation trucks are in operation. DPM is defined as a Toxic Air Contaminate (TACs). TACs are substances that are known or suspected to be emitted in California and have potential adverse health effects. Currently, there are 244 TACs listed by CARB. According to CARB, the estimated health risk from TACs can be primarily attributed to relatively few compounds, such as DPM. DPM differs from many other TACs in that it is not a single substance, but rather a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are known as particulate matter or PM, which includes carbon particles or "soot." The major source of DPM in the project area is diesel trucks on local roadways. There are no large stationary sources of DPM is the immediate vicinity of the Proposed Project.

3.3.4 **Sensitive Receptors**

Sensitive receptors are generally defined as residential areas and other land uses associated with people susceptible to adverse impacts from air pollution emissions, and as such, should be given special consideration when evaluating air quality impacts. Sensitive receptors include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, such as hospitals, schools, convalescent facilities.

Sensitive receptors in the vicinity of the Site include: the Valley Center Middle School, which is located approximately 280 feet south of the site boundary. There are also residences situated to the north, east, and west of the Site. The closest residence is approximately 170 feet from the southeastern border of the Site. There are no hospitals within the immediate vicinity of the Site.

3.4 ***Biological Resources***

A Biological Assessment (BA) was prepared for the project site and is included in **Appendix D**. Since the circulation of the draft Environmental Assessment (EA), an additional biological survey of the site was conducted and a separate BA Technical Memorandum was prepared (AES, 2010), which is provided as **Appendix D**. The 2010 memo supplements and updates the findings of the 2009 BA. The memo includes a detailed evaluation of the Site, summarizes regionally occurring federal listed species in the vicinity of the project site, and provides a rationale as to whether the species has the potential to occur within the Site based on the July 20, 2010 biological survey. The Biological Resources section of this Final EA reflects the findings identified within the BA and memo. Potential impacts and mitigation measures in Sections 4 and 5 are based on the evaluation of potentially occurring federal listed species identified in Section

3 of this Final EA.

3.4.1 Regulatory Setting

Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) enforce the provisions of the federal Endangered Species Act (FESA). The USFWS administers FESA for all terrestrial species. NMFS administers FESA for marine fish species, including anadromous salmonids. Section 9 (§1538) prohibits the "taking" of a listed species by anyone, including private individuals, and state and local agencies. Threatened and endangered species on the federal list (50 CFR Sections 17.11 and 17.12) are protected from take, defined as direct or indirect harm. If "take" of a listed species is necessary to complete an otherwise lawful activity, this triggers the need for consultation under Section 7 of FESA for federal agencies, including Tribes. A Section 7 Biological Opinion with incidental take provisions would be rendered.

Pursuant to the requirements of FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the study area and whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species that is proposed for listing under FESA or to result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC Section 1536[3], [4]). Therefore, project-related impacts to these species, or their habitats, would be considered significant and require mitigation.

Under FESA, critical habitat may be designated by the Secretary of the Interior for any listed species. The term "critical habitat" for a threatened or endangered species refers to the following: specific areas within the geographical range of the species at the time it is listed that contain suitable habitat for the species, which may require special management considerations or protection; and specific areas outside the geographical range of the species at the time it is listed that contain suitable habitat for the species and is determined to be essential for the conservation of the species. Under Section 7 of the FESA, all federal agencies (including USFWS and NMFS) are required to ensure that any action they authorize, fund, or carry out will not likely jeopardize the continued existence of a listed species or modify their critical habitat. Critical habitat does not include occupied habitat areas on Indian lands. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order, including: lands held in trust by the U.S. for the benefit of any Indian Tribe and land held in trust by the U.S. for any Indian Tribe or individual subject to restrictions by the U.S. against alienation (70 FR 52488-52627).

Waters of the U.S.

Any person, firm, or agency planning to alter or work in navigable waters of the U.S., including the discharge of dredged or fill material, must first obtain authorization from the USACE. Permits, licenses, variances, or similar authorization may also be required by other federal, state,

and local statutes. Section 10 of the Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from the USACE (33 U.S.C. 403). Section 301 of the Federal Water Pollution Control Act and Amendments of 1972 (CWA) prohibit the discharge of pollutants, including dredged or fill material, into waters of the U.S. without a Section 404 permit from the USACE (33 U.S.C. 1344). A Section 401 Water Quality Certification may be required by the Environmental Protection Agency for trust lands before other permits are issued.

Migratory Bird Treaty Act

Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. As such, project-related disturbances must be reduced or eliminated during the nesting season.

North County Multiple Habitat Conservation Program

The North County Multiple Habitat Conservation Program (MHCP) is a comprehensive conservation planning process, adopted in 2003, that addresses the needs of multiple plant and animal species in North Western San Diego County. The MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Its goal is to conserve approximately 19,000 acres of habitat for the protection of more than 80 rare, threatened, or endangered species. Subarea plans for the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, and Vista are being prepared and must be adopted by each City Council and implementing agreements with the California Department of Fish and Game and U.S. Fish and Wildlife Service must be signed before incidental take permits can be issued. The MHCP is one of three subregional habitat conservation planning programs in the region that, together, will contribute to a coordinated preserve system for the San Diego region and Southern California. The Site does not occur within the MHCP boundaries.

3.4.2 Habitat Types

Habitat types in the Site include ruderal/disturbed areas, developed areas, and a roadside ditch.

Ruderal/Disturbed

Approximately half of the Site is comprised of ruderal/disturbed areas. The ruderal/disturbed areas include dirt roads and ornamental trees and nonnative species on disturbed land. Dominant vegetation in the ruderal/disturbed areas of the Site includes Bermuda grass (*Cynodon dactylon*), black mustard (*Brassica nigra*), narrowleaf plantain (*Plantago lanceolata*), soft chess (*Bromus hordeaceus*), smooth cat's ear (*Hypochaeris glabra*), common dandelion (*Taraxacum officinale*), coastal sagebrush (*Artemesia californica*), common deerweed (*Lotus scoparius*), common purslane (*Portulaca oleracea*), puncture vine (*Tribulus terrestris*), alfalfa (*Medicago sativa*), Cooper's goldenbush (*Ericameria cooperi*), ragweed (*Ambrosia* sp.), Mexican palo verde

(*Parkinsonia aculeate*), and California buckwheat (*Eriogonum fasciculatum*). Ornamental trees include an isolated palm (*Washingtoni*a sp.) and peppertree (*Schinus* sp.).

Developed

Approximately half of the Site is developed. The developed areas include paved roads and a paved parking lot.

Roadside Ditch

A roadside ditch occurs on the south-central portion of the Site. Water within the approximately one-foot wide roadside ditch flows west, is culverted beneath a paved road, continues for approximately 20 feet in an approximately five-foot wide channel, and ponds water where it abruptly loses its defined bed and banks at its terminus with a dirt road. No vegetation was observed within the roadside ditch on the east side of the culverts during the July 2010 survey. The roadside ditch to the west of the culverts was sparsely vegetated at the time of the July 2010 survey of the Site. Vegetation observed in the bed and along the banks of the roadside ditch includes Bermuda grass, ragweed, narrowleaf plantain, puncture vine, and panic grass (*Panicum capillare*).

3.4.3 Potential Waters of the U.S.

An informal wetland delineation was conducted within the Site in conjunction with the July 20, 2010 biological survey. One roadside ditch occurs within the Site. The roadside ditch was excavated wholly in uplands and does not carry a relatively permanent flow of water as the manmade ditch only receives water from surrounding ruderal/disturbed and developed areas and through direct precipitation. The roadside ditch does not have a hydrologic connection with a waters of the U.S. because water within the roadside ditch does not flow off of the Site. In accordance with RGL 07-01, the roadside ditch is not considered a potentially jurisdictional feature. No potentially jurisdictional features occur within the Site.

3.4.4 Federal Listed Special Status Species

For the purposes of this assessment, special status has been defined to include those species that are listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing). A summary of regionally occurring federal listed species in the vicinity of the Site based on the USFWS file data, a description of habitat requirements, and a rationale as to whether the species has the potential to occur within the Site is provided as an attachment to the memo, which is provided in **Appendix E**. Presence of species or their habitat was evaluated during the July 2010 biological survey. Species without the potential to occur in the Site are not further discussed. The Site does not occur within designated critical habitat for any federal listed species. The Site does not occur within the boundaries of the MHCP.

San Diego Thornmint (*Acanthomintha ilicifolia*)

Federal Status – Threatened

This species is an annual herb found usually on clay soils in chaparral, coastal scrub, valley and foothill grassland, and vernal pools from 10 to 960 meters. The blooming period is from April

through June. This species is known from San Diego and Baja California (CNPS, 2010). There is one CNDDB record for San Diego thornmint within five miles of the Site. The record is from 1990 and is approximately 2.5 miles southwest of the Site (CNDDB record number: 49). The record states that the seed and soil were transplanted to the Site outside its native habitat and range. Although the species is usually found on clay soils within valley and foothill grassland, the sandy loam soils within the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the Site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. San Diego thornmint has a low potential to occur within the Site.

Thread-Leaved Brodiaea (*Brodiaea filifolia*)

Federal Status – Threatened

This species is usually found on clay soils within chaparral, occasionally in openings, cismontane woodland, coastal scrub, playas, valley and foothill grassland, and vernal pools from 25 to 1,219 meters. The blooming period is from March through June (CNPS, 2010). There are no documented CNDDB records for thread-leaved brodiaea within five miles of the Site. Although the species is usually found on clay soils, the sandy loam soils within the ruderal/developed areas of the Site may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the Site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. Thread-leaved brodiaea has a low potential to occur within the Site.

San Diego Button Celery (*Eryngium aristulatum* var. *parishii*)

Federal Status – Endangered

This species is an annual to perennial herb usually found in mesic vernal pools, valley and foothill grassland, and coastal scrub from 20 to 620 meters. The blooming period is from April through June (CNPS, 2010). There are no CNDDB records for San Diego button celery within five miles of the Site. Although the species is usually found on clay soils and within valley and foothill grassland, the sandy loam soils within the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the Site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. San Diego button celery has a low potential to occur within the Site.

Stephens' Kangaroo Rat (*Dipodomys stephensi*)

Federal Status: Endangered

Stephens' kangaroo rat is found in sagebrush and grassy patches on sandy or gravelly soils. Stephens' kangaroo rat is known from the San Jisinto Valley of San Diego, Riverside, and San Bernardino counties (Jameson and Peeters, 2004). There are three documented CNDDB records for Stephens' kangaroo rat within five miles of the Site. The nearest CNDDB record that is presumed extant is from 2004 and is approximately 2.6 miles northeast of the Site (occurrence number: 226). The record states that 100 individuals were trapped in 73 locations in native grasslands, elevated areas, well drained hillsides, ridges, saddles, trails, dirt roadways, and

adjacent lands in a trapping study (CDFG, 2003). Although the species is usually found in sagebrush habitat types, the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. However, given that the Site is highly disturbed and is surrounded by development, it is unlikely that this species would occur within the Site. This species was not observed during the biological survey of the Site. Although unlikely, this species has a low potential to occur within the Site.

3.4.5 **Migratory Birds and Birds of Prey**

The MBTA of 1918 (16 U.S.C. 703-711) protects migratory birds by making it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). No birds were observed nesting during the July 20, 2010 biological survey of the Site. Migratory birds and other birds of prey have the potential to nest within the ornamental shrubs and trees within the Site.

3.5 ***Cultural Resources***

A Cultural Resource Inventory was completed at the site by Laguna Mountain Environmental, Inc. in October, 2009, and is attached to this EA as **Appendix F**. The survey consisted of a record and literature search conducted at the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, as well as a site survey conducted by Laguna Environmental staff on October 21, 2009. The records search included a one-mile radius around the site to provide background on the types of cultural resources that would be expected in the region. Copies of historic maps were provided by the South Coastal Information Center. Cultural resource work was conducted in accordance with National Historic Preservation Act (NHPA) and NEPA.

3.5.1 **Prehistoric and Ethnographic Setting**

Paleoindian Period

The earliest well-documented prehistoric sites in southern California are identified as belonging to the Paleoindian period, which has locally been termed the San Dieguito complex/tradition. The Paleoindian period is thought to have occurred between 9,000 years ago, or earlier, and 8,000 years ago in this region. Although varying from the well-defined fluted point complexes such as Clovis, the San Dieguito complex is seen as a hunting- focused economy with limited use of seed grinding technology. The economy generally focuses on highly ranked resources such as large mammals and relatively high mobility, which may be related to following large game. Archaeological evidence associated with this period has been found around inland dry lakes, on old terrace deposits of the California desert, and also near the coast where it was first documented at the Harris Site.

Early Archaic Period

Native Americans during the Archaic period had a generalized economy that focused on hunting and gathering. In many parts of North America, Native Americans chose to replace this

economy with types based on horticulture and agriculture. Coastal southern California economies remained largely based on wild resource use until European contact. Changes in hunting technology and other important elements of material culture have created two distinct subdivisions within the Archaic period in southern California.

The Early Archaic period is differentiated from the earlier Paleoindian period by a shift to a more generalized economy and an increased focus on the use of grinding and seed processing technology. At sites dated between approximately 8,000 and 1,500 years before present, the increased use of groundstone artifacts and atlatl dart points, along with a mixed core-based tool assemblage, identify a range of adaptations to a more diversified set of plant and animal resources. Variations of the Pinto and Elko series projectile points, large bifaces, manos and portable metates, core tools, and heavy use of marine invertebrates in coastal areas are characteristic of this period, but many coastal sites show limited use of diagnostic atlatl points. Major changes in technology within this relatively long chronological unit appear limited. Several scientists have considered changes in projectile point styles and artifact frequencies within the Early Archaic period to be indicative of population movements or units of cultural change (Moratto 1984), but these units are poorly defined locally due to poor site preservation.

Late Archaic or Late Prehistoric Period

Around 2,000 B.P., Yuman-speaking people from the eastern Colorado River region began migrating into southern California, representing what is called the Late Prehistoric Period. The Late Prehistoric Period in San Diego County is recognized archaeologically by smaller projectile points, the replacement of flexed inhumations with cremation, the introduction of ceramics, and an emphasis on inland plant food collection and processing, especially acorns (True 1966). Inland semi-sedentary villages were established along major water courses, and montane areas were seasonally occupied to exploit acorns and piñon nuts, resulting in permanent milling features on bedrock outcrops. Mortars for acorn processing increased in frequency relative to seed grinding basins. This period is known archaeologically in southern San Diego County as the Yuman (Rogers 1945) or the Cuyamaca Complex (True 1970).

The Kumeyaay (formerly referred to as Diegueño) who inhabited the southern region of San Diego County, western and central Imperial County, and northern Baja California (Almstedt 1982; Gifford 1931; Hedges 1975; Luomala 1976; Shipek 1982; Spier 1923) are the direct descendants of the early Yuman hunter-gatherers. Kumeyaay territory encompassed a large and diverse environment, which included marine, foothill, mountain, and desert resource zones. Their language is a dialect of the Yuman language which is related to the large Hokan super family.

There seems to have been considerable variability in the level of social organization and settlement variance. The Kumeyaay were organized by patrilineal, patrilocal lineages that claimed prescribed territories, but did not own the resources except for some minor plants and eagle aeries (Luomala 1976; Spier 1923). Some lineages occupied procurement ranges that required considerable residential mobility, such as those in the deserts (Hicks 1963). In the mountains, some of the larger groups occupied a few large residential bases that would be occupied biannually, such as those occupied in Cuyamaca in the summer and fall, and in Guatay or Descanso during the rest of the year (Almstedt 1982; Rensch 1975). According to Spier

(1923), many Eastern Kumeyaay spent the period of time from spring through autumn in larger residential bases in the upland procurement ranges, and wintered in mixed groups in residential bases along the eastern foothills on the edge of the desert (i.e., Jacumba and Mountain Springs). This variability in settlement mobility and organization reflects the great range of environments in the territory.

Acorns were the single most important food source used by the Kumeyaay. Their villages were usually located near water, which was necessary for leaching acorn meal. Other storable resources such as mesquite or agave were equally valuable to groups inhabiting desert areas, at least during certain seasons (Hicks 1963; Shackley 1984). Seeds from grasses, manzanita, sage, sunflowers, lemonadeberry, chia and other plants were also used along with various wild greens and fruits. Deer, small game and birds were hunted and fish and marine foods were eaten. Houses were arranged in the village without apparent pattern. The houses in primary villages were conical structures covered with tule bundles, having excavated floors and central hearths. Houses constructed at the mountain camps generally lacked any excavation, probably due to the summer occupation. Other structures included sweathouses, ceremonial enclosures, ramadas, and acorn granaries. The material culture included ceramic cooking and storage vessels, baskets, flaked lithic and ground stone tools, arrow shaft straighteners, stone, bone, and shell ornaments.

Hunting implements included the bow and arrow, curved throwing sticks, nets and snares. Shell and bone fishhooks, as well as nets, were used for fishing. Lithic materials including quartz and metavolcanics were commonly available throughout much of the Kumeyaay territory. Other lithic resources, such as obsidian, chert, chalcedony and steatite, occur in more localized areas and were acquired through direct procurement or exchange. Projectile points including the Cottonwood Series points and Desert Side-notched points were commonly produced.

Kumeyaay culture and society remained stable until the advent of missionization and displacement by Hispanic populations during the eighteenth century. The effects of missionization, along with the introduction of European diseases, greatly reduced the native population of southern California. By the early 1820s, California was under Mexico's rule. The establishment of ranchos under the Mexican land grant program further disrupted the way of life of the native inhabitants.

Ethnohistoric Period

The Ethnohistoric period refers to a brief period when Native American culture was initially being affected by Euroamerican culture and historical records on Native American activities were limited. When the Spanish colonists began to settle California, the project area was within the territory of a loosely integrated cultural group historically known as the Kumeyaay or Northern and Southern Diegueño because of their association with the San Diego Mission. The Kumeyaay as a whole speak a Yuman language, which differentiates them from the Luiseño to the north, who speak a Takic language (Kroeber 1925). Both of these groups were hunter-gatherers with highly developed social systems. European contact introduced diseases that dramatically reduced the Native American population and helped to break down cultural institutions. The transition to a largely Euroamerican lifestyle occurred relatively rapidly in the nineteenth century.

Historic Period

Cultural activities within San Diego County between the late 1700s and the present provide a record of Native American, Spanish, Mexican, and American control, occupation, and land use. An abbreviated history of San Diego County is presented for the purpose of providing a background on the presence, chronological significance, and historical relationship of cultural resources within the county.

Native American control of the southern California region ended in the political views of western nations with Spanish colonization of the area beginning in 1769. De facto Native American control of the majority of the population of California did not end until several decades later. In southern California, Euroamerican control was firmly established by the end of the Garra uprising in the early 1850s (Phillips 1975).

The Spanish Period (1769-1821) represents a period of Euroamerican exploration and settlement. Dual military and religious contingents established the San Diego Presidio and the San Diego and San Luis Rey Missions. The Mission system used Native Americans to build a footing for greater European settlement. The Mission system also introduced horses, cattle, other agricultural goods and implements; and provided construction methods and new architectural styles. The cultural and institutional systems established by the Spanish continued beyond the year 1821, when California came under Mexican rule.

The Mexican Period (1821-1848) includes the retention of many Spanish institutions and laws. The mission system was secularized in 1834, which dispossessed many Native Americans and increased Mexican settlement. After secularization, large tracts of land were granted to individuals and families and the rancho system was established. Cattle ranching dominated other agricultural activities and the development of the hide and tallow trade with the United States increased during the early part of this period. The Pueblo of San Diego was established during this period and Native American influence and control greatly declined. The Mexican Period ended when Mexico ceded California to the United States after the Mexican-American War of 1846-48.

Soon after American control was established (1848-present), gold was discovered in California. The tremendous influx of American and Europeans that resulted quickly drowned out much of the Spanish and Mexican cultural influences and eliminated the last vestiges of de facto Native American control. Few Mexican ranchos remained intact because of land claim disputes and the homestead system increased American settlement beyond the coastal plain.

The San Pasqual Band originally lived along the San Dieguito River in the San Pasqual Valley. During the 1850s and 1860s, Americans began to settle portions of the San Pasqual Valley and encroach on the Native American lands associated with the Pueblo they had built there. In 1856, Panto, the well-known Capitan of the San Pasqual Indians, asked the U.S. Army for protection from encroachment on their lands (Rustvold 1983). During this period, encroachment on Native American lands occurred throughout southern California and eventually a reservation was established in San Pasqual on January 31, 1870, by President Ulysses S. Grant (Peet 1949). This reservation was retracted only five months later due to protests from the American community and political pressure. Eventually, although the Indians continued to press claims to this land, a

Deputy Sheriff evicted them from the Pueblo in 1878 and destroyed the structures he found there (Ferris 1984). The Native Americans scattered until the current San Pasqual Reservation was established for them in 1910 in the Valley Center area. This reservation is located north of their original territory, however, due to a past mapping error (Shipek 1987).

3.5.2 **Findings**

Records and Literature Search

The archival research consisted of literature and record searches at local archaeological repositories, in addition to an examination of historic maps, and historic site inventories. This information was used to identify previously recorded resources and determine the types of resources that might occur in the survey area. The methods and results of the archival research are described below.

The records and literature search for the project was conducted at the South Coastal Information Center at San Diego State University and the San Diego Museum of Man. The records search included a one-mile radius around the site to provide background on the types of sites that would be expected in the region. Copies of historic maps were provided by the South Coastal Information Center.

A total of 25 documented archaeological investigations have taken place in the vicinity of the site. These studies include those for sewer and water projects, significance assessments, telecommunication projects, private land development projects, and other projects on San Pasqual Reservation lands. A total of two previously conducted cultural resources investigations were completed within the project area (Dallas 2007; WhatFJ, 2007).

Previous research within a one-mile radius of the site has revealed the presence of cultural resources, however none were found within the parcel at the site.

Field Survey

A survey of the site was conducted on October 21, 2009 by Mr. Andrew R. Pigniolo, RPA and Ms. Elizabeth Davidson, RPA. The site was surveyed on foot at approximately 5 to 10 meter intervals. The site includes a paved parking area and an open field. The survey focused on the identification of potential historic features and prehistoric resource evidence. Surface visibility was good, although some areas of non-native grass were dense. Overall surface visibility averaged approximately 40 percent. The cultural resources inventory of the site served to identify cultural resources within the constraints of surface visibility and paved areas.

Cultural resources identified during the survey were recorded on appropriate Department of Parks and Recreation forms and will be submitted to the South Coastal Information Center for trinomials. Photographs and project records for this inventory will be temporarily curated at Laguna Mountain until final curation arrangements can be made at the San Diego Archaeological Center or another appropriate regional repository.

A sacred lands file search was conducted at California Native American Heritage Commission. The California Native American Heritage Commission also provided a list of appropriate local Native American contacts.

The cultural resource survey identified two prehistoric Santiago Peak Volcanic flake isolates within the site. The cultural resources identified during the survey are described in greater detail in the Cultural Resources Inventory provided as **Appendix F** (confidential) and addendum to the Cultural Resources Inventory provided in **Appendix G**. As described in Appendix G, evaluation of the sites' significance determined that they are not eligible for inclusion within the National Register of Historic Places.

3.5.3 **Regulatory Background**

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) as amended, and its implementing regulations found in 36 CFR Part 800, require federal agencies to identify cultural resources that may be affected by actions involving federal lands, funds, or permitting. The significance of the resources must be evaluated using established criteria outlined in 36 CFR 60.4, as described below.

If a resource is determined to be a *historic property*, Section 106 of the NHPA requires that effects of the federal undertaking on the resource be determined. A historic property is defined as:

> "…any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property…" (NHPA Sec. 301(5))

Section 106 of the NHPA prescribes specific criteria for determining whether a project would adversely affect a historic property, as defined in 36 CFR 800.5. An impact is considered significant when prehistoric or historic archaeological sites, structures, or objects that are listed, or eligible for listing, in the NRHP are subjected to the following:

- physical destruction of or damage to all or part of the property;
- alteration of a property;
- removal of the property from its historic location;
- change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- neglect of a property that causes its deterioration; and
- transfer, lease, or sale of the property out of federal control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

If the historic property will be adversely affected by development, then prudent and feasible measures to avoid or reduce adverse impacts must be taken. The State Historic Preservation Officer (SHPO) must be provided an opportunity to review and comment on these measures prior to project implementation.

National Register of Historic Places (NRHP)

The eligibility of a resource for listing in the NRHP is determined by evaluating the resource using criteria defined in 36 CFR 60.4 as follows: *The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and*

A. That are associated with events that have made a significant contribution to the broad patterns of our history;
B. That are associated with the lives of persons significant in our past;
C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded, or may be likely to yield, information important to prehistory or history.

Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

In addition to meeting at least one of the criteria listed above, the property must also retain enough integrity to enable it to convey its historic significance. The NRHP recognizes seven aspects or qualities that, in various combinations, define integrity (NPS, 1990). These seven elements of integrity are: location, design, setting, materials, workmanship, feeling, and association. To retain integrity a property will always possess several, and usually most, of these aspects.

While most historic buildings and many historic archaeological properties are significant because of their association with important events, people, or styles (criteria A, B, and C), the significance of most prehistoric and some historic-period archaeological properties is usually assessed under criterion D. This criterion stresses the importance of the information contained in an archaeological site, rather than its intrinsic value as a surviving example of a type or its historical association with an important person or event. It places importance not on physical appearance but rather on information potential.

3.5.4 Native American Consultation

On October 5, 2009, the State of California Native American Heritage Commission (NAHC) was asked to review the Sacred Lands file for information on Native American cultural resources

within the vicinity of the Site (**Appendix F**). On November 3, 2009 the NAHC completed a records search for the Site, as well as for significant cultural sites within 1 mile of the Site. The records search did not indicate the presence of Native American cultural resources within a one-half mile radius of the Site. Additional Native American consultation included a letter to the San Pasqual Band of Mission Indians, as well as several other known tribes in the area. The Pala Band of Mission Indians issued a response letter revealing that the proposed project at the Site would be outside the tribe's Traditional Use Area, and therefore would not impact any known cultural sites or activities relating to the tribe. All Native American correspondence can be found in **Appendix F**.

3.6 *Socioeconomic Conditions/ Environmental Justice*

3.6.1 San Diego County

The Site is located in San Diego County, within the town of Valley Center. The closest city is Escondido, located approximately 5 miles south of Valley Center.

Population

The population of Valley Center as of the 2000 census was 14,559, while the population of Escondido as of 2009 is 144,831. The population of San Diego County as of 2009 is 3,173,407. The city of San Diego is the largest city within the County with a population of 1,353,993 as of 2009 (State of California Department of Finance, 2009).

Housing

As of January, 2009 there are 1,149,647 total housing units within San Diego County. There are 585,907 detached units, and 99,177 attached units. There are 48,223 mobile homes registered in the County. Approximately 4.39% of the housing units are vacant (State of California Department of Finance, 2009).

Employment

The County of San Diego County employs approximately 1,528,814 residents, and the unemployment rate in San Diego County is approximately 6%. The Valley Center labor force includes approximately 6,784 citizens. The median household income in San Diego County is approximately $63,727, while the Valley Center median household income is approximately $58,147.

Despite the fact that the Tribe has benefitted from increased prosperity due to the expansion of Valley View Casino, Tribal unemployment remains at approximately 25% due to the restrictive employment prerequisites at the Casino which include credit history and criminal conviction restrictions.

Most of the employment opportunities for the tribal members are available in Escondido and San Marcus.

The proposed retail plaza would provide economic development for the Tribe, which would increase tribal revenues and provide additional employment opportunities and managerial experience for tribal members. In addition, because of the growth of Valley Center it is expected that the retail plaza would be able to help alleviate demand in the surrounding community for certain stores and other needs. The jobs created from the Proposed Action would be potentially filled by tribal members, other Native Americans, and residents of the Reservation – a significant portion of which could be considered minority and low-income populations.

According to 2000 U. S. Census data, the population on the Reservation is 752 tribal members. There are approximately 230 residential units in the community which range from very substandard to relatively new homes. Some current facilities include the Tribal Administration Building and the Education Center. The Reservation community does not have a store, post office, bank, or business district. These services are available at surrounding communities such as Escondido or Valley Center.

3.6.2 **Demographic Trends**

The population of the San Pasqual Indian Reservation appears stable and is experiencing very moderate growth rates. Situated in a rural environment in San Diego County, the area has been largely sheltered from the rapid growth experienced by other portions of the county.

3.6.3 **Property Taxes**

The Project site is located on San Diego County tax parcel 189-051-02-00. According to the San Diego County Treasurer-Tax Collector, the total annual property tax for the parcel in the 2009-2010 fiscal year was approximately $1,778 for the Site (San Diego County, 2010).

3.6.4 **Lifestyle and Cultural Values**

The San Pasqual Band consists of family based groups that share a common language and culture. Their traditional language is the I'pai, which is part of the Yuman-Cochimi language family. The San Pasqual Band members continue to participate in traditional celebrations, dances, and games, such as peon. Currently there are approximately 300 enrolled members.

Tribal Members support the proposed action and view the proposed development as a method of expanding the economic base of the Tribe. The lifestyle and cultural values of the Tribal community (other than enhanced economic conditions) is not expected to be altered by the Proposed Action.

3.6.5 **Environmental Justice For Minority And Low Income Populations**

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and an accompanying Presidential Memorandum to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities. The Executive Order, as amended, directs federal agencies to develop an Environmental Justice Strategy that identifies and addresses disproportionately high human health or environmental effects of their

programs, policies, and activities on minority populations and low-income populations. Compliance with this Executive Order has been incorporated into the NEPA compliance requirements of the BIA for the Proposed Action.

San Diego County is approximately 25% minority (**Table 3-4**). In San Diego County, Native Americans make up 1.5% of the population.

Table 3-4: San Diego Race/Income Profile

Race/Ethnic Population	Total	Percentage of Total
White	2,208,841	74.5
Black or African American	176,135	5.9
American Indian and Alaska Native	45,546	1.5
Asian	347,193	11.7
Native Hawaiian and Other Pacific Islander	23,584	0.8
Other Race	283,420	9.6
Household Median Income 2008	$63,727	--
Poverty Status (All Ages)	--	11.7

Source: US Census, 2009

3.7 *Transportation and Circulation*

Transportation Networks

This section describes the existing transportation system in the vicinity of the site. A Traffic Impact Analysis (**Appendix H**) was conducted by Linscott, Law and Greenspan (LLG) in August, 2010. The results of the analysis are summarized below.

Valley Center Road is classified on the Adopted County of San Diego Circulation Element as a Prime Arterial west/south of Cole Grade Road and as a Collector east/north of Cole Grade Road. In the County's General Plan (GP) Update, Valley Center Road is classified as a 4.1A Major Road Series from Woods Valley Road to Lilac Road, a 4.2A Boulevard Series from Lilac Road to Miller Road, a 4.2A Boulevard Sereies from Miller Road to Vesper Road and a 2.1D Community Collector Series from Vesper Road to Lake Wohlford Road. From north of Lake Wohlford Road (S.) to Cole Grade Road, Valley Center Road has recently been widened to major road standards (four-lane divided roadway with bike lanes). East of Cole Grade Road, Valley Center Road becomes a two-lane undivided roadway. Beginning at Sunset Road, Valley Center Road provides a two-way left-turn lane (TWLTL) continuing to Lake Wohlford Road

(N.). The posted speed limit ranges from 45 to 60 mph with bus stops provided. Bike lanes are provided and curbside parking is prohibited for the entirety of the roadway.

Lake Wohlford Road is classified on the Adopted County of San Diego Circulation Element as a Collector. In the County's GP Update, Lake Wohlford Road (N.) is classified as a 2.2D Light Collector. Lake Wohlford Road (N.) is currently constructed as a two-lane undivided roadway. The posted speed limit within the project area varies between 45 to 50 mph. Curbside parking is generally prohibited, and no bike lanes or bus stops are provided.

Woods Valley Road is classified on the Adopted County of San Diego Circulation Element as a Rural Collector. In the County's GP Update, Woods Valley Road is classified as a 2.2C Light Collector Series from Lake Wohlford Road to Oakmont Road and a 2.1D Community Collector Series from Oakmont Road to Valley Center Road. Woods Valley Road is currently constructed as a two-lane undivided roadway. Curb, gutter and sidewalks are not provided. The posted speed limit ranges from 40 to 45 mph in the project vicinity.

Cole Grade Road is classified on the Adopted County of San Diego Circulation Element as a Collector. In the County's Update, Cole Grade Road is classified as a 4.2A Boulevard Series from Valley Center Road to Horse Creek Road. It is currently constructed as a two-lane road with a TWLTL within the study area. Curb and gutter are provided and sidewalks are not provided. The posted speed limit ranges from 45 to 50 mph.

Lilac Road is classified on the Adopted County of San Diego Circulation Element as a Collector. In the County's Update, Lilac Road is classified as a 4.2A Boulevard Series from Valley Center Road to Betsworth Road. It is currently constructed as a two-lane undivided road. Curb, gutter and sidewalks are not provided. The posted speed limit ranges from 45 to 50 mph in the project vicinity.

School Bus Road is an unclassified private roadway. It currently operates primarily as a one-way roadway with vehicles entering from Valley Center Road and exiting at Lake Wohlford Road (N.). Currently, school buses, casino shuttle buses and private vehicles driven by casino employees utilize School Bus Road. A small portion of School Bus Road between Valley Center Road and the parking lot driveway operates as a two-way roadway used for private casino employee vehicles and shuttle service. The remainder of the roadway operates one-way and serves as a student pick-up zone for the middle school.

Existing Traffic Volumes

Peak hour intersections turning movement traffic counts and segment counts within the project area were conducted by LLG in July 2009 and July 2010. Traffic counts were conducted between 7:00 AM and 9:00 AM and the highest hour of traffic within this period was utilized. Similarly, the highest hour of traffic between 4:00 PM and 6:00 PM was used in the analysis. Since school was not in session during the time of data collection, a 5% growth factor was used to forecast non-summer counts. This rate is based on a comparison of previous non-summer counts collected in the general vicinity of the project area to the data collected in July 2010. **Table 3-5** is a summary of the most recent available average daily traffic volumes (ADTs).

Table 3-5: Existing Traffic Volumes

Street Segment	ADT[a]
Valley Center Road	
Lake Wohlfored Road (N.) to Cole Grade Road	11,180
Cole Grade Road to Lilac Road	22,910
Lilac Road to Woods Valley Road	24,100
Woods Valley Road to Lake Wohlford Road (S)	24,930
Lake Wohlford Road (N)	
Valley Center Road to Woods Valley Road	9,420
Woods Valley Road to Guejito Road	5,970
Woods Valley Road	
Valley Center Road to Lake Wohlford Road (N)	2,450
Cole Grade Road	
Valley Center Road to Fruitvale Road	12,230

*Source: TIA, 2010 (**Appendix H**)*
Footnotes: a. Average Daily Traffic Volumes.

The project is located in the community of Valley Center, north of the San Pasqual Indian Reservation, in the County of San Diego. The site is located on the southwest corner of the Valley Center Road/Lake Wohlford Road intersection.

Access to the project site is via a driveway on Valley Center Road at School Bus Road. Currently, school buses, shuttle buses and casino employee private vehicles utilize the Valley Center Road/ School Bus Road intersection.

Existing Conditions

School buses currently use School Bus Road to drop-off students in the morning and pick them up in the afternoon on weekdays during the school year. The buses enter School Bus Road from Valley Center Road, pick-up and drop-off students at the sidewalk along the south side of the road within the west-to-east section of the School Bus Road, and exit onto Lake Wohlford Road.

Shuttle buses are currently used to transport casino employees. The shuttle buses make a right-turn onto School Bus Road (two-way portion) from Valley Center Road, make a left-turn into the existing parking lot, load or unload the employees at the shelters within the existing parking lot, return to School Bus Road where they make a right-turn to exit the lot, and lastly turn right at Valley Center Road and head east toward Lake Wohlford Road where they make a right-turn to travel south toward the casino. It should be noted that the shuttle buses only utilize a short

segment of School Bus Road (two-way portion) to ingress the parking lot. No left turns exiting the parking lot onto School Bus Road are allowed.

Private vehicles driven by casino employees enter the parking lot from Valley Center Road by turning onto School Bus Road (two-way portion), and then make a left-turn into the existing parking lot. Vehicles exiting the parking lot make a right-turn onto School Bus Road and continue onto Valley Center Road to reach their destination. No left turns exiting the parking lot onto School Bus Road are allowed.

Existing Intersection and Roadway Segment Level of Service

Table 3-6 and **3-7** show the existing level of service (LOS) of intersections and roadway segment, respectively, within the project study area.

Table 3-6: Intersection Level of Service

No.	Intersection	Control Type	Peak Hour	Existing	
				Delay[a]	LOS[b]
1	Valley Center Road/Cole Grade Road	Signal	AM PM	32.2 32.9	C C
2	Valley Center Road/ Street "A"	TWSC	AM PM	20.3 13.1	C B
3	Valley Center Road/Lake Wohlford Road (N)	Signal	AM PM	23.3 26.0	C C
4	Lake Wohlford Road (N)/School Bus Road	TWSC	AM PM	14.6 10.2	B B
5	Lake Wohlford Road (N)/Wood Valley Road	AWSC	AM PM	11.1 10.7	B B
6	Lake Wohlford Road (N)/ Project Access	TWSC	AM PM	- -	- -
7	Valley Center Road/Lilac Road	Signal	AM PM	14.9 13.7	B B
8	Valley Center Road/Woods Valley Road	Signal	AM PM	16.1 17.7	B B

*Source: TIA, 2010 (**Appendix D**).*

Currently all intersections within the project study area operate at an acceptable LOS. All roadway segments with the exception of Valley Center Road between Lake Wohlford Road (N.) to Cole Grade Road operate at an acceptable LOS.

Table 3-7: Roadway Segment Level of Service

Street Segments	Capacity (LOS E)	Existing	
		ADT	LOS
Valley Center Road			
Lake Wohlford Road (N) to Cole Grade Road	16,200	**11,180**	**E**
Cole Grade Road to Lilac Road	37,000	22,910	B
Lilac Road to Woods Valley Road	37,000	24,100	B
Woods Valley Road to Lake Wohlford Road (S)	37,000	24,930	C
Lake Wohlford Road (N.)			
Valley Center Road to Woods Valley Road	16,200	9,420	D
Woods Valley Road to Guejito Road	16,200	5,970	C
Woods Valley Road			
Valley Center Road to Lake Wohlford Road (N)	16,200	2,450	B
Cole Grade Road			
Valley Center Road to Fruitvale Road	19,000	12,230	C

*Source: TIA, 2010 (**Appendix D**).*

3.8 *Land Use*

Valley Center Community Plan Area

The site is located within the Valley Center Community Plan Area, and is currently used as an overflow parking lot for Valley View Casino, and as undeveloped ruderal land. This Community Plan Area comprises approximately 94 square miles in the unincorporated area of northern San Diego County. According to the County of San Diego, Department of Planning and Land Use, the site is zoned as Special Purpose, Parking (S86). The site was rezoned to this designation on February 28, 2009.

According to the Valley Center Community Plan,[1] the general land use goals of the Valley Center Community Plan are to:

> "Provide a land use pattern which will give the Valley Center Community Planning Area the opportunity to remain economically and socially viable.
>
> Encourage a balance of land uses which will conserve natural and man-made resources, retain Valley Center's rural character, and will accommodate people of diverse lifestyles, occupations, and interests.

[1] Part II, Valley Center Community Plan, San Diego County General Plan, Amended April 17, 2002.

> Provide a land use pattern that accommodates and provides for primarily rural residential development on two-acre home sites
>
> Maintain a rural atmosphere and manage the density and locations of development."2

As to commercial development specifically, the goal of the Valley Center Community Plan is to:

> "Provide for well planned and designed small scale centralized and contained commercial areas that are compatible with a low density rural residential community."3

As the Site would be located on Federal trust land, no San Diego County or State of California land use regulations or permit requirements would be applicable to the development of the proposed retail plaza. Although San Diego County land use restrictions are not applicable to the Proposed Action, the Tribe desires to comply, to the extent possible, with existing land use requirements that apply to nearby land under county jurisdiction.

Although the Valley Center Community Plan discourages commercial strip development, the proposed development would be on a small scale and would be compatible with the surrounding rural residential community. Several of the adjacent properties are already occupied by commercial-type buildings, including the Valley Center Middle School. The Tribe desires to comply with the adopted Design Guidelines for Valley Center during the design of the proposed retail plaza to the extent possible.

Site-Specific Land Use Agreements

The Tribe entered into an agreement (Site Plan 06-004) with the County of San Diego regarding the development of the site in February 2009. In the agreement, the Tribe has agreed to comply with County zoning ordinance set forth by the County of San Diego Department of Planning and Land Use. Some of the land use controls and construction best management practices relating to preserving the environmental quality of the site and the surrounding area that are included in the agreement are:

To comply with County zoning ordinances by dedicating areas at the site for easements relating to utility placement and access, surface water drainage, the construction of sidewalks and bike lanes for pedestrian access, creating a landscape plan, as well as other land use controls. However, under the Proposed Action the property would be taken into federal trust on behalf of the Tribe and therefore would no longer be subject to local zoning regulations including Site Plan 06-004. The agreement also addresses the Tribe's compliance with construction best management practices relating to controlling dust particulate generated at the site.

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[2] Supra, n. 1 at page 6.
[3] Supra, n.1 at page 9.

Agriculture

Williamson Act Program

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971 (State of California Department of Conservation, 2010).

Project Site Conditions

The site is not currently used for agriculture, nor is the project site under Williamson Act contract. However, the site was zoned Limited Agricultural Use (A70) until February 28, 2009, when its zoning was changed to Special Purpose, Parking (S86). Under the Proposed Action, the property would be taken into federal trust on behalf of the Tribe and therefore would not be subject to local zoning regulations. The project site is designated under the Farmland Mapping and Monitoring Program (FMMP) as "Other Lands" under the San Diego County Important Farmland Map 2006 (California Department of Conservation, 2009). There are no prime or unique farmlands on the Site.

3.9 *Public Services*

3.9.1 **Water Supply**

Since the site is undeveloped, aside from its use as a parking lot for the Valley View Casino, there is no public or private water supply utilized at the site. However, public water service is available at the site through an existing water line and service meter that was installed by the Valley Center Municipal Water District. This water meter is an active account and has a user code of "Commercial". A Will Serve letter was obtained from Valley Center Municipal Water District (VCMWD) for the property for the next two years (**Appendix B**).

3.9.2 **Wastewater Service**

No municipal or private wastewater service is currently utilized at the site. There are no existing municipal wastewater service mains in the project area. As described in Section 3.2, surrounding residences and businesses rely on on-site septic systems and leachfields for wastewater treatment and disposal. Wastewater at the proposed facility would be directed to the Tribe's wastewater treatment facility at the Valley View Casino.

3.9.3 **Solid Waste**

Management of non-hazardous solid waste in San Diego County is mandated by Assembly Bill (AB) 939, the California Integrated Waste Management Act. The purpose of the AB 939 is to reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible; improve regulation of existing solid waste landfills; ensure that new solid waste landfills are environmentally sound; streamline permitting procedures for solid waste management facilities;

and specify the responsibilities of local governments to develop and implement integrated waste management programs.

The primary solid waste disposal contractor in the Valley Center area is EDCO, a southern California-based private company that specializes in waste collection and recycling services. Solid waste is taken from Valley Center to a transfer station in Escondido. From the transfer station, a majority of solid waste is hauled to the Sycamore Sanitary Landfill.

The Sycamore Sanitary Landfill is located at 8514 Mast Boulevard in San Diego, California. The landfill is permitted for a maximum capacity of 3,965 tons per day. As of September 30, 2006 the remaining capacity is 47,388,428 cubic yards out of a total disposal capacity of 48,124,462 cubic yards. The landfill disposal area covers 324 acres. Accepted waste types include agricultural, asbestos, contaminated soils, mixed municipal, sludge, tires, shreds, wood waste, and other designated wastes.

3.9.4 **Electricity and Telecommunications**

There is currently no electrical meter connection at the site, and the proposed development would require a service meter (or meters) adequate for the power needs of the development. Electricity in the vicinity of the project site is provided by San Diego Gas & Electric Company. Telephone service and cable television is supplied through Cox Communications. Wireless telephone service is also offered by several national carriers, such as Verizon Wireless and AT&T.

3.9.5 **Law Enforcement**

Police protection is provided by the San Diego County Sheriff's Department and California Highway Patrol. The Project Site is located within Operation Area 1. The Tribe has an agreement with the San Diego County Sheriff's Department to provide law enforcement services on the reservation. The nearest substation is located on Lake Wohlford Road, approximately 1,000 feet from the site. The substation has a staff of 17 sworn deputies, three sergeants, one lieutenant, and three detectives. The substation is staffed 24-hours a day by a minimum of two deputies (SDCSD, 2010). The Pauma-Valley Center Substation covers an area of approximately 333 square miles.

According to State Public Law 280, the State of California would maintain criminal jurisdiction on trust land. Most civil jurisdiction has been transferred to the Tribe, relieving San Diego County Sheriff's Department from civil enforcement matters.

3.9.6 **Fire Protection and Emergency Medical**

Fire Protection Services are provided by the San Pasqual Reservation Fire Department, which includes four fire trucks in a firehouse located two minutes from the site. The San Pasqual RFD has 18 full-time staff and 15 paid reserves. The San Pasqual FD is staffed 24 hours a day with a minimum of 8 staff. On-site equipment includes two Type I Structure Engines, a Ladder truck, a Type III engine, and one command vehicle (San Pasqual RFD, 2010). Additional fire protection for the surrounding areas is provided by the Valley Center Fire Department through the

California Department of Forestry. An agreement exists between the BIA and the California Department of Forestry and Fire Protection (CAL FIRE) to provide services on tribal land within the State of California. The nearest CAL FIRE station is located at 16971 Highway 76, Pauma Valley, CA. This seasonal fire station would provide additional wildlife protection to the project site during the summer months, when regional wildland fires most commonly occur.

Emergency medical service is provided by the San Pasqual Reservation RFD located two minutes from the site. Additional emergency medical services are available from Valley Center located one-half mile from the site. Patients are usually transported to Palomar Medical Center on East Valley Parkway in the City of Escondido approximately 5 miles south of the site.

3.10 *Noise*

This section describes the existing noise and vibration conditions in the vicinity of the project site. This section includes a discussion of acoustical background and terminology, regulatory environment, and the existing noise and vibration conditions.

3.10.1 **Acoustical Background and Terminology**

Sound is defined as any pressure variation in air that the human ear can detect, and is technically described in terms of loudness (amplitude) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighing network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels in dB.

Community noise is commonly described in terms of the “ambient” noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (Leq) over a given time period (usually one hour). The Leq is the foundation of the Day-Night Average Level noise descriptor, Ldn, and shows very good correlation with community response to noise.

Table 3-8 contains definitions of acoustical terminology used in this section. Table 3-9 shows examples of noise sources, which correspond to various sound levels. The Day-night Average Level (Ldn) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as

though they were louder than daytime exposures. Because Ldn represents a 24-hour average, it tends to disguise short-term variations in the noise environment. Ldn-based noise standards are commonly used to assess noise effects associated with traffic, railroad, and aircraft noise sources.

Table 3-8: Typical A-Weighted Sound Levels of Common Noise Sources

Terms	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ration of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronnewtons per square meter)
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	Sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network, which de-emphasizes very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
L01, L10, L50, L90	The A-weighted noise levels that are exceeded 1%. 10%, 50%, and 90% (respectively of the time during the measurement period.
Equivalent Noise Level, Leq	The average A-weighted noise level during the measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after adding 5 decibels to measurements taken in the evening (7 to 10 pm) and 10 decibels to measurements taken between 10 pm and 7am.
Day/Night Noise Level, Ldn	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Lmax, Lmin	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise.

Source: General Plan Guidelines, Governors Office of Planning and Research, 2003.

3.10.1 **Regulatory Environment**

Noise criteria used in this EA includes the Federal Highway Administration (FHWA) Noise Abatement Criteria for the assessment of noise consequences related to surface traffic. In addition, environmental consequences are also evaluated relative to the change in ambient noise

Table 3-9: Typical A-Weighted Sound Levels

Common Outdoor Activities	Noise Level (dBA)	Common indoor Activities
	110	Rock band
Jet flyover at 1,000 feet	105	
	100	
Gas lawnmower at 3 feet	95	
	90	
Diesel truck at 50 feet at 50 mph	85	Food blender at 3 feet
	80	Garbage disposal at 3 feet
Noisy urban area, daytime	75	
Gas lawnmower at 100 feet	70	vacuum cleaner at 10 feet
Commercial area	65	Normal speech at 3 feet
Heavy Traffic at 300 feet	60	
Rural daytime	55	Large business office
Quiet urban daytime	50	Dishwasher in next room
	45	
Quiet urban nighttime	40	Theater, large conference room (background)
Quiet suburban nighttime	35	
	30	Library
Quiet rural nighttime	25	Bedroom at night, concert hall (background)
	20	
	15	Broadcast/recording studio

Source: Federal Transit Administration, Transit Noise and Vibration Assessment, April 1995

conditions at existing noise-sensitive uses in the project vicinity which would result from the project. These criteria are discussed below.

Federal Noise Abatement Criteria

The FHWA establishes Noise Abatement Criteria (NAC) for various land uses which have been categorized based upon activity. Land uses are categorized on the basis of their sensitivity to noise, as indicated in Table 3.10. This table provides standards which may be considered applicable to the land uses surrounding the project site.

San Diego County Noise Standards

The San Diego County General Plan, 2006 provides the following noise standard policy within Policy 4b:

Because exterior community CNEL above 60 dB and/or interior CNEL above 45

Table 3-10: Federal Noise Abatement Criteria (Hourly – DBA Soundlevel)

Activity Category	Leq (h), dBA	Activity Category Description
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D	N/A	Undeveloped lands not meeting the requirements of Category A and with no sensitive noise receptors within the area.
E	52 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

N/A = Not Applicable
Source: Federal Highway Administration, 2009

dB may have an adverse effect on public health and welfare, it is the policy of the County of San Diego that:

Whenever it appears that new development may result in any (existing or future) noise sensitive land use being subject to noise levels of CNEL equal to 60 dBA or greater, an acoustical analysis shall be required.

If the acoustical analysis shows that noise level at any noise sensitive land use will exceed CNEL equal to 60 dB, modifications shall be made to the development which reduce the exterior noise level to less than CNEL of 60 dBA and the interior noise level to less than CNEL of 45 dBA.

If modifications are not made to the development in accordance with paragraph 2 above, the development shall not be approved unless a finding is made that there are specifically identified overriding social or economic considerations which warrant approval of the development without such modification; provided, however, if the acoustical study shows that sound levels for any noise sensitive land use will exceed a CNEL equal to 75 dBA even with such modifications, the development shall not be approved irrespective of such social or economic considerations.

Sensitive Receptors

Some land uses are considered more sensitive to noise than others due the types of activities typical to the land use. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation area land uses are generally more sensitive to noise than commercial and industrial land uses.

Sensitive noise receptors in the vicinity of the Site include; the Valley Center Middle School, which is located directly south, adjacent to the project site. The School buildings are approximately 280 feet from the southern property line. There are also residences situated to the north, east, and west of the Site. The closest residence is approximately 170 feet from the southeastern border of the Site. There are no hospitals within the immediate vicinity of the Site.

3.10.2 Existing Noise Sources

Ambient Noise and Vibration

Ambient noise generated at the Site primarily comes from traffic on Lake Wohlford Road on the eastern boarder of the project site, and from Valley Center Road on the northern boundary of the project site.

Other potentially significant noise sources affecting the ambient noise level include nighttime aircraft operations at the San Diego International, Montgomery Field, McClellan Palomar, and Blackinton airports and the Marine Corps Air Station at Miramar, all of which are located between 10 to 35 miles from the Site. There are no vibration sources in the vicinity of the project site.

3.11 *Hazardous Materials*

Project Site Conditions

A Phase I site assessment was conducted in April, 2009 at the site by GreenWave. The assessment and report was performed in general accordance with the EPA "All Appropriate Inquiry" (40 Code of Federal Regulation (CFR) Part 312), as well as the American Society for Testing and Materials (ASTM) Standard E1527-05 "Standard Practice for Environmental site Assessments: Phase I Environmental site Assessment Process" (ASTM, 2006). Research consisted of a review of historical and regulatory records, present conditions, site geology and hydrogeology, and interviews with persons knowledgeable of the site.

The assessment revealed no evidence of Recognized Environmental Conditions (RECs) in connection with the site, and has revealed no evidence of RECs associated with nearby properties. GreenWave was unable to obtain information regarding the status of wells listed within 0.25 mile of the site. This lack of information represents a data gap; however, this data gap does not appear to impact the identification of RECs at the site.

Regulatory Setting

As discussed in **Section 3.2** the Tribe would be required to conform to federal regulations under 40 CFR 280, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs). Systems subject to these requirements are exempt from other federal regulation, including 40 CFR 112 Oil Pollution Prevention, to eliminate redundancy and streamline paperwork.

40 CFR 280 includes requirements for tank installation, monitoring and reporting, corrective

action, remediation and site cleanup, and tank closure and removal. The regulation cites industry standards for tank design, integrity testing, repair, corrosion protection, release detection, and interstitial monitoring. The regulation is implemented at the federal level by the EPA. The implementing agency for the project site would be EPA Region 9.

3.12 *Visual Resources*

The site is characterized as a low-land area surrounded by the eastern Escondido foothill system. Currently, the site is used as a parking lot for the Valley View Casino, and is open, unimproved land.

Regulatory Setting

The San Diego County Light Pollution Code (LPC) or Dark Skies Ordinance was initiated in order "to minimize light pollution for the enjoyment and use of property and the night environment by the citizens of San Diego Count and to protect the Palomar and Mount Laguna observatories from the effects of light pollution that have a detrimental effect on astronomical research by restricting the permitted use of outdoor light fixtures on private astronomical research by restricting the permitted use of outdoor light fixtures on private property" (Sec. 59.101). There are five guidelines for determining significance for adverse impacts under the Dark Skies Ordinance:

- The Project will install outdoor light fixtures that do not conform to the lamp type and shielding requirements described in Section 59.105 (Requirements for Lamp Source and Shielding) and are not otherwise exempted pursuant Section 59.108 or Section 59.109 of the San Diego County Light Pollution code.
- The project will operate Class I or Class III outdoor lighting between 11:00 p.m. and sunrise that is not otherwise exempted pursuant Section 59.108 or Section 59.109 of the San Diego County Light Pollution Code.
- The project will generate light tress pass that exceeds 0.2 foot candles measuring five feet onto the adjacent property.
- The project will install highly reflective building materials, incluign but not limited to reflective glass and high-gloss surface color, that will create daytime glare and be visible from roadways, pedestrian walkways or areas frequently used for outdoor activities on adjacent properties.
- The project does not conform to applicable Federal, State, or Local statute or regulation related to dark skies or glare including but not limited to the San Diego County Light Pollution Code (San Diego County, 2009).

Methodology

The U.S. Bureau of Land Management (BLM) Visual Resource Management (VRM) methodology is used in this EA to inventory visual resources at the Site, and to evaluate the potential effects of the proposed development on existing visual and scenic resources in the area. The VRM system involves "inventorying scenic values, which is broken down into a two-step process and evaluates:

- Visual Resources Inventory
- Visual Contrast Ratings

The Visual Resources Inventory establishes the visual standards of a region by determining the VRM Class. Through the inventory evaluation process, the region's scenic value is determined to be high, moderate, or low, and is subsequently placed into one of five classes of visual standards.

Once the VRM Class is established, the evaluation of the project itself can commence. The Visual Contrast Rating system compares the degree of the contrast of the project with the current landscapes and then evaluates if the VRM Class's visual standards, established with the Visual Resources Inventory, are met.

Visual Resources Inventory

The visual resource inventory process provides the means for determining visual values. The inventory consists of a scenic quality evaluation, sensitivity level analysis, and a delineation of distance zones. Based on these three factors, lands are placed into one of four visual resource inventory classes. These inventory classes represent the relative value of the visual resources. Classes I and II being the most valued, Class III representing a moderate value, and Class IV being of least value. The following process establishes the Interim Visual Resource Management Class using the Visual Resource Inventory System for the purpose of this analysis.

Scenic Quality Evaluation

Scenic quality is a measure of the visual appeal of a tract of land. In the visual resource inventory process, lands within the site are given an A, B, or C rating based on the apparent scenic quality which is determined using seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. It is important to note that all lands have scenic value, but areas with the most variety and most harmonious composition have the greatest scenic value. Also, the evaluation of scenic quality is done in relationship to the natural landscape. Man-made features within a landscape do not necessarily detract from the scenic value; instead, if they compliment the natural landscape they may enhance the scenic value. Evaluations avoid bias against man-made modification to natural landscape. A complete discussion of the methodology used to determine scenic quality is presented in **Appendix I**.

Delineating Scenic Quality Rating Units (SQRUs)

The Site is subdivided into scenic quality rating units for rating purposes. Rating areas are delineated on a basis of: like physiographic characteristics; similar visual patterns, texture, color, variety, etc.; and areas which have similar effects from man-made modifications. The size of SQRUs varies depending on the homogeneity of the landscape features and the detail desired in the inventory. More detailed attention is given to highly scenic areas or areas of known high sensitivity.

Landform**:** The landform of the SQRU is characterized by mountains and valleys of varied topography. The Site is located within the middle of a large, flat valley plain.

Vegetation: The vegetative pattern of the Site is sparse, with approximately half of the Site being occupied by a parking lot, and the other half being occupied by mixed ruderal growth and dirt patches.

Water**:** There are no significant water bodies or drainages at the Site.

Color**:** The color of the landforms and vegetation within the SQRU include light and dark beige, pale and dark greens. The dark asphalt and painted parking space lines contrast with the natural patches of dirt and vegetation.

Influence of Adjacent Scenery**:** The Site is part of the greater Escondido foothill and valley system. As a low-lying area, the Site helps to form a natural contrast with the abundant mountainous features in the area. The presence of adjacent peaks in the area, such as French Mountain and Rodriguez Mountain help to form the adjacent local visual and scenic resources.

Scarcity**:** The landforms and vegetation within the SQRU are fairly common within the eastern San Diego region.

Cultural Modifications**:** Cultural modifications in the area include residential, commercial, and infrastructure development expanding out along the valley floor where flat lands have been utilized to build such population centers as Escondido and Valley Center.

Scenic Quality Rating Summary

The ratings presented in **Table 3-11** below were identified for the Site. An explanation of the rating score is provided in **Appendix I**.

Table 3-11: Scenic Quality Rating Summary

Key Factor	Rating
Landform	2
Vegetation	2
Water	0
Color	1
Adjacent Scenery	3
Scarcity	1
Cultural Modifications	0
Total Score	**9**

Source: BLM, 2007

The assigned letter grades to scenic quality scores are as follows:

- A: 19 or more
- B: 12-18
- C: 11 or less

Therefore, the overall scenic quality of this SQRU is C.

Sensitivity Level Analysis

Viewer Sensitivity

Sensitivity levels are a measure of public concern for scenic quality. These levels were analyzed within the Sensitivity Level Rating Unit (SLRU). SLRUs are derived from the types of users, amount of use, adjacent land uses, and presence of special areas.

Type of Users: Currently, the only users of the Site are patrons and workers of the Valley View Casino who use the Site for parking. Overall type of users is "low."

Amount of Use: The Site gets a fair amount of use since the Site is available for a variety of different users associated with the Valley View Casino. The amount of use at the Site is "high."

Adjacent Land Uses: Residential and community development is the primary land use within the SLRU. Sporadic residential communities and small agricultural developments contour the base of the foothills around the Site. The SLRU designation is "low."

Special Areas: Currently, there are no special areas of high sensitivity within the Site. There are no endangered species, or special status species within the Site, and therefore, the sensitivity level is "low."

Overall Sensitivity Level

Based on the evaluation presented in **Table 3-12**, the overall sensitivity level of the SLRU is determined to be "Low."

Table 3-12: Overall Viewer Sensitivity

Factor	Rating
Type of Users	Low
Amount of Use	High
Adjacent Land Users	Low
Special Areas	Low

Source: Greenwave, 2010

Delineation of Distance Zones

Distance can enhance or diminish visual quality of a landscape. Project details and dominance, and therefore effect, increases the closer the viewer stands to that project. By delimiting the landscape into general regions according to their distances, general assumptions can be made about the effects of the visual quality to the user.

Landscapes are subdivided into three distanced zones based on relative visibility from travel routes or observation points. The three zones are: foreground-middleground, background, and seldom seen. The foreground-middleground zone includes areas seen from highways, rivers, or other viewing locations which are less than three to five miles away. Areas visible beyond the foreground-middleground zone, but usually less than 15 miles away, are in the background zone. Areas not seen as foreground-middleground or background (i.e., hidden from view) are in the seldom-seen zone.

The site falls within the foreground-middleground zone.

The overall scenic quality of this SQRU is "C" and the overall sensitivity level of the SLRU is determined to be “Low." Given these collective rating parameters, the overall Interim VRM Class scenic quality rating for the site is Class IV. The BLM assigns the following management strategy to Class IV resources: “to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.”

Section 4 **Environmental Consequences**

This section analyzes the effects of the Proposed Action, as well as the no action alternative on various components of the environment. Conceptual development plans are utilized for the basis of the environmental analysis.

4.1 ***Alternative A - Proposed Action***

4.1.1 **Land Resources**

Topography

The proposed retail plaza would be constructed at the Site. The topography of the Site would not be significantly altered. There would be some grading during construction, but the Site is nearly level in its current condition. While specific construction plans have not yet been developed, construction activities would include a small amount of grading and site preparation, followed by the construction of the retail plaza. During the initial site preparation, efforts would need to be made to contain all construction-related runoff associated with grading and soil disturbance. The contractor would need to institute a drainage plan in order to minimize runoff onto adjacent lands in the event of flooding during construction. Since the Site is relatively flat, there would be minimal disturbance to existing topography. Overall impacts to topography would be small.

Soils

There may be impacts to soils at the Site. The dominant soil type, Visalia sandy loam, may be diluted by other types of soil and construction fill used in the site preparation and grading of the proposed Tribal facilities. The potential change in soil type would not have a significant adverse effect on the environment. Impacts to soils would be small.

4.1.2 **Water Resources**

Surface Water Quality, Drainage, and Flooding

Construction

Impacts to surface water resources, if they occur, would primarily be associated with erosion of soils during construction activities, and with vegetation removal. Vegetation acts as binder to hold in soil and rock materials during precipitation events. Additionally, rock and soil materials may be transported or temporarily stockpiled on the Site. The change in the landscape would have an effect on the rate and volume of runoff and sediment load in a direct relationship to the exposed rock materials. Based on the existing hydrologic soil group B and “well drained” drainage class, the Site has a moderate potential for runoff in extreme precipitation events. Additionally, the flat site topography should limit sediment transport. Nevertheless, the fine grain size materials of the Site soils do have the potential for erosion and sediment transport. Without appropriate erosion control practices, the excavation and construction activities on the site could contribute to increased sedimentation and runoff flow to the intermittent drainages on and bordering the Site. The increase in sediment load may lead to channel aggradation within the Site drainages. Changes could affect the channel hydraulic attributes and subsequent watercourse direction or flood behavior. To address these impacts, the Tribe would submit a

Notice of Intent to comply with the NPDES Construction General Permit for California Indian lands to the EPA prior to any construction activities associated with the proposed action.

Under the requirements of the Clean Water Act, sites disturbing more than one acre must apply for coverage under the NPDES Construction General Permit. The Permit requires the preparation of a SWPPP and the inclusion of site-specific Best Management Practices (BMPs) that would prevent the degradation of stormwater quality from runoff leaving the construction project site. BMPs instituted by the construction contractor would lessen potential surface water runoff impacts at the Site. Effective BMPs would include on-site controls that institute a plan to contain potential flooding, such as; establishing a silt fence, gravel bag barriers, the use of fiber rolls, and the creation of an on-site settling basin. Selected BMPs for construction are provided as mitigation in **Section 5.2**. Implementation of these BMPs would reduce construction impacts to less than significant level.

Post Construction

Post construction impacts could result from increased of storm water runoff resulting from impervious pavement surfaces. Special attention to engineering and design of storm drainage facilities is important to minimize erosion potential.

There are no municipal storm drains on or in the vicinity of the Site. The only stormwater infrastructure on the property at this time besides the roads, curbs and gutters is the culvert under School Bus Road. This culvert conducts water from the eastern portion of the property to the western portion. Stormwater drains to a low area in the southwest corner of the property and flows off property on the southern boundary. The proposed development, where possible, would make provisions for storm water to flow into unpaved planter areas, where it can percolate into the soil. Any excess flow during extreme rainfall would collect in a sedimentation system in the southwest area before flowing off property.

Changes in the runoff and sediment levels may lead to an increased transport of chemical constituents due to leakage or spills from the development including the buildings, roadways and parking lots. Although industrial use is not planned, the development will likely have maintenance areas with potential contaminants especially from the commercial center and gas station.

Detailed BMPs are outlined in the Stormwater Drainage Report (**Appendix C**) and discussed in **Section 2.1**. With the institution of the BMPs outlined in the Stormwater Drainage Report, impacts to both groundwater and surface water resources would be small.

Water Supply and Groundwater

Groundwater is not proposed to be used as the source of potable water supply for the development. Potable water would be provided by the Valley Center Municipal Water District (VCMWD). Refer to **Section 4.1.9** for a discussion of the impacts on public water supply service.

In the event that VCMWD water supply service is no longer available to the project due to hydrologic, legal, and regulatory conditions negatively impacting the availability of supplies from the State Water Project and Colorado River, groundwater or privately purchased water may be needed as supplemental or replacement water source. A study shall be done on the feasibility of groundwater as the potable water supply prior to the time water service from VCMWD becomes unavailable. Mitigation is provided in Section 5.2 to prevent impacts to groundwater in the unlikely event the groundwater resources are the only potable water supply option available to the development. Should the proposed study find that groundwater resources could not feasibly supply the Proposed Project, potable water would be purchased and trucked through private suppliers to the site.

Wastewater Treatment and Disposal

On-site wastewater treatment would not be conducted. Wastewater treatment and disposal would be provided by the Valley View Casino WWTP in accordance with the facility's existing NPDES permit. Refer to Section 4.1.9 for a discussion of the projected impacts on public wastewater service.

Water Quality

The Tribe would truck wastewater generated on-site to the Valley View Casino wastewater treatment facility for waste treatment at the proposed retail plaza.

The Tribe would adhere to the provisions of the Clean Water Act. To reduce the effects of increased surface runoff volume and entrained pollutants, the Tribe would comply with the terms of the General Construction NPDES Permit and ensure that BMPs are used to reduce the risk of soil erosion and polluted discharge, as discussed above.

4.1.3 Air Quality

This section identifies the impacts to air quality that would result from the development of the Proposed Action described in **Section 2.0**. Impacts are measured against the environmental baseline presented in **Section 3.3**. Cumulative impacts are identified in **Section 4.3**. Air quality mitigation measures are presented in **Section 5.3**.

Evaluation Criteria

For the purpose of evaluating the Proposed Action's contribution to regional air quality, a conformity review was conducted to evaluate whether conformity determination requirements would apply to a Proposed Action under NEPA air quality guidelines (40 CFR 93.153). The four steps in the review process are identified below:

- Determine whether the Proposed Action causes emissions of criteria air pollutants (CAPs).
- Determine whether the emissions of a criteria pollutant or its precursor (i.e. nitrogen oxides [NOx] and reactive organic gases [ROG] for ozone [O_3]) would occur in a non-attainment or maintenance area for that CAP.

- Determine whether the federal action is exempt from the conformity requirement as per 40 CFR 93.153 (c)(2)-(e).
- Estimate the total emissions of the pollutants of concern from the Proposed Action and compare the estimates to the de minimus threshold of 40 CFR 93.153 (b)(1) and (2) and to the non-attainment or maintenance area's emissions inventory for each CAP.

If the Proposed Action does not emit pollutants or is exempt under 40 CFR 93.153 (c)(2)-(e), or if the affected air basin is in attainment for all criteria pollutants, no further action is necessary. Otherwise, the proposed project's estimated emissions must be compared to the *de minimus* thresholds set forth in 40 CFR 93.153 (b)(1) and (2). If project emissions are greater than or equal to the *de minimus* threshold, a conformity determination must be performed. If the project emissions are less than *de minimus* thresholds, then the Proposed Action is considered to conform to the applicable SIP and a significant adverse effect to air quality would not occur.

Construction Impacts

Construction of Proposed Action would generate criteria air pollutants through operation of construction equipment and worker trips. Construction emissions were estimated using Urban Emissions version 9.2.4 (URBEMIS 9.2.4) and are shown in **Table 4-1**. URBEMIS 9.2.4 output files are included in **Appendix J**.

Table 4-1: Unmitigated Construction Emissions – Proposed Action

Construction Year	Criteria Pollutants	
	ROG	NOx
	tons per year	
2011	0.23	1.82
2012	0.43	0.18
Maximum Years Emissions	0.43	1.82
Conformity de minimus Levels	100	100
Exceedance of Levels	No	No

*Source: URBEMIS 2007 (refer to **Appendix J**).*

As shown in **Table 4-1**, estimated ozone precursor (NOx and ROG) emissions from construction activities do not exceed the conformity *de minimus* levels or the Federal Class I Area prevention of significant deterioration (PSD) threshold of 250 tons per year (refer to Federal Class I Areas in **Section 3.4**). Therefore, construction emissions from the proposed project would result in NOx and ROG emissions less than conformity de minimus levels; therefore, significant adverse effects to air quality would not result from construction of the Proposed Action.

Construction of the Proposed Action would involve ground disturbing activities including grading, excavation, stockpiling, and backfilling. These activities would generate fugitive dust emissions which may be transported offsite. BMPs are provided in Section 2.1 for dust control to ensure adverse effects to air quality from fugitive dust would not occur.

Operation Impacts

Trip Generation Rate and Trip Distribution

Trip generation rates were based on data from the Traffic Impact Analysis (TIA) provided as **Appendix H.** The TIA provides a trip generation rate of 40 trips per 1,000 square feet of specialty retail/strip commercial space, 160 trips per 1,000 square feet of restaurant space, and 160 trips per vehicle fueling station. These trip generation rates are consistent with the Institute of Traffic Engineers, Trip Generation Manual, 2008. Trip reduction due to pass-by trips were included (refer to TIA, **Appendix H**). The increase in vehicle trips with the implementation of proposed project is 4,168 trips per day. The trip distribution is provided in the TIA (**Appendix H**).

Operational Emissions

Operational emissions would primarily be comprised of indirect vehicular emissions associated with traffic generated by the project. The URBEMIS 9.2.4, 2007 (URBEMIS) air quality modeling program was used to estimate operational project emissions from average daily trips as well as other emissions that may be generated on-site (**Appendix J**). **Table 4-2** summarizes emissions for area sources (boilers, heating and air conditioning units, kitchen stove, etc.) and mobile sources (vehicular) emissions and compares them to de minimus levels.

Table 4-2: Unmitigated Operation Emissions - Proposed Action

	Criteria Pollutants	
	ROG	NOx
	tons per year	
Area Source	0.11	0.08
Mobile Source	4.10	5.36
TOTAL OPERATIONAL	4.21	5.44
Conformity de minimus Levels	100	100
Exceedance of Levels	No	No

N/A = Not Applicable; de minimus levels are not applicable due to attainment status (refer to **Section 3.4**).
Source: URBEMIS 2007.

As shown in **Table 4-2**, estimated emissions from operational activities do not exceed the conformity *de minimus* levels. A formal conformity determination is not required. Therefore, implementation of the Proposed Action would not result in NOx and ROG emissions in exceedance of conformity de minimus levels. Therefore, the Proposed Action would not result in significant adverse effects associated with emission of criteria air pollutants.

Carbon Monoxide

Implementation of the proposed project would result in emissions of carbon monoxide (CO) primarily as a result of increased motor vehicle traffic. Because CO disperses rapidly with increased distance from the source, emissions of CO are considered localized pollutants of concern rather than regional pollutants, and can be evaluated with Hot Spot analysis, in accordance with the *Transportation Project-Level Carbon Monoxide Protocol* (UC Davis, 1997).

No intersections within the study area would operate at LOS E or F, after recommended mitigation (**Appendix H**). Therefore, the proposed project would not create or contribute to a CO "hot spot" as a result of idling vehicles from traffic delays and unacceptable traffic operations.

Hazardous Air Pollutants/Toxic Air Contaminants

Diesel particulate matter (DPM) is the main Toxic Air Contaminant (TAC) of concern during construction and operation phases of the Proposed Project (note the EPA has not designated DPM as a Hazardous Air Pollutant [HAP]). Construction would include grading, soil hauling, demolition, paving, and building activities. These activities utilize heavy equipment, which use diesel fuel and emit DPM. DPM emissions during operation would also be emitted from diesel vehicles used by delivery services.

Land uses surrounding the project site include commercial uses with scattered residences. The nearest sensitive receptor is located 170 feet from the project site. Due to the distance of the nearest sensitive receptor, topography, rapid dissipation rate of DPM, and short-term nature of construction activities, the Proposed Action would not expose sensitive receptors to substantial concentrations of DPM. Therefore, the Proposed Action emissions of DPM would not create significant adverse effects.

Climate Change

Climate change is expected to result in global impacts, such as more erratic weather patterns, more frequent droughts, and rising sea level. Climate change is also expected to cause regional and local impacts, such as a reduction of snow pack in the mountain regions, increased drought periods, reduced water tables, increased seawater intrusion, and a reduction or reconfiguration of the coast line in California.

Methodology

Two recent federal court decisions (*Massachusetts v. Environmental Protection Agency*, U.S., 1275 S.Ct. 1438, 1462 [2007] and *Center for Biological Diversity v. National Highway Safety Administration*, 508 F.3d 508 [9th Cir. 2007]), the passage of California Assembly Bill 32 (AB 32), CEQ draft Guidance, and scientific consensus have resulted in general guidance regarding appropriate GHG analysis (**Section 3.4**).

The CEQ has issued draft guidance for evaluating project-level climate change impacts under NEPA, which it is currently in the process of finalizing. The CEQ NEPA Guidance requires that a project's GHG emissions be quantified and an analysis conducted, particularly if the project is projected to directly emit greater than 25,000 metric tons (MT) per year of Carbon Dioxide (CO_2). Although the Proposed Project would not directly emit greater than 25,000 MT per year of CO_2, a full climate change analysis is included below.

Carbon Dioxide Equivalent

Carbon dioxide equivalent (CO_2e) is a method by which GHGs other than CO_2 are converted to a CO_2-like emission value based on a heat-capturing ratio. As shown in **Table 4-3**, CO_2 is used as the base and is given a value of one. CH_4 has the ability to capture 21 times more heat than CO_2; therefore, CH_4 is given a CO_2e value of 21. Emissions are multiplied by the CO_2e value to achieve one GHG emission value. By providing a common measurement, CO_2e provides a means for presenting the relative overall effectiveness of emission reduction measures for various GHGs in reducing project contributions to global climate change.

Table 4-3: Greenhouse gas CO_2 EQUIVALENT

Gas	CO_2e Value
CO_2	1
CH_4	21
N_2O	310
HFCs/PFCs[1]	6,500
SF_6[1]	23,900

Notes: CO2e = Carbon dioxide equivalent
1 High-global warming potential pollutants
CH4 = methane, N2O = nitrous oxide
HFCs/PFCs = hydroflourocarbons/perflourocarbons
SF6 = sulfur hexafluoride
Source: IPCC, 2007

Emission Estimates

Development of the proposed project would result in an increase in GHG emissions related to mobile sources (trips generated), area sources (components of the Proposed Action that directly emit GHG), and indirect sources related to electricity, wastewater processing, and water transport. Based on the Proposed Action's GHG emissions (see below under *Emission Estimates*), it was determined that specific climate change impacts could not be attributed to the proposed development. As such, project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact. This approach is consistent with the view articulated by the *Intergovernmental Panel on Climate* (IPCC) *Change Fourth Assessment Report* (IPCC, 2007). According to the IPCC, "difficulties remain in attributing temperature on smaller than continental scales and over time scales of less than 50 years. Attribution at these scales, with limited exceptions, has not yet been established (IPCC, 2007)."

EPA and CARB approved URBEMIS 9.2.4 emissions modeling software was used to estimate area, construction, and mobile emissions. CH_4 and N_2O emissions from mobile sources were estimated using emission factors from the Local Government Operations Protocols (LGOP, 2008) and converted to CO_2e. Indirect emissions, which include electricity use, water conveyance, and wastewater treatment, were estimated using LGOP emission factors. The proposed project construction activities would emit 198.60 metric tons (MT) of CO_2e and were amortized over 30 years and added to operational emissions. **Table 4-4** estimates the proposed project's direct GHG emissions at 80.08 MT of CO_2e per year. **Table 4-4** estimates the proposed project would result in indirect emissions of 5,473.40 MT of CO_2e per year.

Direct and indirect CO_2e emissions would be well below the CEQ reporting standard. As noted in **Section 3.4.2**, both the state and federal governments have recently enacted measures that would reduce emissions from mobile sources, the primary component of the project's indirect GHG emissions. Therefore, no significant adverse cumulative effects associated with climate change would occur.

Table 4-4: Proposed Action Project Related GHG Emissions

Alternative A	GHGs	CO_2e Emissions (ST)	Conversion Factor (ST/MT)	GHG Emissions in CO_2e (MT)
Direct Amortized Construction	CO_2	7.28	0.91	6.62
Area	CO_2	80.72	0.91	73.46
Indirect Mobile	CO_2	5,699.40	0.91	5,186.45
Mobile	CH_4/N_2O	65.00	0.91	59.15
Electricity Usage	CO_2			214.37
Electricity Usage	CH_4/N_2O			1.89
Water Conveyance	CO_2e			4.20
Water Conveyance	CH_4/N_2O			0.04
Wastewater Treatment	CO_2e			7.24
Wastewater Treatment	CH_4/N_2O			0.06
Total Project-Related GHG Emissions				**5,553.48**

ST = short tons; MT = metric tons; CO_2e = carbon dioxide equivalent
Source: URBEMIS, 2007; LGOP, 2008.

4.1.4 Biological Resources

For the purposes of this assessment, special status has been defined to include those species that are listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing).

Although unlikely, the ruderal/disturbed areas within the Site may provide marginal habitat for San Diego thornmint, thread-leaved brodiaea, San Diego button celery, and Stephens' kangaroo rat even though their preferred soil and habitat types do not occur within the project site. None of these species were observed within the project site during the December 18, 2008 and July 20, 2010 biological surveys. Despite the low likelihood that the proposed project would result in adverse effects to these species given the high level of disturbance and the lack of preferred habitat, precautionary measures are provided in **Section 5.4**. With the proposed mitigation, the Proposed Action is not likely to adversely affect federally listed special status species.

Construction of the proposed project has the potential to disturb nest sites for federal protected migratory birds and other birds of prey. With implementation of the mitigation measures

identified in **Section 5.4**, the Proposed Action would not result in significant adverse effects to migratory bird species and other birds of prey.

4.1.5 **Cultural Resources**

The surface survey of the Site resulted in the location of two isolated artifacts, that have not been previously evaluated for NRHP eligibility. The isolates are not considered significant and therefore not eligible for the NRHP; see **Appendix G** for evaluation. No historic properties were identified within the Site. In a letter dated February 5, 2010, the State Historic Preservation Officer concurred with the BIA's determination of No Historic Properties Affected (**Appendix G**). There is a moderately high potential for unanticipated buried prehistoric archaeological resources within the Site based on the identification of an isolated artifact within rodent back dirt. Because the Site contains potential for buried prehistoric archaeological sites that may be eligible for nomination to the NRHP and California Register, construction monitoring of the property is recommended as mitigation in Section 5.0.

Construction monitoring would include significance evaluation and data recovery of any unanticipated discoveries. If cultural resources are discovered during construction activities, all work activities would cease, and the findings would be evaluated by a qualified archeologist, including a BIA archaeologist. Further, the Tribe would be immediately notified of all cultural discoveries. These actions are required under 36 CFR § 800.13: Post-Review Discoveries. Since there are no known cultural resources at the Site, and since any potential findings would be evaluated under applicable regulations, it is not anticipated that the Proposed Action would adversely effect cultural resources at the Site.

4.1.6 **Socioeconomic Conditions/Environmental Justice**

The Proposed Action would include the construction of a new retail plaza at the Site. The addition of these retail facilities would have a positive impact on current socioeconomic conditions within the area. New jobs for members of the Tribe would be created at the Site, and the Tribe would benefit from the revenues created from the Proposed Action. These revenues could then be used by the Tribe to invest in health and welfare programs to improve the overall well being of Tribe members.

Fiscal Analysis

There is a common misconception that operations on land held in trust do not generate fiscal benefits beyond tribal governments. This is because tribes, as sovereign governments, do not pay corporate income taxes on revenue or property taxes on tribal land; tribal members that both live and work on a Reservation do not pay state income taxes; and state and/or local sales/excise taxes are not collected on purchases by tribal members on reservations. However, taxes are paid in all other circumstances, including: purchases made by non-tribal members, income taxes paid by non-tribal members or members that live off of the reservation, and all indirect and induced activity generated during operation. As such, federal, state, and local governments typically experience substantial fiscal benefits from tribal business operations.

As stated in **Section 3.6**, the total annual property tax for the 2009-2010 fiscal year was

approximately $1,778 for the Site. The Proposed Action would result in the entire area of the parcel at the Project Site to be transferred into trust status for the Tribe. Therefore, the entire taxable value of the parcel, or approximately $1,778 in annual property tax, would be lost. In the 2008-2009 fiscal year, approximately $4.4 billion in property taxes was paid to the San Diego County Tax collector (CSCO, 2009). Therefore, the tax owed to the county for the subject property parcel was approximately .00004 percent of the county's total tax revenue. The approximate 0.00004 percent loss in property taxes is considered diminutive and would not be anticipated to result in an adverse physical environmental effect. Additionally, effects due to the loss of state and federal tax revenues as a result of transferring the land into trust would be offset by increased local, state and federal tax revenues resulting from construction and operation of the Project. As such, an adverse impact to tax revenues would not occur.

Crime

The Proposed Action would introduce an increased number of patrons and employees into the community on a daily basis. As a result, criminal incidents may increase in the project area, particularly at the Site, as with any other development of this size. However, increased tax revenues resulting from the Proposed Action would assist in off-setting the cost for increased demand for law enforcement services. Additionally, the Tribe has an existing agreement with the San Diego County Sheriff's Department for law enforcement services on the Tribe's Reservation that would be extended to include the project site. As stated in **Section 5.6**, the Tribe agrees to adopt ordinances governing the sale and use of alcohol on the Site, as well as prohibiting loitering and other suspicious behavior on the Site. With implementation of the mitigation measures recommended in **Section 5.6**, the Proposed Action would not result in significant adverse effects associated with crime.

Environmental Justice For Minority And Low Income Populations

An "Environmental Justice" analysis is required as part of NEPA compliance for the proposed project. This environmental justice analysis was prepared using guidance form the President's Council on Environmental Quality for compliance with Executive order 12898. The intent of this evaluation is to determine whether the No-Action or Project Alternatives would impose "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories…"

The proposed project has been sited in a residential/commercial area. The proposed project would not disproportionately impose air quality impacts on any segment of the population. It is unlikely that any plant or animal species of specific concern or used for subsistence by a minority or low-income population would be disproportionately impacted.

Increased traffic generated by the proposed project would not adversely impact any minority or low-income populations. Lighting and visual effects of the proposed project would not disproportionately impact any specific population segment. No minority of low-income area is located within view of the proposed project.

The construction of the proposed retail plaza would serve the Tribe by creating much needed jobs and revenue, which would be beneficial to a minority population. No adverse health or environmental impacts to low-income and minority populations are projected to occur as a result of the proposed project. Rather, the effect on low-income and minority populations would be positive. The proposed project would have no negative effect with regards to environmental justice for adjacent and close-proximity residents.

4.1.7 **Transportation and Circulation**

This section describes construction, buildout, and cumulative transportation conditions in the vicinity of the project site. A Traffic Impact Analysis (**Appendix H**) was conducted by Linscott, Law and Greenspan (LLG) in August, 2010. The results of the analysis are summarized below.

Evaluation Criteria

Intersections

The following criteria have been utilized to evaluate potential traffic effects from the project alternatives. This criteria is based on San Diego County's "Guidelines for Determining Significance", effective June 30, 2009 and modified February 19, 2010.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or level of service (LOS) traffic impact on a signalized intersection:

- The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a signalized intersection currently operating at LOS E or LOS F, or will cause a signalized intersection to operate at a LOS E or LOS F.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or LOS traffic impact on a un-signalized intersection:

- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection, and cause an unsignalized intersection to operate below LOS D, or
- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS E, or
- The additional or redistributed ADT generated by the proposed project will add 6 or more peak hour trips to a critical movement of an unsignalized intersection, and cause the unsignalized intersection to operate at LOS F, or
- The additional or redistributed ADT generated by the proposed project will add 6 or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS F, or
- Based upon an evaluation of existing accident rates, the signal priority list, intersection geometrics, proximity of adjacent driveways, sight distance or other factors, it is found

that the generation rate is less than those specified above, and would significantly impact the operations of the intersection.

Roadways

New development must provide improvements or other measures to mitigate traffic impacts to avoid:

- Reduction in LOS below C for on-site Circulation Element roads;
- Reduction in LOS below D for off-site and on-site abutting Circulation Element roads; and
- "Significantly impacting congestion" on roads that operate at LOS E or F. If impacts cannot be mitigated, the project cannot be approved unless a statement of overriding findings is made pursuant to the State CEQA Guidelines. The PFE, however, does not include specific guidelines for determining the amount of additional traffic that would "significantly impact congestion" on such roads.
- The additional or redistributed ADT generated by the proposed land development project will cause on-site Circulation Element Roads to operate below LOS C during peak traffic hours during peak traffic hours.
- The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a Circulation Element Road or State Highway currently operating at LOS E or LOS F, or will cause a Circulation Element Road or State Highway to operate at a LOS E or LOS F as a result of the proposed project.
- The additional or redistributed ADT generated by the proposed project will cause a residential street to exceed its design capacity.

Construction Traffic Impacts

Impacts resulting from the construction of the Proposed Action would be temporary in nature. Traffic impacts from construction activities for the proposed project would be concentrated on Valley Center, School Bus, and Wohlford Lake Roads in the immediate vicinity of the Project Site, as the focus of construction activity would be occurring at the project site. Traffic-related construction impacts typically experienced may include traffic delays, one-way traffic control, temporary road closures, and traffic detours.

The Proposed Action will require that approximately two material supply trucks per day would deliver materials to the project site. Given the scope of the project and the time line of construction (approximately 10 months) an estimated 20 workers would be at the project site at any one time. Therefore, an estimated 44 one-way trips per day would be generated by construction of the proposed project, which is far less than the 4,078 trips generated during buildout. Therefore, significant adverse effects would not occur from construction traffic.

Trip Generation Rate and Trip Distribution

The trip generation rate was determined using the following steps:

- San Diego Association of Governments (SANDAG) trip generation rates taken from the (Not so) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002, were used for the project land uses.
- Total project trips were calculated using the SANDAG rates to obtain the total trips generated by the project site.
- As previously mentioned, a portion of project trips will not be new to the street system, but will be captured from trips already on the street system. These trips are termed "pass-by" trips and are assumed to be already on the roadways for another purpose.
- Primary trips are trips assumed to be new to the street system. The primary trips are calculated by subtracting the pass-by trips from the total project trips.

The project trip generation and pass-by rates are summarized in **Table 4-5**.

Table 4-5: Trip Generation

Land Use	Size	Pass-By (%)	ADTs		AM Peak Hour			PM Peak Hour		
			Rate	Volume	In	Out	Total	In	Out	Total
Specialty Retail	27.6 KSF	10	40/KSF	994	18	11	29	45	45	90
Restaurant	8.8 KSF	12	160/KSF	1,240	51	51	102	57	34	91
Gasoline w/Food Mart	12 VFS	28	160/VFS	2,048	81	81	162	50	50	100
Total Trips Generated				4,078	150	143	293	152	129	281

ADT = average daily trips
*Source: TIA, 2010 (**Appendix H**).*

The project traffic was distributed and assigned to the street system based on the project's proximity to state highways and arterials, and the locations of existing and proposed residential communities. Figures 7–1 and 7-2 in the TIA (**Appendix H**) show the project traffic distribution and the primary project traffic assignment.

Peak Hour Intersection Effects

Traffic volumes with the addition of traffic from the proposed project are provided in the TIA (**Appendix H**). **Table 4-6** summarizes the LOS at each study intersection. Traffic increases from the Proposed Action would change the LOS of one intersection from an acceptable level to an unacceptable level. The following intersection would operate at an LOS F in the am peak hour with the implementation of the Proposed Action:

- Valley Center Road/Street "A"

Therefore, a potentially significant impact to the local intersection would result. A mitigation measure is included within **Section 5.7** to reduce this impact to a less-than-significant level.

Peak Hour Roadway Segment Effects

Table 4-7 summarizes the LOS at each study roadway segment. Traffic increases from the Proposed Action would change the LOS of one roadway segment from an acceptable level to an unacceptable level. The following segment would operate at an LOS E with the implementation of the proposed project:

- Valley Center Road, Lake Wohlford Road (N.) to Cole Grade Road

Therefore, a potentially significant impact to the local roadway segment would result. A mitigation measure is included within **Section 5.7** to reduce this impact to a less than significant level.

Table 4-6: Intersection Level of Service

No.	Intersection	Control Type	Peak Hour	Existing + Project		2030 + Project	
				Delay	LOS	Delay	LOS
1	Valley Center Road/ Cole Grade Road	Signal	AM PM	32.7 33.5	C C	53.3 53.6	D D
2	Valley Center Road/ Street "A"	TWSC	AM PM	53.6 34.4	F D	>100 >100	F F
3	Valley Center Road/Relocated School Bus Road	Inbound Only	PM AM	9.0 0.0	A -	10.6 0.0	B -
4	Valley Center Road/Lake Wohlford Road (N.)	Signal	AM PM	24.5 26.8	C C	33.2 43.3	C D
5	Lake Wohlford Road (N.)/School Bus Road	TWSC	AM PM	15.9 10.5	C B	28.4 12.2	D B
6	Lake Wohlford Road (N.)/Wood Valley Road	AWSC	AM PM	12.3 11.7	B B	33.0 29.7	D D
7	Lake Wohlford Road (N.)/ Project Access	TWSC	AM PM	11.3 10.7	B B	13.8 12.6	B B
8	Valley Center Road/Lilac Road	Signal	AM PM	15.0 13.7	B B	34.9 34.7	C C
9	Valley Center Road/Woods Valley Road	Signal	AM PM	16.1 17.9	B B	19.8 24.0	B C

ADT = average daily trips; LOS = Level of Service
*Source: TIA, 2010 (**Appendix H**).*

2030 Peak Hour Roadway Segment Effects

Table 4-7 summarizes the LOS at each study roadway segment. Traffic increases from the Proposed Action would contribute to an unacceptable LOS at seven roadway segments in the cumulative year 2030. It should be noted that these roadway segments would operate at unacceptable levels without the addition of project traffic. Cumulative year 2030 existing

Table 4-7: Street Segment Level of Service

Street Segments	Capacity (LOS E)	Existing + Project		2030 + Project	
		ADT	LOS	ADT	LOS
Valley Center Road					
Lake Wohlford Rd (N.) to Cole Grade Road	16,200	13,220	E	15,040	E
Cole Grade Road to Lilac Road	37,000	23,770	B	41,860	F
Lilac Road to Woods Valley Road	37,000	24,550	B	41,450	F
Woods Valley Road to Lake Wohlford Road (S.)	37,000	25,300	C	36,370	E
Lake Wohlford Road (N.)					
Valley Center Road to Woods Valley Road	16,200	10,650	D	15,230	E
Woods Valley Road to Guejito Road	16,200	6,590	C	13,620	E
Woods Valley Road					
Valley Center Road to Lake Wohlford Road (N.)	16,200	2,740	B	5,290	C
Cole Grade Road					
Valley Center Road to Fruitvale Road	19,000	12,720	D	31,490	F

ADT = average daily trips; LOS = Level of Service
*Source: TIA, 2010 (**Appendix H**).*

roadway segment volumes and LOS are provided in the TIA (**Appendix H -** Attachment 1). The following roadway segments would operate at an LOS E under cumulative traffic conditions:

- Valley Center Road, Lake Wohlford Road (N.) to Cole Grade Road. Project related traffic constitute approximately 14% of the traffic on this segment under cumulative conditions.
- Valley Center Road, Cole Grade Road to Lilac Road. Project related traffic constitute approximately 2% of the traffic on this segment under cumulative conditions.
- Valley Center Road, Lilac Road to Wood Valley Road. Project related traffic constitute approximately 1% of the traffic on this segment under cumulative conditions.
- Valley Center Road, Wood Valley Road to Lake Wohlford Road (N.). Project related traffic constitute approximately 1% of the traffic on this segment under cumulative conditions.
- Lake Wohlford Road (N.), Valley Center Road to Wodds Valley Road. Project related traffic constitute approximately 8% of the traffic on this segment under cumulative conditions.
- Lake Wohlford Road (N.), Wodds Valley Road to Guejito Road. Project related traffic constitute approximately 5% of the traffic on this segment under cumulative conditions.
- Cole Grade Road, Valley Center Road to Fruitvale Road. Project related traffic constitute approximately 2% of the traffic on this segment under cumulative conditions.

Therefore, a potentially significant impact to these local roadway segments would result.

Mitigation measures are included within **Section 5.7** to reduce impacts to a less-than-significant level.

4.1.8 **Land Use**

Land Use Jurisdiction

NEPA requires an assessment of a project's effect on adopted land use plans as well as plans that have been formally proposed and are being actively pursued by officials of the jurisdiction. Accordingly, the Proposed Project's consistency with adopted and proposed land use regulations is assessed below.

At this time, the project site is currently under County jurisdiction; once the Federal government acquires the property in trust for the Tribe, the parcels will not be subject to County land use regulations. Only tribal land use regulations are applicable on trust lands. The Tribal Government relies upon the Tribal Council, the governing body of the Tribal Government, to guide and regulate land use on Tribal lands.

The Tribal Government desires to work cooperatively with local and State authorities on matters related to land use. Therefore, as stated in **Section 2.0**, the Tribe intends to develop the property in a manner reasonably consistent with Valley Center's adopted design guidelines and ordinances.

Consistency with County Land Use and Zoning designations

The commercial nature of the Proposed Action is not consistent with the existing San Diego County zoning designation of Special Purpose-Parking (S86) for the project site. Although commercial land uses proposed by the project and those allowed under the surrounding land use designations would be generally compatible, potential impacts could result from the inconsistency with the project site's current zoning designation, specifically associated with increased vehicle trip generation and public use of the area. Mitigation measures identified in **Section 5** relating to traffic, noise, air quality, public services, and aesthetics would reduce environmental impacts associated with the project's inconsistency with adopted San Diego County land use designations to less than significant.

Agriculture

There are no lands under a Williamson Act contract or in agricultural uses on the Project Site. Additionally the soils underlain the project site are not designated as State Significant soils or Prime Farmlands soils by the FMMP (DOC, 2009). Therefore, construction of the proposed retail plaza would not result in any significant adverse effect to agricultural resources.

4.1.9 **Public Services**

Water Supply

The proposed retail plaza would utilize the existing on-site VCMWD water meter at the Site which was installed, and will be maintained and monitored by the Valley Center Municipal

Water District (VCMWD). While the project would constitute an increase in usage of water resources, the projected increase would not impact the local water supply in the near term. VCMWD has provided a Will Serve letter for the project (Appendix B), indicating facilities to serve the project are reasonably expected to be available within the next five years based on the capital facility plans of the VCMWD. However, the letter notes that given hydrologic, legal, and regulatory conditions importing supplies from the State Water Project and Colorado River, there is a possibility that VCMWD may not have capacity to serve the project in the future.

In the event that the VCMWD is no longer able to serve the development, groundwater and privately purchased water will be investigated as a potential potable water source. A discussion of the potential effects of the Proposed Action to groundwater resources in the area is provided in Section 4.1.2. Mitigation measures to reduce the potential adverse effects to groundwater resources are provided in Section 5.0. After mitigation, the project would not result in significant adverse effects associated with water supply. Should the use of groundwater resources as a potable water source for the Proposed Project be found infeasible, potable water will be purchased and trucked through a private supplier to the project site. The private purchase of potable water would not adversely impact public services.

Wastewater Service

As described in Section 2.1, wastewater would be collected onsite in an underground septic storage tank. The tank would be evacuated as needed and the wastewater trucked to the Valley View Casino wastewater treatment plant for treatment and disposal. The proposed project would not impact municipal or private wastewater facilities in the area.

Solid Waste

Construction-related waste would be generated at the Site during the construction of the proposed facilities. However, since the construction period would be temporary, and since the contractor would institute the use of BMPs, these impacts would be small. Solid waste and recycling from operation of the proposed retail plaza would be collected by EDCO Recycling and Waste Collection or a similar provider to accommodate the increased service needs associated with the Proposed Action.

Waste disposal activities are anticipated to occur at the Sycamore Landfill, which accepts a permitted total of 3,965 tons per day (tpd) (Calrecycle, 2010). Waste generated from Proposed Action would be approximately 0.1 percent of the daily waste stream and would represent a negligible addition to the landfill. Therefore, construction and operation of the Proposed Action would not result in any significant adverse effect to the solid waste stream.

Electricity, Natural Gas, and Telecommunications

Existing electrical and telephone infrastructure facilities are currently located near the Site. The Tribe would coordinate with Pacific Gas & Electric, Cox Communications, and an internet broadband company of their choosing regarding the extension of services to the Site. No significant adverse effects to utility providers would occur from the Proposed Action.

Law Enforcement

Under Public Law 280, 18 U.S.C. 1162, the State of California and other local law enforcement agencies have criminal enforcement authority on Tribal lands. San Diego County Sheriff's Department would provide law enforcement services to the Site through existing agreements with the Tribe. The proposed retail plaza would result in a negligible increase in demands on the Department. Calls for service would not be disproportionate to other residential or commercial development; therefore the Proposed Action would not result in any significant adverse effect to law enforcement services

Fire Protection and Emergency Services

Construction-related impacts include the potential fire threat associated with equipment and vehicles coming into contact with wild land areas. Construction vehicles and equipment such as welder, torches, and grinders may accidentally spark and ignite vegetation or building materials. The increased risk of fire during the construction of the proposed facilities would be similar to that found at other construction sites. Standard construction and operational measures would be included within day-to-day work activities. These measures would lessen the chance of an accidental fire at the Site.

Current International Fire Codes would be adhered to in relation to fire safety and the Tribe would cooperate with the fire district by allowing routine inspections. Use of the Site for commercial purposes would create additional demand for fire protection, and require more frequent responses from local fire-fighting agencies, including the San Pasqual Reservation Fire Department. The Tribe currently provides fire protection in the area together with the Valley Center Fire Department and Calfire. The scale of development would not create significant demands on local fire authorities; therefore the Proposed Action would not result in any significant adverse effect to fire protection services.

Increased emergency calls to 911 as a result of the proposed project may result in delays in response times or result in the need for ambulances to be dispatched from more distant locations. However, given the scale of the proposed project, implementation of off-site traffic improvements, and the availability of emergency services in the area, the projected increase in emergency medical services would not result in any significant adverse effects to emergency services providers.

4.1.10 **Noise**

This section identifies the noise impacts that would result from the development of the Proposed Action described in **Section 2.0**. Impacts are measured against the environmental baseline presented in **Section 3.10**. Cumulative impacts are identified in **Section 4.3**.

Construction Noise

Grading and construction activities associated with the Proposed Action would be intermittent and temporary in nature. The closest sensitive noise receptors that would be exposed to noise during project construction are the adjacent school and residence, the nearest of which is approximately 170 feet southeast of the project site (refer to **Section 3.10**).

Construction noise levels at and near the project site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction-related material haul trips have the potential to raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used.

During construction approximately 40 worker trips per day would occur, based on the scope of the Proposed Action. It is conservatively estimated that 2 material supply truck trips would occur during construction. Because trucks are louder than passenger cars a passenger car equivalence (PCE) multiplier of 10 cars per truck was used. Therefore, the total passenger car equivalence trips per day would be 60. The existing traffic volume on Valley Center Road and Wohlford Road, adjacent to the project site is 14,900 and 8,970 vehicles per day, respectively. Construction trips would not double the existing traffic volume; therefore, the ambient noise level would not audible increase (Caltrans, 2009).

Table 4-8 shows typical stationary point source noise levels at 50 feet during different construction stages.

Table 4-8: Typical Construction Noise Levels

Construction Phase	Noise Level at 50 feet (dBA)
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

Source: Federal Highway Administration, 2006

Stationary point sources of noise attenuate (lessen) at a rate of 0 to 10 dBA per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions, topography and type of ground surfaces, noise barriers, etc.) (Caltrans, 2009). An attenuation factor of 6 dBA per doubling of distance is appropriate given the topography, buildings, and ground cover on and in the vicinity of the Project Site (i.e. few trees and brush). The maximum construction noise at the Project Site would be 89 dBA at 50 feet. Using an attenuation factor of 6 dBA the noise level at the nearest sensitive noise receptor, a residence, would be approximately 75 dBA, which is greater than the Federal Noise Abatement Criteria of 67 dBA for outdoor activity areas of residences and schools (**Table 3-10**).

Mitigation measures provided in **Section 5.11** would reduce noise impacts due to construction to less than significant. These measures would ensure construction activities would be limited to daytime hours, and would require that a soundwall be installed prior to construction to attenuate construction noise levels to the extent feasible. Additionally, construction equipment would be equipped with adequate mufflers and staging areas would be located as far away from sensitive receptors as possible. Therefore, because construction activities would be short-term, intermittent, temporary, and the sound wall would attenuate construction noise levels below federal noise standards, no significant adverse effects associated with construction noise would occur.

Vibration

Construction activities would consist of using earthmoving equipment shown in **Table 4-9**, which can produce detectable or damaging levels of vibration at nearby sensitive land uses, primarily depending on the distance between the source and the nearby sensitive land use. Generally, physical damage is only an issue when construction requires the use of equipment with high vibration levels (i.e., compactors, large dozers, etc) and occurs within 25 to 100 feet of an existing structure. **Table 4-9** provides estimated construction vibration levels at a reference distance of 50 feet and at 170 feet (distance to nearest sensitive receptor). The predicted Peak Particle Velocity (PPV) levels are below the significance threshold of 0.5 PPV for structures and 0.1 PPV for annoyance of people (Caltrans, 2004). This would be a less-than-significant impact.

Table 4-9: Reference and Predicted PPV from Construction

Equipment	Reference PPV at 50 feet	Predicted PPV at 170 feet
	Inches per Second	Inches per Second
Large bulldozer	0.089	0.017
Excavator	0.089	0.017
Compactor	0.170	0.031
Scaper	0.089	0.017
Loaded trucks	0.076	0.014
Small bulldozer	0.003	0.00054

Note: PPF was predicted using the equation PPV predicted = PPVref(Dref/Dsource)^1.4*
Source: Caltrans, 2004

Operation Noise

The following identifies potential impacts from project-related noise sources, such as traffic, heating ventilation and air conditioning (HVAC) systems, parking lot, and deliveries.

Traffic

The level of traffic noise depends on three things: l) the volume of the traffic, 2) the speed of the traffic, and 3) the number of trucks in the flow of the traffic. It is not anticipated that speed in the vicinity of the Project Site or the mix of trucks in the traffic would change during the operational phase; however, with the implementation of the project, traffic volumes would increase on local roadways.

The existing primary source of noise in the area is traffic on adjacent roadways. As discussed above the existing traffic volume on Valley Center Road and Lake Wohlford Road are approximately 15,000 and 9,000 vehicles per day, respectively (TIA, **Appendix H**). The Proposed Project would add 4,168 vehicles per day to local roadways. The added traffic would not double the existing volume of traffic (refer to **Appendix H**). Project-related traffic would therefore cause an increase in the ambient noise level of less than 3 dBA. Given the nature of the area surrounding the project site and the surrounding topography, the existing ambient noise

level is estimated to be 65 dBA (EPA, 1974). Therefore, an increase of less than 1.5 dBA would result in an ambient noise level of no more than 66.5 dBA. The ambient noise level would be less than the Federal Noise Abatement Criteria of 67 dBA (refer to **Table 3-10**). Therefore, there would be a less-than-significant effect due to traffic noise.

Vibration and Other Noise Sources

Commercial uses would bring the possibility of noise due to operations of roof-mounted air handling units associated with building heating, ventilation, and air conditioning (HVAC) equipment and noise from loading docks, and the parking lot.

The noise levels produced by HVAC systems vary with the capacities of the units, as well as with individual unit design. In this case, given the distance to the nearest sensitive noise receptor, noise from roof mounted HVAC equipment would not be audible. Therefore, there would be a less-than-significant effect due to HVAC noise.

Idling trucks due to product delivery at the proposed project site has the potential to emit noise of 85 dBA at 50 feet from the source (Caltrans, 2009). A sound wall would be constructed around the project site perimeter as recommended in mitigation indentified in **Section 5.11**. The sound wall is expected to attenuate noise levels by 8 dBA. Using the attenuation value of 6 dBA per doubling of distance (refer to construction analysis above) the ambient noise level at the nearest sensitive noise receptor (170 feet from the Project Site) would be approximately 64 dBA; therefore, a less-than-significant effect due to loading dock noise would occur.

Parking lot noise would be mainly due to idling vehicles, opening and closing doors, and conversation. Worst case parking lot noise would be similar in intensity to loading dock noise. As shown above, the resulting noise level at the nearest sensitive noise receptor would be 64 dBA, which is less than the Federal Noise Abatement Criteria of 67 dBA (**Table 3-10**). Therefore, a less-than-significant adverse effect from parking lot noise would occur.

4.1.11 **Hazardous Materials**

The Phase I Site Assessment conducted by GreenWave in April, 2009 at the project site did not identify any hazardous materials on site or within a distance that would affect the proposed project.

During the construction period, it is possible that hazardous materials, such as solvents, paint, and adhesives would be brought, stored, and used on site. As with any liquid and solid, during handling and transfer from one container to another, the potential for an accidental release exists. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as to the environment. Construction BMPs limit and often eliminate the impact of such accidental releases. Since contact with stormwater during construction is the primary means of transporting these contaminants offsite, appropriate BMPs for this impact are included in the construction stormwater BMPs in **Section 5.2**. With the implementation of these BMPs and compliance with federal laws relating to the handling of hazardous materials, no adverse affects associated with the accidental release would occur during construction.

During operation no hazardous materials would be handled, stored, or disposed of in reportable quantities on the project site, and no hazardous waste in reportable quantities would be generated by the operation of the project components. Therefore no adverse effects would occur associated with the handling, storage, generation, and disposal of hazardous materials.

Although certain petroleum products are potentially hazardous under the ignitibility standard (flashpoint below 140 °F according to 40 CFR 261), they are exempt under many hazardous materials laws and are regulated under separate laws than all other hazardous materials. The proposed gas station would be equipped with underground storage tanks filled with petroleum products including gasoline and possibly diesel fuel. There is a potential for releases from storage and dispensing equipment at the proposed gas station. Spills and overfills result mainly from bad filling practices. Also unprotected steel tanks and piping can corrode and release product thorough holes caused by corrosion of the metal tank or piping. Material released through spills, overfills and leaks has the potential to contaminate stormwater runoff, or enter the surrounding groundwater through direct spilling or leaking into the surrounding soil.

As stated in **Section 3.11**, the project would comply with the provisions of 40 CFR Part 280, including Part 280.20 Performance Standards for new UST systems, which includes requirements for tank design, the installation and maintenance of leak detection and prevention systems, and spill and overfill controls to minimize the risk of release of petroleum into the environment. The standards are therefore protective of both public health and the environment (including soil and groundwater) through the prevention of accidental release which could lead to soil and groundwater contamination.

Mitigation measures to ensure proper operation of the gas station in compliance with 40 CFR 280 are listed in **Section 5.2**. Compliance with the provisions of 40 CFR Part 280 would ensure that the impacts to public safety and environmental quality from accidental release of petroleum products, fire, explosion, and vapor intrusion hazards are minimized. Therefore, no significant adverse effects associated with the operation of the gas station would occur.

4.1.12 **Visual Resources**

The overall Interim VRM Class scenic quality rating for the Site is Class IV. The BLM assigns the following management strategy to Class IV resources: “to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.” Several developments currently exist within the area including the San Diego Sheriff’s office, Valley Center Middle School, Allstate Insurance Company, and Ridgeview Church. A retail plaza would not constitute a major modification to the landscape. Additionally, the Tribe intends to develop the subject property in a manner reasonably consistent with the existing Valley Center Design Guidelines. Since the proposed Tribal facilities would not constitute a significant change to the current visual and scenic resources at the Site, and since the Site qualifies as a VRM Class IV, impacts from the Proposed Action are anticipated to be small. The Proposed Action is situated in a low-lying area with surrounding residential developments that do not offer significant visual features. As the retail plaza would be a

relatively small-scale building, its presence would not constitute a significant adverse effect to the overall scenic quality.

The project would introduce a new source of lighting and glare on the subject property, however mitigation has been included in **Section 5.0** to comply with standards of the San Diego County Dark Skies Ordinance [(Title 5, Div.9, Sections 59.101-59.113 of the County Code of Regulatory Ordinances) as added by Ordinance No 6900, effective January 18, 1985, and amended July 17, 1986 by Ordinance No. 7155 and April 20, 2005 by Ordinance No. 9716.] and reduce off-site light emissions. After mitigation, the Proposed Action would not result in any significant adverse effects associated with night time lighting.

4.1.13 **Public Safety and Health**

The Tribe would observe all established construction practices during development of the Site, including use of the International Building Code.

A Phase I Environmental Site Assessment was completed for the Site on April 2, 2009, and revealed no evidence of recognized environmental conditions in connection with the Site and further revealed no evidence of recognized environmental conditions associated with nearby properties. A recognized environmental condition is "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property" (ASTM, 2006).

Operation of the proposed restaurant would comply with federal food handling and sanitary codes.

Construction and operation of the proposed gas station is required to comply with all federal regulations that are applicable. Refer to the analysis in **Section 4.1.11** for further discussion of public health and safety issues.

4.2 ***No Action Alternative***

4.2.1 **Land Resources**

Under the No Action Alternative, the property would be developed with a parking lot on the eastern half of the site, consistent with Site Plan 06-004. Negligible impacts to topography would occur due to the relatively flat topography of the site. Compliance with Regional Water Quality Control Board (RWQCB) and County regulations would ensure adverse effects due to erosion would not occur.

4.2.2 **Water Resources**

Under the No Action Alternative, the project site would remain as a parking lot for the Valley View Casino, and there would be no change to the use of water resources at the Site. As the eastern portion of the site would be developed as a parking lot under the No Action Alternative,

stormwater run-off rates would increase. During construction activities, contamination of stormwater runoff would be prevented through compliance with provisions for coverage under California's NPDES Construction Stormwater General Permit (2009-0009-DWQ). There would be no significant adverse effects to water resources beyond those experienced under its current pattern of use as a parking lot.

4.2.3 **Air Quality**

The No-Action Alternative would result in the continued use of the project site as a parking lot for the Valley View Casino and air quality impacts would remain unchanged. There would be no additional adverse effects to air quality beyond those experienced under its current pattern of use as a parking lot.

4.2.4 **Biological Resources**

Under the No-Action Alternative, the existing paved parking lot will be expanded to cover the remainder of the eastern half of the site. Since the footprint of the proposed parking lot is similar to the Proposed Action, the potential for impacts to biological resources would be similar.

4.2.5 **Cultural Resources**

Under the No-Action Alternative, the existing paved parking lot will be expanded to cover the remainder of the eastern half of the site. Compliance with federal regulations would ensure that there would be negligable effects on potentially existing cultural resources at the site.

4.2.6 **Socioeconomic Conditions**

Under the No-Action Alternative, there would be no added source of revenue for the Tribe at the project site. The project site would continue to be utilized as a parking lot for the Valley View Casino, and the Tribe would need to look to other ventures in order to generate the needed funds. There would be no effects (positive or negative) to current socioeconomic conditions.

4.2.7 **Noise**

Under the No-Action Alternative, there will be temporary noise disturbance from the construction of the parking lot. However, there will not be new noise influences aside from the existing traffic. There would be no additional adverse effects to the affected environment.

4.2.8 **Visual and Scenic Resources**

Under the No-Action Alternative, the parking lot will be developed consistent to Site Plan 06-004, which includes stipulations for landscaping and lighting. Compliance with these stipulations and the Valley Center design guidelines would prevent adverse effects to visual and scenic resources.

4.2.9 **Transportation and Circulation**

The No-Action Alternative would result in the continued use of the project site for parking and

traffic patterns and volumes would remain virtually unchanged.

4.2.10 **Public Services**

Under the No-Action Alternative, the parking lot will be developed consistent with Site Plan 06-004, which includes stipulations for water supply and wastewater disposal. Law enforcement and fire protection would be provided by the appropriate local agency, the San Diego County Sheriff's Department and the Valley Center Fire Protection District, respectively. There would be no additional adverse effects to the affected environment due to existing public service infrastructure and location of public service providers.

4.2.11 **Hazardous Materials**

The No-Action Alternative does not involve the use, storage, or disposal of any hazardous material or hazardous waste. During construction activities, contamination of stormwater runoff from hazardous materials would be prevented through compliance with the provisions for coverage under California's NPDES Construction Stormwater General Permit (2009-0009-DWQ). During operation, the site would be required to comply with all state, county, and local standards governing the use of hazardous materials. Therefore adverse effects would not occur.

4.3 ***Cumulative effects***

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations, as amended (40 CFR Parts 1500-1508) define cumulative effects as "the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The cumulative analysis assumes growth in the region from build-out of the San Diego County General Plan and Valley Center Community Plan, as well as reasonably foreseeable projects. Projects that were considered within this analysis include, but were not limited to:

- The Hoag Major Use Permit;
- The Hidden Meadows Residential Subdivision; and
- The Garcia Residential Subdivision.

4.3.1 **Land Resources**

Potential cumulative impacts to land resources (topography, soils, seismicity, and mineral resources) are site specific and related to measures required to ensure proper design for site conditions. The Proposed Action would not contribute to significant adverse cumulative effects to land resources.

4.3.2 **Water Resources**

The Proposed Action is required to comply with the Clean Water Act as it relates to stormwater and point-source discharges under an NPDES permit. Compliance with USEPA stormwater

pollution prevention requirements will prevent off-site development, in combination with development associated with the proposed project, from causing cumulatively significant stormwater related impacts.

Disposal of wastewater effluent would be required to meet Federal standards. Since all wastewater would be managed by the Tribe and local authorities, there would not be a significant impact from project related wastewater discharge.

4.3.3 **Air Quality**

Cumulative impacts to the air basin are addressed within the requirements of the Clean Air Act and the General Conformity Rule. Using the significance thresholds of the General Conformity Rule, the Proposed Action does not reach the de minimus levels required for Federal conformity and would not result in changes to the basin's air quality designation. Project operational emissions are either traffic or gas station related. Primary contaminant emissions for both of these sources are ozone precursors. Since the San Diego region is in attainment for ozone, the presence of added emissions from the Proposed Action at the Site would contribute small cumulative impacts to the overall regional air quality over time. Potential cumulative effects associated with greenhouse gas emissions and climate change are addressed in **Section 4.1.3**.

4.3.4 **Biological Resources**

The Proposed Action has the potential to adversely affect nest sites for federally protected migratory birds and other birds of prey. Although unlikely, the ruderal/disturbed areas still provide marginal habitat for San Diego thornmint, thread-leaved brodiaea, San Diego button celery, and Stephens' kangaroo rat even though their preferred soil and grassland habitat types do not occur within the Site. Despite the low likelihood that the Proposed Action would result in adverse effects to these species given the high level of disturbance and the lack of preferred habitat, mitigation has been provided to ensure that the Proposed Action would not result in adverse effects to these federal listed species in **Section 5.0**. With mitigation, the Proposed Action would not contribute to cumulative adverse effects associated with biological resources.

4.3.5 **Cultural Resources**

Protection measures for potential impacts to unknown cultural resources are included in **Section 5.0**. Similar measures are required for all development in San Diego County to comply with County policies, NEPA, and CEQA. No cumulative adverse effects to cultural resources would occur as a result of the Proposed Action.

4.3.6 **Socioeconomic Conditions/ Environmental Justice**

The Proposed Action would contribute important socioeconomic benefits to the Tribe through the addition of new jobs and revenue that would continue to benefit the Tribe in the foreseeable future. The Proposed Action is not anticipated to result in significant adverse effects on environmental justice. The Proposed Action would create job opportunities, as well as services for the local area. Additionally, as discussed in **Section 4.1.6**, substantial fiscal benefits would be experienced by federal, state, and local governments. As such, the Proposed Action is

anticipated to result in an overall tax revenue increase despite the loss of property tax revenues. Therefore, since the overall fiscal impact for federal, state, and local governments would be anticipated to increase, an adverse cumulative fiscal effect would not occur. No adverse cumulative effects to socioeconomic conditions or environmental justice would occur as a result of the Proposed Action.

4.3.7 **Transportation and Circulation**

The Proposed Action, when added to the projected cumulative local traffic flow increases would have a small cumulative impact on some of the surrounding intersections and street segments. The details of these potential impacts are discussed in **Section 4**. Mitigation measures discussed in **Section 5** would lessen the project-generated traffic impacts. With implementation of these mitigation measures, the project would not contribute to adverse cumulative effects to the local traffic network.

4.3.8 **Land Use**

If taken into Federal trust, the project site would not be subject to County land use jurisdiction. Any changes to area resource use patterns off-site would be attributable solely to City/County policies. The Proposed Action would not contribute to significant adverse effects associated with land use.

4.3.9 **Agriculture**

The retention or development of agricultural land is largely a policy consideration for governmental entities. Prime and unique agricultural lands are considered a limited and valuable resource. Potential impacts to these lands must therefore be analyzed according to NEPA and the FPPA. All land uses in the region are subject to approval by local government entities. The project site does not contain prime, unique, or state/local important farmland not is it in agricultural production. Cumulatively significant adverse effects to agricultural land would not occur.

4.3.10 **Public Services**

The project site would utilize the local municipal water supply and a private wastewater system. Additionally, the facilities would hook up to an existing local electrical grid. Law enforcement services would be provided by the San Diego County Sheriff's Department and fire protection services provided by the San Pasqual Reservation Fire Department.

The VCMWD provided a Will Serve letter for the project, and all other cumulative development in the region would need to obtain the same agreement in order to connect to the VCMWD system. The VCMWD is capable of requiring conservation measures of its users and ensuring the water supply stability for residents and businesses through the requirements of these Will Serve agreements. Mitigation measures are provided in Section 5.0 to ensure the project does not result in significant adverse cumulative effects associated with water supply service. Therefore, projects would be prevented from using public water supply if the VCMWD could

not supply them. There is no potential for cumulative effects from the project to wastewater treatment, since a private wastewater system would be used except during unusual peak periods.

All future uses in the County will be subject to approval by local governments which will allow the County to control the rate of growth so that sufficient public services are available. While Tribal development is not subject to County approval, the Tribe has agreements with local service providers for compensation of services. Therefore, the Proposed Action would not contribute towards adverse cumulative effects to public services.

4.3.11 **Noise**

Generally, noise increases as areas are developed. The proposed project would increase noise levels through increased traffic and operational activities. However, the proposed project would not generate a level of traffic that would exceed acceptable outdoor noise standards. Some evening traffic may occur but would be insignificant. Therefore, traffic noise would not be a significant impact to surrounding residences, because the proposed facilities would operate and a majority of traffic would occur during normal business hours. The Proposed Action would not contribute towards significant adverse cumulative effects associated with noise.

4.3.12 **Hazardous Materials**

Cumulative effects associated with hazardous materials may include an increased risk of exposure of the public and the environment from the increased use, storage, and disposal of hazardous materials associated with the Proposed Action and cumulative developments. All new developments would be required to adhere to State and municipal regulations in the delivery, handling, and storage of hazardous materials, thereby reducing the risk of accidental exposure to the public's health and welfare. Therefore, with the mitigation measures in Section 5.0 and compliance with federal regulations, the Proposed Action would not contribute to cumulative effects associated with hazardous materials.

4.3.13 **Visual Resources**

Since the project site is located in a largely developed residential low-lying area that does not offer significant visual features, and since the Proposed Action would be a small-scale commercial building, its presence would not significantly adversely effect the overall cumulative scenic quality of the area.

Section 5 **Mitigation Measures**

5.1 ***Land Resources***

No mitigation is required for the Proposed Action.

5.2 ***Water Resources***

The following mitigation measures area recommended for the Proposed Action:

Wastewater Treatment and Disposal

No mitigation is required for the Proposed Action.

Groundwater Supply

The following mitigation is provided in the event that VCMWD capacity cannot serve the Proposed Action in the future and groundwater must be explored as a supplemental or replacement water supply;

- A groundwater feasibility study shall be prepared which, at a minimum, characterizes the existing water table, determines groundwater levels and flow directions in the vicinity, estimates available supply, calculates the impact of the Proposed Action on nearby water supply wells, and recommends appropriate conservation measures to avoid impacting ongoing beneficial uses of groundwater and to preserve the water supply for the future of the Proposed Action. Conservation measures may include, but are not limited to:
    - Inclusion of high efficiency toilets and low flow faucets.
    - Irrigation systems shall avoid overspray and runoff and shall be operated at no more than 80 percent of the reference evapotranspiration.
    - Irrigation controllers shall be automatic and self-adjusting to account for changes in the weather.
    - Commercial refrigeration shall be air-cooled or closed looped if water cooled.
    - Ice-machines shall be air-cooled or use no more than 25 gallons of water per 100 pounds of ice and be equipped with a recirculating cooling unit.

  Should the groundwater feasibility study find that the Proposed Action would have an unmitigateable adverse impact on nearby supply wells, groundwater would no longer be considered as a potable water source, and potable water would be purchased and trucked through private suppliers to the site.

Water Quality

As required and enforced by the EPA under the Clean Water Act, prior to construction a SWPPP shall be prepared that addresses water quality impacts associated with construction and on-going operations of the project. Permanent water quality maintenance features shall be incorporated into the project design and operation. Water quality control measures identified in the SWPPP shall include, but not be limited to the following:

Construction Activities

- Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Temporary vegetation erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas and stockpiled soil.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. Construction activities shall be limited to the non-rainy season (May-October).
- Sediment shall be retained onsite by a system of sediment basins, swales, or other appropriate measures.
- A spill prevention plan shall be developed which shall identify proper storage, collection, and disposal measures for potential pollutants (such as fuel storage tanks, paints, and adhesives) used onsite, as well as the proper procedures for cleaning up and reporting of any spills.
- Potentially hazardous materials shall be stored away from drainages and containment berms shall be constructed to prevent spilled materials from reaching water bodies.
- Vehicles and equipment used during construction shall be provided proper and timely maintenance to reduce potential for mechanical breakdowns leading to a spill of materials into water bodies. Maintenance and fueling shall be conducted in an area that meets the criteria set forth in the spill prevention plan

Operation Measures

The following mitigation measures shall be implemented to minimize impacts to water quality from stormwater runoff:

- All storm drains shall be equipped with silt and grease traps to remove oils, debris, and other pollutants. Storm drain inlets shall also be labeled “No Dumping-Drains to Rivers and Streams.”
- The parking lot shall be designed to allow stormwater runoff to be directed toward vegetative filter strips to help control sediment.
- Gasoline and diesel refueling/ dispensing sites should be contoured to drain into oil/water catchment basins.

The following mitigation measures shall be implemented to minimize impacts to water quality form leaks of gasoline and/or diesel storage tanks as required by Federal regulations for underground storage tanks contained in 40 CFR Part 280 and enforced by the EPA. To prevent leaks of fuel from the gas station storage tanks and dispensing stations, the gas station shall be designed and constructed in accordance with all Federal regulations governing gasoline operations. Specific design, construction and operation practices shall include the following to prevent spills, overfills, and corrosion:

- The gas station shall be equipped with catchment basins of sufficient size to contain mall spills. As a minimum, the basin shall be large enough to contain what may spill when the delivery hose is uncoupled form the fill pipe. Any spilled fuel shall be removed and disposed of immediately.

- Gas station attendants and delivery personnel shall follow industry standard filling practices such as American Institute recommended Practice 1007, "Loading and Unloading of MC306/DOT 406 Cargo Motor vehicles." Filling practices shall include provisions that ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made; and that the transfer operation is monitored constantly to prevent overfilling and spilling.
- Gasoline storage tanks shall be equipped with overfill protection such as automatic shutoff devices, overfill alarms or ball and float valves.
- Gasoline storage tanks shall be constructed to meet Federal corrosion performance standards.
- Gasoline storage tanks shall be periodically inspected to ensure that the tank is structurally sound and free of corrosion or holes. Frequency of inspections shall be consistent with Federal requirements.
- The tanks shall be equipped with leak detection systems to provide early detection of leaks from the tanks and dispensing equipment.

Implementation of the above measures would reduce the impacts on water resources to less than significant.

5.3 ***Air Quality***

BMPs discussed in Section 2.1 would minimize dust emissions from the Proposed Action. No further mitigation is required for the Proposed Action.

5.4 ***Biological Resources***

The following precautionary measures will be implemented under the Proposed Action to ensure adverse effects to San Diego thornmint, thread-leaved brodiaea, and San Diego button celery are avoided:

- A focused botanical survey will be conducted by a qualified botanist during the blooming periods for these species prior to commencement of construction activities within the ruderal/disturbed areas. One botanical survey may be conducted in April, May, or June to satisfy the bloom periods for these species. A letter report will be completed following the preconstruction survey to document the results. Should no species be observed, then no additional precautionary measures would be required.
- Should any of the federal listed plants be observed during the focused botanical survey, the biologist would contact the Tribe within one day of the survey to report the findings. A ten-foot buffer would be established around the species using construction flagging prior to commencement of construction activities.

The following precautionary measures will be implemented under the Proposed Action to ensure adverse effects to Stephens' kangaroo rat are avoided:

- A species sensitivity training program will be established. This program will be designed to educate construction personnel about the mitigation measures required for the execution of the project. All construction personnel will attend the sensitivity training that will provide instruction on identification, status, and detailed protocol of the actions

that should be taken in the event that this species is encountered onsite during construction activities. The construction personnel will sign a sheet documenting attendance at the training. A qualified biologist will prepare a letter report within 30 days following the training to document the results of the preconstruction survey and training. The letter report will be submitted to the Tribe for its records.

- A preconstruction survey will be conducted for Stephens' kangaroo rat not more than 14 days prior to construction activities occurring within the ruderal/disturbed areas. Should the biologist observe Stephens' kangaroo rat within the project site, consultation with the USFWS would be initiated within 24 hours of the survey. No work would commence until the USFWS authorizes the commencement of such work.
- If the construction crew observes Stephens' kangaroo rat within the construction area, all construction activities will immediately cease. The construction crew will contact the biologist within 24 hours of the sighting. The biologist will consult with the USFWS within 24 hours of notification. No work would commence until the USFWS authorizes the commencement of such work.

The following mitigation measures will be implemented under the Proposed Action to avoid potential adverse effects to migratory birds and other birds of prey:

- If construction begins during the nesting season for raptors and other migratory birds (between February and October), a qualified biologist will conduct a preconstruction survey for active nests within 250 feet of the project site no more than 14 days prior to construction. If no active nests are found, then no further mitigation is necessary.
- If any active nests are located in the project parcels, a 100-foot diameter buffer zone will be established around the nest to maximum extent practicable. A biologist should monitor nests weekly during construction to evaluate potential nesting disturbance caused by construction activities. The boundary of the buffer will be marked with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone will be maintained until the end of the breeding season or until the young have fledged. No construction activities should occur within 100 feet of a nest tree while young are in the nest. The biological monitor will have the authority to stop construction if construction results in evidence of potential nest abandonment. The caution tape, surveyor's flagging, pin flags, stakes, etc., may be removed when a biologist, whose qualifications are acceptable to approval agency staff, confirms that the nest(s) is no longer occupied and all young have fledged.
- If an active nest occurs in a tree scheduled for removal or during demolition of an existing structure, the species of nesting bird will be determined to identify whether the species is protected under the MBTA. The nest tree will be preserved until the USFWS is contacted to obtain guidance on alternative buffers based on the species requirements.

5.5 *Cultural Resources*

The following mitigation measures shall be implemented during construction to minimize the potential impacts associated with inadvertent discovery of cultural resources:

- The NHPA as amended, applies due to the federal action of bringing the Site into Trust, as well as 36 CFR § 800. These laws require the following:

  - If human remains are discovered or suspected, work shall halt in that area and procedures set forth in 36 CFR § 800.13 shall be followed.
  - Once in Federal trust, and in the event of any inadvertent discovery, all such finds shall be subject to the implementing regulations under 36 CFR § 800.13.
  - Implementation of the above protective measures would reduce the impacts on cultural resources to less than significant.
- It is recommended that a qualified archaeologist and Native American Monitor be present during all ground disturbing activity.

5.6 *Socioeconomic Conditions/ Environmental Justice*

The following mitigation measures shall be implemented under the Proposed Action to minimize potential impacts associated with crime:

- The Tribe shall adopt an ordinance governing the sale and use of alcohol at the site; including, but not limited to, the prohibition of the sale of alcohol to minors less than 21 years of age, as well as the prohibition of public drinking and/or intoxication at the site.
- The Tribe shall adopt an ordinance prohibiting loitering and suspicious behavior on site.

5.7 *Transportation and Circulation*

Design Phase

Project redesign is recommended to align the internal driveway to the western parking lot further south along Street A, opposite the access point to the eastern parking lot.

Opening Year Mitigation

The following mitigation measures are recommended to reduce potential traffic impacts to less than significant in the buildout year. It should be noted that without the jurisdiction to implement off-site mitigation measures, the only feasible mitigation available to the Tribe is to provide funding for recommended roadway and intersection improvements. Therefore the Tribe would contribute funding for the following improvements:

- Valley Center Road/ Street “A” intersection: Restripe Valley Center Road to provide a westbound left-turn lane with 150-feet of storage and a 90-foot bay taper and an eastbound dedicated right-turn lane. Provide two outbound (northbound) lanes on Street “A”, one left-turn lane and one right-turn lane with an overlap phase. Conduct an annual traffic count at the Valley Center Road/ Street “A” intersection as part of a monitoring program of the intersection to determine when signal warrants are met. Install the traffic signal once warrants are met.

- Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road: Provide the intersection improvements listed above and in addition, provide a westbound left-turn only lane at the Valley Center Road/Molly Anne Court intersection (entering into Citrus Point Subdivision). These capacity improvements along the impacted portion of Valley Center Road would directly improve traffic flow and is a proportional improvement to the amount of traffic the project adds to the segment. The provision of dedicated left-turn

lanes will enable left-turn vehicles to not need to stop in Valley Center Road through traffic to make their turn. This is advantageous due to high speeds on Valley Center Road.

Cumulative Mitigation

Without the jurisdiction to implement off-site mitigation measures, the only feasible mitigation available to the Tribe is to provide funding for recommended roadway improvements. Various study roadway segments would operate in the cumulative year (2030) under unacceptable conditions without the Project. Therefore, the Tribe would contribute a share of the required funding proportionate to the level of impact associated with the trips added by the Project (a "fair share" calculated according to Caltrans guidelines). The following mitigation measures are recommended to reduce potential traffic impacts to less than significant in the cumulative year 2030:

- Implement buildout mitigation measures provided above.
- **Valley Center Road between Cole Grade Road and Lake Wohlford Road (S.)**: Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance (County of San Diego, 2008).

- **Lake Wohlford Road (N.) between Valley Center Road and Guejito Road**: Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance (County of San Diego, 2008).

- **Cole Grade Road between Valley Center Road and Fruitvale Road**: Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance (County of San Diego, 2008).

5.8 *Land Use*

No mitigation is required for the Proposed Action.

5.9 *Agriculture*

No mitigation is required for the Proposed Action.

5.10 *Public Services*

The following mitigation measures will be required by Valley Center Municipal Water District as conditions of approval for the provision of water supplies to the Proposed Project:

- Residents of the property will be required to participate in any future water conservation measures that may be adopted by the District.
- The project shall be subject to the District's Administrative Code including but not limited to Article 160 regarding Water Service, Article 190 Developer Project Requirements, Article 175 regarding Recycled Water, and Article 230 regarding Water Supply Shortage Conditions.

5.11 *Noise*

The following mitigation measures shall be implemented to achieve the federal noise abatement criteria of 67 dBA for exterior areas of nearby sensitive receptors:

- Construction shall be limited to between the hours of 7am and 7pm Monday through Saturday.

- During construction, stationary equipment and staging areas shall be located as far as practical from noise sensitive receptors.

- All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations.

- The general contractors for all construction activities shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem.

- A sound wall shall be constructed along the southern border of the Site prior to other improvements on the site to greatly reduce noise impacts to the adjacent Valley Center School and residences. The height, length, placement, and construction of the sound wall shall be designed to reduce noise level from construction and operation to below the federal standard at nearby sensitive noise receptors. The sound wall shall be of at least eight feet in height to provide an attenuation level of 8 dBA, as noise attenuates at approximately one dBA per vertical foot (Caltrans, 2009).

5.12 *Hazardous Materials*

Mitigation is provided in **Section 5.2**, Water Resources to minimize impacts to stormwater from hazardous materials handling during construction activities.

Impacts during operation from the handling of petroleum products would be regulated by EPA under 40 CFR 280. No mitigation is required.

5.13 *Visual Resources*

In order to reduce effects associated with lighting and glare the following mitigation measures are recommended:

1. The Proposed Action should employ only shielded low-pressure sodium cutoff light fixtures, which will conform to San Diego County Dark Sky Ordinance.
2. The Proposed pole lights should be 25 ft. in height, which allows them to be placed on the interior of proposed parking lot facilities. This measure reduces the amount of

light spillage onto the adjacent property, including Valley Center and Lake Wohlford Roads.

Table 5-1: Summary of Environmental Impacts

Land Resources	
Proposed Action Alternative	No-Action Alternative
SMALL Impact	**NO** Impact
Water Resources (surface and ground, quality, use, rights)	
Proposed Action Alternative	No-Action Alternative
SMALL Impact	**NO** Impact
Air (quality/ achievement, visibility)	
Proposed Action Alternative	No-Action Alternative
MODERATE Impact	**SMALL** Impact
Living Resources (wildlife, vegetation, ecosystems, and agriculture)	
Proposed Action Alternative	No-Action Alternative
SMALL Impact	**NO** Impact
Cultural Resources	
Proposed Action Alternative	No-Action Alternative
NO Impact	**NO** Impact
Socioeconomic Conditions	
Proposed Action Alternative	No-Action Alternative
MODERATE Impact	**NO** Impact
Noise	
Proposed Action Alternative	No-Action Alternative
MODERATE Impact	**NO** Impact
Visual and Scenic Resources	
Proposed Action Alternative	No-Action Alternative
SMALL Impact	**NO** Impact
Traffic Analysis	
Proposed Action Alternative	No-Action Alternative
SMALL Impact	**NO** Impact

Section 6 **References**

16 U.S.C. 1531-1544, 87 Stat. 884. Endangered Species Act of 1973 , as amended. Public Law 93-205. December 28, 1973

16 U.S.C. 703-711, 87 Stat. 884. Migratory Bird Treaty Act of 1918 , as amended. Public Law 93-205. December 28, 1973

18 U.S.C. § 1162. "State Jurisdiction Over Offenses Committed by or Against Indians in the Indian Country." January 5, 2009.

Caltrans, 2004. Transportation- and Construction-Induced Vibration Guidance Manual, 2004. Available online at: http://www.dot.ca.gov/hq/env/noise/pub/vibrationmanFINAL.pdf. Accessed March 27, 2010.

Caltrans, 2009. Technical Noise Supplement, 2009. Available online at: http://www.dot.ca.gov/hq/env/noise/pub/tens_complete.pdf. Accessed March 28, 2010.

Caltrans. 2010. *California Scenic Highway System*. Available online at: http://www.dot.ca.gov/hq/LandArch/scenic_highways/scenic_hwy.htm. Accessed August 2010.

CARB, 2010. San Diego County Air Pollution Trends. Available online at: http://www.arb.ca.gov/app/emsinv/fcemssumcat2006.php. Accessed August 16, 2010.

36 CFR Part 800.6-Participants in the Section 106 Process. Code of Federal Regulations-Protection of Historic Properties. Amended August 5, 2004.

36 CFR Part 800.13. Post-Review Discoveries Incorporating amendments effective August 5, 2004.

40 CFR Parts 1500-1508. 1974. Code of Federal Regulations, Council on Environmental Quality: Regulations for Implementing the National Environmental Policy Act, as amended.

40 CFR Parts 93.153. 1974. Code of Federal Regulations, Council on Environmental Quality: Regulations for Implementing the National Environmental Policy Act, as amended.

25 CFR § 151.3. Title 25: Indians. Code of Federal Regulations. "Land Acquisition Policy." December, 2005

Almstedt, Ruth F.1982. Kumeyaay and `IIpay. In APS/SDG&E Interconnection Native American Cultural Resources, edited by Clyde M. Woods, pp. 6-20. Wirth Associates, Inc., San Diego.

American Society for Testing and Materials (ASTM) 2006. Practice E1527-05: "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment

Archaeological Site Record for SDM-W-21. Unpublished site form on file at the San Diego Museum of Man.

Boarman, John., Armenta, Raul., Leone, Cara. Focused Traffic Impact Analysis, 9 Acre San Pasqual Project. September, 2009.

Barbour, M. G. and J. Major (eds.). 1977. *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. 1002 pp.

California Department of Conservation, 2009. *Farmland Mapping and Monitoring Program.* Available online at http://redirect.conservation.ca.gov/DLRP/fmmp/product_page.asp. Accessed August 16, 2010.

California Department of Fish and Game. 2008. The Vegetation Classification and Mapping Program, VegCAMP. Website accessed December 10, 2008. (http://www.dfg.ca.gov/biogeodata/vegcamp/).

California Environmental Protection Agency, Air Resources Board. California Ambient Air QualityStandards. Available at: http://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm. Accessed November 20, 2009.

Calrecycle, 2010. Sycamore Sanitary Landfill- Summary Details. Available online at: http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0023/Detail/. Access August, 2010.

Cottrell, Marie. 1982 Archaeological Resources Survey Conducted for the Baldwin North City West Project Neighborhood 4, 5, and 6. Unpublished report on file at the South Coastal Information Center, San Diego State University, San Diego, California.

De Barros, Phillip. 1999. Cultural Resources Survey and Evaluation of the Soledad Creek Village Project Including Test Excavations at W-29. Unpublished technical report on file at the South Coastal Information Center, San Diego State University.

DeBerry, Doug. Biological Assessment, San Pasqual 9 Acre parcel, San Diego, California. February, 2009.

Department of the Interior Bureau of Indian Affairs. Acquisition of Title to Land Held in Fee of Restricted Fee. May, 20, 2008

Department of the Interior Bureau of Land Management. 2007. Manual 8410 – Visual Resource Inventory. Electronic Document, http://www.blm.gov/nstc/VRM/8410.html, Accessed August 2010.

Department of Planning and Land Use (DPLU), 2009. *Decision of the Director of the Department of Planning and Land Use On the Application of Site Plan Number S06-004*. San Diego County May 22, 2009.

Eargle, Dolan H. 1986. The Earth is Our Mother: A Guide to the Indians of California, Their Locale and Historic Sites. Tree Company Press, San Francisco, CA.

Federal Highway Administration, 2006. Construction Noise Handbook, 2006. Available online at: http://www.fhwa.dot.gov/environment/noise/handbook/index.htm. Accessed on: March 28, 2010.

Ferris, Glenn J. 1984. Jose Panto, Captain of the San Pasqual Pueblo. Unpublished paper on file at Tierra Environmental.

Gifford, E.W. 1931. The Kamia of Imperial Valley. *Bureau of American Ethnology*, Bulletin 98.

Gray, J. T. 1982. Community structure and productivity in Ceanothus chaparral and coastal sage scrub of Southern California. Ecological Monographs 52:415-434.

Green Wave Environmental Consulting. Phase I Environmental Site Assessment Report, 9 Acre Site, lake Wohlford Road/ Valley Center, California. April, 2009.

Green Wave Environmental Consulting. Stormwater Runoff/Drainage Assessment, 9 Acre Site, Valley Center, California. October, 2009.

Griffin, J. R. 1977. Oak woodland. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 383-416.

Guthrie, D. A. 1974. Suburban bird populations in Southern California. American Midland Naturalist 92:461-466.

Hanes, T. L. 1977. California chaparral. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 417-469.

Harris, G. 1979. Site Form for site CA-SDI-6704. Kept on file at the South Coastal Information Center, San Diego State University, San Diego, California.

Hedges, Ken. 1975. Notes on the Kumeyaay: A Problem of Identification. *Journal of California Anthropology* 2(1):71-83.

Hicks, Fredrick N. 1963. *Ecological Aspects of Aboriginal Culture in the Western Yuman Area*. Unpublished Ph.D. dissertation, Department of Anthropology, University of California, Los Angeles.

Hickman, J. C. (ed.). 1993. *The Jepson Manual: Higher Plants of California.* University of California Press, Berkeley, CA. 1424 pp.

Intergovernmental Panel on Climate Change (IPCC) 2007. IPCC Fourth Assessment Report, 2007. Available online at: http://www.ipcc.ch/ipccreports/ar4-syr.htm. Accessed on March 29, 2010.

Investigation of a Late Prehistoric Complex in Cuyamaca Rancho State Park, San Diego County, California. 1970 Archaeological Survey Monograph, Department of Anthropology, University of California, Los Angeles.

Jameson, E. W., Jr. and H. J. Peeters. 1988. *California Mammals.* California Natural History Guides No. 52. University of California Press, Berkeley, CA. 403 pp.

Keeley, S. E. (ed.). 1989. *The California Chaparral: Paradigms Reexamined.* Science Series Publication No. 34. Natural History Museum of Los Angeles County, Los Angeles, CA.

Kennedy Michael P. 1975. Geology of the San Diego Metropolitan Area, California. Section A, Western San Diego Metropolitan Area. California Division of Mines and Geology, Bulletin 200.

Kroeber, A. L. 1925. Handbook of the Indians of California. *Bureau of American Ethnology Bulletin 78*. Smithsonian Institute, Washington. Reprinted in 1976 by Drover Publications, New York.

Lemm, J. M. 2006. *Field Guide to Amphibians and Reptiles of the San Diego Region*. California Natural History Guides No. 89. University of California Press, Berkeley, CA. 344 pp.

Lightner, J. 2006. *San Diego County Native Plants.* San Diego Flora, San Diego, CA. 320 pp.

Local Government Operation Protocol (LGOP), 2008. LGOP for the Quantification and Reporting of Greenhouse Gas Emissions Inventories, Version 1.0, 2008. Available online at: http://www.climateregistry.org/resources/docs/protocols/industry/local-gov/lgo_protocol_september2008.pdf. Accessed on March 15, 2010.

Luomala, Katherine. 1976. Flexibility in Sib Affiliation among the Diegueño. In *Native Californians: A Theoretical Retrospective*, edited by L. J. Bean, and T. C. Blackburn, pp. 245-270. Ballena Press, Socorro, New Mexico.

Mayer, K. E. and W. F. Laudenslayer, Jr. (eds.). 1988. *A Guide to Wildlife Habitats of California*.

Mooney, H. A. 1977. Southern coastal scrub. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 471-490.

Munz, P. A. 1974. *A Flora of Southern California.* University of California Press, Berkeley, CA. 1086 pp

Moratto, M. J. 1984. *California Archaeology*. Academic Press, Inc.

National Park Service (NPS), 1990. NPS-28: Cultural Resource Management Guidelines. Washington, D.C.

Norwood, Rick. 1980. The Cultural Resources of San Dieguito Estates. Unpublished report on file at the South Coastal Information Center, San Diego State University, San Diego, California.

Peet, Mary Rockwood. 1949. *San Pasqual: A Crack in the Hills*. The Highland Press. Culver City, California.

Phillips, George Harwood. 1975. *Chiefs and Challengers*. University of California Press. Los Angeles, California.

Pigniolo, Andrew, R., Davidson, Elizabeth. Cultural Resource Inventory of a 9 Acre Parcel For the Fee-To-Trust and Tribal Improvement Project. December, 2009.

Private Settlement Agreement between the San Pasqual band of Mission Indians and San Pasqual Economic Development Agency, and the San Diego County Air pollution Control District. 2009

Public Law 100-675-102 Statute 4000. "San Luis Rey Indian Water Rights Settlement Act." November 17, 1988

Remeika, Paul and Lowell Lindsay. 1992. *Geology of Anza-Borrego: Edge of Creation*. Sunbelt Publications, Inc. San Diego, California.

Rensch, Hero E. 1975. *The Indian Place Names of Rancho Cuyamaca*. Acoma Books, Ramona, California.

Rogers, Malcolm J. 1945. An Outline of Yuman Prehistory. *Southwestern Journal of Anthropology*, 1(2):157-198.

Rogers, Thomas H. 1992. *Geologic Map of California: San Diego-El Centro Sheet.* Division of Mines and Geology. Sacramento

Rustvold, Marjorie M. 1983. San Pasqual Valley: Rancheria to Greenbelt. Unpublished Master's Thesis. Social Sciences Department. San Diego State University.

San Diego Air Pollution Control District. Available at:http://www.sdapcd.org/index.html. Accessed December, 10, 2009.

San Diego County, 2009. Guidelines for Determining Significance and Report Format and Content Requirements Dark Skies and Glare. Electronic Document, http://www.co.san-diego.ca.us/dplu/docs/Dark_Skies_Guidelines.pdf, Accessed August 12, 2010.

San Diego County, 2010. Dan McAllister: San Diego County Treasury-Tax Collector. Property Tax Information. Available online at: https://www.sdctreastax.com/ebpp3/%285ke20y552sikwc45dmener2m%29/Start.aspx. Accessed August 12, 2010.

San Diego County, 1979. San Diego County General Plan. Available online at http://www.sdcounty.ca.gov/dplu/general plan.html. Accessed August 2, 2010.

San Diego County Sheriff's Department (SDCSD), 2010. Personal communication with Lieutenant Brislin. August 15, 2010.

San Pasqual Reservation Fire Department (San Pasqual FD), 2010. Staffing and Station Information. Available online: http://sprfd.com/index.html. Accessed August 15, 2010.

Shackley, M. Steven. 1984. Archaeological Investigations in the Western Colorado Desert: A Socioecological Approach, Vol. 1. Wirth Environmental Services, A Division of Dames & Moore, San Diego.

Shipek, Florence. 1982. The Kamia. In APS/SDG&E Interconnection Project: Native American Cultural Resources, edited by Clyde Woods, pp. 21-33. Wirth Associates, Inc., San Diego.

Small, A. 1974. *The Birds of California.* Winchester Press, New York, NY. 310 pp.

Spier, Leslie. 1923. Southern Diegueño Customs. *University of California Publications in American Archaeology and Ethnology* 20:292-358.

State of California Department of Conservation-Williamson Act. Available at: http://www.conservation.ca.gov/. Accessed April 9, 2010

State of California Department of Finance. Available at: http://www.dof.ca.gov/. Accessed November 9, 2009

State of California, Department of Parks and Recreation. 1976. *California Inventory of Historic Resources.* Department of Parks and Recreation, Sacramento, California.

State of California, Resources Agency, Department of Fish and Game, Sacramento, CA. 166pp.

True, D.L. 1966. *Archaeological Differentiation of Shoshonean and Yuman Speaking Groups in Southern California*. Unpublished Ph.D. dissertation, Department of Anthropology, University of California, Los Angeles.

True, D.L. 1970. *Investigation of a Late Prehistoric Complex in Cuyamaca Rancho State Park, San Diego County, California*. 1970 Archaeological Survey Monograph, Department of Anthropology, University of California, Los Angeles.

University of California at Davis (UCD), 1997. Transportation Project-Level Carbon Monoxide Protocol, Revised December, 1997.

Urban Emissions (URBEMIS), 2007. Area, mobile, and construction emissions model, 2007. Available online at: http://www.urbemis.com/. Viewed July 2010.

U.S. Census, 2000. American Fact Finder. Available at: http://www.factfinder.census.gov. Accessed November 10, 2009

U.S. Department of the Interior-Bureau of Land Management. Manual H-8410-1-Visual Resource Inventory. Available at: http://www.blm.gov/nstc/VRM/8410.html. Accessed on August 3, 2009.

U.S. Environmental Protection Agency (EPA). National Ambient Air Quality Standards. Available at: http://www.epa.gov/air/criteria.html. Accessed November 20, 2009.

EPA. 1999. Publication 832-F-99-006 *Stormwater Technology Fact Sheet: Vegetated Swales.* Available at: http://www.epa.gov/npdes/pubs/vegswale.pdf. Accessed July 2010.

United States Department of the Interior-Bureau of Indian Affairs. National Environmental Policy Act Handbook 59 IAM 3-H. May, 2005.

Willey, G. R., and P. Phillips. 1958. *Method and Theory in American Archaeology.* University of Chicago Press.

Valley Center Community Plan, San Diego County General Plan, Amended April 17, 2002. Available at: http://www.vccpg.org. Accessed September 10, 2009.

Valley Center Municipal Water District. Email Communication. December 15, 2009

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Appendix A Publication Notice

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County of San Diego}

The Undersigned, declares under penalty of perjury under the laws of the State of California: That she is a resident of the County of San Diego. That she is and at all times herein mentioned was a eitizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is Chief Clerk for the publisher of

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a newspaper of general circulation , printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligenee of a general charaeter, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publieation of the noticc hereinafter referred to, and whieh newspaper is not devoted to nor publishcd for the interests, entertainment or instruetion of a particular elass, profession, trade, calling, raee, or denomination, or any number of same; that the notiee of which the annexed is a printed copy, has been published in said newspaper in accordanee with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

May 7, 2010, May 23, 2010

Susan Dolan
Chief Clerk for the Publisher

May 26, 2010
Date

Affidavit of Publication of

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ORDERED BY: MATTHEW KELLY

NOTICE OF AVAILABILITY ENVIRONMENTAL ASSESSMENT FOR PROPOSED TRUST ACQUISITION OF A FEE PARCEL SAN PASQUAL BAND OF DIEGUENO MISSION INDIANS VALLEY CENTER, CALIFORNIA

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Regional Office, has prepared an Environmental Assessment (EA), dated April 2010, for the proposed trust acquisition of a fee parcel encompassing a total of 9.08± acres (the site), by the United States for the San Pasqual Band of Diegueno Mission Indians (Tribe). The site is located within Section 15, Township 11 South, Range 1 West, San Bernardino Meridian, U.S. Geological Survey 7.5-minute Rodriguez Mountain Quadrangle, within San Diego County, California. Based on the analysis and impacts discussed in the EA and comments received during this public review period, the BIA will decide whether to reach a Finding of No Significant Impact, direct further work on the EA, or initiate the preparation of an Environmental Impact Statement.

The proposed Federal action is the fee-to-trust transfer of a single parcel totaling 9.08± acres for continued use as a parking facility and for the future development of a small shopping plaza. The purpose of the proposed action is to facilitate Tribal self-determination and economic development by increasing Tribal revenues and providing employment opportunities for tribal members. In addition, the fee-to-trust transfer will promote cultural and social preservation, expression and identity; political self-determination and self-sufficiency; and economic growth by providing an adequate Tribal land base and homeland that is subject to Tribal sovereignty.

Public comments regarding the EA will be accepted until June 7, 2010. For information or to obtain a copy of the EA, please contact Patrick O'Malian, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 978-6044. Written comments should be mailed to Dale Morris, Regional Director, at the above address.

Copies of the EA are also available for public review at the following locations: San Pasqual Economic Development Authority, 28092 N. Lake Wohlford Rd, Valley Center, CA 92082, (760) 751-0012; Valley Center Branch Library, 29200 Cole Grade Road, Valley Center, CA 92082, (760) 749-1305; City of San Diego Central Library 820 E Street San Diego, CA 92101, (619) 236-5800. An electronic version of the EA may be viewed at http://www.environetinc.com/San-Pasqual-DraftEA-9.pdf

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STATE OF CALIFORNIA
County of San Diego

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North County Times

Formerly known as the Blade-Citizen and The Times-Advocate and which newspapers have been adjudicated newspapers of general circulation by the Superior Court of the County of San Diego, State of California, for the City of Oceanside and the City of Escondido, Court Decree number 171349, for the County of San Diego, that the notice of which the annexed is a printed copy (set in type not smaller than nonpariel), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 07th, & 23rd, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

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This 24th day of May 2010

Jane Allshouse
NORTH COUNTY TIMES
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NOTICE OF AVAILABILITY
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FOR PROPOSED TRUST
ACQUISITION OF A FEE PARCEL
SAN PASQUAL BAND OF
DIEGUENO MISSION INDIANS
VALLEY CENTER, CALIFORNIA

Notice is hereby given that the Bureau of Indian Affairs (BIA), Pacific Regional Office, has prepared an Environmental Assessment (EA), dated April 2010, for the proposed trust acquisition of a fee parcel encompassing a total of 9.08± acres (the site), by the United States for the San Pasqual Band of Diegueno Mission Indians (Tribe). The site is located within Section 15, Township 11 South, Range 1 West, San Bernardino Meridian, U.S. Geological Survey 7.5-minute Rodriguez Mountain Quadrangle, within San Diego County, California. Based on the analysis and impacts discussed in the EA and comments received during this public review period, the BIA will decide whether to reach a Finding of No Significant Impact, direct further work on the EA, or initiate the preparation of an Environmental Impact Statement. The proposed Federal action is the fee-to-trust transfer of a single parcel totaling 9.08± acres for continued use as a parking facility and for the future development of a small shopping plaza. The purpose of the proposed action is to facilitate Tribal self-determination and economic development by increasing Tribal revenues and providing employment opportunities for tribal members. In addition, the fee-to-trust transfer will promote cultural and social preservation, expression and identity; political self-determination and self-sufficiency; and economic growth by providing an adequate Tribal land base and homeland that is subject to Tribal sovereignty.

Public comments regarding the EA will be accepted until June 7, 2010. For information or to obtain a copy of the EA, please contact Patrick O'Mallan, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825, telephone, 916-978-6044. Written comments should be mailed to Dale Morris, Regional Director, at the above address.

Copies of the EA are also available for public review at the following locations: San Pasqual Economic Development Authority, 28092 N. Lake Wohlford Rd, Valley Center, CA 92082, 760-751-0012; Valley Center Branch Library, 29200 Cole Grade Road, Valley Center, California 92082, 760-749-1305; City of San Diego Central Library 820 E Street San Diego, California 92101, (619) 236-5800. An electronic version of the EA may be viewed at www.onlinonline.com/San-Pasqual-Draft-EA-9.pdf

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NORTH COUNTY TIMES

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Attn: Matthew Kelly
503 C Street NE
Washington D.C. 20002

2000243803

San Pasqual Band of Diegueno Mission Indians - 9 Acre Development

SCH Number: 2010054003

Document Type: EA - Environmental Assessment

Project Lead Agency: Bureau of Indian Affairs

Project Description

The Tribe intends to build a small shopping plaza with at least one retail tenant, a restaurant and a gas station.

Contact Information

Primary Contact:
Patrick O'Mallan
U.S. Bureau of Indian Affairs
916-978-6044
2800 Cottage Way
Sacramento, CA 95825

Project Location

County: San Diego
City:
Region:
Cross Streets: Lake Wohlford Road and Valley Center Road
Latitude/Longitude:
Parcel No: 189-051-02
Township: 11S
Range: 1W
Section: 15
Base: SBB&M
Other Location Info: City/Nearest Community: Valley Center

Proximity To

Highways: 15
Airports:
Railways:
Waterways: Lake Wohlford
Schools: Valley Center Middle
Land Use:

Development Type

Commercial

Local Action

Other Action

Project Issues

Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Economics/Jobs, Geologic/Seismic, Noise, Public Services, Schools/Universities, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Water Quality, Vegetation, Water Supply, Wetland/Riparian, Growth Inducing, Landuse, Cumulative Effects

---

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Caltrans, Division of Transportation Planning; Health and Human Services Agency; Air Resources Board; Office of Emergency Services; State Water Resources Control Board; Regional Water Quality Control Board, Region 9; **Native American Heritage Commission**; Other

Agency(ies); Other - Public Comments; Department of Fish and Game, Region 5

Date Received: 5/10/2010 **Start of Review:** 5/10/2010 **End of Review:** 6/8/2010

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Appendix B VCMWD Will Serve Letter

COUNTY OF SAN DIEGO
DEPT. OF PLANNING & LAND USE
5201 RUFFIN ROAD, SUITE B
SAN DIEGO, CA 92123-1666
(858) 565-5981 • (888) 267-8770

PROJECT FACILITY AVAILABILITY FORM

WATER

W

Please type or use pen

San Pasqual Band of Diegueno Mission Indians / (760) 644-9970
Owner's Name Phone

Attn. Michael Contreras 27458 N. Lake Wohlford Rd.
Owner's Mailing Address Street

Valley Center CA. 92082
City State Zip

ORG VCMWD
ACCT
ACT 01-4433.00
TASK
DATE 8-17-10 AMT $ 50.00

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION — TO BE COMPLETED BY APPLICANT

A.
- ☐ Major Subdivision (TM)
- ☐ Minor Subdivision (TPM)
- ☐ Boundary Adjustment
- ☐ Rezone (Reclassification) from ____ to ____ zone.
- ☐ Major Use Permit (MUP), purpose: ____
- ☐ Time Extension...Case No. ____
- ☐ Expired Map...Case No. ____
- ☒ Other Fee-to-Trust
- ☐ Specific Plan or Specific Plan Amendment
- ☐ Certificate of Compliance: ____

Assessor's Parcel Number(s) (Add extra if necessary)

189	051	02

B.
- ☐ Residential ..... Total number of dwelling units ____
- ☒ Commercial ..... Gross floor area 27,600 sf
- ☐ Industrial ..... Gross floor area ____
- ☒ Other ..... Gross floor area Restaurant 8,800 sf. Gas Station 25,500 sf

C. ☒ Total Project acreage 9.08 Total number of lots ____

D. Is the project proposing the use of groundwater? ☐ Yes ☒ No
Is the project proposing the use of reclaimed water? ☐ Yes ☒ No

Thomas Bros. Page 1091 Grid C2

N. Lake Wohlford Rd.
Project address Street

Valley Center 92082
Community Planning Area/Subregion Zip

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: Bibiana Alvarez (Bibiana Alvarez) Date: 8/11/2010

Address: 1801 7th Street, Suite 100, Sacramento 95811 Phone: 916-447-3479

(On completion of above, present to the district that provides water protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY — TO BE COMPLETED BY DISTRICT

District Name: Valley Center Municipal Water District Service area County area of Valley Center

A. ☒ Project is in the district.
- ☐ Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.
- ☐ Project is not in the district and is not within its Sphere of Influence boundary.
- ☐ The project is not located entirely within the district and a potential boundary issue exists with the ____ District.

B. ☒ Facilities to serve the project ☒ ARE ☐ ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. ~~Explain in space below or on attached ____ (Number of sheets)~~
- ☐ Project will not be served for the following reason(s): ____

C. ☒ **District conditions are attached. Number of sheets attached:** ONE
- ☐ **District has specific water reclamation conditions which are attached. Number of sheets attached:** ____
- ☐ **District will submit conditions at a later date.**

D. ☒ **How far will the pipeline(s) have to be extended to serve the project?** AS NEEDED FOR FIRE PROTECTION.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized signature: Wally Grabbe Print name Wally Grabbe

Print title District Engineer Phone (760) 749-1603 Date 8/20/10

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT
On completion of Section 2 by the district, applicant is to submit this form with application to:
Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123

PROJECT FACILITY AVAILABILITY - WATER

EXHIBIT 'A'

Assessors Parcel Number: 189-051-02

ITEM I Water facility (pipeline, pumping station, and local storage) capacity is reserved to serve this development for the next two years. However, given the current and potentially long-term hydrologic, legal and regulatory conditions negatively impacting quantity and reliability of supplies from the State Water Project and the Colorado River delivered through our sole source suppliers, the Metropolitan Water District and the San Diego County Water Authority, **there exists the very real possibility that at any point in the foreseeable future the Valley Center Municipal Water District may not have adequate water supplies available to issue actual water meters to serve this development.** Once meters are installed, residents of this property will be required to participate in any future conservation measures that may be adopted by the Valley Center Municipal Water District.

ITEM II ADDITIONAL COMMENTS:

1) Water availability to this development will depend on the applicant funding the design and construction the water distribution facilities required for the development.

2) This project shall be subject to the District's Administrative Code including but not limited to Article 160 regarding Water Service, Article 190 Developer Project Requirements, Article 175 regarding Recycled Water, and Article 230 regarding Water Supply Shortage Conditions.

3) Any additional offsite easements that are required for the project shall be granted to Valley Center Municipal Water District prior to approval of the project's improvement plans.

4) Relocation of existing Valley Center Municipal Water District facilities may be required.

5) All sites with above-ground water and wastewater facilities shall be conveyed to VCMWD for ownership, operation and maintenance upon completion of construction and prior to District acceptance of the facilities.

6) The applicant shall provide financial security for construction of all facilities or complete construction of the required water distribution, wastewater collection, wastewater treatment and recycled water distribution facility.

Appendix C Grading/Drainage Plan

STORMWATER RUNOFF/DRAINAGE ASSESSMENT
9-ACRE SITE, VALLEY CENTER, CA
FEE-TO-TRUST
[DRAFT]

San Pasqual Indian Reservation,
San Diego County, California

September 5, 2009

Applicant:
San Pasqual Band of Indians
27458 North Lake Wohlford Road
Valley Center, CA 92082

Lead Agency:
Bureau of Indian Affairs
Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Prepared By:
GreenWave Environmental Consulting, Inc.
600 Queen Street, Suite 2909
Honolulu, HI 96813

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Appendix G – Planned Development - Site Plan

1.0 INTRODUCTION

1.1 Assessment Purpose & References

This Stormwater Runoff/Drainage Assessment was conducted in support of an Environmental Assessment (EA) which addresses the current environmental conditions and future consequences associated with a proposed action by the San Pasqual Band of Mission Indians. The proposed action consists of the transfer of a 9 acre site into federal trust status for the San Pasqual Band of Mission Indians and the subsequent site development. Please refer to the EA document for specific details on the site setting and discussion/analysis of project alternatives, impact avoidance, and mitigation measures.

This report is one of several additional technical studies and analysis requested by the U.S. Department of Interior, Bureau of Indian Affairs (BIA). The purpose of this report is to provide a description of existing site conditions as well as potential impacts of surface water runoff from the proposed action. Subject matter detailed in this document includes current hydrogeologic conditions, applicable regulations, site/nearby surface water bodies, runoff calculations and mitigation measures. This report specifically covers the potential of sedimentation from increased runoff water as result of proposed action on the site; runoff transports of potential chemical pollutants from site operations are not addressed.

The following documents/sources were reviewed in the preparation of this document:

- "Aggregate Resource Investigation for Selected Area of the San Pasqual Band of Mission Indians Reservation, Valley Center, California", M.S. Thesis, Eric Bergstrom 2005
- "Draft Environmental Assessment (EA), 9 Acre Site, San Pasqual Band of Indians, Valley Center California", GreenWave Environmental Consulting Inc. , August 2009
- "Phase I Environmental Site Assessment Report (ESA), 9 Acre Site", GreenWave Environmental Consulting Inc. , April 2009
- "Preliminary Drainage Analysis for Valley View Casino Expansion Project", Hamada Engineering, February 2003
- Site Visit Photographs, Mr. Doug DeBerry, Ecologist/Biologist, Vanasse Hangen Brustlin, Inc. (VHB), site visit on 17 December 2008 after a major rainfall event.
- "Water Quality Control Plan for the San Diego Basin", California Regional Water Quality Control Board, San Diego Region, 1994-2008 (living document)

1.2 Applicable Regulations

The EA document addresses the overall regulatory context for the site activities. This stormwater/runoff drainage assessment has been prepared for BIA. The BIA is the federal agency charged with reviewing and approving tribal applications pursuant to Section 151 of Title 25 of the Code of Federal Regulations to take land into federal trust status. For the purposes of this stormwater runoff/drainage assessment, the following regulations from federal, state and county levels may affect the proposed actions at the site:

Environmental Protection Agency (EPA)

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells.

The Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. The CWA requires a National Pollutant Discharge Elimination System (NPDES) permit for all point source discharges into the waters of the United States, as described in Section 402 of the CWA. Since the site does not have drainage into any water bodies; an NPDES permit or SWPPP or stormwater management program is not required.

State of California

The State of California has authority to administer the NPDES program if required. According to the EPA, even when a state receives NPDES authorization, EPA continues to issue NPDES permits on tribal lands. Regardless, the site does not require an NPDES permit.

County of San Diego

The San Diego County Flood Control District (FCD) was first formed in 1966 by an Act of the State Legislature to focus primarily on flood control issues in the Unincorporated County of San Diego. In 1985, the FCD Act was modified to include the protection of watercourses, watershed management, and water quality. For the tribal lands affected by the proposed action, the FCD is authorized under its charter to: *"Operate outside of its jurisdiction to assist with watershed issues within the County of San Diego and in counties and nations with watersheds that drain into the District's jurisdiction."*

2.0 EXISTING HYDROGEOLOGIC CONDITIONS

2.1 Location

The 9 acre site is located in the unincorporated area of San Diego County known as Valley Center, about 11 miles northeast of Escondido. It located less than two miles from the boundaries of the Tribe's reservation. The location in relation to the boundaries of the Tribe's reservation can be found at **Figure 1**. An aerial view of the site can be found at **Figure 2**. The 9 acre site parcel is roughly rectangular in dimension, the short axis of which lies parallel to Lake Wohlford Road along the eastern property boundary. The long axis of the property lies parallel to Valley Center Road along the northern property boundary. South of the site parcel is the Valley Center Middle School and a vacant lot lies to the west.

Figure 1 – Map of Site Location

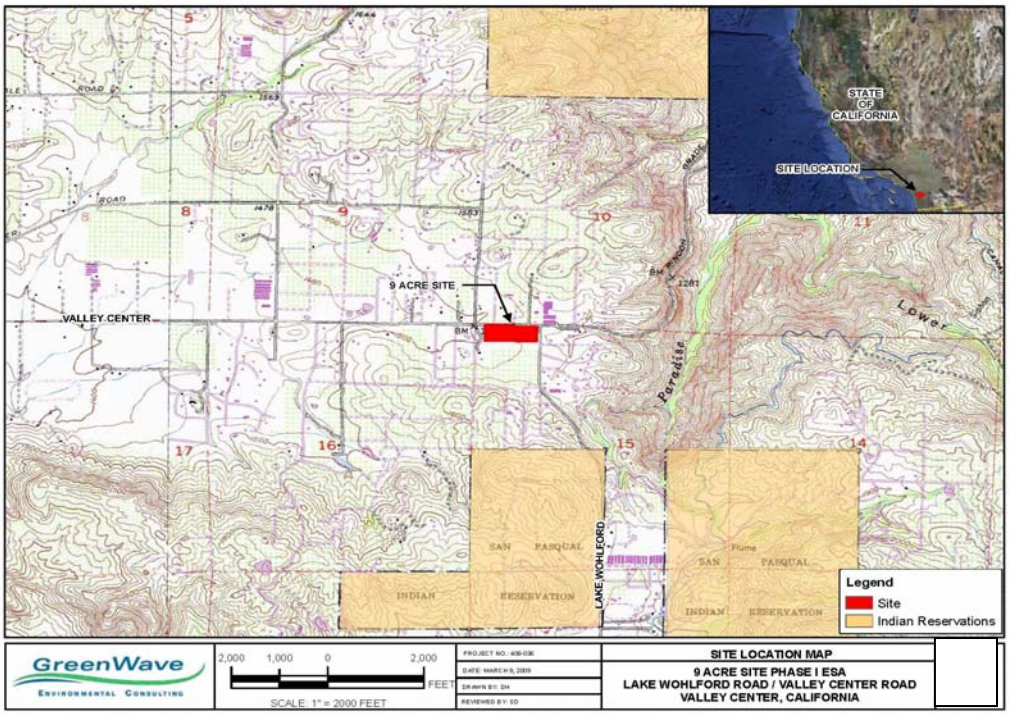
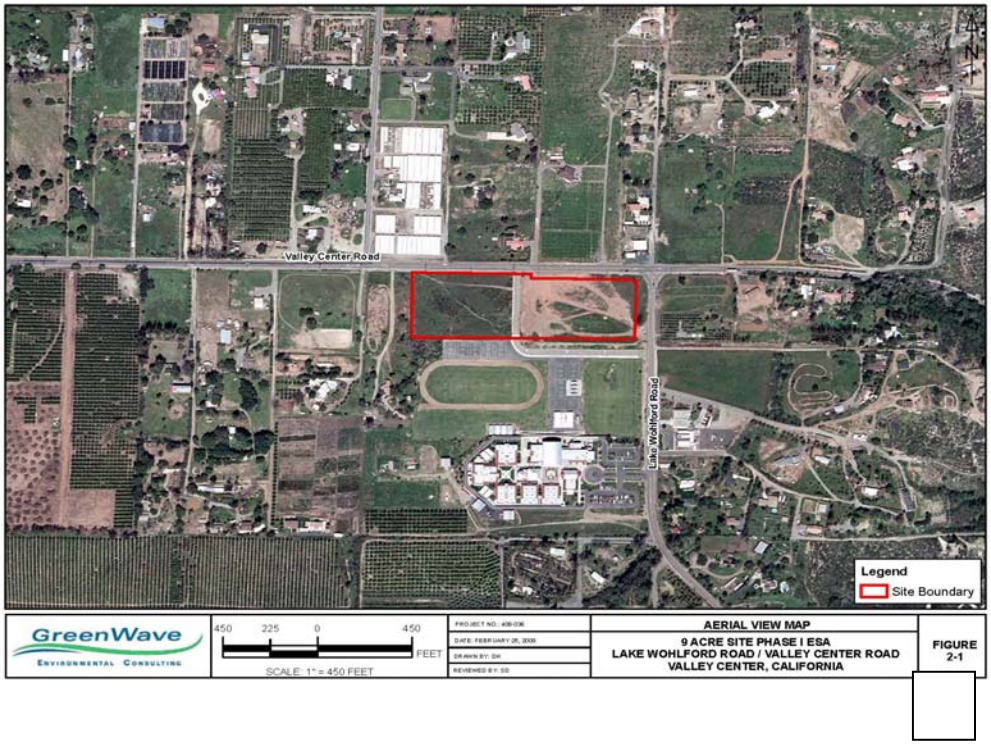


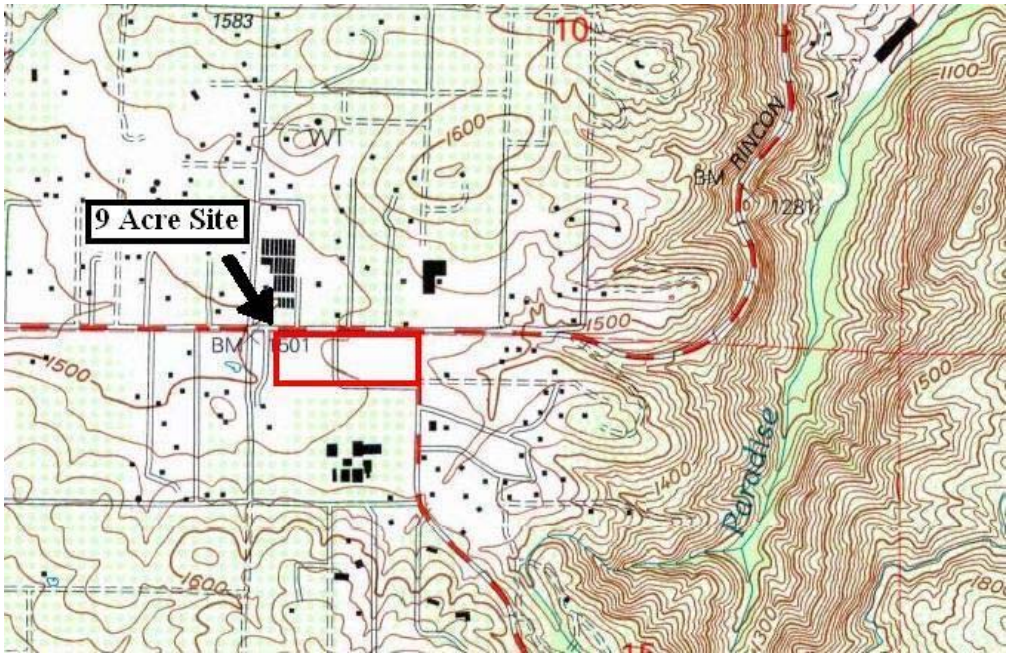
Figure 2 – Aerial View of Site Location



2.2 Topography

Overall the site is flat plateau as displayed by the 1997 United States Geological Survey (USGS) Topographic Map of the area which is included in **Appendix A**. The site has a very slight slope with a down gradient from east to west as shown in **Figure 3** below. The east boundary has an elevation of approximately 1,527 feet above mean sea level (MSL) while the west boundary is approximately 1,500 feet MSL. The east boundary is at the cusp of a saddle which descends to the east into the Paradise Creek drainage. Overall the site is part of a large plateau in the Valley Center area.

Figure 3 - Site Topographical Map



2.3 Geologic Setting

The 9 acre site is located in the Peninsula Range of San Diego, California. The geologic history of the area generally consists of Pre-Cretaceous metasedimentary rocks intruded by Mesozoic granitic plutons. The granitic rocks are identified as the Peninsular Ranges Batholith, a composite mass of Cretaceous age rocks emplaced through plutonic intrusion between 122 and 98 million years ago. Following emplacement, a period of uplift, tilting, and erosion ensued, leading to the present day topography. Exposure of various rock types has led to erratic weathering and occasionally steep cliffs. Along with the surrounding nearby area, the proposed site consists of alluvium from erosion of the hills near the plateau. A 2005 geological map of the entire San Pasqual Reservation was developed for a previous study of the area by Eric Bergstrom and has been included in **Appendix B.** The north side of geological map begins in the hills approximately two miles south of the site. Although the map does not cover the actual site, due to close proximity of the map, the geology of the site area is very similar.

2.3 Soil Types

The soils within the site are composed of two main associations as designated by the United States Department of Agriculture (USDA): the Fallbrook sandy loam and Visalia sandy loam. The 9 acre site has approximately equal amounts of these two soil types. The Visalia series consists of moderately well drained, very deep sandy loams derived from granitic alluvium. The Fallbrook sandy loam is very similar but includes more fine grain size materials. Both of these soils are on alluvial fans and flood plains that have slopes of 0 to 15 percent. The soils are used to grow avocados, citrus, walnut orchards, truck crops, irrigated pasture, field crops, tomatoes, flowers, and nursery stock.

Figure 4 displays the site soil map**.** **Table 1** has the corresponding soil type descriptions and levels of soil occurrence at the site. **Appendix C** contains a USDA custom soil resource report for the site area created using their website**.**

Figure 4 - Site Soil Map

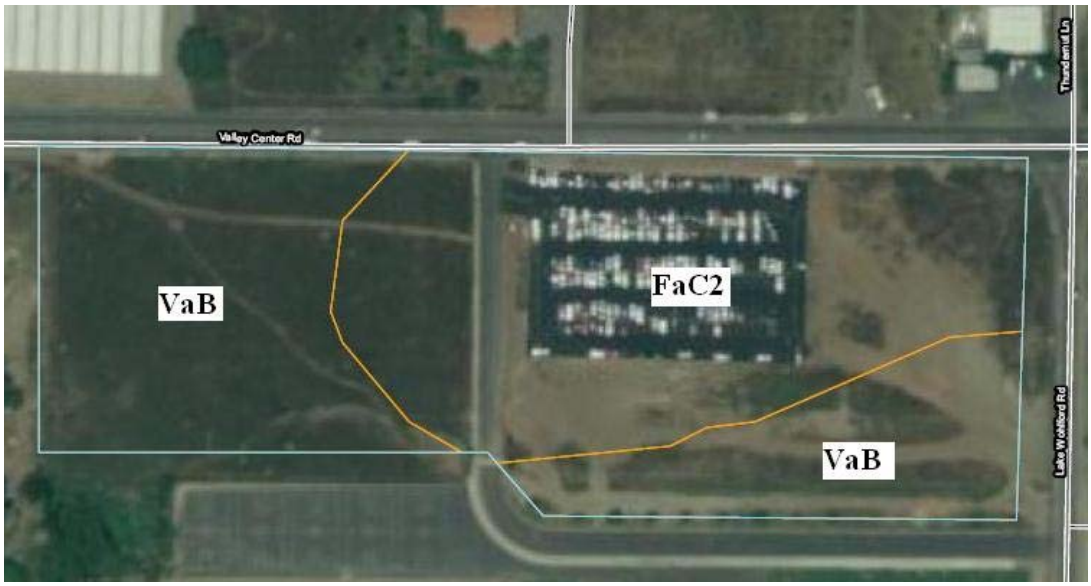


Table 1 – Soil Map Units

9 Acre Site			
Map Unit Symbol	**Map Unit Name**	**Acres**	**Percent**
FaC2	Fallbrook sandy loam	4.7	52%
VaB	Visalia sandy loam	4.3	48%

2.4 Soil Hydrological Classification

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms. The lowest to highest runoff potential runs from group A to D respectively. Both of the site soils are classified in the soil hydrologic group B as described below according to the USDA classification.

Soil drainage class refers to the frequency and duration of wet periods under conditions similar to those under which the soil formed. Alterations of the water regime by human activities, either through drainage or irrigation, are not a consideration unless they have significantly changed the morphology of the soil. Seven classes of natural soil drainage are recognized: excessively drained, somewhat excessively drained, well drained, moderately well drained, somewhat poorly drained, poorly drained, and very poorly drained. Both of the site soils are classified as "well drained" as defined below according to the USDA classification.

- **Hydrologic Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

- **Well drained:** Water is removed from the soil readily but not rapidly. Internal free water occurrence commonly is deep or very deep; annual duration is not specified. Water is available to plants throughout most of the growing season in humid regions. Wetness does not inhibit growth of roots for significant periods during most growing seasons. The soils are mainly free of the deep to redoximorphic features that are related to wetness.

Based on the existing hydrologic soil group B and "well drained" drainage class, exposed soil on the site has a moderate potential for runoff and erosion in extreme precipitation events.

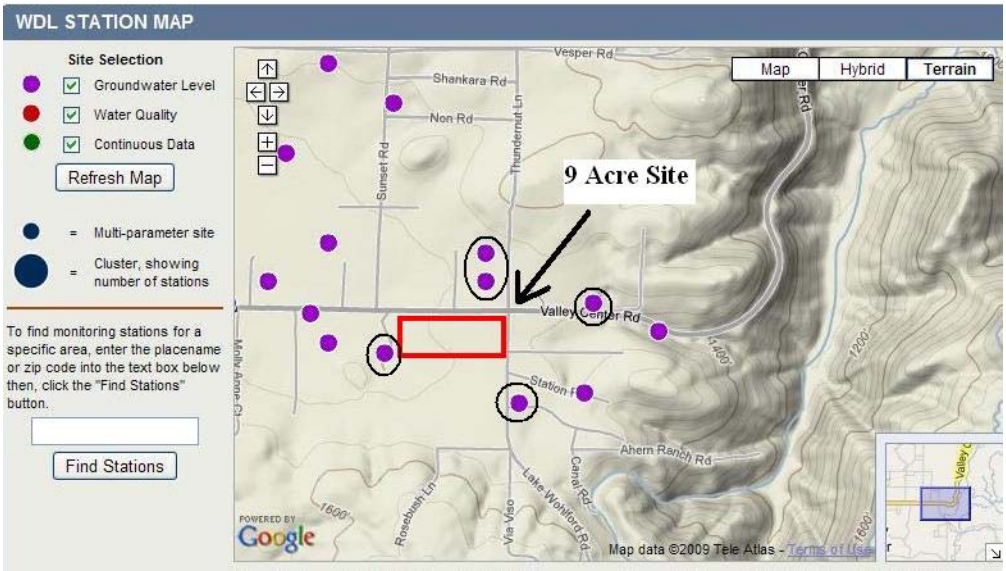
2.6 Groundwater

Numerous wells have been drilled in the site area of Valley Central. Five wells have been drilled at locations on or very near the 9 acre site as shown below in **Figure 5**. The ground water level data for these wells was reported and archived to the Water Data Library, California Department of Water Resources. **Table 2** displays the ground water level depths which have been consistently reported at less than 100 feet below the ground surface. The shallow ground water level is consistent with the flat basin topography of the area. The well ground water level data below may be slightly different now as all of the data was recorded in 1966-1967. For the Phase I Environmental Assessment of the site, Greenwave Consulting found no information available regarding the status of the wells. Contact with the respective state and federal agencies did not yield any information.

Table 2 – Ground Water Level, Well Data

State Well Number	Water Surface Elevation MSL
11S01W15D001S	1481
11S01W10N002S	1481
11S01W10N001S	1490
11S01W15C003S	1482
11S01W10P001S	1462

Figure 5 – Well Data Map



2.7 Surface Water Bodies

The site area does not have any permanent surface water bodies. Based on a review of aerial photographs, there is an intermittent drainage channel and possibly a settling basin in the vacant lot to the west of the site. From the photos, vegetation, and regional climate pattern, the channel appears to flow solely during and after heavy rainfall events. The potential settling basin is an oval feature in the adjoining vacant lot sized approximately 30 feet by 60 feet.

2.8 Climate & Precipitation

The proposed site area has a semiarid climate with warm dry summers and mild winters. The average annual precipitation is approximately 15 inches resulting in a borderline arid climate. Rainfall is strongly concentrated in the cooler half of the year, particularly December through

March. The summer months are virtually rainless. Rainfall amounts are highly variable from year to year and from month to month.

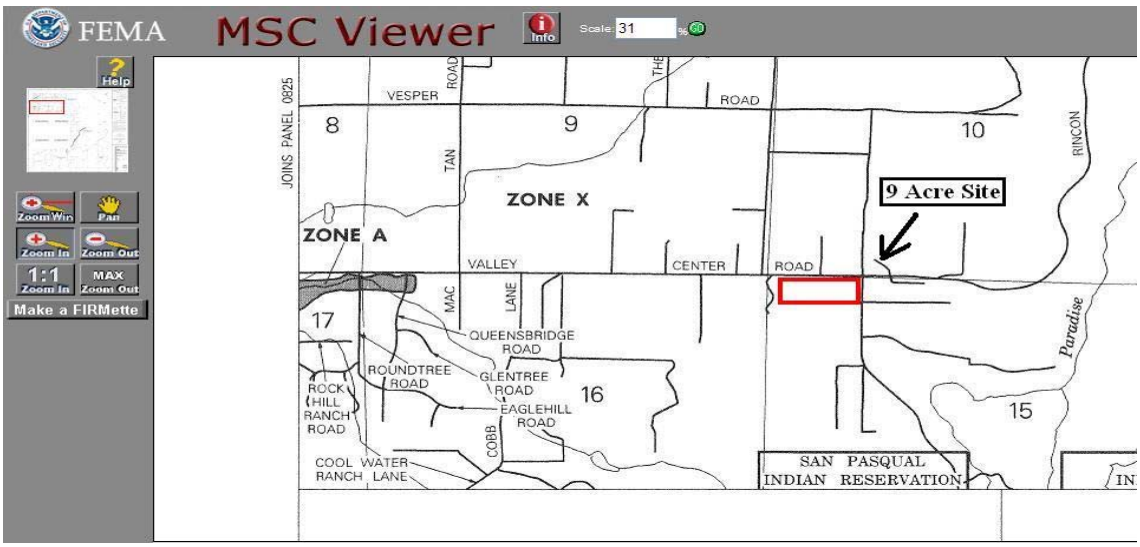
A nearby rain gauge for the site is located at Lake Wohlford. The station was in operation from 1948 to 1992. As part of a study by the National Climatic Data Center, Hourly Precipitation Data (HPD) rainfall event statistics for this station were computed based on recordings made of rainfall and time. The HPD statistics were generated through a process of computer statistical analysis of the station precipitation data in 2003. A data documentation paper on the process and the HPD statistical results for Lake Wohlford are located in **Appendix D**. A cursory review of the data shows that the station recorded precipitation values of 4-7 inches within a 24 hour period several times in the station operating period. The data displays these levels of precipitation occurring at least once if not multiple times every decade from 1940s-1980s. The large rainfall values are almost exclusively during the winter months. The highest value noted in the data is 12.1 inches over 23.5 hours in the early months of 1969. This peak value is collaborated by a nearby Escondido rain gauge station recording 7.7 inches over 16 hours during the same time frame.

2.9 Flood Zone Designations

A Flood Insurance Rate Map (FIRM) displays the floodplains in a town or area. Such maps are used for town planning, the insurance industry, and by individuals. It is the official map showing Federal Emergency Management Agency (FEMA) delineations of both special hazard areas and the risk premium zones.

The entire site is designated as Zone X as shown in **Figure 6.** FEMA describes Zone X as an area determined to be outside the 500-year floodplain. According to FEMA, for Zone X areas, flood insurance is available to all property owners and renters as long as the community participates in the National Flood Insurance Program.

Figure 6 - FEMA Flood Zone Map & Approximate Site Boundary



3.0 STORMWATER & RUNOFF CONSEQUENCES

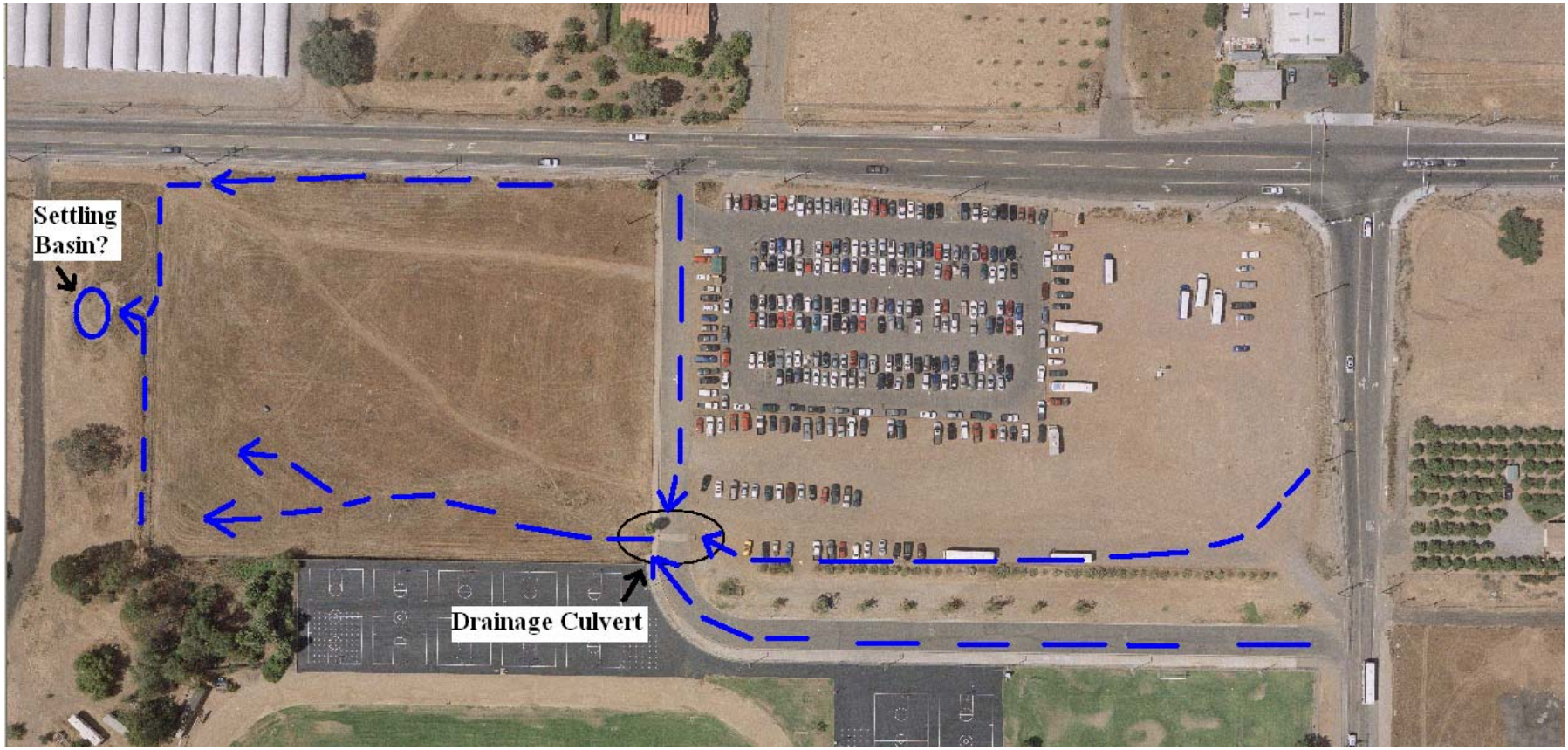
3.1 Drainage Areas

There are no municipal storm drains on or in the vicinity of the site. The only stormwater infrastructure on the property at this time besides the roads, curbs and gutters is the culvert at the south boundary of the site. This culvert runs under the "school bus" road easement acting as a conduit for water from the eastern portion of the property to the western portion. A review of the high definition aerial and ground photos of the site shows stormwater draining to a low area in the southwest corner of the property. Much of the water appears to settle on the site; any remaining runoff appears to exit the property into a small wooded area. Some runoff flow may also drain towards the western site boundary into a channel which possibly flows into a small settling basin in the adjoining parcel. Please refer to **Figure 8** below for drainage patterns inferred from the photos.

Appendix E contains photos of the site drainage areas after a significant winter rainfall. The photos were taken by Mr. Doug DeBerry, an Ecologist/Biologist from Vanasse Hangen Brustlin Inc. on 17 December 2008. As shown in one of the photos in **Figure 7** below, the site drainage flow affects the southwest corner of the site with occasional minor flooding of the area. Also of note in the **Appendix E** photos, the Valley Center and North Lake Wohlford roads on the north and east boundaries, do not have curbs or gutter features. These raised roadbeds do have some stabilization structures and vegetation growth to protect from runoff erosion. The "school bus" road easement does have sidewalk, curb and gutter features draining runoff into the aforementioned culvert into the southwestern corner of the site.

Figure 7 – Runoff into Southwest Site Corner

Figure 8 – Site Drainage Areas



3.2 Rational Method Runoff Calculations

The rational equation is the simplest method to determine peak discharge from drainage basin runoff. The basic equation and units for the rational method are below:

Rational Method Equation: Q=CIA

Q = Peak discharge (cubic feet per second or CFS)
C = Rational method runoff coefficient
I = Rainfall intensity (inches/hour)
A = Drainage area (acres)

The rational method runoff coefficient (C) is a function of the soil or exposed material type and slope. The coefficient is the least precise unit in the equation and is subject to some individual judgment based on the site attributes. **Appendix F** contains a chart from the book *Hydrologic Analysis and Design* with runoff coefficients (C) versus hydrological soil group and slope range.

For the calculations below, the following runoff coefficients were used. For the current and future site open space use (lawns, fields, future development areas) the chart has a C=.14 value using the parameters of: hydrological unit B, open space land use, slope at 0-2%, and a storm-recurrence interval 25 years or greater. For the current and future site developments, two different values were used. For paved parking lots and streets, the chart has a C=.95 value using the parameters of: parking land use, slope at 0-2%, and a storm-recurrence interval 25 years or greater. For the various buildings, the chart has a C=.89 value using the parameters of: commercial use, slope at 0-2%, and a storm-recurrence interval 25 years or greater.

The rainfall intensity for this area was determined using isopluvial maps in the NOAA Atlas 2, Volume XI-California in Region 3. For average rainfall intensity (I) frequency, the following site values were provided by a previous runoff calculation by Summit Engineering for a proposed casino: 2 year frequency = .46 inches/hour, 10 year frequency = 2.16 inches/hour and 100 year frequency = 2.88 inches/hour

The drainage area values are used for the example runoff calculations below total (9) acres for the site parcel size. The area amount has been split into estimates of acreage under different site uses with resultant runoff coefficient values.

The rational method calculations in **Table 3 & 4** below are simple examples for the current site conditions and fully completed future development as shown on the site plan. The acreage values for each use (C Value) in the tables below are very rough estimates based on approximate measurements of aerial photos and the development site plan. Additional calculations with the rational method will be required to compute exact peak runoff for specific site configurations such as construction, partial development or changes to the final development plan. Regardless of the approximate nature, the runoff value calculations show a result of flows more than doubling in the change from current site conditions to completed development plans.

Table 3 – Example Peak Discharge Calculation, Current Site Conditions

	2 Year Frequency (cfs)	10 Year Frequency (cfs)	100 Year Frequency (cfs)
~6 Acres @ C=.14 (Open Space)	.4	1.8	2.4
~3 Acres @ C=.89 (Parking Lot & Road)	1.2	5.8	7.7
TOTAL SITE RUNOFF	**1.6**	**7.6**	**10.1**

Table 4 – Example Peak Discharge Calculation, Fully Completed Site Development

	2 Year Frequency (cfs)	10 Year Frequency (cfs)	100 Year Frequency (cfs)
~1 Acre @ C=.14 (Lawn/Landscaping)	.1	.3	.4
~3 Acres @ C=.89 (Commercial Buildings)	1.2	5.8	7.7
~5 Acres @ C=.95 (Parking Lot & Road)	2.2	10.2	13.7
TOTAL SITE RUNOFF	**3.5**	**16.3**	**21.8**

3.3 Proposed Action & Potential Consequences

The proposed action consists of the transfer of the site into federal trust status for the San Pasqual Band of Mission Indians and the subsequent development of a portion of the site into a small shopping plaza. The site is currently partially used as a parking lot. Approximately 50 percent of the site is either paved or covered with gravel, and the remaining 50 percent exists as a vacant lot. The parking facility will continue to be used as additional employee parking for the Valley View Casino and as storage and maintenance for buses. The Tribe intends to build a small shopping plaza on the site in the future. The shopping plaza is expected to contain at least one retail tenant, a restaurant and a gas station. A site plan by Howard Parcell Company for the fully completed future development is located in **Appendix G.**

The proposed site activities will result in changes to the hydrogeologic environment. There are different periods to consider for the proposed action: construction of the planned developments, subsequent development operation and planned future development.

The removal of vegetation will be necessary during construction of the development or any future development. Vegetation acts as a binder to hold in soil and rock materials during precipitation events. Additionally, rock and soil materials may be transported or temporarily

stockpiled on the site. The change in the landscape will have an effect on the rate and volume of runoff and sediment load in a direct relationship to the exposed rock materials. Based on the existing hydrologic soil group B and "well drained" drainage class, the site has a moderate potential for runoff in extreme precipitation events. Additionally, the very flat site topography should limit sediment transport. Never the less, the fine grain size materials of the site soils do have the potential for erosion and sediment transport. Without appropriate erosion control practices, the excavation and construction activities in the proposed development could contribute to increased sedimentation and runoff flow to the intermittent streams on and bordering the site. The increase in sediment load may lead to channel aggradation in the site drainages. Changes could affect the channel hydraulic attributes and subsequent watercourse direction or flood behavior.

The change in the site from partially to fully developed will have a large effect on the runoff levels from the site. The building roofs, entry roads and parking lot materials have a very low water absorption capability. While past precipitation events may have been absorbed by site soils, development will result in increased runoff flows. As shown in the rational method calculations in the earlier section, the runoff could be expected to approximately double in the change from partial to complete site development. The runoff will flow down to the low sections of the site which include the current culvert/drainage channel, the southwestern corner of the site and a general east-west and north-south down gradients. The site development will increase the chance of flooding on the site and in neighboring parcels.

Although, not covered in detail for the scope of this report, changes in the runoff and sediment levels may lead to an increased transport of chemical constituents due to leakage or spills from the development including the buildings, roadways and parking lots. Although industrial use is not planned, the development will likely have maintenance areas with potential containments especially the shopping center and gas station.

4.0 MITIGATION MEASURES/BEST MANAGEMENT PRACTICES

4.1 Site Control Measures

The most important element of mitigation for stormwater runoff and drainage is a detailed plan along with the resources and personnel to implement, monitor and adjust site prevention measures. As mentioned earlier, there are different phases of the project for consideration including development design/construction, operation and future development. The following best management practices (BMPs) are recommended taking in account general principals as well as site specific attributes. Some practices may only be applicable to one phase of the project such as construction.

1.) **On-site Control**

An on-site manager should be assigned oversight of the stormwater runoff/drainage program. The manager should be based near the development and have a direct line of control with the personnel working onsite. The manager will be responsible for overseeing the implementation of mitigation measures, monitoring of runoff quality/volumes, and adjusting the program as necessary. In depth familiarity with the regulations and plans including BMPs will be required. Through standard operating procedures, signage and training, all appropriate site workers (construction or maintenance) should have basic knowledge of the stormwater runoff mitigation practices and contact information for the manager. During the construction phase, the stormwater runoff/drainage program management role may be assigned to a site supervisor or general compliance/quality control officer. After completion of the development, the role might be assigned to the lead property manager or head of site maintenance. As well as onsite conditions, the manager should also be active in monitoring the drainages downhill from the parcel. Offsite monitoring should be completed as possible with the permission of respective land owners. The amount of effort required in implementing the stormwater runoff/drainage program will vary depending on the time of year. The very pronounced winter precipitation pattern should be accounted for in mitigation materials preparation, monitoring and site operations planning.

2.) **Construction & Future Development Mitigation Measures**

The construction on the site should be planned to proceed in an order of operations to minimize the amount of exposed bare ground. Vegetation should be preserved as possible and landscaping activities conducted as soon as possible after excavation is complete for an area. For all the intrusive site activities that expose sediment to runoff, the following list of mitigation measures should be called upon in combination together depending on the situation and conditions. In addition to construction activities, these mitigation measures could be useful preventative measures for flood control measures during large storms. Note that all water control devices below should be regularly maintained or checked to ensure their continued effectiveness and to protect from unexpected catastrophic failure.

- **Silt fence:** A silt fence is a temporary linear sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff.

- **Gravel bag barrier:** A gravel bag barrier is a temporary linear sediment barrier consisting of stacked gravel bags, designed to intercept and slow the flow of sediment-laden sheet flow runoff.

- **Straw bale barrier:** A straw bale barrier is a temporary linear sediment barrier consisting of straw bales, designed to intercept and slow sediment-laden sheet flow runoff.

- **Fiber rolls:** Fiber rolls (sediment logs or wattles), composed of bio-degradable fibers stuffed in a photo-degradable open weave netting, are designed to reduce sediment runoff from disturbed sediment into the storm drain system or watercourses. Fiber rolls are porous and allow water to filter through fibers and trap sediment, increase filtration rates, slow runoff, and reduce sheet and rill erosion.

- **Drop inlet sediment barrier:** A drop inlet sediment barrier is a temporary barrier placed at an inlet of drainage areas. The sediment barrier may be constructed of stone, concrete block, straw bales, or silt fence material, and gravel. These barriers will prevent sediment from entering the storm drainages during operations. Sediment-laden runoff is ponded before entering the inlet to the drainage, thus allowing some sediment to fall out of suspension.

- **Settling Basin** A settling basin is a land depression created for sediment-laden runoff to settle before entering drainages outside the site. Very fine particles from the runoff are removed by means of gravity. The turbid water enters the basin at one end and the cleaner water is taken out at the other end.

3.) Construction Stockpiles

Stockpiles of rock materials created during excavation or building foundation preparation are of special concern for sediment transport during runoff events. A stockpile should be covered when it is not being worked. A system will need to be devised to protect the stockpiles during precipitation events. Stockpiles of fine gravel and concrete sand are especially of concern. Protection of stockpiles is a year-round requirement. The following practices are recommended:

- Secure all stockpiles with waterproof covers before all predicted large precipitation events.
- Locate stockpiles away from concentrated flows of stormwater, drainage courses, and inlets.
- Protect all stockpiles from stormwater runoff using temporary perimeter sediment barriers during precipitation events.

4.) Development Design

Careful consideration of stormwater drainage will need to be a part of the site development design. The current intermittent culvert flow through the site and increased runoff from the site development will need to be routed and mitigated. Taking in consideration the east-west & north-south site slope and current runoff path, the south boundary area may present a logical location for a main site drainage channel. The channel could be directed behind the planned shopping center and along the planned re-oriented route of the "school bus" road easement. Building roof and parking lot drainages could be designed to feed into this central drainage.

During partial site development phases, open space areas could be used as settling basins where intermittent runoff is routed from the drainage channel. These locations would need to be built below the rest of the site grade and designed for water settling with an appropriate underlay of porous materials. The southwest corner of the site is currently a settling area for intermittent runoff. Due to almost complete development of the site footprint, the final site design does not allow for significant runoff settling basins. One possible solution could be the construction of a subsurface settling tank. Overall, the site drainage design should account for all of the facilities and potential future development. A discussion may need to take place with owners of the down gradient vacant parcel regarding current and future runoff levels.

5.) Site Development Maintenance

The site developments will need to be maintained properly to reduce the chance of uncontrolled runoff. The building drainage systems, roadways, channels and settling areas will need to be kept clear of debris and checked for structural integrity on a regular basis. Blockages or leaks may result in runoff being directed into unplanned routes resulting in site erosion or flooding of buildings.

6.) Monitoring

Constant site monitoring will reduce the chance of sediment discharge or excess runoff from the site. Monitoring should include regular inspections of the site for compliance with stormwater runoff mitigation practices and preparation. During the winter months, when high precipitation events occur, weather predictions should be monitored to predict runoff events. Site activities may need to be changed or rescheduled for large storms. For example, construction excavation or use southern western parking area might be stopped for incoming weather systems. The weather monitoring should allow early enough warning of runoff events to prepare for site mitigation measures. A portable turbidity monitor could also be used during any site excavation for baseline and stormwater runoff measurements from the intermittent drainage from the site. Combined with 24 hour precipitation from local weather stations, the turbidity amounts can be gauged to establish a baseline for the area. Any spikes in turbidity should be investigated for the point source on the site.

Appendix D Biological Resource Reports (2009 Biological Assessment and 2010 Biological Technical Memorandum)

2009 Biological Assessment

Vanasse Hangen Brustlin, Inc.

Biological Assessment

San Pasqual 9-Acre Parcel
San Diego County, California

FEBRUARY 2009

Submitted to:
San Pasqual Band of Mission Indians
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attn: Mr. Anthony W. Silvia, Esq.
2223 Avenida de la Playa, Suite 100
La Jolla, CA 92037

Submitted by:
Vanasse Hangen Brustlin, Inc.
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Introduction

Vanasse Hangen Brustlin, Inc. (VHB) completed a Biological Assessment (BA) of a 9-acre parcel near Valley Center, San Diego County, California. The parcel is located at the intersection of Lake Wohlford Road (east boundary) and Valley Center Road (north boundary) (see attached Location Map). The Valley Center Middle School campus lies immediately to the south. At current, the 9-acre parcel is used, in part, as a parking lot – the remaining acreage is in a periodically-mowed 'vacant lot' condition with an amalgam of ruderal grasses and forbs.

VHB has undertaken this study at the request of GreenWave Solutions, Inc. (GreenWave) on behalf of the San Pasqual Band of Mission Indian Tribe (Tribe). The Tribe currently owns the subject property in fee simple and desires to take the land into trust. GreenWave is preparing an environmental assessment for use by the Bureau of Indian Affairs in deciding whether to take the property into trust. The proposed use for the site is a mixed-use retail development.

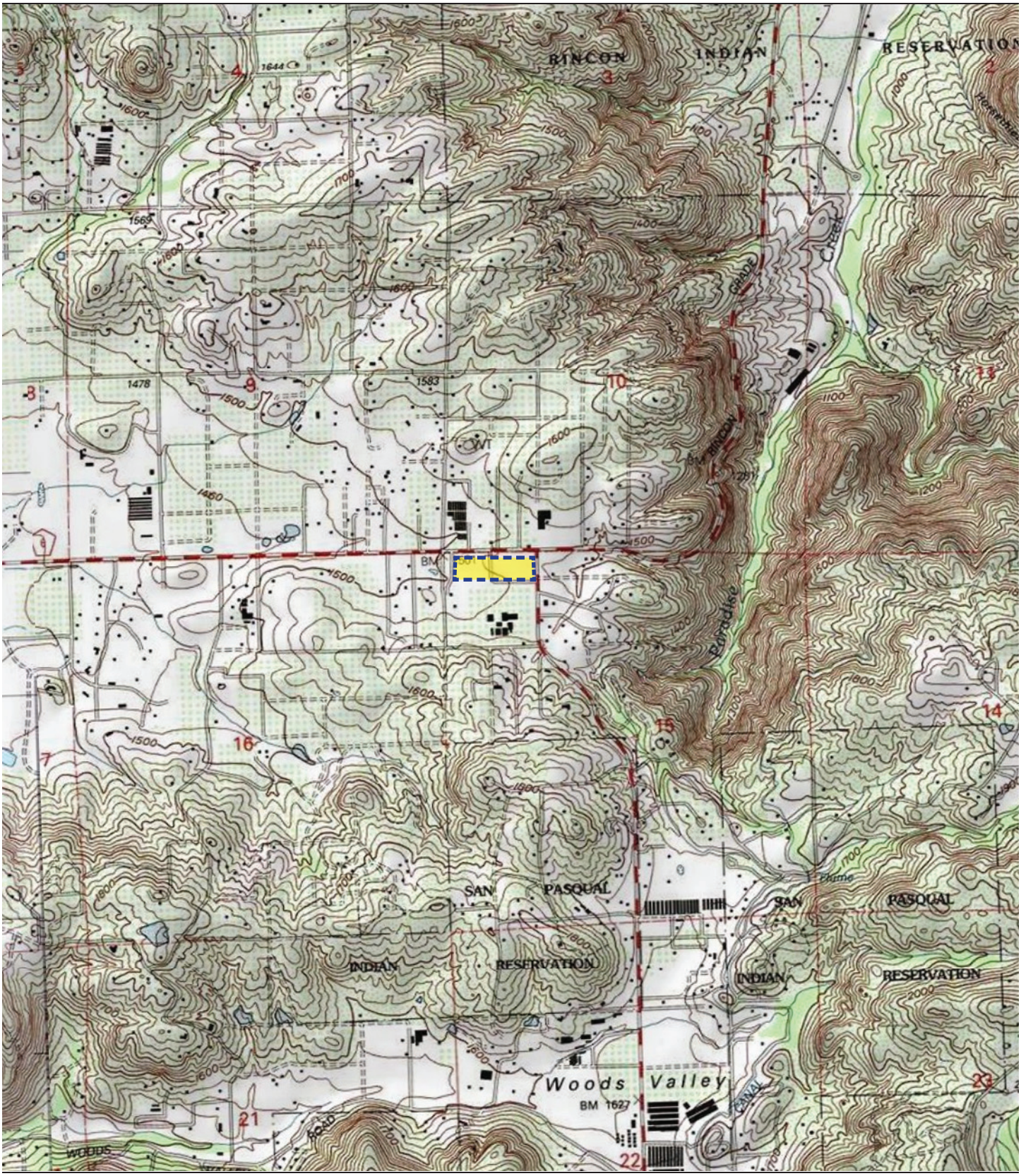
The purpose for VHB's study is twofold: 1) to document extant biological conditions within the parcel boundary in satisfaction of National Environmental Policy Act reporting conventions; and, 2) to evaluate the potential effects of a proposed land use change on federally listed threatened or endangered species that could be present on the property. The format of this report follows general BA guidelines published by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act (16 U.S.C. 1530-1544), as well as the 1998 'Endangered Species Act Consultation Handbook' jointly published by both agencies (USFWS and NMFS 1998). The conclusions derived herein are based on the professional opinion of VHB's senior scientist Douglas A. DeBerry, Ph.D., PWS, PWD, who is a specialist in rare species inventory and habitat assessment.

Proposed Action

The Tribe proposes to use this 9-acre parcel for development of a retail strip-mall, fast-food restaurant, and gas station. It is our understanding that a plan-of-development (POD), including engineering drawings and specifications, has not been prepared for the proposed land use. However, such a site development will presumably include soil disturbance and cut/fill grading or import of non-native substrate materials for site pad preparation. For the purposes of this BA, it is assumed that all 9 acres of the site area will be disturbed in this manner.

Study Methods

VHB conducted a site visit on December 18, 2008 to review and document current site conditions. An extensive literature review had been completed prior to the site visit to give proper context for community and habitat observations. Information on threatened and endangered species known to



Source: USGS 7.5 minute Rodriguez Mountain, CA Quadrangle

Vanasse Hangen Brustlin, Inc.

Study Limits

0 2,000 4,000 ft.

Location Map
San Pasqual Indian Reservation
9-Acre Parcel
San Diego County, California

occur in San Diego County was extracted from the U.S. Fish and Wildlife Service Carlsbad Regional Office (http://www.fws.gov/carlsbad/TEspecies.html) as well as database information available from the California Department of Fish and Game (http://www.dfg.ca.gov/). Vegetation communities were described in accordance with the classification summaries provided in Barbour and Major (1977), Lightner (2006), and the California Department of Fish and Game (2008). Structure and physiognomic characteristics of the vegetation assemblages onsite were compared with regionally-relevant descriptions in Hanes (1977), Mooney (1977), Griffin (1977), Gray (1982), and Keeley (1989). Plant species identification was based on Munz (1974), Hickman (1993), Stuart and Sawyer (2001), and Lightner (2006). Wildlife information was extracted from various resources, including Small (1974), Mayer and Laudenslayer (1988), Jameson and Peeters (1988), and Lemm (2006).

Listed Species

Table 1 lists all species with a federal status under the Endangered Species Act that have been known to occur in San Diego County. This information is based on a database query from the U.S. Fish and Wildlife Service Carlsbad Regional Office (http://www.fws.gov/carlsbad/). Also included is a reference to the typical habitat type for each species based on a review of the various technical resources noted above, as well as database information available from Calflora (http://www.calflora.org/), the California Department of Fish and Game (http://www.dfg.ca.gov/), the US Fish and Wildlife Service (http://www.fws.gov/), and NatureServe Explorer (http://www.natureserve.org/explorer/).

Site Description

Vegetation: The ca. 9-acre parcel is roughly rectangular in dimension, the long axis of which lies parallel to Valley Center Road. Approximately the eastern half is an existing parking lot, a portion of which is paved; the western half is in a periodically-maintained condition marked by colonization of ruderal (weedy) plants. Common species include Bermuda grass (*Cynodon dactylon*), black mustard (*Brassica nigra*), eastern Mohave buckwheat (*Eriogonum fasciculatum*), telegraph weed (*Heterotheca grandiflora*), and Clearwater cryptantha (*Cryptantha intermedia*). A narrow zone of vegetation on disturbed soils occurs along the parking lot perimeter. This narrow zone is dominated by a variety of colonizing ruderals, including prickly Russian thistle (*Salsola oleraceus*), eastern Mohave buckwheat, Clearwater cryptantha, telegraph weed, narrowleaf plantain (*Plantago lanceolata*), smooth cat's ear (*Hypochaeris glabra*), common dandelion (*Taraxacum officinale*), black mustard, coastal sagebrush (*Artemesia californica*), and common deerweed (*Lotus scoparius*). Occasional landscape ornamentals were observed along the southern perimeter of the lot, including oleander (*Nerium oleander* cultivar), California sycamore (*Platanus racemosa* cultivar), and an unidentified fan palm.

Wildlife: No wildlife species were observed utilizing the property during this site review.

Table 1. US Fish and Wildlife Service: List of Federally Threatened or Endangered Species for San Diego County, California

[Source: Carlsbad Fish and Wildlife Office; http://www.fws.gov/carlsbad/TEspecies.html]

[Accessed February 2009]

Scientific Name	Common Name	Status	Habitat
PLANTS			
Acanthomintha ilicifolia	San Diego thornmint	T	coastal sage scrub, chaparral, native grassland
Ambrosia pumila	San Diego ambrosia	E	openings in sage scrub, river terraces, open grasslands, vernal pool fringes
Arctostaphylos glandulosa subsp. *crassifolia*	Del Mar manzanita	E	southern maritime chaparral
Astragalus magdalenae var. *peirsonii*	Peirson's milk-vetch	T	Algodones dunes
Astragalus tener var. *titi*	coastal dunes milk-vetch	E	coastal dunes near surf zone
Baccharis vanessae	Encinitas baccharis	T	southern maritime chaparral
Berberis nevinii	Nevin's barberry	E	chaparral
Brodiaea filifolia	thread-leaved brodiaea	T	alkali grasslands on hillsides, floodplains (NW SD County)
Chorizanthe orcuttiana	Orcutt's spineflower	E	coastal chaparral openings
Cordylanthus maritimus subsp. *maritimus*	salt marsh bird's beak	E	salt marshes, intertidal brackish zones
Deinandra (=Hemizonia) conjugens	Otay tarplant	T	grasslands, open coastal sage scrub, maritime succulent scrub
Eryngium aristulatum var. *parishii*	San Diego button celery	E	vernal pools
Fremontodendron mexicanum	Mexican flannelbush	E	southern mixed chaparral
Hazardia orcuttii	Orcutt's hazardia	C	coastal sage scrub, mixed chaparral, southern maritime chaparral
Monardella linoides subsp. *viminea*	willowy monardella	E	drainages/floodplains in coastal sage scrub or riparian scrub
Navarretia fossalis	spreading navarretia	T	vernal pools, clay flats, various hydric alkali habitats
Orcuttia californica	California Orcutt grass	E	vernal pools
Phacelia stellaris	Brand's phacelia	C	coastal dunes and sandy washes in Diegan sage scrub
Poa atropurpurea	San Bernardino bluegrass	E	edges of moist meadows at 5000-7500 feet
Pogogyne abramsii	San Diego mesa mint	E	vernals pools, chemise chaparral, coastal sage scrub
Pogogyne nudiuscula	Otay mesa mint	E	vernals pools on Otay Mesa (SW SD County)
Rorippa gambellii	Gambel's watercress	E	lake margins and slow-flowing streams, brackish or freshwater
FISH			
Cyprinodon macularius	desert pupfish	E	seeps and slow moving streams in Salton Sink basin
Eucyclogobius newberryi	tidewater goby	E	small coastal lagoons, lower reaches of streams and upper portions of bays
Gasterosteus aculeatus williamsoni	unarmored threespine stickleback	E	San Felipe Creek (introduced population)
Oncorhynchus mykiss	southern steelhead	E	streams, rivers, lakes, reservoirs (partially anadromous)
AMPHIBIANS			
Bufo californicus (=B. microscaphus c.)	arroyo toad (a. southwestern t.)	E	washes, streams, arroyos, and adjacent uplands
Rana aurora draytoni	California red-legged frog	T	vicinity of pools or other bodies of water

Table 1. US Fish and Wildlife Service: List of Federally Threatened or Endangered Species for San Diego County, California

[Source: Carlsbad Fish and Wildlife Office; http://www.fws.gov/carlsbad/TEspecies.html]
[Accessed February 2009]

Scientific Name	Common Name	Status	Habitat
BIRDS			
Brachyramphus marmoratus	marbled murrelet	T	near shore areas, estuaries, sounds
Charadrius alexandrinus nivosus	western snowy plover	T	beaches, dry mud flats, sandy shores of rivers, lakes, ponds
Charadrius montanus	mountain plover	W*	high plains/shortgrass prairie, tablelands, rangelands
Coccyzus americanus	yellow-billed cuckoo	C	dense riparian woodlands
Empidonax traillii extimus	southwestern willow flycatcher	E	willow thickets
Gymnogyps californianus	California condor	E	mountain and foothill rangeland and forest
Haliaeetus leucocephalus	bald eagle	PDM	various habitats near large bodies of water
Pelecanus occidentalis	brown pelican	E	offshore islands, emergent rocks, sand spits, sand bars
Phoebastria albatrus	short-tailed albatross	E	pelagic; ground nesting sites various
Polioptila californica californica	coastal California gnatcatcher	T*	coastal sage scrub
Rallus longirostris levipes	light-footed clapper rail	E	coastal wetlands
Sternula (=Sterna) antillarum browni	California least tern	E	bare or sparsely vegetated flat substrates near the coast
Vireo bellii pusillus	least Bell's vireo	E	dense, willow-dominated riparian areas with well-developed understory
MAMMALS			
Dipodomys stephensi	Stephens' kangaroo rat	E	annual grassland with sparse perennial vegetation
Enhydra lutris nereis	southern sea otter	T/X*	coastal waters near shore
Ovis canadensis	peninsular bighorn sheep	E	eastern slopes of Sierra Nevada
Perognathus longimembris pacificus	Pacific pocket mouse	E	shrubland, chaparral
INVERTEBRATES			
Branchinecta sandiegonensis	San Diego fairy shrimp	E	Southern California coastal vernal pools
Euphydryas editha quino	Quino checkerspot butterfly	E	chaparral, coastal sage scrub
Pyrgus ruralis lagunae	Laguna Mountains skipper	E	Mt. Palomar and Laguna Mountains
Streptocephalus woottoni	Riverside fairy shrimp	E	vernal pools

Status: E = Federally endangered; T = Federally threatened; C = Federal candidate for listing; P = proposed; PDM = subject to post delisting monitoring
X: experimental population; W = withdrawn

Table 2. Partial Checklist of Vascular Plant Species

San Pasqual Indian Reservation: 9-Acre Parcel
December 18, 2008

Scientific Name	Common Name	Family
Achnatherum P. Beauv.	needlegrass	Poaceae
Ambrosia psilostachya DC.	Cuman ragweed	Asteraceae
Artemisia californica Less.	coastal sagebrush	Asteraceae
Brassica nigra (L.) W.D.J. Koch	black mustard	Brassicaceae
Cryptantha intermedia (A. Gray) Greene	Clearwater cryptantha	Boraginaceae
Cynodon dactylon (L.) Pers.	Bermudagrass	Poaceae
Eriogonum fasciculatum Benth.	Eastern Mojave buckwheat	Polygonaceae
Gutierrezia microcephala (DC.) A. Gray	threadleaf snakeweed	Asteraceae
Heterotheca grandiflora Nutt.	telegraphweed	Asteraceae
Hypochaeris glabra L.	smooth cat's ear	Asteraceae
Lactuca serriola L.	prickly lettuce	Asteraceae
Lolium perenne L. ssp. multiflorum (Lam.) Husnot	Italian ryegrass	Poaceae
Lotus scoparius (Nutt.) Ottley	common deerweed	Fabaceae
Nerium oleander L. (cultivar)	oleander	Apocynaceae
Phleum pratense L.	timothy	Poaceae
Plantago lanceolata L.	narrowleaf plantain	Plantaginaceae
Platanus racemosa Nutt. (cultivar)	California sycamore	Platanaceae
Poa L.	bluegrass	Poaceae
Salsola tragus L.	prickly Russian thistle	Chenopodiaceae
Sonchus oleraceus L.	common sowthistle	Asteraceae
Taraxacum officinale F.H. Wigg.	common dandelion	Asteraceae

Effects of Proposed Action on Listed Species and/or Critical Habitat

Though there are some 49 federally-listed plant and animal species occurring in San Diego County (see Table 1), our review indicates that potential habitat for any such species is completely lacking on this property. The lack of habitat for federally-listed species is attributed to the various anthropogenic activities that have occurred, or are currently undertaken, to maintain this property for previous or current land uses. Such activities appear to have included: soil disturbance, compaction, and grading; importing non-native materials such as gravel and asphalt for the current land use (parking lot); and, periodic maintenance of vegetation in vacant areas by mowing or other mechanical means. Other habitat-limiting factors include adjacent development (school site, major road intersection, adjacent community structures, residential buildings, etc.), colonization by aggressive ruderals and/or non-native species, and the ongoing pattern of automotive traffic on and adjacent to the site. Finally, there is no previously-recorded evidence of federally-listed species or critical habitat on the parcel. Therefore, taking all above-referenced factors into consideration, the proposed land use change is not anticipated to present a threat to the continued existence of any federally-listed threatened or endangered species or critical habitat thereto.

Conclusions

In light of the existing conditions documented during site reconnaissance of December 2008, detailed review of the extant literature including database information on federally-listed resources within San Diego County, and information provided by GreenWave, it is VHB's professional opinion that no effect or incidental take is anticipated through the development of this 9-acre parcel as proposed.

Recommendations for Further Action

Given the overall lack of potential for this site to support federally-listed threatened or endangered species, no further studies are recommended at this time.

References Cited

Barbour, M. G. and J. Major (eds.). 1977. *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. 1002 pp.

California Department of Fish and Game. 2008. The Vegetation Classification and Mapping Program, VegCAMP. Website accessed December 10, 2008. (http://www.dfg.ca.gov/biogeodata/vegcamp/).

Gray, J. T. 1982. Community structure and productivity in Ceanothus chaparral and coastal sage scrub of Southern California. Ecological Monographs 52:415-434.

Griffin, J. R. 1977. Oak woodland. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 383-416.

Guthrie, D. A. 1974. Suburban bird populations in Southern California. American Midland Naturalist 92:461-466.

Hanes, T. L. 1977. California chaparral. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 417-469.

Hickman, J. C. (ed.). 1993. *The Jepson Manual: Higher Plants of California.* University of California Press, Berkeley, CA. 1424 pp.

Jameson, E. W., Jr. and H. J. Peeters. 1988. *California Mammals.* California Natural History Guides No. 52. University of California Press, Berkeley, CA. 403 pp.

Keeley, S. E. (ed.). 1989. *The California Chaparral: Paradigms Reexamined.* Science Series Publication No. 34. Natural History Museum of Los Angeles County, Los Angeles, CA.

Lemm, J. M. 2006. *Field Guide to Amphibians and Reptiles of the San Diego Region*. California Natural History Guides No. 89. University of California Press, Berkeley, CA. 344 pp.

Lightner, J. 2006. *San Diego County Native Plants.* San Diego Flora, San Diego, CA. 320 pp.

Mayer, K. E. and W. F. Laudenslayer, Jr. (eds.). 1988. *A Guide to Wildlife Habitats of California*. State of California, Resources Agency, Department of Fish and Game, Sacramento, CA. 166 pp.

Mooney, H. A. 1977. Southern coastal scrub. In: Barbour, M. G. and J. Major (eds.). *Terrestrial Vegetation of California.* John Wiley and Sons, New York, NY. pp. 471-490.

Munz, P. A. 1974. *A Flora of Southern California.* University of California Press, Berkeley, CA. 1086 pp.

Small, A. 1974. *The Birds of California.* Winchester Press, New York, NY. 310 pp.

Stuart, J. D. and J. O. Sawyer. 2001. *Trees and Shrubs of California.* California Natural History Guides No. 62. University of California Press, Berkeley, CA. 468 pp.

U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. Endangered Species Act Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences. Washington, D.C. http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm

Photograph 1: Typical view of gravel parking area near the center of the parcel.

Photograph 2: Maintained 'vacant lot' portion of the parcel (western half).

Photograph 3: Landscaping along southern parcel boundary.

Photograph 4: Ruderal vegetation colonizing on a fallow strip along Lake Wohlford Road.

Photograph 5: Asphalt portion of parking lot near northern parcel boundary.

Photograph 6: Narrow zone of ruderals along Valley Center Road.

Photograph 7: Field portion of parcel along Valley Center Road.

Photograph 8: View of field portion of parcel from southwestern corner.

2010 Biological Technical Memorandum

Biological Assessment Technical Memorandum

for the

San Pasqual Nine-Acre Fee-To-Trust Project
San Diego County, California

August 2010

Purpose

This Biological Assessment (BA) technical memorandum (memo) has been prepared to supplement the results of a BA prepared by Vanasse Hangen Brustlin, Inc. (2009), for the San Pasqual proposed nine-acre fee-to-trust project, in San Diego County, California (**Figure 1**). The results of the 2009 BA were based on a survey conducted during the winter and were used to support findings in the draft Environmental Assessment (EA) for the proposed project (Analytical Environmental Services (AES), 2010). San Diego County expressed concern that sensitive plants and wildlife are less likely to be present during winter surveys in a comment letter dated June 4, 2010 submitted on the Draft EA. The purpose of this memo is to document biological resources observed during a July 20, 2010 biological survey of the project site.

Project Location

The approximately nine-acre project site (Assessor's Parcel Number 189-051-02) is located in Valley Center, California, on the southwest corner of Valley Center Road and North Lake Wohlford Road. The project site is located in Section 15 of Township 11 South, Range 1 West, on the Rodriguez MT, California U.S. Geological Survey (USGS) 7.5-Minute Topographic Quadrangle (quad), San Bernardino Baseline & Meridian (**Figure 2**).

Project Description

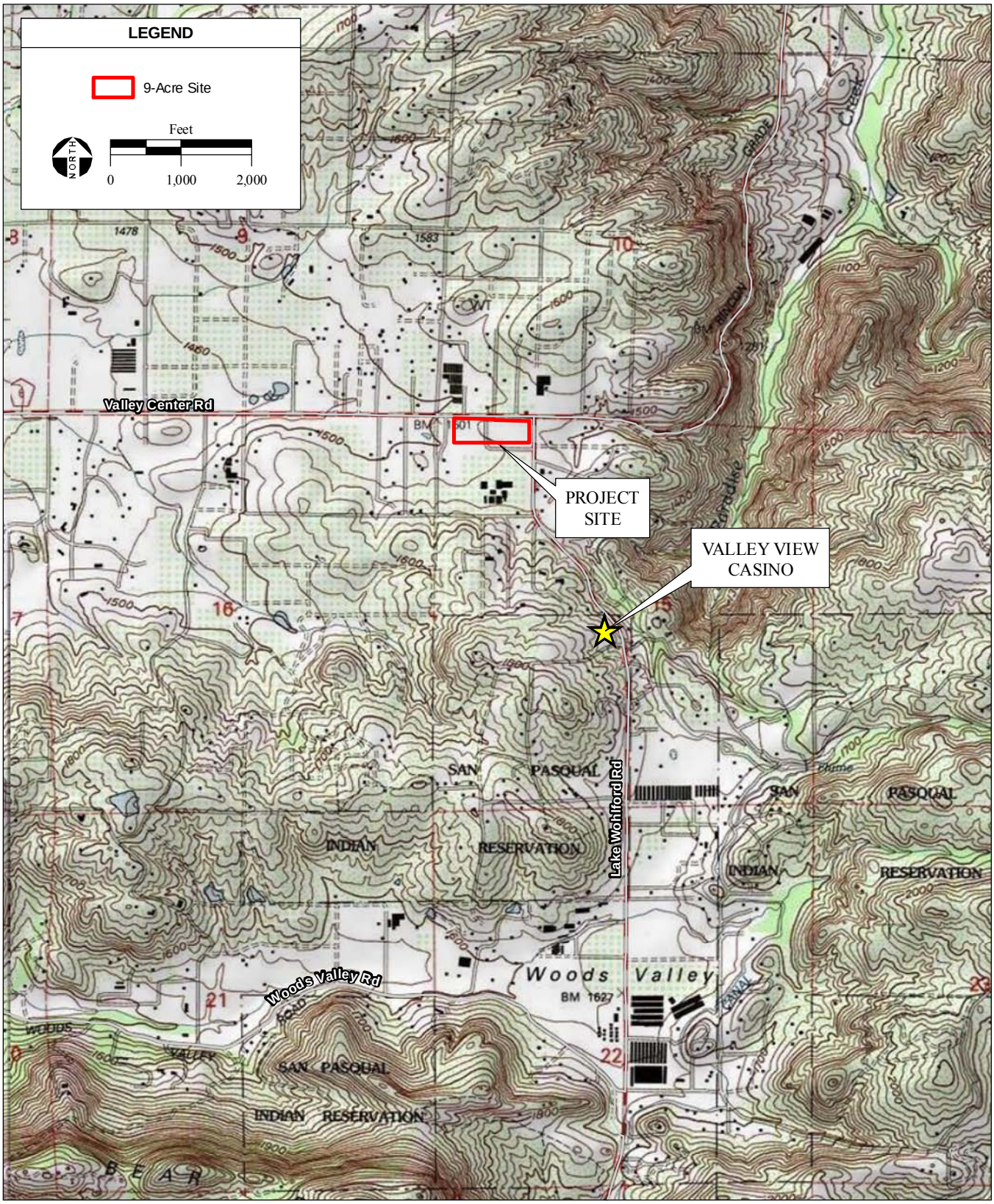
The proposed project consists of two main components: (1) placing one parcel consisting of 9.08 acres into Federal trust status, and (2) development of a portion of the project site into a small shopping plaza.

Methodology

Information on biological resources in the vicinity of the project site was obtained from the following sources: the U.S. Fish and Wildlife Service (USFWS) list of federal listed special status species known to occur within San Diego County and surrounding counties (updated March 1, 2010) (**Attachment 1**); a CNDDB map of special status species within a five-mile radius of the project site (CDFG, 2001); the 2009 BA for the project site (Vanasse Hangen Brustlin, Inc., 2009); and the July 20, 2010 biological survey of the project site conducted by AES.

SOURCE: Street Map World, 2009; AES 2010

Figure 1
Regional Location



SOURCE: "Rodriguez MT, CA" USGS 7.5 Minute Topographic Quadrangle, T11S, R1W, Sections 15; San Bernardino Baseline & Meridian; AES, 2010

Figure 2
Site and Vicinity

Field Survey and Analysis

AES biologist Kelly Buja, M.S., conducted a biological survey and an informal delineation of the project site on July 20, 2010. The biological survey consisted of evaluating biological communities and documenting potential habitat for federal listed species with the potential to occur within the project site. Lists of plants and wildlife observed in the project site are in **Attachment 2**. The delineation consisted of mapping wetland and waterway features occurring within the project site.

Environmental Setting

The project site is relatively flat with elevations that range from 1,505 feet in the west to 1,530 feet in the east. The average annual temperature within this region ranges from approximately 52 to 77 degrees Fahrenheit. The project site falls within Climate Zones 20 through 21 "Ocean-Influenced Southwestern California." Specifically, the climate regimes of the area are more typical of Climate Zone 21, ocean-influenced thermal belts, where steeper slopes drain cold air currents and frosts are rare. The regional geology is within the Peninsular Ranges (PR) geomorphic province, which includes mainland southwestern California exclusive of the coastal region and areas immediately south of the Transverse Ranges. The PR geomorphic province is a component of the Southwestern California (SW) geological region, which occurs within the greater California Floristic Province (Ca-FP).

Soil Types

The project site is comprised of two soil types: Visalia sandy loam (VaB), 2 to 5 percent slopes; and Fallbrook sandy loam (FaC2), 5 to 9 percent slopes, eroded.

Habitat Types

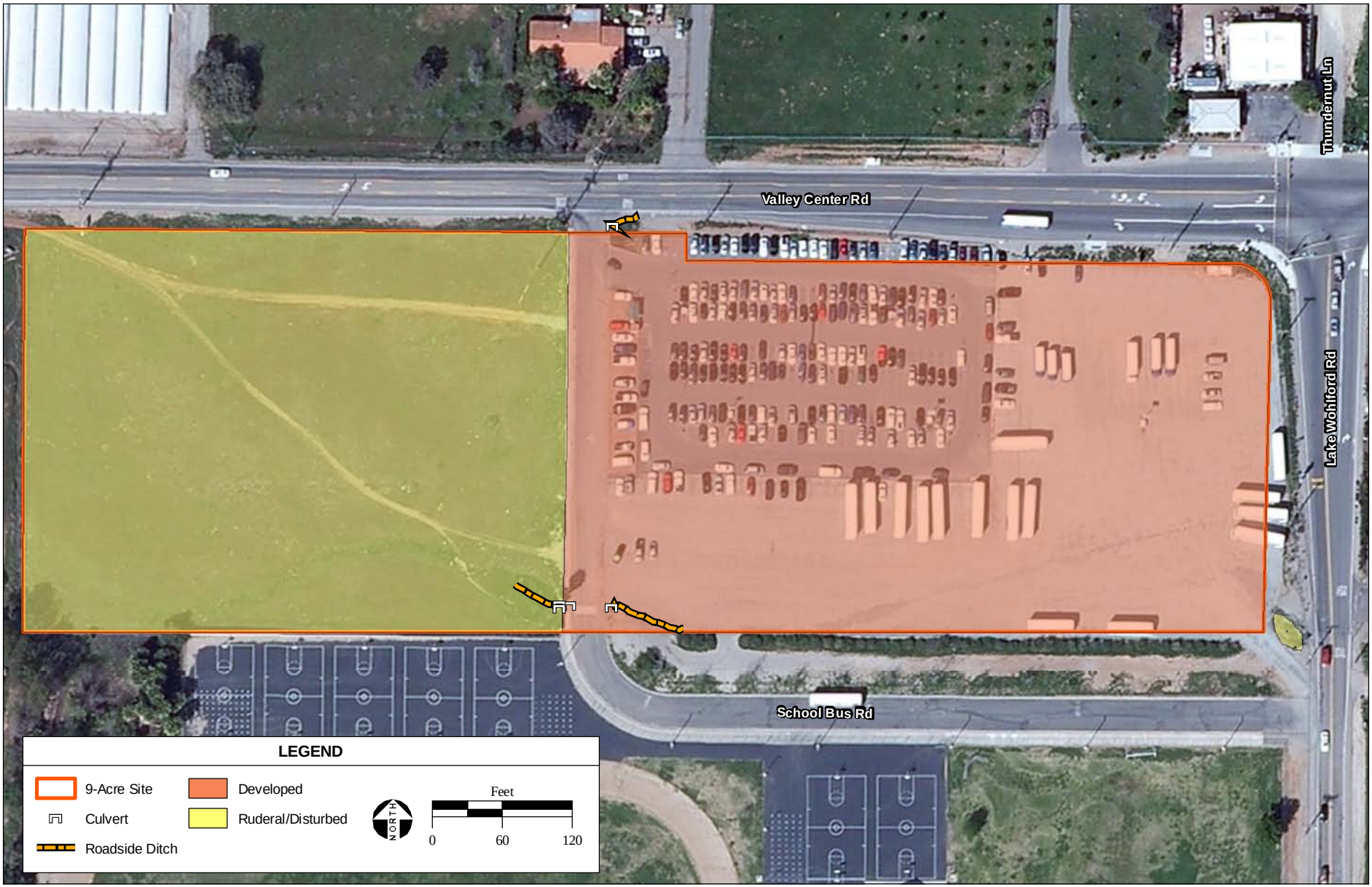
Habitat types in the project site include ruderal/disturbed areas, developed areas, and a roadside ditch. The habitat map is in **Figure 3**.

Ruderal/Disturbed

Approximately half of the project site is comprised of ruderal/disturbed areas. The ruderal/disturbed areas include dirt roads and ornamental trees and nonnative species on disturbed land. Dominant vegetation in the ruderal/disturbed areas of the project site includes Bermuda grass (*Cynodon dactylon*), black mustard (*Brassica nigra*), narrowleaf plantain (*Plantago lanceolata*), soft chess (*Bromus hordeaceus*), smooth cat's ear (*Hypochaeris glabra*), common dandelion (*Taraxacum officinale*), coastal sagebrush (*Artemesia californica*), common deerweed (*Lotus scoparius*), common purslane (*Portulaca oleracea*), puncture vine (*Tribulus terrestris*), alfalfa (*Medicago sativa*), Cooper's goldenbush (*Ericameria cooperi*), ragweed (*Ambrosia* sp.), Mexican palo verde (*Parkinsonia aculeate*), and California buckwheat (*Eriogonum fasciculatum*). Ornamental trees include an isolated palm (*Washingtoni*a sp.) and peppertree (*Schinus* sp.).

Developed

Approximately half of the project site is developed. The developed areas include paved roads and a paved parking lot.



SOURCE: Aerial Express aerial photograph, 11/2009; AES, 2010

Figure 3
Habitat Map

Roadside Ditch

A roadside ditch occurs on the south-central portion of the project site. Water within the approximately one-foot wide roadside ditch flows west, is culverted beneath a paved road, continues for approximately 20 feet in an approximately five-foot wide channel, and ponds water where it abruptly loses its defined bed and banks at its terminus with a dirt road. No vegetation was observed within the roadside ditch on the east side of the culverts during the July 2010 survey. The roadside ditch to the west of the culverts was sparsely vegetated at the time of the July 2010 survey of the project site. Vegetation observed in the bed and along the banks of the roadside ditch includes Bermuda grass, ragweed, narrowleaf plantain, puncture vine, and panic grass (*Panicum capillare*).

Potential Waters of the U.S.

An informal wetland delineation was conducted within the project site in conjunction with the July 20, 2010 biological survey. One roadside ditch occurs within the project site (**Figure 3**). The roadside ditch was excavated wholly in uplands and does not carry a relatively permanent flow of water as the manmade ditch only receives water from surrounding ruderal/disturbed and developed areas and through direct precipitation. The roadside ditch does not have a hydrologic connection with a waters of the U.S. because water within the roadside ditch does not flow off of the project site. In accordance with RGL 07-01, the roadside ditch is not considered a potentially jurisdictional feature. No potentially jurisdictional features occur within the project site.

Results

Federal Listed Species with the Potential to Occur in the Project Site

For the purposes of this assessment, special status has been defined to include those species that are listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing). A summary of regionally occurring federal listed species in the vicinity of the project site based on the USFWS file data, a description of habitat requirements, and a rationale as to whether the species has the potential to occur within the project site is provided in **Attachment 3**. Presence of species or their habitat was evaluated during the July 2010 biological survey. Species without the potential to occur in the project site are not further discussed. A five-mile radius map for state and federal listed special status species is provided as **Figure 4**. The project site does not occur within designated critical habitat for any federal listed species. The project site does not occur within the boundaries of the MHCP (**Figure 5**).

Federal Listed Plants

San Diego Thornmint (*Acanthomintha ilicifolia*)

Federal Status – Threatened

This species is an annual herb found usually on clay soils in chaparral, coastal scrub, valley and foothill grassland, and vernal pools from 10 to 960 meters. The blooming period is from April through June. This species is known from San Diego and Baja California (CNPS, 2010). There is one CNDDB record for San Diego thornmint within five miles of the project site. The record is from 1990 and is approximately 2.5 miles southwest of the project site (CNDDB record number: 49). The record states

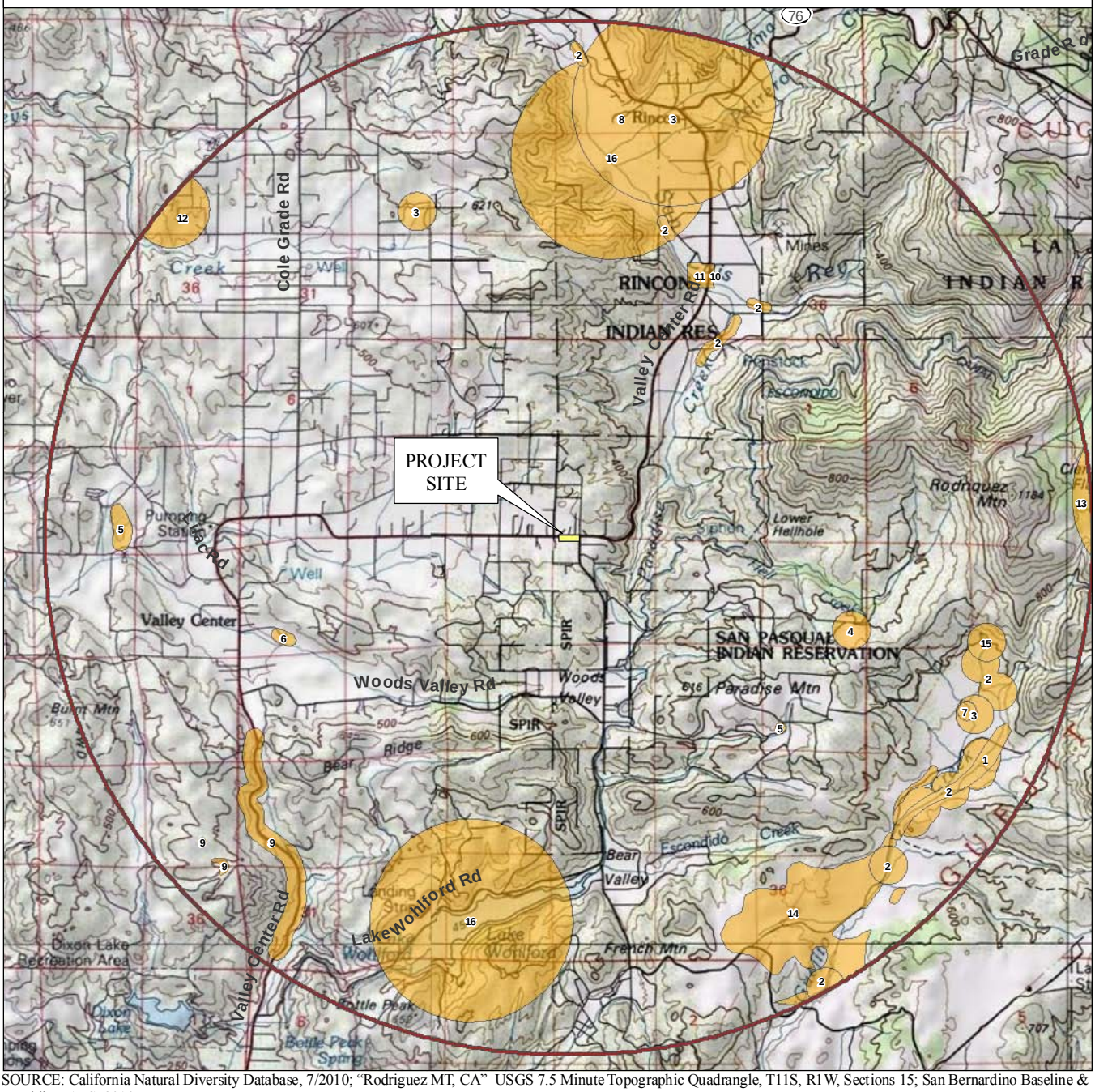
SPECIAL STATUS SPECIES DATA

9-Acre Site | 5-Mile Radius | CNDDB Occurrences

NORTH

Feet: 0 — 4,000 — 8,000

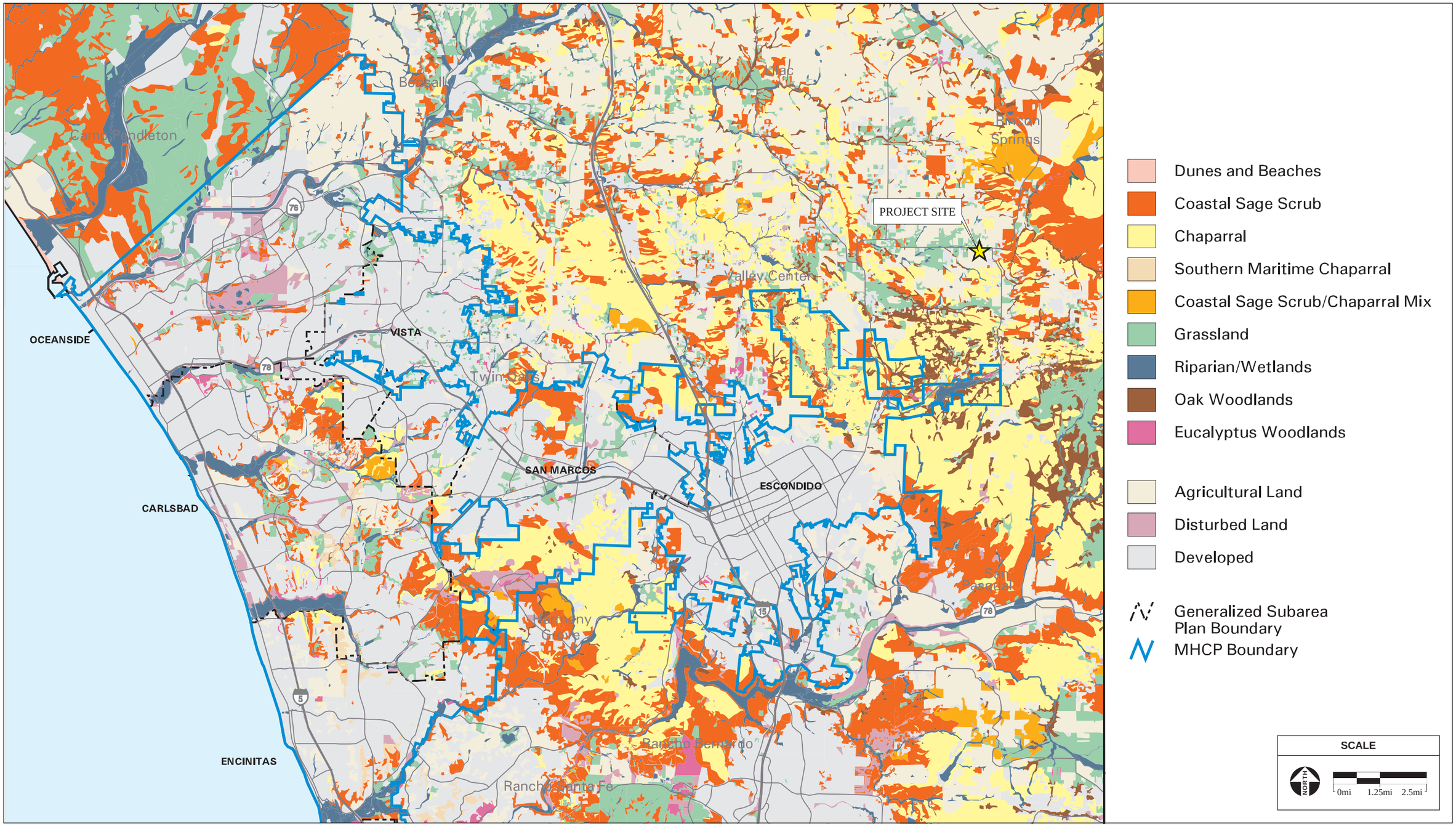
1 - arroyo chub	5 - coastal whiptail	9 - Orcutt's brodiaea	13 - Ramona horkelia
2 - arroyo toad	6 - least Bell's vireo	10 - pallid bat	14 - Stephens' kangaroo rat
3 - coast horned lizard	7 - northwestern San Diego pocket mouse	11 - pocketed free-tailed bat	15 - two-striped garter snake
4 - coastal California gnatcatcher	8 - orangethroat whiptail	12 - Rainbow manzanita	16 - western pond turtle



SOURCE: California Natural Diversity Database, 7/2010; "Rodriguez MT, CA" USGS 7.5 Minute Topographic Quadrangle, T11S, R1W, Sections 15; San Bernardino Baseline & Meridian; AES, 2010

Figure 4

CNDDB 5-Mile Radius Map



SOURCE: SANDAG, 2003; AES, 2010

Figure 5
MHCP Boundary

that the seed and soil were transplanted to the project site outside its native habitat and range. Although the species is usually found on clay soils within valley and foothill grassland, the sandy loam soils within the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the project site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. San Diego thornmint has a low potential to occur within the project site.

Thread-Leaved Brodiaea (*Brodiaea filifolia*)
Federal Status – Threatened

This species is usually found on clay soils within chaparral, occasionally in openings, cismontane woodland, coastal scrub, playas, valley and foothill grassland, and vernal pools from 25 to 1,219 meters. The blooming period is from March through June (CNPS, 2010). There are no documented CNDDB records for thread-leaved brodiaea within five miles of the project site. Although the species is usually found on clay soils within valley and foothill grassland, the sandy loam soils within the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the project site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. Thread-leaved brodiaea has a low potential to occur within the project site.

San Diego Button Celery (*Eryngium aristulatum* var. *parishii*)
Federal Status – Endangered

This species is an annual to perennial herb usually found in mesic vernal pools, valley and foothill grassland, and coastal scrub from 20 to 620 meters. The blooming period is from April through June (CNPS, 2010). There are no CNDDB records for San Diego button celery within five miles of the project site. Although the species is usually found on clay soils and within valley and foothill grassland, the sandy loam soils within the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. This species was not observed during the July 20, 2010 biological survey. Because the July 20, 2010 biological survey of the project site was conducted outside the evident and identifiable period for this species, it may have been present and not detected. San Diego button celery has a low potential to occur within the project site.

Federal Listed Wildlife

Stephens' Kangaroo Rat (*Dipodomys stephensi*)
Federal Status: Endangered

Stephens' kangaroo rat is found in sagebrush and grassy patches on sandy or gravelly soils. Stephens' kangaroo rat is known from the San Jisinto Valley of San Diego, Riverside, and San Bernardino counties (Jameson and Peeters, 2004). There are three documented CNDDB records for Stephens' kangaroo rat within five miles of the project site. The nearest CNDDB record that is presumed extant is from 2004 and is approximately 2.6 miles northeast of the project site (occurrence number: 226). The record states that

100 individuals were trapped in 73 locations in native grasslands, elevated areas, well drained hillsides, ridges, saddles, trails, dirt roadways, and adjacent lands in a trapping study (CDFG, 2003). Although the species is usually found in sagebrush habitat types, the weedy vegetation of the ruderal/disturbed areas may provide marginal habitat for this species. However, given that the project site is highly disturbed and is surrounded by development, it is unlikely that this species would occur within the project site. This species was not observed during the biological survey of the project site. Although unlikely, this species has a low potential to occur within the project site.

Migratory Birds and Birds of Prey

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) protects migratory birds by making it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). No birds were observed nesting during the July 20, 2010 biological survey of the project site. Migratory birds and other birds of prey have the potential to nest within the ornamental shrubs and trees within the project site.

Summary of Findings and Recommendations

The proposed project has the potential to adversely affect nest sites for federal protected migratory birds and other birds of prey. Although unlikely, the ruderal/disturbed areas still provide marginal habitat for San Diego thornmint, thread-leaved brodiaea, San Diego button celery, and Stephens' kangaroo rat even though their preferred soil and habitat types do not occur within the project site. None of these species were observed within the project site during the July 20, 2010 biological survey. Despite the low likelihood that the proposed project would result in adverse effects to these species given the high level of disturbance and the lack of preferred habitat, precautionary mitigation may be implemented to ensure that the proposed project would not result in adverse effects to these federal listed species.

References

Analytical Environmental Services (AES). 2010. Environmental Assessment for the San Pasqual 9-Acre Project Site, San Diego, California.

California Department of Fish and Game (CDFG), 2003. RareFind 3 Version 3.1.0, California Natural Diversity Data Base. Fresno, California. Accessed on August 12, 2010.

California Native Plant Society (CNPS), 2010. Inventory of Rare and Endangered Plants. Online edition, v6-05c. California Native Plant Society. Fresno, California. Accessed from: http://www.cnps.org/inventory. Accessed on August 10, 2010.

Cornell Lab of Ornithology, 2009. The Birds of North America. Accessed from: http://bna.birds.cornell.edu/BNA. Accessed on August 10, 2010.

County of San Diego, 2003. North County Multiple Habitat Conservation Program. Environment; Open Space/Habitat Preservation. Prepared by Sandbag. Approved in 2004.

Ehrlich, P. R., D. S. Dobkin, and D. Wheye, 1992. Birds in Jeopardy: the Imperiled and Extinct Birds of the United States and Canada, Including Hawaii and Puerto Rico. Stanford University Press, Stanford, California. 259 pp.

Eriksen, C. and D. Belk, 1999. Fairy Shrimps of California's Puddles, Pools, and Playas. Mad River Press, Inc. Eureka, California.

Jameson, E.W., Jr. and H.J. Peeters, 2004. Mammals of California, rev. ed. University of California Press, Berkeley, California.

Matthews, J.R. and C.J. Moseley (eds.), 1990. The Official World Wildlife Fund Guide to Endangered Species of North America. Volume 1. Plants, Mammals. xxiii + pp 1-560 + 33 pp. Appendix + 6 pp. glossary + 16 pp. index. Volume 2. Birds, Reptiles, Amphibians, Fishes, Mussels, Crustaceans, Snails, Insects, and Arachnids. xiii + pp. 561-1180. Beacham Publications, Inc., Washington, D.C.

NatureServe, 2009. NatureServe Explorer: An Online Encyclopedia of Life [Web Application]. Version 7.1. NatureServe, Arlington, Virginia. Available at: http://www.natureserve.org/explorer. Accessed on August 10, 2010.

U.S. Fish and Wildlife Service (USFWS), 1994. Determination of Endangered Status for the Pacific Pocket Mouse. Federal Register 59(188): 49752-49764. September 29, 1994.

Vanasse Hangen Brustlin, Inc., 2009. Biological Assessment for the San Pasqual 9-Acre Project Site, San Diego, California.

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ATTACHMENTS

ATTACHMENT 1

USFWS LIST

Attachment 1: U. S. Fish and Wildlife Service (USFWS) list of federal listed special-status species known to occur within San Diego County and surrounding counties (USFWS, 2010)

Scientific Name	Common Name	Taxon Abbrev.	Lead Office	Fed. Status	CH	R.P.	5yr Rev	LA	O	SB	Riv	SD	Imp	Listing Fed Reg	Date Listed
PLANTS															
Acanthoscyphus (Oxytheca) parishii var. goodmaniana [1]	Cushenbury oxytheca	ACPAGO	CFWO	E	f-02	D2	2009			X				59:43652	24-Aug-94
Acanthomintha ilicifolia	San Diego thornmint	ACIL	CFWO	T	f-08		2009					X		63:54937	13-Oct-98
Acmispon (Lotus) dendroideus var. traskiae	San Clemente Island lotus	LODETR	CFWO	E		F 84	2007	X						42:40682	11-Aug-77
Allium munzii	Munz's onion	ALMU	CFWO	E	f-05		2009				X			63:54975	13-Oct-98
Ambrosia pumila	San Diego ambrosia	AMPU	CFWO	E	p-09		in prep.				X	X		67:44372	2-Jul-02
Arctostaphylos glandulosa subsp. crassifolia	Del Mar manzanita	ARGLCR	CFWO	E			in prep.					X		61:52370	7-Oct-96
Arenaria paludicola	marsh sandwort	ARPA	VFWO	E		F 98	2008	X		X				58:41378	3-Aug-93
Arenaria ursina	Bear Valley sandwort	ARUR	CFWO	T	f-07		2008			X				63:49006	14-Sep-98
Astragalus albens	Cushenbury milk-vetch	ASAL	CFWO	E	f-02	D2	2009			X				59:43652	24-Aug-94
Astragalus brauntonii	Braunton's milk-vetch	ASBR	VFWO	E	f-06	F 99	2009	X	X		X			62:4172	29-Jan-97
Astragalus lentiginosus var. coachellae	Coachella Valley milk-vetch	ASLECO	CFWO	E	f-05		2009				X			63:53596	6-Oct-98
Astragalus magdalenae var. peirsonii	Peirson's milk-vetch	ASMAPE	CFWO	T	f-08		2008						X	63:53596	6-Oct-98
Astragalus pycnostachyus var. lanosissimus	Ventura marsh milk-vetch	ASPYLA	VFWO	E	f-04		in prep.	X	X					66:27901	21-May-01
Astragalus tener var. titi	coastal dunes milk-vetch	ASTETI	VFWO	E		D	2009	X				X		63:43100	12-Aug-98
Astragalus tricarinatus	triple-ribbed milk-vetch	ASTR	CFWO	E			2009			X	X			63:53596	6-Oct-98
Atriplex coronata var. notatior	San Jacinto Valley crownscale	ATCONO	CFWO	E	f-05		2008				X			63:54975	13-Oct-98
Baccharis vanessae	Encinitas baccharis	BAVA	CFWO	T			in prep.					X		61:52370	7-Oct-96
Berberis nevinii	Nevin's barberry	BENE	CFWO	E	f-08		2009	X		X	X	X		63:54956	13-Oct-98
Brodiaea filifolia	thread-leaved brodiaea	BRFI	CFWO	T	pr-09		2009	X	X	X	X	X		63:54975	13-Oct-98
Castilleja cinerea	ash-gray Indian paintbrush	CACI	CFWO	T	f-07		2008			X				63:49006	14-Sep-98
Castilleja grisea	San Clemente Island Indian paintbrush	CAGR	CFWO	E		F 84	2007	X						42:40682	11-Aug-77
Ceanothus ophiochilus	Vail Lake ceanothus	CEOP	CFWO	T	f-07		2008				X			63:54956	13-Oct-98
Cercocarpus traskiae	Catalina Island mountain-mahogany	CETR	CFWO	E			2007	X						62:42692	8-Aug-97

Chloropyron maritimum (Cordylanthus maritimus) var. maritimum (subsp. maritimus) [1]	salt marsh bird's beak	CHMAMA	CFWO	E		F 85	2009	X	X			X	43:44809	28-Sep-78
Chorizanthe orcuttiana	Orcutt's spineflower	CHOR	CFWO	E			2008					X	61:52370	7-Oct-96
Chorizanthe parryi var. fernandina	San Fernando Valley spineflower	CHPAFE	VFWO	C				X	X	X			64:57533	25-Oct-99
Deinandra (Hemizonia) conjugens [1]	Otay tarplant	DECO	CFWO	T	f-02	F 04	2009					X	63:54937	13-Oct-98
Delphinium variegatum subsp. kinkiense	San Clemente Island larkspur	DEVAKI	CFWO	E		F 84	2008	X					42:40682	11-Aug-77
Dodecahema (Centrostegia) leptoceras [1]	slender-horned spineflower	DOLE	CFWO	E			in prep.	X		X	X		52:36265	28-Sep-87
Dudleya cymosa subsp. ovatifolia	Santa Monica Mountains dudleya	DUCYOV	VFWO	T		F 99	in prep.	X	X				62:4172	29-Jan-97
Dudleya stolonifera	Laguna Beach live-forever	DUST	CFWO	T			in prep.		X				63:54937	13-Oct-98
Eriastrum densifolium subsp. sanctorum	Santa Ana River woolly-star	ERDESA	CFWO	E			in prep.		X	X	X		52:36265	28-Sep-87
Erigeron parishii	Parish's daisy	ERPA	CFWO	T	f-02	D2	2009			X	X		59:43652	24-Aug-94
Eriogonum kennedyi var. austromontanum	southern mountain wild buckwheat	ERKEAU	CFWO	T	f-07		2008			X			63:49006	14-Sep-98
Eriogonum ovalifolium var. vineum	Cushenbury buckwheat	EROVVI	CFWO	E	f-02	D2	2009			X			59:43652	24-Aug-94
Eryngium aristulatum var. parishii	San Diego button celery	ERARPA	CFWO	E		F 98	in prep.				X	X	58:41384	3-Aug-93
Fremontodendron mexicanum	Mexican flannelbush	FRME	CFWO	E	f-07		2009					X	63:54956	13-Oct-98
Hazardia orcuttii	Orcutt's hazardia	HOAR	CFWO	C								X	69:24876	4-May-04
Helianthemum greenei	Island rush-rose	HEGR	VFWO	T		F 00	in prep.	X					62:40954	31-Jul-97
Lithophragma maximum	San Clemente Island woodland star	LIMA	CFWO	E		F 84	2007	X					62:42692	8-Aug-97
Malacothamnus clementinus	San Clemente Island bush mallow	MACL	CFWO	E		F 84	2007	X					42:40682	11-Aug-77
Monardella linoides subsp. viminea	willowy monardella	MOLIVI	CFWO	E	f-06		2008					X	63:54937	13-Oct-98
Navarretia fossalis	spreading navarretia	NAFO	CFWO	T	f-05	F 98	2009	X			X	X	63:54975	13-Oct-98
Orcuttia californica	California Orcutt grass	ORCA	CFWO	E		F 98	in prep.	X			X	X	58:41384	3-Aug-93
Pentachaeta lyonii	Lyon's pentachaeta	PELY	VFWO	E		F 99	2008	X					62:4172	29-Jan-97
Phacelia stellaris	Brand's phacelia	PHST	CFWO	C				X			X	X	69:24876	4-May-04
Physaria (Lesquerella) kingii subsp. bernardina [1]	San Bernardino Mountains bladderpod	PHKIBE	CFWO	E	f-02	D2	2009			X			59:43652	24-Aug-94
Poa atropurpurea	San Bernardino bluegrass	POAT	CFWO	E	f-08		2008			X		X	63:49006	14-Sep-98
Pogogyne abramsii	San Diego mesa mint	POAB	CFWO	E		F 98	in prep.					X	43:44809	28-Sep-78
Pogogyne nudiuscula	Otay mesa mint	PONU	CFWO	E		F 98	in prep.					X	58:41384	3-Aug-93
Rorippa gambellii	Gambel's watercress	ROGA	VFWO	E		F 98	in prep.	X	X	X		X	58:41378	3-Aug-93
Sibara filifola	Santa Cruz Island rock-cress	SIFI	CFWO	E			2006	X					62:42692	8-Aug-97
Sidalcea pedata	pedate checker-mallow	SIPE	CFWO	E		F 98	in prep.			X			49:34497	31-Aug-84

Taraxacum californicum	California taraxacum	TACA	CFWO	E	f-08		2008			X				63:49006	14-Sep-98
Thelypodium stenopetalum	slender-petaled mustard	THST	CFWO	E		F 98	in prep.			X				49:34497	31-Aug-84
Trichostema austromontanum subsp. compactum	Hidden Lake bluecurls	TRAUCO	CFWO	T	np-07		2006				X			63:49006	14-Sep-98
Verbesina dissita	big-leaved crown beard	VEDI	CFWO	T			in prep.		X					61:52370	7-Oct-96
INVERTEBRATES															
Branchinecta lynchi	vernal pool fairy shrimp	VPFS	SAC	T	f-03		2007				X			59:48153	19-Sep-94
Branchinecta sandiegonensis	San Diego fairy shrimp	SDFS	CFWO	E	fr-07	F 98	2008		X			X		62:4925	3-Feb-97
Dinacoma caseyi	Casey's June beetle	CJB	CFWO	pE	p-09						X			74:32857	9-Jul-09
Euphilotes battoides allyni	El Segundo blue butterfly	ESB	CFWO	E		F 98	2008	X						41:22041	1-Jun-76
Euphydryas editha quino	Quino checkerspot butterfly	QCB	CFWO	E	fr-09	F 03	2009		X	X	X	X		62:2313	16-Jan-97
Glaucopsyche lygdamus palosverdesensis	Palos Verdes blue butterfly	PVB	CFWO	E	f-80	F 84	2008	X						45:44939	2-Jul-80
Pyrgus ruralis lagunae	Laguna Mountains skipper	LMS	CFWO	E	f-06		2007					X		62:2313	16-Jan-97
Rhaphiomidas terminatus abdominalis	Delhi Sands flower-loving fly	DSF	CFWO	E		F 97	2008			X	X			58:49887	23-Sep-93
Streptocephalus wootoni	Riverside fairy shrimp	RFS	CFWO	E	f-05	F 98	2008	X	X		X	X		58:41391	3-Aug-93
FISH															
Catostomus santaanae	Santa Ana sucker	SAS	CFWO	T	pr-09		in prep	X	X	X	X			65:19686	12-Apr-00
Cyprinodon macularius	desert pupfish		R02	E	f-86	F 93					X	X	X	51:10850	31-Mar-86
Eucyclogobius newberryi	tidewater goby	TWG	VFWO	E	fr-08	D 04	2007		X			X		59:5494	4-Feb-94
Gasterosteus aculeatus williamsoni	unarmored threespine stickleback		VFWO	E	p-80	F 85	2009	X		X		X		35:16047	13-Oct-70
Gila bicolor mohavensis	Mohave tui chub		VFWO	E		F 84	2009			X				35:16047	13-Oct-70
Gila elegans	bonytail chub		R06	E	f-94	F 90				X	X		X	45:27713	23-Apr-80
Oncorhynchus mykiss	southern steelhead (So Cal DPS)		R09	E				X	X			X		71:833	5-Jan-06
Ptychocheilus lucius	Colorado squawfish		R06	E	f-94	F 91				X	X		X	50:30194	24-Jul-85
Xyrauchen texanus	razorback sucker		R06	E	f-94					X	X		X	56:54967	23-Oct-91
AMPHIBIANS															
Anaxyrus californicus (B. microscaphus c.) [1]	arroyo toad (a. southwestern t.)	ARTO	VFWO	E	pr-09	F 99	2009	X	X	X	X	X		59:64866	16-Dec-94
Batrachoseps aridus	desert slender salamander	DSS	CFWO	E		F 82	2009				X			38:14678	4-Jun-73
Rana draytoni	California red-legged frog	CRLF	SAC	T	pr-08	F 02		X	X	X	X	X		61:25832	23-May-96
Rana muscosa (So Cal DPS)	mountain yellow-legged frog	MYLF	CFWO	E	f-06			X		X	X			67:44382	2-Jul-02

REPTILES														
Gopherus agassizii	desert tortoise	DETO		T	f-94	F 94			X	X		X	55:12191	2-Apr-90
Phrynosoma mcallii	flat-tailed horned lizard	FTHL	CFWO	pT						X	X	X	58:62624	29-Nov-93
Uma inornata	Coachella Valley fringe-toed lizard	CVFTL	CFWO	T	f-80	F 85	in prep.			X			45:63812	25-Sep-80
Xantusia riversiana	island night lizard	INL	CFWO	T		F 84	2006	X					42:40685	11-Aug-77
BIRDS														
Amphispiza belli clementeae	San Clemente sage sparrow	SCSS	CFWO	T		F 84	2009	X					42:40685	11-Aug-77
Brachyramphus marmoratus	marbled murrelet	MAMU	POR	T	pr-08	F 97		X			X		57:45337	1-Oct-92
Charadrius alexandrinus nivosus	western snowy plover	WSP	SAC	T	fr-05	D 01	2006	X	X		X		58:12874	5-Mar-93
Coccyzus americanus	yellow-billed cuckoo	YBCU	SAC	C				X	X	X	X	X	66:38611	25-Jul-01
Empidonax traillii extimus	southwestern willow flycatcher	SWFL	R02	E	fr-05	D		X	X	X	X	X	60:10715	27-Feb-95
Gymnogyps californianus	California condor	CACO	VFO	E		F 96		X		X		X	61:54057	16-Oct-96
Haliaeetus leucocephalus	bald eagle	BAEA	R03	PDM		F 86		X	X	X	X	X	60:36010	12-Jul-95
Lanius ludovicianus mearnsi	San Clemente loggerhead shrike	SCLS	CFWO	E		F 84	2009	X					42:40685	11-Aug-77
Pelecanus occidentalis	brown pelican	BRPE	VFWO	PDM	pde-08	F 83	2007	X	X	X	X	X	50:4945	4-Feb-85
Phoebastria albatrus	short-tailed albatross	STAL	JFO	E				X	X			X	65:46643	31-Jul-00
Polioptila californica californica	coastal California gnatcatcher	CAGN	CFWO	T	fr-07		in prep.	X	X	X	X	X	58:16757	30-Mar-93
Rallus longirostris levipes	light-footed clapper rail	LFCR	CFWO	E		F 85	2009	X	X			X	35:16047	13-Oct-70
Rallus longirostris yumanensis	Yuma clapper rail	YUCR	R02	E					X	X		X	32:4001	11-Mar-67
Sternula (Sterna) antillarum browni [1]	California least tern	CLT	CFWO	E		F 85	2006	X	X		X	X	X	35:8495	2-Jun-70
Vireo bellii pusillus	least Bell's vireo	LBV	CFWO	E	fr-94	D 98	2006	X	X	X	X	X	X	51:16482	2-May-86
MAMMALS														
Dipodomys merriami parvus	San Bernardino kangaroo rat	SBKR	CFWO	E	fr-08		2009	X		X	X			63:51005	24-Sep-98
Dipodomys stephensi	Stephens' kangaroo rat	SKR	CFWO	E		D 97	in prep.			X	X	X		53:38469	30-Sep-88
Enhydra lutris nereis	southern sea otter	SSO	VFO	T/X*		D 00		X	X			X		52:29780	11-Aug-87
Ovis canadensis nelsoni	Peninsular bighorn sheep	PBS	CFWO	E	fr-09	F 00	in prep.				X	X	X	63:13134	18-Mar-98
Perognathus longimembris pacificus	Pacific pocket mouse	PPM	CFWO	E		F 98	in prep.	X	X			X		59:49752	29-Sep-94
Spermophilus tereticaudus chlorus	Palm Springs ground squirrel		CFWO	C							X			64:57534	25-Oct-99
Urocyon littoralis catalinae	Santa Catalina Island fox	CAIF	CFWO	E	D-05			X						69:10335	5-Mar-04

Status: E = Federally endangered; T = Federally threatened; C = Federal candidate for listing; P = proposed; PDM=subject to post delisting monitoring

XN: Experimental population; * southern

sea otter first listed as threatened Jan. 14,
1977 42:2968

CH = Critical Habitat: p = Proposed; f = Designated; np=Not Prudent; pr = Proposed Revised; fr = Final Revised; W* = proposal withdrawn

RP = Recovery Plan: F= Final, D= Draft

County Reported: LA = Los Angeles; O = Orange; SB = San Bernardino; Riv = Riverside; SD = San Diego; Imp = Imperial

Note: Santa Catalina Isl. and San Clemente
Isl. Are in L.A. County

[1] Name under which the species was listed is in parentheses. This form should be cited at least in the beginning of a document, otherwise use the current name throughout.

March 1, 2010

ATTACHMENT 2

PLANTS AND WILDLIFE SPECIES OBSERVED

ATTACHMENT 2

Plants Observed Within
the
Nine-Acre San Pasqual Project Site

July 20, 2010

(*) Asterisk indicates a non-native sp.
(+) Plus indicates cultivated or ornamental sp.

Family	Scientific Name	Common Name	*
Anacardiaceae	*Schinus* sp.	Pepper tree	I
Arecaceae	*Washingtonia* sp.	Fan palm	--
Asteraceae	*Ambrosia* sp.	Ragweed	
Asteraceae	*Artemisia californica*	California sagebrush	N
Asteraceae	*Ericameria cooperi*	Cooper's goldenbush	N
Asteraceae	*Grindelia* sp.	Gumplant	--
Asteraceae	*Helianthus* sp.	Sunflower	N
Asteraceae	*Hypochaeris glabra*	Smooth cat's ear	I
Asteraceae	*Lactuca serriola*	Prickly lettuce	I
Brassicaceae	*Brassica nigra*	Black mustard	I
Brassicaceae	*Brassica* sp.		--
Chenopodiaceae	*Salsola tragus*	Russian thistle	I
Euphorbiaceae	*Eremocarpus setigerus*	Dove weed; Turkey	N
Fabaceae	*Lotus scoparius*	California broom	N
Fabaceae	*Medicago sativa*	Alfalfa	I
Fabaceae	*Parkinsonia aculeate*	Mexican Palo Verde	N
Fabaceae	*Trifolium variegatum*	Clover	N
Fabaceae	*Vicia villosa ssp. villosa*	Hairy vetch	I
Hydrophyllaceae	*Phacelia californica*		N
Onagraceae	*Epilobium canum*	Zauschneria	N
Plantaginaceae	*Plantago lanceolata*	English plantain	I
Poaceae	*Avena fatua*	Wild oat	I
Poaceae	*Bromus diandrus*	Ripgut grass	I
Poaceae	*Bromus hordeaceus*	Soft brome	I
Poaceae	*Bromus tectorum*	Cheat grass	I
Poaceae	*Bromus tectorum*	Cheat grass	I
Poaceae	*Cynodon dactylon*	Bermuda grass	I
Poaceae	*Cynosurus echinatus*	Hedgehog dogtail	I
Poaceae	*Lolium multiflorum*	Italian ryegrass	I
Poaceae	*Panicum capillare*	Witchgrass	N
Poaceae	*Phalaris* sp.		--
Poaceae	*Vulpia* sp.		--
Polygonaceae	*Eriogonum fasciculatum var. fasciculatum*	California buckwheat	N
Polygonaceae	*Rumex crispus*	Curly dock	I
Portulacaceae	*Portulaca oleracea*	Common purslane	I
Zygophyllaceae	*Tribulus terrestris*	Puncture vine	I

Wildlife Observed Within
the
Nine-Acre San Pasqual Project Site

July 20, 2010

SCIENTIFIC NAME	COMMON NAME
BIRDS*	
Cathartes aura	Turkey vulture
Corvus brachyrhynchos	American crow
Hirundo rustica	Barn swallow
Mimus polyglottos	Northern mockingbird
Sturnella neglecta	Western meadowlark
ANIMALS	
Sceloporus occidentalis (	Western fence lizard
Spermophyllis beecheyi	California ground squirrel
Sylvilagus audubonii	Audubon's cottontail

All birds were observed foraging within the project site. No birds were observed nesting.

ATTACHMENT 3

REGIONALLY OCCURRING FEDERAL LISTED SPECIES

Attachment 3

REGIONALLY OCCURRING FEDERALLY THREATENED OR ENDANGERED SPECIES FOR SAN DIEGO COUNTY, CALIFORNIA

Species	Status	Habitat	Potential To Occur Within Project Site
PLANTS			
Acanthomintha ilicifolia San Diego thornmint	T	Clay soils within coastal sage scrub, chaparral, native grassland, and vernal pools. Blooms April through June (CNPS, 2010).	Yes. See text.
Ambrosia pumila San Diego ambrosia	E	Often in disturbed areas, sometimes alkaline, in chaparral, coastal scrub, native grasslands, and vernal pools. Blooms April through October (CNPS, 2010).	Yes. However, the July 20, 2010 biological survey was conducted within the evident and identifiable blooming period for this species. This species was not observed within the project site. This species does not occur within the project site.
Arctostaphylos glandulosa subsp. *crassifolia* Del Mar manzanita	E	Often found in sandy, maritime areas in chaparral. Blooms December through June (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Astragalus magdalenae var. *peirsonii* Peirson's milk-vetch	T	Found in desert dunes. Blooms December through April (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Astragalus tener var. *titi* coastal dunes milk-vetch	E	Often vernally mesic areas of coastal bluff scrub, occasionally in sandy soils, coastal dunes, and coastal prairie. Blooms March through May (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Baccharis vanessae Encinitas baccharis	T	Usually found on sandstone soils within cismontane woodland and chaparral, occasionally maritime influenced. Blooms August through November (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Berberis nevinii Nevin's barberry	E	Usually found on sandy or gravelly soils within chaparral, cismontane woodland, coastal scrub, and riparian scrub. Blooms March through June (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Brodiaea filifolia thread-leaved brodiaea	T	Usually found on clay soils within chaparral, occasionally in openings, cismontane woodland, coastal scrub, playas, valley and foothill grassland, and vernal pools. Blooms March through June (CNPS, 2010).	Yes. See text.
Chorizanthe orcuttiana Orcutt's spineflower	E	Usually in sandy openings of closed-cone coniferous forest, chaparral that is occasionally maritime, and coastal scrub. Blooms March through May (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Cordylanthus maritimus subsp. *maritimus* salt marsh bird's beak	E	Found in coastal dunes and marshes and swamps, occasionally in coastal salt. Blooms May through October (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Deinandra (=Hemizonia) conjugens Otay tarplant	T	Usually found in clay soils within coastal scrub and valley and foothill grassland from 82 to 984 feet (25 to 300 meters). Blooms May through June (CNPS, 2010).	No. The project site occurs more than 500 feet outside of the known elevational range.
Eryngium aristulatum var. *parishii* San Diego button celery	E	Usually found in mesic vernal pools, valley and foothill grassland, and coastal scrub. Blooms April through June (CNPS, 2010).	Yes. See text.
Fremontodendron mexicanum Mexican flannelbush	E	Usually found on gabbroic, metavolcanic, or serpentinite substrate in closed-cone coniferous forest, chaparral, and montane woodland. Blooms March through June (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Hazardia orcuttii Orcutt's hazardia	C	Often found on clay soils in coastal scrub and chaparral, which is occasionally maritime. Blooms 80 to 85 meters (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Monardella linoides ssp. *viminea* willowy monardella	E	Usually found in alluvial ephemeral washes in chaparral, coastal scrub, and riparian forest, scrub, and woodland. Blooms June through August (CNPS,	No. The project site does not contain habitat for this species. This species does not occur within the project site.

Species	Status	Habitat	Potential To Occur Within Project Site
		2010).	
Navarretia fossalis spreading navarretia	T	Found in vernal pools, chenopod scrub, marshes and swamps, occasionally in assorted shallow freshwater, and playas. Blooms April through June (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Orcuttia californica California Orcutt grass	E	Found in vernal pools. Blooms April through August (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Phacelia stellaris Brand's phacelia	C	Found in coastal dunes and sandy washes in Diegan sage scrub (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Poa atropurpurea San Bernardino bluegrass	E	Usually found in mesic areas along meadows and seeps at 5,000 to 7,500 feet (1,360 to 2,455 meters). Blooms May through July (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Pogogyne abramsii San Diego mesa mint	E	Found in vernal pools. Blooms March through July (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Pogogyne nudiuscula Otay mesa mint	E	Found in vernal pools. Blooms May through July (CNPS, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Rorippa gambellii Gambel's watercress	E	Occasionally found freshwater or brackish water in marshes and swamps. Blooms April through October (CNPS, 2010)..	No. The project site does not contain habitat for this species. This species does not occur within the project site.
FISH			
Cyprinodon macularius desert pupfish	E	Found in seeps and slow moving streams in Salton Sink basin.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Eucyclogobius newberryi tidewater goby	E	Found in small coastal lagoons, lower reaches of streams and upper portions of bays.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Gasterosteus aculeatus williamsoni unarmored threespine stickleback	E	Clear, slow-flowing streams with sand or mud substrate, water temperature less than 24 °C, and abundant aquatic vegetation; occurs in deeper pools with slow current or, in stronger currents, behind obstructions. Lack of turbidity is a requirement. Juveniles congregate in backwaters among aquatic plants (Matthews and Moseley, 1990). Known from Los Angeles, San Bernardino, San Diego, Santa Barbara, Ventura counties (NatureServe, 2009).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Oncorhynchus mykiss southern steelhead	E	Found in cool, clear, fast-flowing permanent streams and rivers with riffles and ample cover from riparian vegetation or overhanging banks. Spawning occurs in streams with pool and riffle complexes. Requires cold water and gravelly streambed to breed (Moyle, 2002).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
AMPHIBIANS			
Bufo californicus (=B. microscaphus c.) arroyo toad	E	Found in washes, arroyos, and streams with low and moderate gradients and pools. Upland habitat includes adjacent desert, shrubland/chaparral, and woodland – hardwood. Inhabits sandy banks in riparian woodlands (willow, cottonwood, sycamore, and/or coast live oak). Adults obtain shelter by burrowing into sandy soil and may occur up to 2 km from the streams used for breeding, but most often within 0.5 km of the streams. Adults are nocturnal except during the breeding season and are active at temperatures from 71.6 to 95°F (NatureServe, 2009).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Rana aurora draytoni California red-legged frog	T	Found in permanent and temporary pools of streams, marshes, and ponds with dense grassy and/or shrubby vegetation from 0 to 1,500 meters (NatureServe,	No. The project site does not contain habitat for this species. This species does not occur within the project site.

Species	Status	Habitat	Potential To Occur Within Project Site
		2009).	
BIRDS			
Brachyramphus marmoratus marbled murrelet	T	Found in near shore areas, estuaries, sounds.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Charadrius alexandrinus nivosus western snowy plover	T	Found in beaches, dry mud flats, sandy shores of rivers, lakes, ponds.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Charadrius montanus mountain plover	W*	Found in xeric tablelands with sparse, low vegetation.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Coccyzus americanus yellow-billed cuckoo	C	Found in dense riparian woodlands.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Empidonax traillii extimus southwestern willow flycatcher	E	Found in willow thickets.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Gymnogyps californianus California condor	E	Inhabits a wide range of habitats with relatively open areas and adequate food supplies. Topographic relief is also required to provide uplift for takeoff and flight.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Haliaeetus leucocephalus bald eagle	PDM	Found in various habitats near large bodies of water.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Pelecanus occidentalis brown pelican	E	Found in offshore islands, emergent rocks, sand spits, sand bars.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Phoebastria albatrus short-tailed albatross	E	Found in pelagic; ground nesting project sites various.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Polioptila californica californica coastal California gnatcatcher	T*	Found in coastal sage scrub.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Rallus longirostris levipes light-footed clapper rail	E	Found in coastal wetlands.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Sternula (=Sterna) antillarum browni California least tern	E	Nests on open, flat beaches along lagoon or estuary margins; sometimes on mud or sand flats a distance from the ocean or on artificial islands created from dredge spoils (Ehrlich et al. 1992). Breeds along the Pacific coast from central California to southern Baja California (NatureServe, 2009).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Vireo bellii pusillus least Bell's vireo	E	Occupies dense, low, shrubby vegetation, early successional stages in riparian area, brushy fields, young second-growth forest or woodland, scrub oak, coastal chaparral, and mesquite brushlands. Usually found near water, in riparian areas and thickets along dry intermittent streams. The most critical structural component is a dense shrub layer for breeding from 0.6 to 3 meters above ground (Cornell Lab of Ornithology, 2010).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
MAMMALS			
Dipodomys stephensi Stephens' kangaroo rat	E	Found in sagebrush and grassy patches on sandy or gravelly soils (Jameson and Peeters, 2004).	Yes. See text.
Enhydra lutris nereis southern sea otter	T/X*	Found in coastal waters near shore.	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Ovis canadensis peninsular bighorn	E	Found in eastern slopes of Sierra Nevada.	No. The project site does not contain habitat for this species. This species does not occur

Species	Status	Habitat	Potential To Occur Within Project Site
sheep			within the project site.
Perognathus longimembris pacificus Pacific pocket mouse	E	Found in shrublands with firm sandy soil: fine-grain, sandy substrates in the immediate vicinity of the ocean; coastal strand, coastal dunes, river alluvium, and coastal sage scrub growing on marine terraces (USFWS 1994).	No. The project site does not contain habitat and is outside the geographical range for this species. This species does not occur within the project site.
INVERTEBRATES			
Branchinecta sandiegonensis San Diego fairy shrimp	E	Found in Southern California coastal vernal pools (Eriksen and Belk, 1999).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Euphydryas editha quino Quino checkerspot butterfly	E	Found in open chaparral, juniper woodland, chaparral and coastal sage scrub, and native grassland with host plants *Plantago erecta* and *Plantago hookeriana* var. *californica* (NatureServe, 2009).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Pyrgus ruralis lagunae Laguna Mountains skipper	E	Found usually in wet montane meadows up to 1,800 meters in yellow pine forests. Females lay their eggs on the understory of its host plant, Cleveland's horkelia (*Horkelia clevelandii*) (NatureServe, 2009).	No. The project site does not contain habitat for this species. This species does not occur within the project site.
Streptocephalus woottoni Riverside fairy shrimp	E	Found in vernal pools (Eriksen and Belk, 1999).	No. The project site does not contain habitat for this species. This species does not occur within the project site.

Source: USFWS, 2010; AES, 2010.

Appendix E United States Fish & Wildlife Services Data File

Attachment 1: U. S. Fish and Wildlife Service (USFWS) list of federal listed special-status species known to occur within San Diego County and surrounding counties (USFWS, 2010)

Scientific Name	Common Name	Taxon Abbrev.	Lead Office	Fed. Status	CH	R.P.	5yr Rev	LA	O	SB	Riv	SD	Imp	Listing Fed Reg	Date Listed
PLANTS															
Acanthoscyphus (Oxytheca) parishii var. goodmaniana [1]	Cushenbury oxytheca	ACPAGO	CFWO	E	f-02	D2	2009			X				59:43652	24-Aug-94
Acanthomintha ilicifolia	San Diego thornmint	ACIL	CFWO	T	f-08		2009					X		63:54937	13-Oct-98
Acmispon (Lotus) dendroideus var. traskiae	San Clemente Island lotus	LODETR	CFWO	E		F 84	2007	X						42:40682	11-Aug-77
Allium munzii	Munz's onion	ALMU	CFWO	E	f-05		2009				X			63:54975	13-Oct-98
Ambrosia pumila	San Diego ambrosia	AMPU	CFWO	E	p-09		in prep.				X	X		67:44372	2-Jul-02
Arctostaphylos glandulosa subsp. crassifolia	Del Mar manzanita	ARGLCR	CFWO	E			in prep.					X		61:52370	7-Oct-96
Arenaria paludicola	marsh sandwort	ARPA	VFWO	E		F 98	2008	X		X				58:41378	3-Aug-93
Arenaria ursina	Bear Valley sandwort	ARUR	CFWO	T	f-07		2008			X				63:49006	14-Sep-98
Astragalus albens	Cushenbury milk-vetch	ASAL	CFWO	E	f-02	D2	2009			X				59:43652	24-Aug-94
Astragalus brauntonii	Braunton's milk-vetch	ASBR	VFWO	E	f-06	F 99	2009	X	X		X			62:4172	29-Jan-97
Astragalus lentiginosus var. coachellae	Coachella Valley milk-vetch	ASLECO	CFWO	E	f-05		2009				X			63:53596	6-Oct-98
Astragalus magdalenae var. peirsonii	Peirson's milk-vetch	ASMAPE	CFWO	T	f-08		2008						X	63:53596	6-Oct-98
Astragalus pycnostachyus var. lanosissimus	Ventura marsh milk-vetch	ASPYLA	VFWO	E	f-04		in prep.	X	X					66:27901	21-May-01
Astragalus tener var. titi	coastal dunes milk-vetch	ASTETI	VFWO	E		D	2009	X				X		63:43100	12-Aug-98
Astragalus tricarinatus	triple-ribbed milk-vetch	ASTR	CFWO	E			2009			X	X			63:53596	6-Oct-98
Atriplex coronata var. notatior	San Jacinto Valley crownscale	ATCONO	CFWO	E	f-05		2008				X			63:54975	13-Oct-98
Baccharis vanessae	Encinitas baccharis	BAVA	CFWO	T			in prep.					X		61:52370	7-Oct-96
Berberis nevinii	Nevin's barberry	BENE	CFWO	E	f-08		2009	X		X	X	X		63:54956	13-Oct-98
Brodiaea filifolia	thread-leaved brodiaea	BRFI	CFWO	T	pr-09		2009	X	X	X	X	X		63:54975	13-Oct-98
Castilleja cinerea	ash-gray Indian paintbrush	CACI	CFWO	T	f-07		2008			X				63:49006	14-Sep-98
Castilleja grisea	San Clemente Island Indian paintbrush	CAGR	CFWO	E		F 84	2007	X						42:40682	11-Aug-77
Ceanothus ophiochilus	Vail Lake ceanothus	CEOP	CFWO	T	f-07		2008				X			63:54956	13-Oct-98
Cercocarpus traskiae	Catalina Island mountain-mahogany	CETR	CFWO	E			2007	X						62:42692	8-Aug-97

Chloropyron maritimum (Cordylanthus maritimus) var. maritimum (subsp. maritimus) [1]	salt marsh bird's beak	CHMAMA	CFWO	E		F 85	2009	X	X			X	43:44809	28-Sep-78
Chorizanthe orcuttiana	Orcutt's spineflower	CHOR	CFWO	E			2008					X	61:52370	7-Oct-96
Chorizanthe parryi var. fernandina	San Fernando Valley spineflower	CHPAFE	VFWO	C				X	X	X			64:57533	25-Oct-99
Deinandra (Hemizonia) conjugens [1]	Otay tarplant	DECO	CFWO	T	f-02	F 04	2009					X	63:54937	13-Oct-98
Delphinium variegatum subsp. kinkiense	San Clemente Island larkspur	DEVAKI	CFWO	E		F 84	2008	X					42:40682	11-Aug-77
Dodecahema (Centrostegia) leptoceras [1]	slender-horned spineflower	DOLE	CFWO	E			in prep.	X		X	X		52:36265	28-Sep-87
Dudleya cymosa subsp. ovatifolia	Santa Monica Mountains dudleya	DUCYOV	VFWO	T		F 99	in prep.	X	X				62:4172	29-Jan-97
Dudleya stolonifera	Laguna Beach live-forever	DUST	CFWO	T			in prep.		X				63:54937	13-Oct-98
Eriastrum densifolium subsp. sanctorum	Santa Ana River woolly-star	ERDESA	CFWO	E			in prep.		X	X	X		52:36265	28-Sep-87
Erigeron parishii	Parish's daisy	ERPA	CFWO	T	f-02	D2	2009			X	X		59:43652	24-Aug-94
Eriogonum kennedyi var. austromontanum	southern mountain wild buckwheat	ERKEAU	CFWO	T	f-07		2008			X			63:49006	14-Sep-98
Eriogonum ovalifolium var. vineum	Cushenbury buckwheat	EROVVI	CFWO	E	f-02	D2	2009			X			59:43652	24-Aug-94
Eryngium aristulatum var. parishii	San Diego button celery	ERARPA	CFWO	E		F 98	in prep.				X	X	58:41384	3-Aug-93
Fremontodendron mexicanum	Mexican flannelbush	FRME	CFWO	E	f-07		2009					X	63:54956	13-Oct-98
Hazardia orcuttii	Orcutt's hazardia	HOAR	CFWO	C								X	69:24876	4-May-04
Helianthemum greenei	Island rush-rose	HEGR	VFWO	T		F 00	in prep.	X					62:40954	31-Jul-97
Lithophragma maximum	San Clemente Island woodland star	LIMA	CFWO	E		F 84	2007	X					62:42692	8-Aug-97
Malacothamnus clementinus	San Clemente Island bush mallow	MACL	CFWO	E		F 84	2007	X					42:40682	11-Aug-77
Monardella linoides subsp. viminea	willowy monardella	MOLIVI	CFWO	E	f-06		2008					X	63:54937	13-Oct-98
Navarretia fossalis	spreading navarretia	NAFO	CFWO	T	f-05	F 98	2009	X			X	X	63:54975	13-Oct-98
Orcuttia californica	California Orcutt grass	ORCA	CFWO	E		F 98	in prep.	X			X	X	58:41384	3-Aug-93
Pentachaeta lyonii	Lyon's pentachaeta	PELY	VFWO	E		F 99	2008	X					62:4172	29-Jan-97
Phacelia stellaris	Brand's phacelia	PHST	CFWO	C				X			X	X	69:24876	4-May-04
Physaria (Lesquerella) kingii subsp. bernardina [1]	San Bernardino Mountains bladderpod	PHKIBE	CFWO	E	f-02	D2	2009			X			59:43652	24-Aug-94
Poa atropurpurea	San Bernardino bluegrass	POAT	CFWO	E	f-08		2008			X		X	63:49006	14-Sep-98
Pogogyne abramsii	San Diego mesa mint	POAB	CFWO	E		F 98	in prep.					X	43:44809	28-Sep-78
Pogogyne nudiuscula	Otay mesa mint	PONU	CFWO	E		F 98	in prep.					X	58:41384	3-Aug-93
Rorippa gambellii	Gambel's watercress	ROGA	VFWO	E		F 98	in prep.	X	X	X		X	58:41378	3-Aug-93
Sibara filifola	Santa Cruz Island rock-cress	SIFI	CFWO	E			2006	X					62:42692	8-Aug-97
Sidalcea pedata	pedate checker-mallow	SIPE	CFWO	E		F 98	in prep.			X			49:34497	31-Aug-84

Taraxacum californicum	California taraxacum	TACA	CFWO	E	f-08		2008			X				63:49006	14-Sep-98
Thelypodium stenopetalum	slender-petaled mustard	THST	CFWO	E		F 98	in prep.			X				49:34497	31-Aug-84
Trichostema austromontanum subsp. compactum	Hidden Lake bluecurls	TRAUCO	CFWO	T	np-07		2006				X			63:49006	14-Sep-98
Verbesina dissita	big-leaved crown beard	VEDI	CFWO	T			in prep.		X					61:52370	7-Oct-96
INVERTEBRATES															
Branchinecta lynchi	vernal pool fairy shrimp	VPFS	SAC	T	f-03		2007				X			59:48153	19-Sep-94
Branchinecta sandiegonensis	San Diego fairy shrimp	SDFS	CFWO	E	fr-07	F 98	2008		X			X		62:4925	3-Feb-97
Dinacoma caseyi	Casey's June beetle	CJB	CFWO	pE	p-09						X			74:32857	9-Jul-09
Euphilotes battoides allyni	El Segundo blue butterfly	ESB	CFWO	E		F 98	2008	X						41:22041	1-Jun-76
Euphydryas editha quino	Quino checkerspot butterfly	QCB	CFWO	E	fr-09	F 03	2009		X	X	X	X		62:2313	16-Jan-97
Glaucopsyche lygdamus palosverdesensis	Palos Verdes blue butterfly	PVB	CFWO	E	f-80	F 84	2008	X						45:44939	2-Jul-80
Pyrgus ruralis lagunae	Laguna Mountains skipper	LMS	CFWO	E	f-06		2007					X		62:2313	16-Jan-97
Rhaphiomidas terminatus abdominalis	Delhi Sands flower-loving fly	DSF	CFWO	E		F 97	2008			X	X			58:49887	23-Sep-93
Streptocephalus wootoni	Riverside fairy shrimp	RFS	CFWO	E	f-05	F 98	2008	X	X		X	X		58:41391	3-Aug-93
FISH															
Catostomus santaanae	Santa Ana sucker	SAS	CFWO	T	pr-09		in prep	X	X	X	X			65:19686	12-Apr-00
Cyprinodon macularius	desert pupfish		R02	E	f-86	F 93					X	X	X	51:10850	31-Mar-86
Eucyclogobius newberryi	tidewater goby	TWG	VFWO	E	fr-08	D 04	2007		X			X		59:5494	4-Feb-94
Gasterosteus aculeatus williamsoni	unarmored threespine stickleback		VFWO	E	p-80	F 85	2009	X		X		X		35:16047	13-Oct-70
Gila bicolor mohavensis	Mohave tui chub		VFWO	E		F 84	2009			X				35:16047	13-Oct-70
Gila elegans	bonytail chub		R06	E	f-94	F 90				X	X		X	45:27713	23-Apr-80
Oncorhynchus mykiss	southern steelhead (So Cal DPS)		R09	E				X	X			X		71:833	5-Jan-06
Ptychocheilus lucius	Colorado squawfish		R06	E	f-94	F 91				X	X		X	50:30194	24-Jul-85
Xyrauchen texanus	razorback sucker		R06	E	f-94					X	X		X	56:54967	23-Oct-91
AMPHIBIANS															
Anaxyrus californicus (B. microscaphus c.) [1]	arroyo toad (a. southwestern t.)	ARTO	VFWO	E	pr-09	F 99	2009	X	X	X	X	X		59:64866	16-Dec-94
Batrachoseps aridus	desert slender salamander	DSS	CFWO	E		F 82	2009				X			38:14678	4-Jun-73
Rana draytoni	California red-legged frog	CRLF	SAC	T	pr-08	F 02		X	X	X	X	X		61:25832	23-May-96
Rana muscosa (So Cal DPS)	mountain yellow-legged frog	MYLF	CFWO	E	f-06			X		X	X			67:44382	2-Jul-02

REPTILES														
Gopherus agassizii	desert tortoise	DETO		T	f-94	F 94			X	X		X	55:12191	2-Apr-90
Phrynosoma mcallii	flat-tailed horned lizard	FTHL	CFWO	pT						X	X	X	58:62624	29-Nov-93
Uma inornata	Coachella Valley fringe-toed lizard	CVFTL	CFWO	T	f-80	F 85	in prep.			X			45:63812	25-Sep-80
Xantusia riversiana	island night lizard	INL	CFWO	T		F 84	2006	X					42:40685	11-Aug-77
BIRDS														
Amphispiza belli clementeae	San Clemente sage sparrow	SCSS	CFWO	T		F 84	2009	X					42:40685	11-Aug-77
Brachyramphus marmoratus	marbled murrelet	MAMU	POR	T	pr-08	F 97		X			X		57:45337	1-Oct-92
Charadrius alexandrinus nivosus	western snowy plover	WSP	SAC	T	fr-05	D 01	2006	X	X		X		58:12874	5-Mar-93
Coccyzus americanus	yellow-billed cuckoo	YBCU	SAC	C				X	X	X	X	X	66:38611	25-Jul-01
Empidonax traillii extimus	southwestern willow flycatcher	SWFL	R02	E	fr-05	D		X	X	X	X	X	60:10715	27-Feb-95
Gymnogyps californianus	California condor	CACO	VFO	E		F 96		X		X		X	61:54057	16-Oct-96
Haliaeetus leucocephalus	bald eagle	BAEA	R03	PDM		F 86		X	X	X	X	X	60:36010	12-Jul-95
Lanius ludovicianus mearnsi	San Clemente loggerhead shrike	SCLS	CFWO	E		F 84	2009	X					42:40685	11-Aug-77
Pelecanus occidentalis	brown pelican	BRPE	VFWO	PDM	pde-08	F 83	2007	X	X	X	X	X	50:4945	4-Feb-85
Phoebastria albatrus	short-tailed albatross	STAL	JFO	E				X	X			X	65:46643	31-Jul-00
Polioptila californica californica	coastal California gnatcatcher	CAGN	CFWO	T	fr-07		in prep.	X	X	X	X	X	58:16757	30-Mar-93
Rallus longirostris levipes	light-footed clapper rail	LFCR	CFWO	E		F 85	2009	X	X			X	35:16047	13-Oct-70
Rallus longirostris yumanensis	Yuma clapper rail	YUCR	R02	E					X	X		X	32:4001	11-Mar-67
Sternula (Sterna) antillarum browni [1]	California least tern	CLT	CFWO	E		F 85	2006	X	X		X	X	X	35:8495	2-Jun-70
Vireo bellii pusillus	least Bell's vireo	LBV	CFWO	E	fr-94	D 98	2006	X	X	X	X	X	X	51:16482	2-May-86
MAMMALS														
Dipodomys merriami parvus	San Bernardino kangaroo rat	SBKR	CFWO	E	fr-08		2009	X		X	X			63:51005	24-Sep-98
Dipodomys stephensi	Stephens' kangaroo rat	SKR	CFWO	E		D 97	in prep.			X	X	X		53:38469	30-Sep-88
Enhydra lutris nereis	southern sea otter	SSO	VFO	T/X*		D 00		X	X			X		52:29780	11-Aug-87
Ovis canadensis nelsoni	Peninsular bighorn sheep	PBS	CFWO	E	fr-09	F 00	in prep.				X	X	X	63:13134	18-Mar-98
Perognathus longimembris pacificus	Pacific pocket mouse	PPM	CFWO	E		F 98	in prep.	X	X			X		59:49752	29-Sep-94
Spermophilus tereticaudus chlorus	Palm Springs ground squirrel		CFWO	C							X			64:57534	25-Oct-99
Urocyon littoralis catalinae	Santa Catalina Island fox	CAIF	CFWO	E	D-05			X						69:10335	5-Mar-04

Status: E = Federally endangered; T = Federally threatened; C = Federal candidate for listing; P = proposed; PDM=subject to post delisting monitoring

XN: Experimental population; * southern

sea otter first listed as threatened Jan. 14,
1977 42:2968

CH = Critical Habitat: p = Proposed; f = Designated; np=Not Prudent; pr = Proposed Revised; fr = Final Revised; W* = proposal withdrawn

RP = Recovery Plan: F= Final, D= Draft

County Reported: LA = Los Angeles; O = Orange; SB = San Bernardino; Riv = Riverside; SD = San Diego; Imp = Imperial

Note: Santa Catalina Isl. and San Clemente
Isl. Are in L.A. County

[1] Name under which the species was listed is in parentheses. This form should be cited at least in the beginning of a document, otherwise use the current name throughout.

March 1, 2010

Appendix F Cultural Resource Inventory – (Confidential Information Bound Under Separate Cover)

Appendix G Supplemental Cultural Resources Information (SHPO Concurrence Letter and Cultural Resources Report Addendum)

SHPO Concurrence Letter

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

FEB 5 - 2010

Honorable Allen Lawson
Spokesman, San Pasqual Band of Diegueño Indians
P.O. Box 365
Valley Center, California 92082

Dear Spokesman Lawson:

The enclosed letter from the State Historic Preservation Officer (SHPO), dated January 22, 2010, concurs with our determination of **No Historic Properties Affected** regarding the Tribe's proposed fee-to-trust conveyance of a 9-acre parcel of land (APN 189-05-102). Therefore, the Section 106 historic preservation compliance consultation process, as specified in the Advisory Council on Historic Preservation's regulations in 36 CFR Part 800 (revised July 6, 2004), has now been completed.

You should be aware, however, that under certain circumstances, such as an unanticipated discovery or a change in project description, the BIA may have additional responsibilities relevant to this undertaking. If you require further clarification, or need additional information, please contact Jennifer Thomas, Assistant Regional Archeologist, at (916) 978-6165, or John Rydzik, Chief, Division of Environmental and Cultural Resources Management, and Safety, at (916) 978-6051.

Sincerely,

Acting Regional Director

Enclosure

cc: Superintendent, Southern California Agency
Environmental Protection Specialist, Fee-to-Trust Consortium

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
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www.ohp.parks.ca.gov

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PACIFIC REGIONAL OFFICE

Tad ✓
RPM DECRMS
NO

January 22, 2010

In Reply Refer To: BIA100111B

Dale Morris
Regional Director
United States Department of the Interior
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Re: Proposed Fee-To-Trust Conveyance of Nine Acres for the San Pasqual Band of Diegueño Mission Indians, San Diego County, California.

Dear Mr. Morris:

Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act, the Bureau of Indian Affairs (BIA), Pacific Regional Office, is seeking my comments on its determination of effects that the proposed undertaking will have on historic properties. The undertaking consists of the conveyance of nine (9) acres of fee-to-trust land for the San Pasqual Band of Diegueño Mission Indians. The BIA has determined that the nine-acre area to be conveyed is the Area of Potential Effects (APE). In addition to your letter of January 06, 2010, you have submitted the following document as evidence of your efforts to identify historic properties in the APE:

• *Cultural Resource Inventory for a 9-Acre Parcel (APN# 189-05-102) for the San Pasqual Fee-To-Trust and Tribal Improvement Project, San Pasqual, County of San Diego, California* (Andrew R. Pigniolo and Elizabeth Davidson, Laguna Mountain Environmental, Inc.: December 2009).

Based on their identification efforts, the BIA has concluded that two isolated lithic artifacts are located within the project area. Isolated artifacts are not an historic property under National Register of Historic Places (NRHP) criteria and the BIA has determined that the appropriate finding of effect for this undertaking is that of No Historic Properties Affected, pursuant to 36 CFR Part 800.4(d)(1). After reviewing your letter and supporting documentation, I have no objection to this finding.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BIA may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist, at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Cultural Resources Report Addendum

Addendum to Cultural Resources Study for San Pasqual Band of Mission Indians 9-acre Fee-to-Trust and Retail Plaza Project, San Diego County, California

DATE: August 3, 2010
TO: Dan Hall, District Archaeologist, Pacific Regional Office, Bureau of Indian Affairs (BIA), Sacramento, CA.
FROM: Analytical Environmental Services (AES), Sacramento, CA.
SUBJECT: Addendum to the Cultural Resources Study for the San Pasqual Band of Mission Indians Fee-to-Trust and Retail Plaza Project, San Diego County, California

1.0 EXECUTIVE SUMMARY

This addendum to the *Cultural Resources Inventory of a 9-acre Parcel (APN# 189-05-102) for the San Pasqual Fee-to-Trust and Tribal Improvement Project, San Pasqual, County of San Diego, California* (Laguna Mountain Environmental, 2009) has been prepared to address comments from San Diego County submitted on the Environmental Assessment related to the need to conduct further evaluation of two cultural resources encountered in the 9-acre fee-to-trust project area. The above referenced cultural resources study and addendum is intended to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA) in support of the Environmental Assessment (EA). A project description and location; natural, cultural and ethnographic setting are provided in the above referenced document completed by Laguna Mountain Environmental (2009). Consist with the findings of the Cultural Resources Report, the resource evaluations in this addendum concluded that both isolated artifacts are not eligible for listing on the National Register of Historical Places (NRHP). Therefore, further consultation with the State Historic Preservation Officer (SHPO) in accordance with Section 106 of NHPA is not required.

2.0 RESOURCE EVALUATIONS

A total of two cultural resources were encountered during the cultural resource investigation of the project area conducted by Laguna Environmental. Both resources are isolated flakes of Santiago Peak volcanic stoneand are designated SPP-I-1 and SPP-I-2. Descriptions of the artifacts can be found in the above referenced cultural resource study (Laguna Mountain Environmental, 2009).

SPP-I-1

SPP-I-1 is an isolated flake made from Santiago Peak volcanic stone that dates to the prehistoric period. Criteria A, B, and C are applicable primarily to cultural resources that date to the historical period. Criterion D addressed the data potential of the cultural resource; this criterion is applies to archaeological resources.

SPP-I-1 is not associated with the broad patterns of our history and therefore is considered ineligible for inclusion under Criterion A of the NRHP. SPP-I-1 is not affiliated with the life of a person important to our past and, therefore, is not eligible for inclusion under Criterion B of the NRHP. SPP-I-1 does not represent the work of a master, possess high artistic qualities and/or embody distinctive characteristics of a period and therefore it is not eligible for inclusion on the NRHP under Criterion C.

SPP-I-1 does not have the potential to yield important information regarding the prehistoric occupation of San Diego County. The flake does not possess any diagnostic features that would allow it to be identified as a specific type associated with a particular time period. The flake is manufactured of Santiago Peak Volcanic which is not a datable material. As such, a determination in regards to the age of the flake cannot be made. Also, the deposition of the artifact does not suggest it is associated with an intact buried cultural deposit. The artifact was encountered on the ground surface in an area that had been previously disturbed by the installation of utilities and construction of the parking area. Recordation has exhausted the data potential for this flake and it is not eligible for inclusion on the NRHP under Criterion D.

SPP-I-2

SPP-I-2 is an isolated flake made from Santiago Peak volcanic stone that dates to the prehistoric period. SPP-I-2 is not associated with the broad patterns of our history and is not eligible for inclusion under Criterion A of the NRHP. SPP-I-2 is not connected with the life of a person important to our past and is ineligible for inclusion under Criterion B of the NRHP. The flake does not represent the work of a master, possess artistic qualities and/or embody distinctive characteristics of a period and so it is not eligible for inclusion on the NRHP under Criteria C.

SPP-I-2 does not have the potential to yield important information regarding the occupation of San Diego County. The flake does not exhibit temporally diagnostic features, nor was it manufactured from a datable material. The flake was recovered from the ground surface indicating that it is not associated with an intact subsurface cultural deposit. Recordation of the flake has exhausted the data potential of this flake and thus it is considered ineligible for listing on the NRHP under Criterion D.

3.0 FINDINGS

Two cultural resources, both described as isolated flakes (SPP-I-1 and SPP-I-2), were identified within the APE. Both cultural resources were evaluated and found ineligible for inclusion on the NRHP, which is consistent with the findings of the original Cultural Resources Study conducted by Laguna Mountain Environmental. SHPO concurrence on the results of the original cultural resources study was provided in a letter dated on February 22, 2010. Thus, the Section 106 of NHPA process is complete and no additional consultation with the SHPO is required.

4.0 ADDITONAL REFERENCES

AES

2010 *Final Environmental Assessment, San Pasqual 9-Acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA*. Submitted to the San Pasqual Band of Band of Mission Indians, San Diego County, Ca.

Laguna Mountain Environmental, Inc.

2009 *Cultural Resource Inventory of a 9-acre parcel (APN#189-05-102) for the San Pasqual Fee-to-Trust and Tribal Improvement Project, San Pasqual, County of San Diego, California.* Submitted to Environet, Inc., Honolulu, Hawaii.

National Park Service

1990 *National Register Bulletin 15*: How to Apply the National Register Criteria for Evaluation. Published 1990, revised for Internet 2002. Available online at: http://www.cr.nps.gov/nr/publications/bulletins/nrb15/. Site accessed August 2010.

Resource Description:

This resource (SPP-I-1), described as an isolated flake, was identified and recorded as part of the San Pasqual 9-acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA. Evaluations per the criteria of the National Register of Historical Places were completed at the request of San Diego County. This purpose of this update is to include the register evaluation as part of the resource record.

Resource Evaluation

SPP-I-1 is not associated with the broad patterns of our history and therefore is considered ineligible for inclusion under Criterion A of the NRHP. SPP-I-1 is not affiliated with the life of a person important to our past and, therefore, is not eligible for inclusion under Criterion B of the NRHP. SPP-I-1 does not represent the work of a master, possess high artistic qualities and/or embody distinctive characteristics of a period and therefore it is not eligible for inclusion on the NRHP under Criterion C.

SPP-I-1 does not have the potential to yield important information regarding the prehistoric occupation of San Diego County. The flake does not possess any diagnostic features that would allow it to be identified as a specific type associated with a particular time period. The flake is manufactured of Santiago Peak volcanic stone, which is not a datable material. As such, a determination in regards to the age of the flake cannot be made. Also, the deposition of the artifact does not suggest it is associated with an intact buried cultural deposit. The artifact was encountered on the ground surface in an area that had been previously disturbed by the installation of utilities and construction of the parking area. Recordation has exhausted the data potential for this flake and it is not eligible for inclusion on the NRHP under Criterion D.

References:

AES
2010 *Final Environmental Assessment, San Pasqual 9-Acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA.* Submitted to the San Pasqual Band of Band of Mission Indians, San Diego County, Ca.

AES
2010 *Cultural Resources Addendum, San Pasqual 9-Acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA.* Submitted to the San Pasqual Band of Band of Mission Indians, San Diego County, Ca.

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2009 *Cultural Resource Inventory of a 9-acre parcel (APN#189-05-102) for the San Pasqual Fee-to-Trust and Tribal Improvement Project, San Pasqual, County of San Diego, California*. Submitted to Environet, Inc., Honolulu, Hawaii.

Resource Description:

This resource (SPP-I-2), described as an isolated flake, was identified and recorded as part of the San Pasqual 9-acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA. Evaluations per the criteria of the National Register of Historical Places were completed at the request of San Diego County. This purpose of this update is to include the register evaluation as part of the resource record.

Resource Evaluation

SPP-I-2 is an isolated flake made from Santiago Peak volcanic stone that dates to the prehistoric period. SPP-I-2 is not associated with the broad patterns of our history and is not eligible for inclusion under Criterion A of the NRHP. SPP-I-2 is not connected with the life of a person important to our past and is ineligible for inclusion under Criterion B of the NRHP. The flake does not represent the work of a master, possess artistic qualities and/or embody distinctive characteristics of a period and so it is not eligible for inclusion on the NRHP under Criteria C.

SPP-I-2 does not have the potential to yield important information regarding the occupation of San Diego County. The flake does not exhibit temporally diagnostic features, nor was it manufactured from a datable material. The flake was recovered alone from the ground surface indicating that it is not associated with an intact subsurface cultural deposit. Recordation of the flake has exhausted the data potential of this flake and thus it is considered ineligible for listing on the NRHP under Criterion D.

References:

AES
2010 *Final Environmental Assessment, San Pasqual 9-Acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA.* Submitted to the San Pasqual Band of Band of Mission Indians, San Diego County, Ca.

AES
2010 *Cultural Resources Addendum, San Pasqual 9-Acre Fee-to-Trust and Retail Plaza Project, San Diego County, CA.* Submitted to the San Pasqual Band of Band of Mission Indians, San Diego County, Ca.

Laguna Mountain Environmental, Inc.
2009 *Cultural Resource Inventory of a 9-acre parcel (APN#189-05-102) for the San Pasqual Fee-to-Trust and Tribal Improvement Project, San Pasqual, County of San Diego, California*. Submitted to Environet, Inc., Honolulu, Hawaii.

Appendix H Traffic Impact Analysis

LINSCOTT
LAW &
GREENSPAN
engineers

TRAFFIC IMPACT ANALYSIS

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT

County of San Diego, California
August 5, 2010

LLG Ref. 3-10-1972

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TRAFFIC IMPACT ANALYSIS

9-ACRE SAN PASQUAL PROJECT

County of San Diego, California
August 5, 2010

1.0 INTRODUCTION

Linscott, Law, & Greenspan, Engineers (LLG) has been retained to prepare a traffic study for the 9-Acre San Pasqual project located just north of the San Pasqual Band of Mission Indians Reservation. The Reservation is located approximately 11 miles northeast of Escondido in San Diego County, California. The purpose of this study is to assess the potential impacts to the local circulation system as a result of the proposed project.

The project proposes to develop a 9-acre site to provide a gas station, drive-through restaurant, and a strip commercial/retail development. It also includes the relocation of an existing surface parking lot currently occupying the project site to the westerly adjacent parcel. A more detailed project description is presented in Section 2.0 of this report.

The traffic analysis presented in this report includes the following:

- Project Description
- Existing Conditions Description
- Analysis Approach and Methodology
- Significance Criteria
- Analysis of Existing Conditions
- Trip Generation/Distribution/Assignment
- Analysis of Potential Project Impacts
- Congestion Management Compliance
- Project Access Review
- Summary and Conclusions

2.0 PROJECT DESCRIPTION

The following is a brief description of the project location, as well as operational characteristics that affect project traffic generation and regional distribution.

2.1 Project Location

The project is located just north of the San Pasqual Indian Reservation in the Community of Valley Center in the County of San Diego. The site is located on the southwest corner of the Valley Center Road/ Lake Wohlford Road (N.) intersection.

Figure 2–1 shows the project vicinity, and ***Figure 2–2*** is a more detailed project area map.

2.2 Project Description

The San Pasqual Band of Mission Indians proposes to develop a 9-acre site to provide a gas station, a restaurant, and a strip commercial/retail development. Additionally, the project proposes the relocation of an existing surface parking lot currently occupying the project site to the westerly adjacent parcel.

Figure 2–3 shows the preliminary conceptual site plan.

2.3 Project Access

Access to the commercial portion of the project is proposed via an existing driveway on Valley Center Road at School Bus Road and at a proposed driveway along Lake Wohlford Road (N.). The Valley Center Road driveway will be full access and the driveway located on Lake Wohlford Road (N.) will be restricted to right-in/right-out only movements. A more detailed discussion of the project access is located in Section 10.0 of the report.

Currently, school buses, shuttle buses and casino employee private vehicles utilize the Valley Center Road/ School Bus Road intersection. With the relocation of the existing surface parking lot, the Valley Center Road/ School Bus Road intersection is proposed to be relocated to the west of its current location. The existing Valley Center Road/ School Bus Road intersection will be modified to become the major access point to the site and is termed "Street A" in this study. The following is a detailed discussion of the existing and proposed access for these existing trips.

Existing

School buses currently use School Bus Road to drop-off students in the morning and pick them up in the afternoon on weekdays during the school year. The buses enter School Bus Road from Valley Center Road, pick-up and drop-off students at the sidewalk along the south side of the road within the west-to-east section of the School Bus Road, and exit onto Lake Wohlford Road (N.).

Shuttle buses are currently used to transport casino employees. The shuttle buses make a right-turn onto School Bus Road (two-way portion) from Valley Center Road, make a left-turn into the existing parking lot, load or unload the employees at the shelters within the existing parking lot, return to

School Bus Road where they make a right-turn to exit the lot, and lastly turn right at Valley Center Road and head east toward Lake Wohlford Road (N.) where they make a right-turn to travel south toward the casino. It should be noted that the shuttle buses only utilize a short segment of School Bus Road (two-way portion) to ingress the parking lot. No left turns exiting the parking lot onto School Bus Road are allowed.

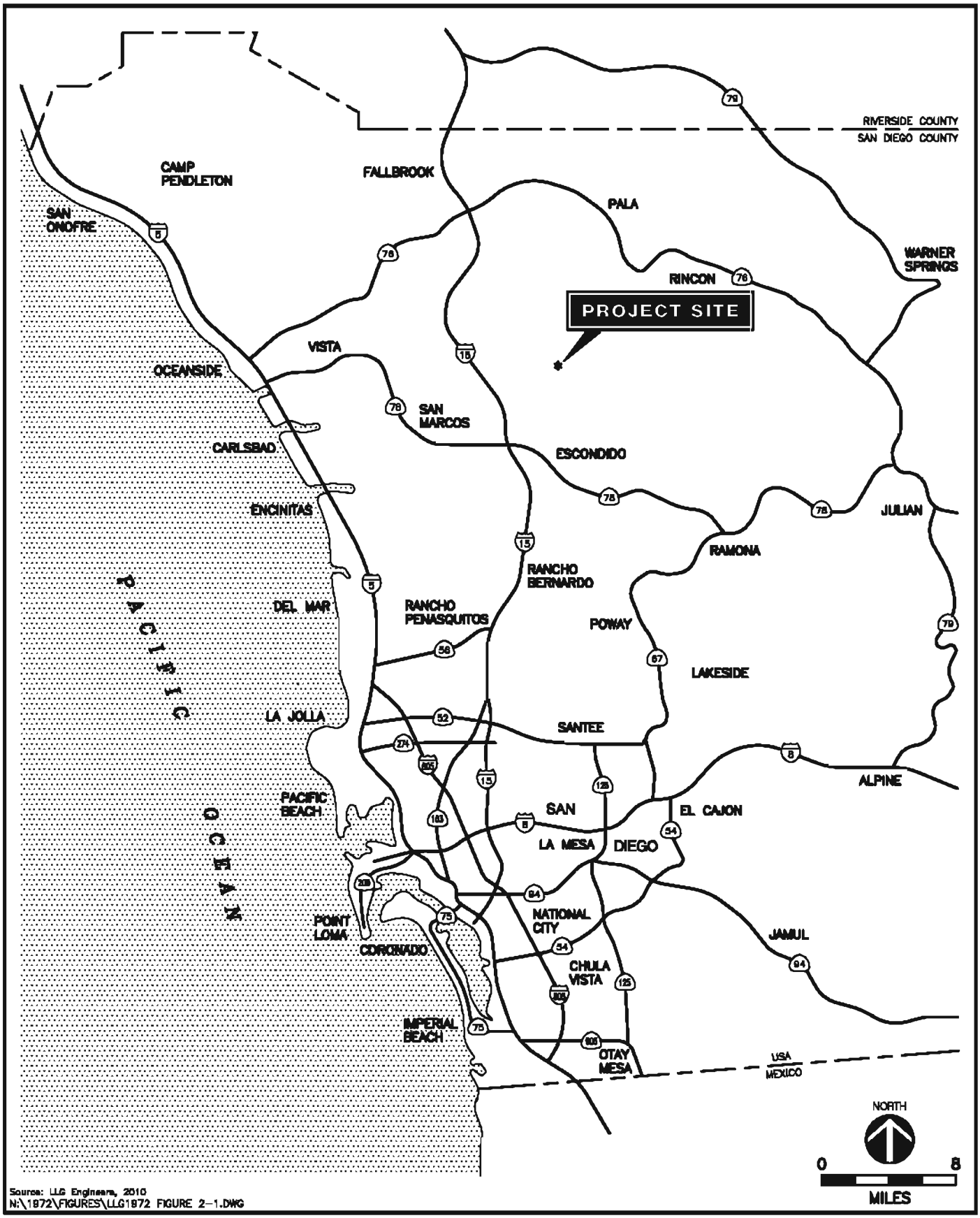
Private vehicles driven by casino employees enter the parking lot from Valley Center Road by turning onto School Bus Road (two-way portion), and then make a left-turn into the existing parking lot. Vehicles exiting the parking lot make a right-turn onto School Bus Road and continue onto Valley Center Road to reach their destination. No left turns exiting the parking lot onto School Bus Road are allowed.

With School Bus Road Realignment and Parking Relocation

School buses will use the relocated School Bus Road. The buses will continue to enter School Bus Road from Valley Center Road and exit onto Lake Wohlford Road (N.). However, there will no longer be a portion of School Bus Road that operates as a two-lane roadway.

Shuttle buses will continue to transport casino employees from Valley Center Road, however, they will no longer access School Bus Road and will instead utilize the project access (Street "A") located along Valley Center Road. From the project access, they will now turn right into the relocated parking lot where they will load or unload the employees at the shuttle stops and then return to the project access where they make a left-turn to exit the lot, and lastly turn right at Valley Center Road and head east toward Lake Wohlford Road (N.) where they make right-turn to travel south toward the casino.

Private vehicles driven by casino employees will enter the relocated parking lot from Valley Center Road, however they will no longer access School Bus Road and will instead utilize the project access (Street "A") located along Valley Center Road. From the project access, they will now turn right into the relocated parking lot. Vehicles will now make a left-turn to exit the relocated parking lot and continue onto Valley Center Road to reach their destination.

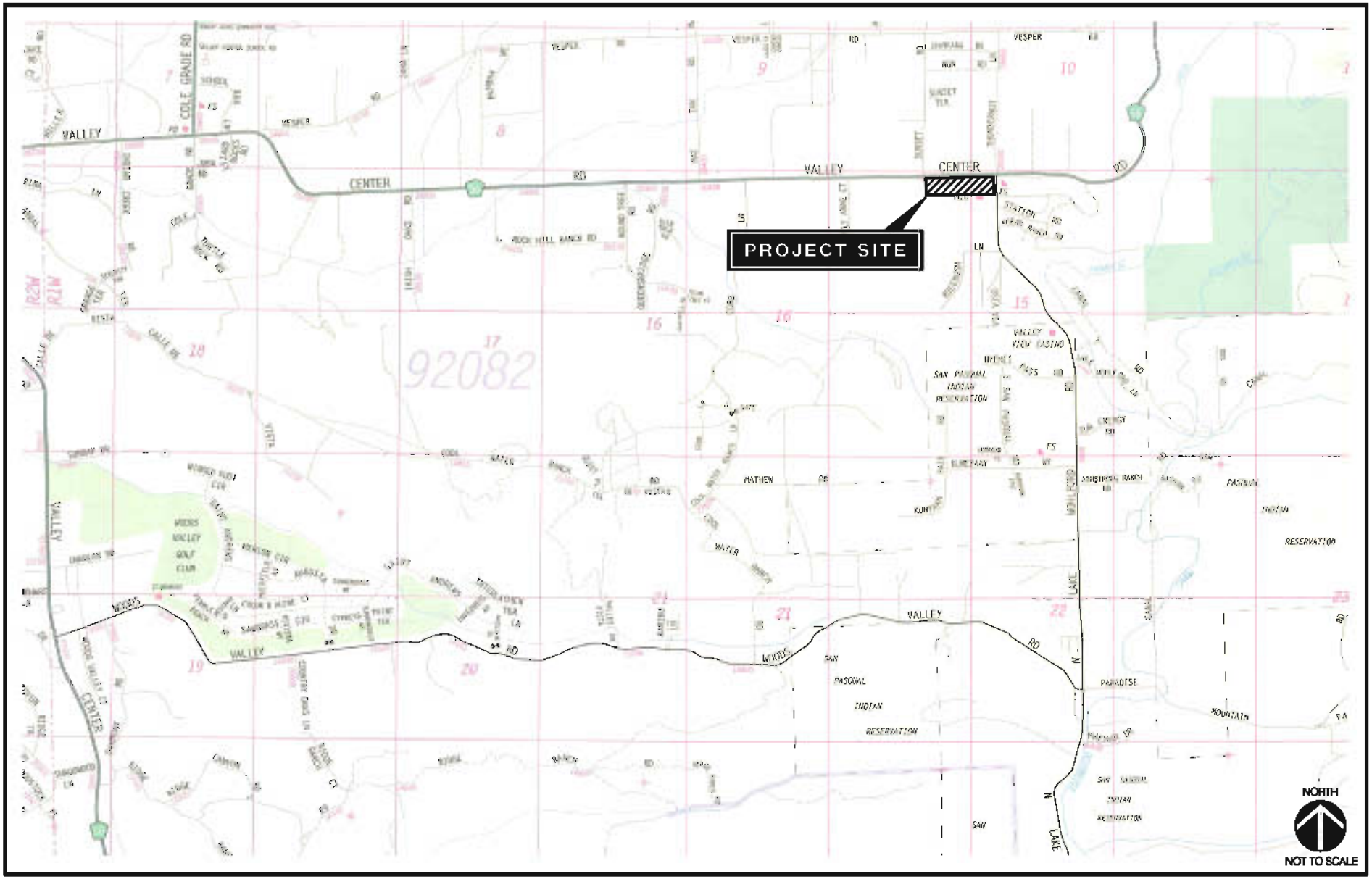


Source: LLG Engineers, 2010
N:\1972\FIGURES\LLG1972 FIGURE 2-1.DWG

LINSCOTT LAW & GREENSPAN engineers

Figure 2-1

Vicinity Map



Source: Thomas Guide, 2009
N:\1972\FIGURES\LLG1972 FIGURE 2-2.DWG

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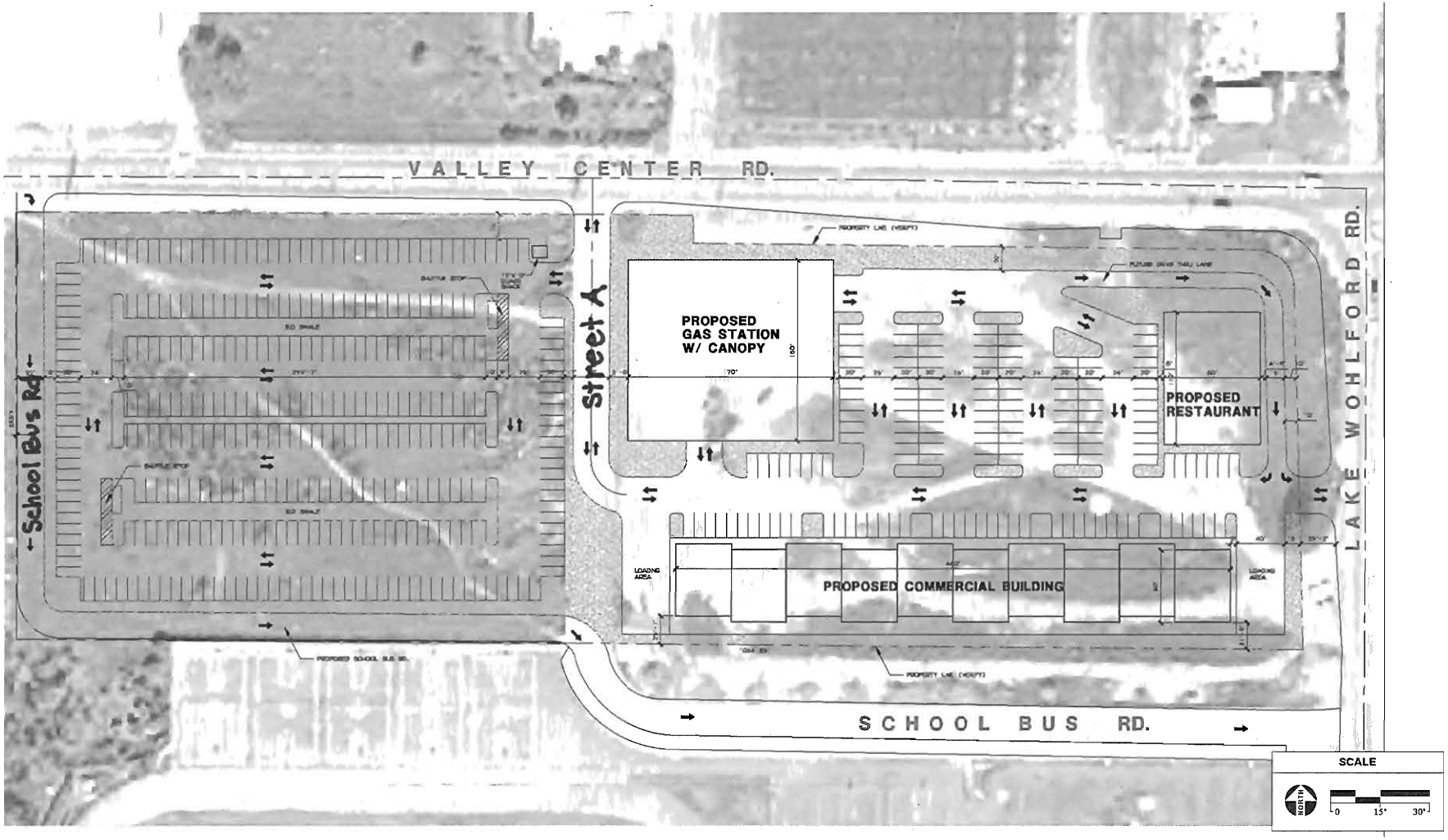
Figure 2-2

Project Area Map

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT



Source: Howard Parsell Company, 2009; AES 2010
N:\1972\FIGURES\LLG1972 FIGURE 2-3.DWG

LINSCOTT LAW & GREENSPAN engineers

NORTH

NOT TO SCALE

Figure 2-3

Site Plan

3.0 EXISTING CONDITIONS

3.1 Study Area

The study area was based on the criteria identified in the County of San Diego's Report Format & Content Requirements: Transportation & Traffic, First Modification February 19, 2010. Based on the County's criteria, "the scope of the full direct and cumulative traffic assessment shall include those roads and intersections that will receive 25 peak hour trips (2-way peak hour total)." Based on this criteria, the following intersections and segments included in the study area are listed below.

Intersections:

- Valley Center Road / Cole Grade Road
- Valley Center Road / Lake Wohlford Road (N.)
- Lake Wohlford Road (N.) / School Bus Road
- Lake Wohlford Road (N.) / Woods Valley Road
- Valley Center Road / Lilac Road
- Valley Center Road / Woods Valley Road

Segments

Valley Center Road

- Lake Wohlford Road to Cole Grade Road
- Cole Grade Road to Lilac Road
- Lilac Road to Woods Valley Road
- Woods Valley Road to Lake Wohlford Road (S.)

Lake Wohlford Road (N.)

- Valley Center Road to Woods Valley Road
- Woods Valley Road to Guejito Road

Woods Valley Road

- Valley Center Road to Lake Wohlford Road (N.)

Cole Grade Road

- Valley Center Road to Fruitvale Road

The following is a discussion of the key roadways analyzed in the study area. The existing traffic data collection is also described in detail.

Figure 3–1 depicts the existing conditions and geometry of the driveways and study area intersections.

3.2 Existing Street Network

Valley Center Road is classified on the Adopted County of San Diego Circulation Element as a Prime Arterial west/south of Cole Grade Road and as a Collector east/north of Cole Grade Road. On the General Plan (GP) Update, Valley Center Road is classified as a 4.1A Major Road Series from Woods Valley Road to Lilac Road, a 4.2A Boulevard Series from Lilac Road to Miller Road, a 4.2A Boulevard Sereies from Miller Road to Vesper Road and a 2.1D Community Collector Series from Vesper Road to Lake Wohlford Road. From north of Lake Wohlford Road (S.) to Cole Grade Road, Valley Center Road has recently been widened to major road standards (four-lane divided roadway with bike lanes). East of Cole Grade Road, Valley Center Road becomes a two-lane undivided roadway. Beginning at Sunset Road, Valley Center Road provides a two-way left-turn lane (TWLTL) continuing to Lake Wohlford Road (N.). The posted speed limit ranges from 45 to 60 mph with bus stops provided. Bike lanes are provided and curbside parking is prohibited for the entirety of the roadway.

Lake Wohlford Road (North) is classified on the Adopted County of San Diego Circulation Element as a Collector. On the GP Update, Lake Wohlford Road (N.) is classified as a 2.2C Light Collector. Lake Wohlford Road (N.) is currently constructed as a two-lane undivided roadway. The posted speed limit within the project area varies between 45 to 50 mph. Curbside parking is generally prohibited, and no bike lanes or bus stops are provided.

Woods Valley Road is classified on the Adopted County of San Diego Circulation Element as a Rural Collector. On the GP Update, Woods Valley Road is classified as a 2.2C Light Collector Series from Lake Wohlford Road to Oakmont Road and a 2.1D Community Collector Series from Oakmont Road to Valley Center Road. Woods Valley Road is currently constructed as a two-lane undivided roadway. Curb, gutter and sidewalks are not provided. The posted speed limit ranges from 40 to 45 mph in the project vicinity.

Cole Grade Road is classified on the Adopted County of San Diego Circulation Element as a Collector. On the GP Update, Cole Grade Road is classified as a 4.2A Boulevard Series from Valley Center Road to Horse Creek Road. It is currently constructed as a two-lane road with a TWLTL within the study area. Curb and gutter are provided and sidewalks are not provided. The posted speed limit ranges from 45 to 50 mph.

Lilac Road is classified on the Adopted County of San Diego Circulation Element as a Collector. On the GP Update, Lilac Road is classified as a 4.2A Boulevard Series from Valley Center Road to Betsworth Road. It is currently constructed as a two-lane undivided road. Curb, gutter and sidewalks are not provided. The posted speed limit ranges from 45 to 50 mph in the project vicinity.

School Bus Road is an unclassified private roadway. It currently operates primarily as a one-way roadway with vehicles entering from Valley Center Road and exiting at Lake Wohlford Road (N.). Currently, school buses, casino shuttle buses and private vehicles driven by casino employees utilize School Bus Road. A small portion of School Bus Road between Valley Center Road and the parking lot driveway operates as a two-way roadway used for private casino employee vehicles and shuttle

service. The remainder of the roadway operates one-way and serves as a student pick-up zone for the middle school.

3.3 Existing Traffic Volumes

Peak hour intersection turning movement traffic counts and segment counts within the project area were conducted by LLG in July 2009 and July 2010. Traffic counts were conducted between 7:00 AM and 9:00 AM and the highest hour of traffic within this period was utilized. Similarly, the highest hour of traffic between 4:00 PM and 6:00 PM was used in the analysis. Since school was not in session during the time of data collection, a 5% growth factor was used to forecast non-summer counts. This rate is based on a comparison of previous non-summer counts collected in the general vicinity of the project area to the data collected in July 2010.

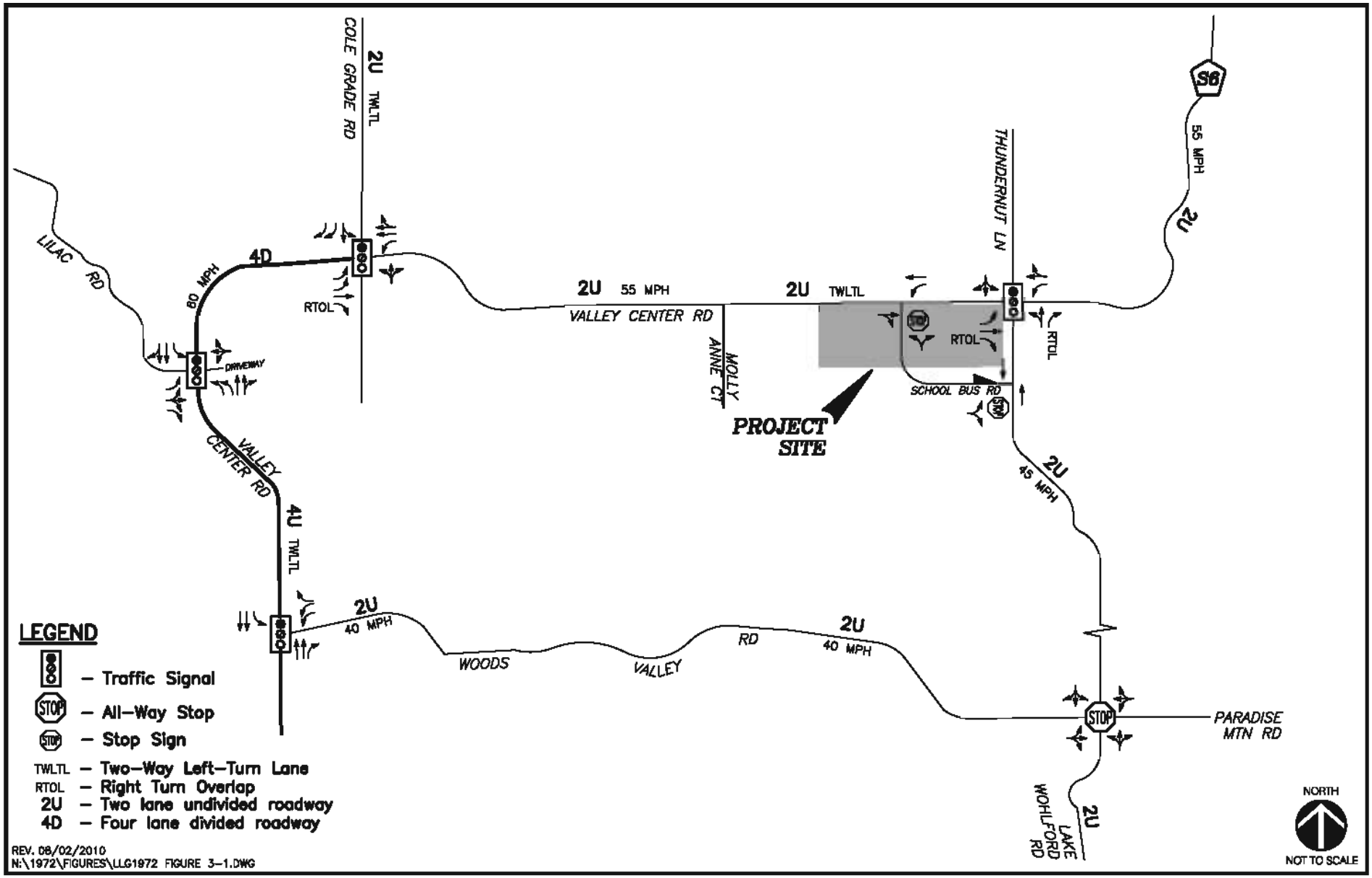
Table 3–1 is a summary of the most recent available average daily traffic volumes (ADTs). ***Figure 3–2*** shows the existing traffic volumes. ***Appendix A*** contains the manual count sheets.

TABLE 3–1
EXISTING TRAFFIC VOLUMES

Street Segment	ADT[a]
Valley Center Road	
Lake Wohlford Road (N.) to Cole Grade Road	11,180
Cole Grade Road to Lilac Road	22,910
Lilac Road to Woods Valley Road	24,100
Woods Valley Road to Lake Wohlford Road (S.)	24,930
Lake Wohlford Road (N.)	
Valley Center Road to Woods Valley Road	9,420
Woods Valley Road to Guejito Road	5,970
Woods Valley Road	
Valley Center Road to Lake Wohlford Road (N.)	2,450
Cole Grade Road	
Valley Center Road to Fruitvale Road	12,230

Footnotes:

a. Average Daily Traffic Volumes.



LINSCOTT LAW & GREENSPAN engineers

Figure 3-1

Existing Conditions Diagram

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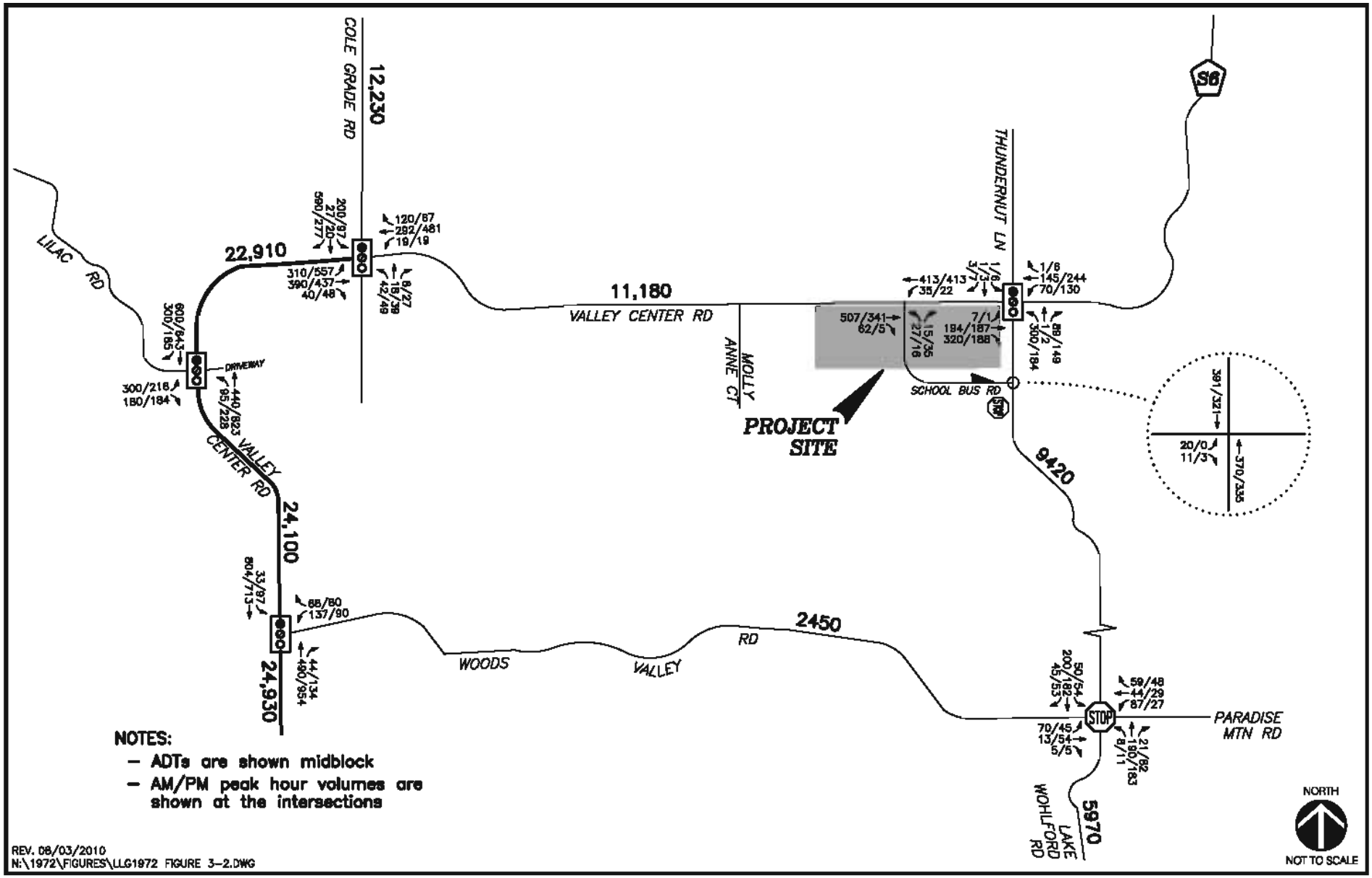

NOTES:
- ADTs are shown midblock
- AM/PM peak hour volumes are shown at the intersections

REV. 08/03/2010
N:\1972\FIGURES\LLG1972 FIGURE 3-2.DWG

LINSCOTT LAW & GREENSPAN engineers

Figure 3-2

Existing Traffic Volumes AM/PM Peak Hours & ADT

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT

4.0 ANALYSIS APPROACH AND METHODOLOGY

Level of service (LOS) is the term used to denote the different operating conditions which occur on a given roadway segment under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as roadway geometries, signal phasing, speed, travel delay, freedom to maneuver, and safety. Level of service provides an index to the operational qualities of a roadway segment or an intersection. Level of service designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions. Level of service designation is reported differently for signalized and unsignalized intersections, as well as for roadway segments.

4.1 Intersections

Signalized intersections were analyzed under AM and PM peak hour conditions. Average vehicle delay was determined utilizing the methodology found in Chapter 16 of the *2000 Highway Capacity Manual (HCM),* with the assistance of the *Traffix* (version 8.0) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection Level of Service (LOS).

Unsignalized intersections were analyzed under AM and PM peak hour conditions. Average vehicle delay and Levels of Service (LOS) was determined based upon the procedures found in Chapter 17 of the *2000 Highway Capacity Manual (HCM),* with the assistance of the *Traffix* (version 8.0) computer software

4.2 Street Segments

Street segment analysis is based upon the comparison of daily traffic volumes (ADTs) to the County of San Diego's *Roadway Classification, Level of Service, and ADT Table*. This table provides segment capacities for different street classifications, based on traffic volumes and roadway characteristics. The County of San Diego's *Roadway Classification, Level of Service, and ADT Table* is attached in ***Appendix B***.

5.0 SIGNIFICANCE CRITERIA

For the purpose of this traffic study, the following criterion was utilized to evaluate potential significant impacts and is based on the County's documents "Guidelines for Determining Significance", effective June 30, 2009 with a first modification effective February 19, 2010.

5.1 Road Segments

Pursuant to the County's General Plan Public Facilities Element (PFE), new development must provide improvements or other measures to mitigate traffic impacts to avoid:

a. Reduction in Level of Service (LOS) below "C" for on-site Circulation Element roads;

b. Reduction in LOS below "D" for off-site and on-site abutting Circulation Element roads; and

c. "Significantly impacting congestion" on roads that operate at LOS "E" or "F". If impacts cannot be mitigated, the project cannot be approved unless a statement of overriding findings is made pursuant to the State CEQA Guidelines. The PFE, however, does not include specific guidelines for determining the amount of additional traffic that would "significantly impact congestion" on such roads.

The County has created the following guidelines to evaluate likely traffic impacts of a proposed project for road segments and intersections serving that project site, for purposes of determining whether the development would "significantly impact congestion" on the referenced LOS E and F roads. The guidelines are summarized in ***Table 5–1***. The thresholds in *Table 5–1* are based upon average operating conditions on County roadways. It should be noted that these thresholds only establish general guidelines, and that the specific project location must be taken into account in conducting an analysis of traffic impact from new development.

TABLE 5–1
MEASURES OF SIGNIFICANT PROJECT IMPACTS TO CONGESTION ON CIRCULATION ELEMENT ROAD SEGMENTS ALLOWABLE INCREASES ON CONGESTED ROAD SEGMENTS

Level of Service	Two-Lane Road	Four-Lane Road	Six-Lane Road
LOS E	200 ADT	400 ADT	600 ADT
LOS F	100 ADT	200 ADT	300 ADT

General Notes:

1. By adding proposed project trips to all other trips from a list of projects, this same table must be used to determine if total cumulative impacts are significant. If cumulative impacts are found to be significant, each project that contributes additional trips must mitigate a share of the cumulative impacts.
2. The County may also determine impacts have occurred on roads even when a project's traffic or cumulative impacts do not trigger an unacceptable level of service, when such traffic uses a significant amount of remaining road capacity.

***On-site Circulation Element Roads*—**PFE, Transportation, Policy 1.1 states that "new development shall provide needed roadway expansion and improvements on-site to meet demand created by the development, and to maintain a Level of Service C on Circulation Element Roads during peak traffic hours". Pursuant to this policy, a significant traffic impact would result if:

- The additional or redistributed ADT generated by the proposed land development project will cause on-site Circulation Element Roads to operate below LOS C during peak traffic hours during peak traffic hours except within the Otay Ranch and Harmony Grove Village plans as specified in the PFE, Implementation Measure 1.1.2.

***Off-Site Circulation Element Roads*—**PFE, Transportation, Policy 1.1 also states that "new development shall provide off-site improvements designed to contribute to the overall achievement of a Level of Service D on Circulation Element Roads." Implementation Measure 1.1.3 addressed projects that would significantly impact congestion on roads operating at LOS E or F. It states, "new development that would significantly impact congestion on roads operating at LOS E or F, either currently or as a result of the project, will be denied unless improvements are scheduled to attain an LOS to D or better or appropriate mitigation is provided." The following significance guidelines define a method for evaluating whether or not increased traffic volumes generated or redistributed from a proposed project will "significantly impact congestion" on County roads, operating at LOS E or F, either currently or as a result of the project.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or level of service impact on a road segment:

- The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a Circulation Element Road or State Highway currently operating at LOS E or LOS F, or will cause a Circulation Element Road or State Highway to operate at a LOS E or LOS F as a result of the proposed project as identified in *Table 5–1*, or
- The additional or redistributed ADT generated by the proposed project will cause a residential street to exceed its design capacity.

5.2 Intersections

This section provides guidance for evaluating adverse environmental effects a project may have on signalized and unsignalized intersections. ***Table 5–2*** summarizes significant project impacts for signalized and unsignalized intersections.

Signalized Intersections—Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or level of service traffic impact on a signalized intersection:

- The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a signalized intersection currently operating at LOS E or LOS F, or will cause a signalized intersection to operate at a LOS E or LOS F as identified in ***Table 5–2***.
- Based upon an evaluation of existing accident rates, the signal priority list, intersection geometrics, proximity of adjacent driveways, sight distance or other factors, the project would significantly impact the operation of the intersection.

Unsignalized Intersections—The operating parameters and conditions for unsignalized intersections differ dramatically from those of signalized intersections. Very small volume increases on one leg or turn and/or through movement of an unsignalized intersection can substantially affect the calculated delay for the entire intersection. Significance criteria for unsignalized intersections are based upon a minimum number of trips added to a critical movement at an unsignalized intersection.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic impact on an unsignalized intersection as listed in *Table 5–2* and described as text below:

- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection, and cause an unsignalized intersection to operate below LOS D, or
- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS E, or
- The additional or redistributed ADT generated by the proposed project will add 6 or more peak hour trips to a critical movement of an unsignalized intersection, and cause the unsignalized intersection to operate at LOS F, or
- The additional or redistributed ADT generated by the proposed project will add 6 or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS F, or
- Based upon an evaluation of existing accident rates, the signal priority list, intersection geometrics, proximity of adjacent driveways, sight distance or other factors, it is found that the generation rate is less than those specified above, and would significantly impact the operations of the intersection.

TABLE 5–2
MEASURES OF SIGNIFICANT PROJECT IMPACTS TO CONGESTION ON INTERSECTIONS
ALLOWABLE INCREASES ON CONGESTED INTERSECTIONS

Level of service	Signalized	Unsignalized
LOS E	Delay of 2 seconds or less	20 or less peak hour trips on a critical movement
LOS F	Delay of 1 second, or 5 or less peak hour trips on a critical movement	5 or less peak hour trips on a critical movement

General Notes:

1. A critical movement is an intersection movement (right-turn, left-turn, through-movement) that experiences excessive queues, which typically operate at LOS F.
2. By adding proposed project trips to all other trips from a list of projects, these same tables are used to determine if total cumulative impacts are significant. If cumulative impacts are found to be significant, each project that contributes any trips must mitigate a share of the cumulative impacts.
3. The County may also determine impacts have occurred on roads even when a project's traffic or cumulative impacts do not trigger an unacceptable level of service, when such traffic uses a significant amount of remaining road capacity.
4. For determining significance at signalized intersections with LOS F conditions, the analysis must evaluate both the delay and the number of trips on a critical movement, exceedance of either criteria result in a significant impact.

6.0 ANALYSIS OF EXISTING CONDITIONS

The analysis of existing conditions includes the assessment of the study area intersection and street segments.

6.1 Peak Hour Intersection Levels of Service

Table 6–1 summarizes the existing intersection levels of service. As seen in *Table 6–1*, all intersections are calculated to operate at LOS C or better during both the AM and PM peak hours.

Appendix C contains the existing intersection analysis worksheets.

TABLE 6–1
EXISTING INTERSECTION OPERATIONS

Intersection	Control Type	Peak Hour	Existing	
			Delay[a]	LOS[b]
1. Valley Center Road/ Cole Grade Road	Signal	AM PM	32.2 32.9	C C
2. Valley Center Road/ School Bus Road	TWSC [c]	AM PM	20.3 13.1	C B
3. Valley Center Road/ Lake Wohlford Road (N.)	Signal	AM PM	23.3 26.0	C C
4. Lake Wohlford Road (N.)/ School Bus Road	TWSC	AM PM	14.6 10.2	B B
5. Lake Wohlford Road (N.)/ Woods Valley Road	AWSC [d]	AM PM	11.1 10.7	B B
6. Lake Wohlford Road (N.)/ Project Access	TWSC	AM PM	DNE DNE	DNE DNE
7. Valley Center Road/ Lilac Road	Signal	AM PM	14.9 13.7	B B
8. Valley Center Road/ Woods Valley Road	Signal	AM PM	16.1 17.7	B B

Footnotes:
a. Average delay expressed in seconds per vehicle.
b. Level of Service.
c. TWSC – Two-Way Stop Controlled intersection.
d. AWSC – All-Way Stop Controlled intersection.

SIGNALIZED		UNSIGNALIZED	
DELAY/LOS THRESHOLDS		DELAY/LOS THRESHOLDS	
Delay	LOS	Delay	LOS
0.0 < 10.0	A	0.0 < 10.0	A
10.1 to 20.0	B	10.1 to 15.0	B
20.1 to 35.0	C	15.1 to 25.0	C
35.1 to 55.0	D	25.1 to 35.0	D
55.1 to 80.0	E	35.1 to 50.0	E
> 80.1	F	> 50.1	F

6.2 Daily Street Segment Levels of Service

Table 6–2 summarizes the existing roadway segment level of service. As seen in *Table 6–2*, the segments are calculated to currently operate at LOS D or better except for the Valley Center Road segment between Lake Wohlford Road (N.) and Cole Grade Road which currently operates at LOS E.

TABLE 6–2
EXISTING STREET SEGMENT OPERATIONS

Street Segment	Functional Classification	Capacity (LOS E) [a]	ADT [b]	LOS [c]
Valley Center Road				
Lake Wohlford Road (N.) to Cole Grade Road	Rural Collector	16,200	11,180	E
Cole Grade Road to Lilac Road	Major Road	37,000	22,910	B
Lilac Road to Woods Valley Road	Major Road	37,000	24,100	B
Woods Valley Road to Lake Wohlford Road (S.)	Major Road	37,000	24,930	C
Lake Wohlford Road (N.)				
Valley Center Road to Woods Valley Road	Rural Collector	16,200	9,420	D
Woods Valley Road to Guejito Road	Rural Collector	16,200	5,970	C
Woods Valley Road				
Valley Center Road to Lake Wohlford Road (N.)	Rural Collector	16,200	2,450	B
Cole Grade Road				
Valley Center Road to Fruitvale Road	Town Collector	19,000	12,230	D

Footnotes:

a. Capacities based on County of San Diego Roadway Classification Table.

b. Average Daily Traffic Volumes.

c. Level of Service.

7.0 TRIP GENERATION/DISTRIBUTION/ASSIGNMENT

Based on the preliminary conceptual site plan, the proposed project consists of specialty retail/strip commercial, restaurant, and gas station land uses. It also includes the relocation of an existing surface parking lot currently occupying the project site to the westerly adjacent parcel. It is expected that many of the trips will be trips not new to the street system, but instead captured from trips already on the system. These trips are termed "pass-by" trips.

7.1 Trip Generation

The project trip generation was determined using the following steps:

1. San Diego Association of Governments (SANDAG) trip generation rates taken from the *(Not so) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002*, were used for the project land uses.
2. Total project trips were calculated using the SANDAG rates to obtain the total trips generated by the project site.
3. As previously mentioned, a portion of project trips will not be new to the street system, but will be captured from trips already on the street system. These trips are termed "pass-by" trips and are assumed to be already on the roadways for another purpose.
4. Primary trips are trips assumed to be new to the street system. The primary trips are calculated by subtracting the pass-by trips from the total project trips.

Commercial Development Trips

Based on the total commercial trip generation calculations, the proposed project is calculated to generate 5,072 ADT with 325 total trips during the AM peak hour (166 inbound / 159 outbound) and 417 total trips during the PM peak hour (220 inbound / 197 outbound).

Total Primary Commercial Trips

Based on SANDAG rates and pass-by percentages, the proposed project is calculated to generate approximately 4,078 primary daily trips with 293 primary trips during the AM peak hour (150 inbound / 143 outbound) and 281 primary trips during the PM peak hour (152 inbound / 129 outbound). These trips are new to the street system.

The total project trip generation is summarized in ***Table 7–1***.

7.2 Trip Distribution/Assignment

The project traffic was distributed and assigned to the street system based on the project's proximity to state highways and arterials, and the locations of existing and proposed residential communities.

Figure 7–1 shows the project traffic distribution. ***Figure 7–2*** shows the primary project traffic assignment. ***Figure 7–3*** shows the existing + project traffic volumes.

TABLE 7–1
PROJECT TRIP GENERATION

Land Use	Size	Daily Trip Ends (ADTs)		AM Peak Hour					PM Peak Hour				
		Rate[a]	Volume	% of ADT	In:Out Split	Volume In	Volume Out	Volume Total	% of ADT	In:Out Split	Volume In	Volume Out	Volume Total
Commercial Development													
Specialty Retail/Strip Commercial	27.6 KSF	40/KSF	1,104	3%	6:4	20	13	33	9%	5:5	50	50	100
Pass-by		*10%*	*(110)*	*10%*	*5:5*	*(2)*	*(2)*	*(4)*	*10%*	*5:5*	*(5)*	*(5)*	*(10)*
Specialty Retail/Strip Commercial Primary Trips			994	—		18	11	29	—		45	45	90
Restaurant Sit-Down, High Turnover	8.8 KSF	160/KSF	1,408	8%	5:5	56	56	112	8%	6:4	68	45	113
Pass-by		*12%*	*(168)*	*10%*	*5:5*	*(5)*	*(5)*	*(10)*	*20%*	*5:5*	*(11)*	*(11)*	*(22)*
Restaurant Sit-Down, High Turnover Primary Trips			1,240	—		51	51	102	—		57	34	91
Gasoline w/ Food Mart	12 VFS	160/VFS	2,560	7%	5:5	90	90	180	8%	5:5	102	102	204
Pass-by		*28%*	*(716)*	*10%*	*5:5*	*(9)*	*(9)*	*(18)*	*50%*	*5:5*	*(52)*	*(52)*	*(104)*
Gasoline w/ Food Mart Primary Trips			2,048	—		81	81	162	—		50	50	100
Total Commercial Trips			**5,072**	**—**		**166**	**159**	**325**	**—**		**220**	**197**	**417**
Total Project Pass-by			*(994)*	—		*(16)*	*(16)*	*(32)*	—		*(68)*	*(68)*	*(136)*
Total Primary Commercial Trips			**4,078**	**—**		**150**	**143**	**293**	**—**		**152**	**129**	**281**

Footnotes:

a. Trip rates and pass-by percentages are based on SANDAG's (*Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002.

General Notes:
KSF = Thousand square feet
VFS = Vehicle fueling stations

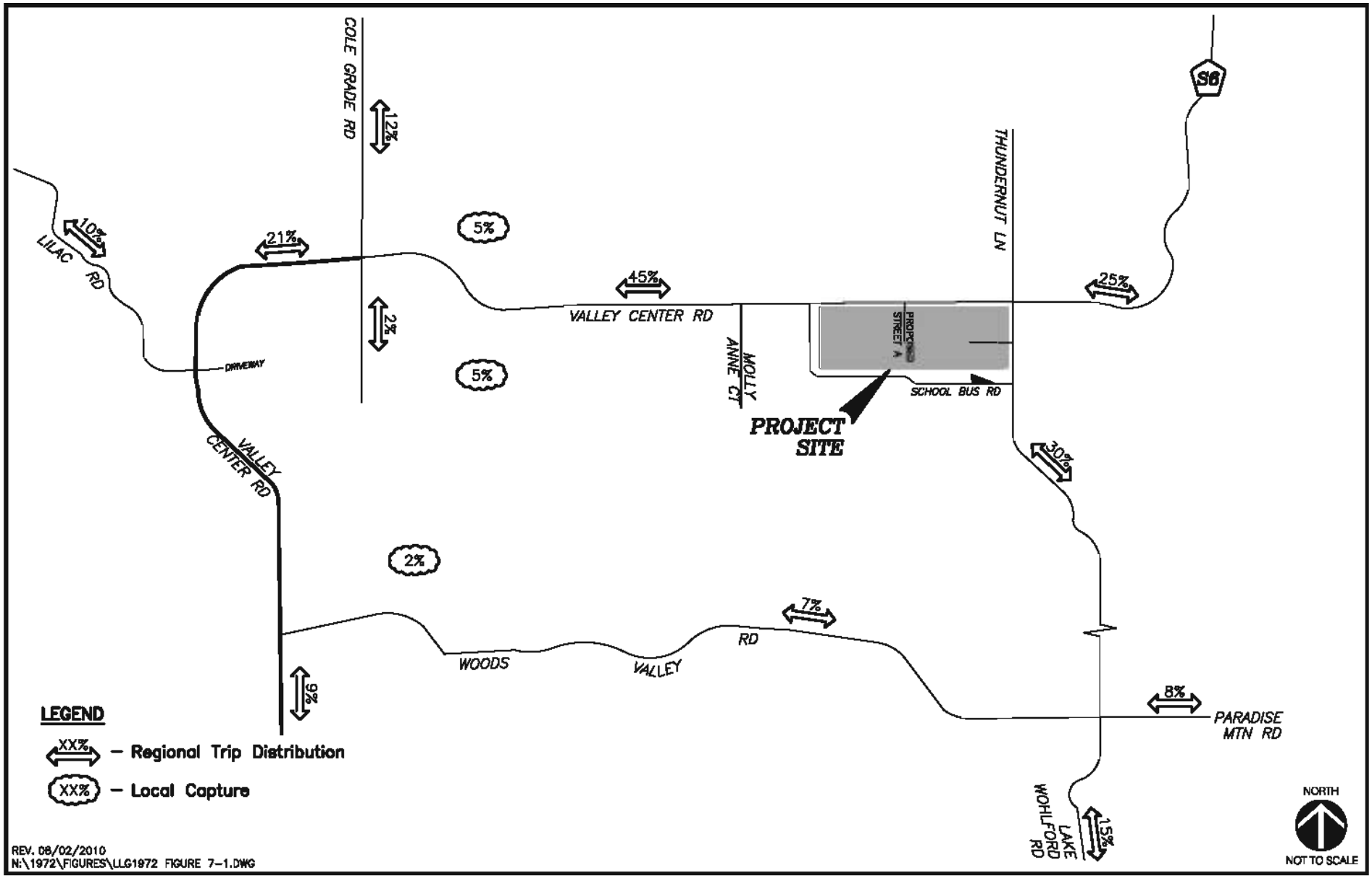

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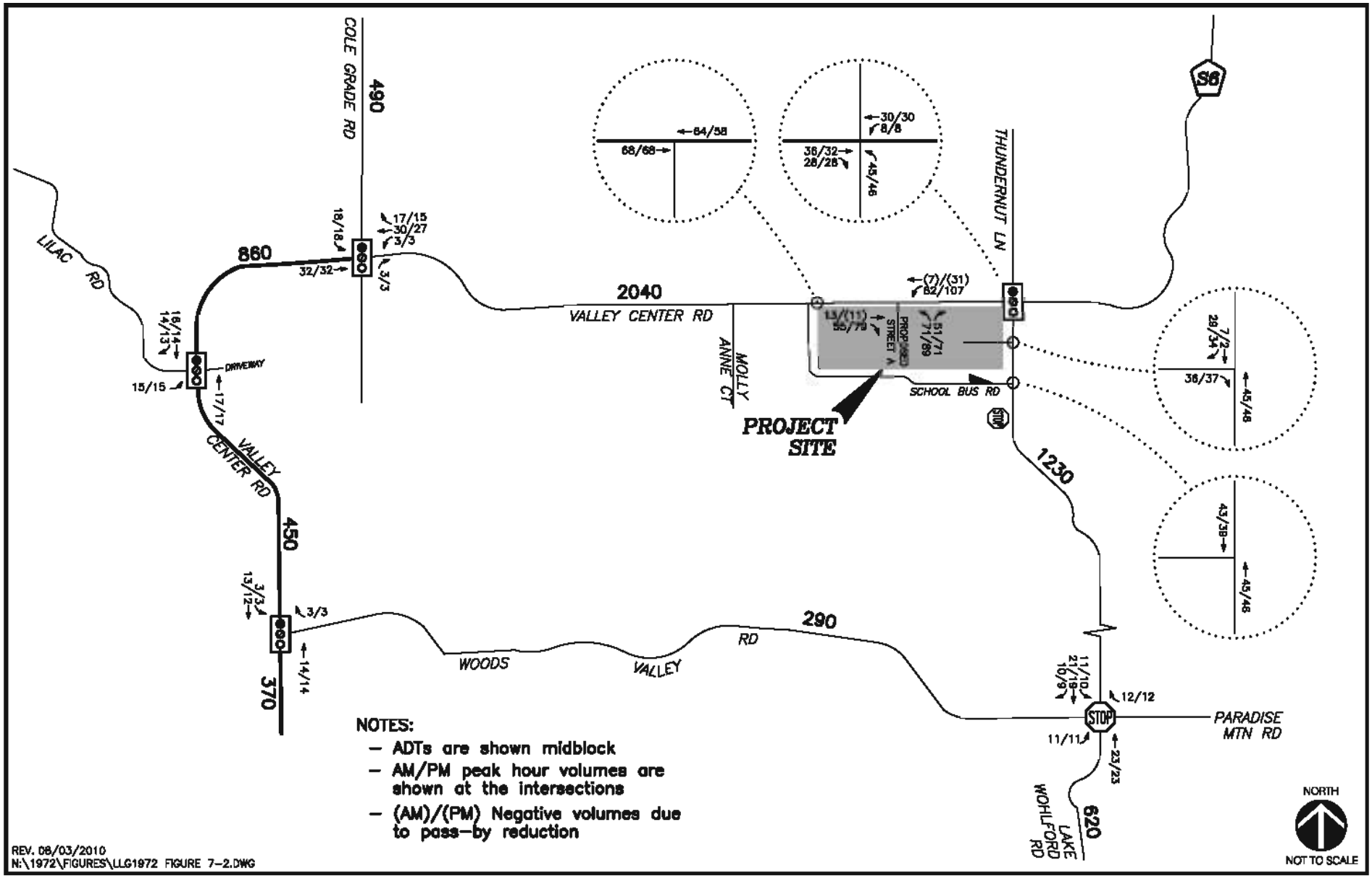
Figure 7-1

Project Traffic Distribution

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT



NOTES:
- ADTs are shown midblock
- AM/PM peak hour volumes are shown at the intersections
- (AM)/(PM) Negative volumes due to pass-by reduction

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Figure 7-2

Project Traffic Volumes AM/PM Peak Hours & ADT

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT

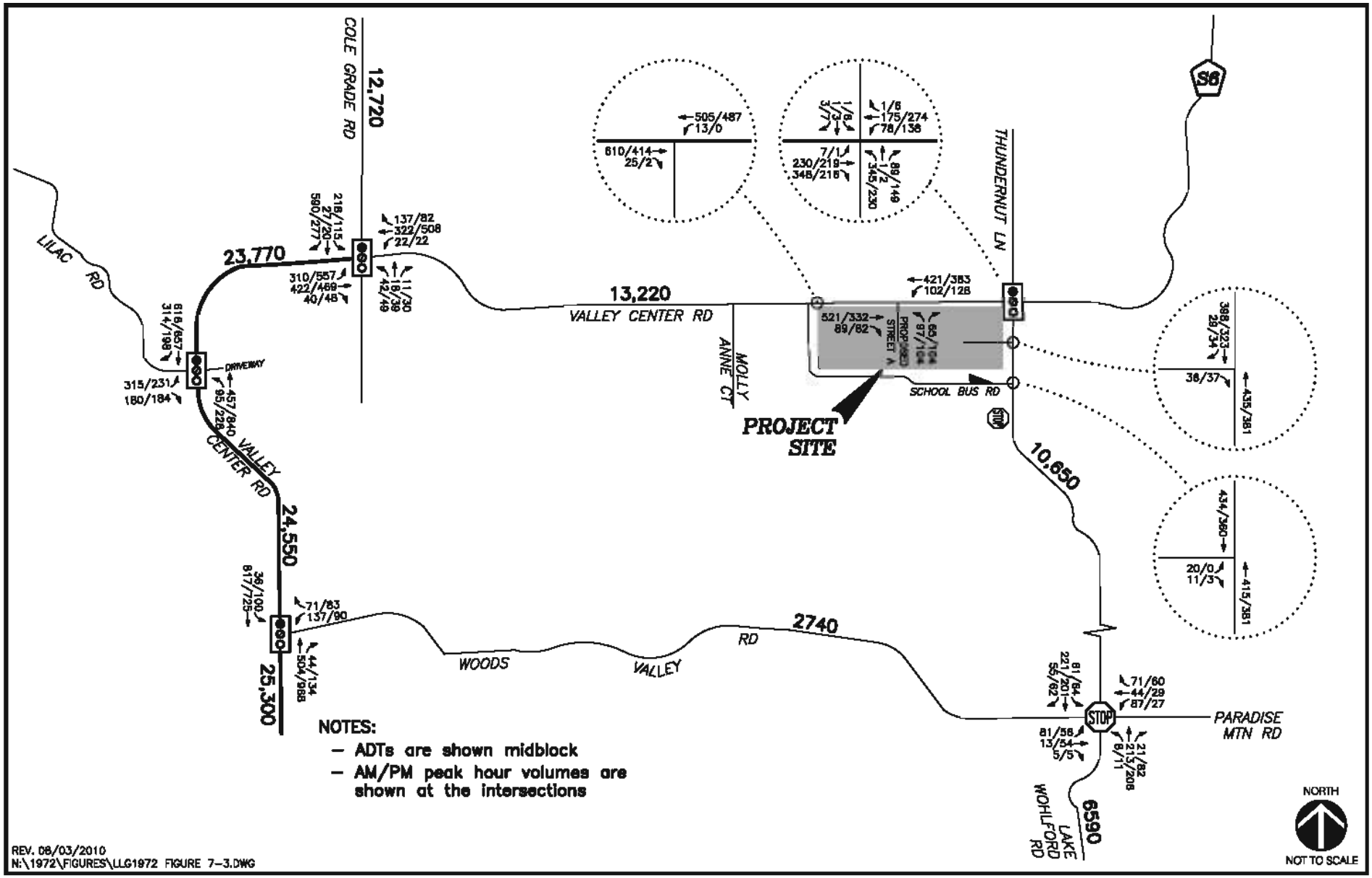

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Figure 7-3

Existing + Project Traffic Volumes AM/PM Peak Hours & ADT

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8.0 ANALYSIS OF PROJECT IMPACTS

The following is a summary of the intersection and daily street segment operations for the Near-Term scenarios. The impacts of the proposed project traffic volumes are compared to the existing volumes to determine potential near-term significant direct impacts, based on the published significance criteria. Also presented are the Year 2030 forecasted volumes and operations from the General Plan (GP) Update traffic model, which were utilized to address potential cumulative project traffic impacts. Findings of significance are made at the conclusion of the report in *Section 11.0.*

8.1 Existing + Project Operations

8.1.1 *Intersection Analysis*

Table 8–1 shows that with the addition of project traffic, the study area intersections are calculated to continue to operate at a LOS D or better during the AM and PM peak hours with the exception of the Valley Center Road/ Street "A" intersection which is calculated to operate at LOS F during the AM peak hour.

Appendix D contains the existing + project intersection level of service analysis worksheets.

8.1.2 *Segment Operations*

Table 8–2 shows that with the addition of project traffic, the street segments are calculated to continue to operate at a LOS D or better except for the two-lane portion of Valley Center Road segment between Lake Wohlford Road (N.) and Cole Grade Road which continues to operate at LOS E.

Based on the established significance criteria, significant direct impacts are calculated at the intersection of Valley Center Road and Street "A" and along the segment on Valley Center Road between Lake Wohlford Road (N.) and Cole Grade Road.

8.2 Year 2030 (With Project) Operations

8.2.1 *Forecast Volumes*

Year 2030 traffic volumes are derived from the most recent version of the SANDAG Series 11 County of San Diego GP Update traffic model, revised June 3, 2010, which includes land use and network changes consistent with the proposed GP Update. This includes the recent widening of Valley Center Road to four lanes. The GP Update traffic model ADTs were compared to existing ADTs in the study area. Future peak hour intersection turn volumes were calculated based on forecasted growth in ADT on the adjacent links. Project traffic was added to the Year 2030 volumes. ***Figure 8–1*** shows the Year 2030 (With Project) traffic volumes.

8.2.2 *Intersection Analysis*

Table 8–1 shows that with the forecasted Year 2030 (With Project) traffic volumes the study area intersections are calculated to continue to operate at a LOS D or better except for the Valley Center Road/ Street "A" intersection which is forecasted to operate at LOS F during the AM and PM peak hours.

Appendix E contains the Year 2030 (With Project) intersection level of service analysis worksheets.

8.2.3 *Segment Operations*

Table 8–2 shows that with the forecasted Year 2030 (With Project) traffic volumes the street segments are calculated to continue to operate at a LOS D or better except for the following:

- Valley Center Road between Lake Wohlford Road and Cole Grade Road – LOS E
- Valley Center Road between Cole Grade Road and Woods Valley Road – LOS F
- Valley Center Road between Woods Valley Road and Lake Wohlford Road (S.) – LOS E
- Lake Wohlford Road (N.) between Valley Center Road and Guejito Road – LOS E
- Cole Grade Road between Valley Center Road and Fruitvale Road – LOS F

Based on the established significance criteria, significant cumulative impacts are calculated at all of the study area locations forecasted to operate at LOS E/F conditions.

TABLE 8–1
INTERSECTION OPERATIONS

Intersection	Control Type	Peak Hour	Existing		Existing + Project			Year 2030 (With Project)	
			Delay[a]	LOS[b]	Delay	LOS	Δ[c]	Delay	LOS
1. Valley Center Road/ Cole Grade Road	Signal	AM	32.2	C	32.7	C	—	53.3	D
		PM	32.9	C	33.5	C	—	53.6	D
2. Valley Center Road/ Street "A"	TWSC[d]	AM	20.3	C	**53.6**	**F**	**265**	**>100**	**F**
		PM	13.1	B	34.4	D	**242**	**>100**	**F**
3. Valley Center Road/ Relocated School Bus Road	Inbound Only	AM	DNE	DNE	9.0	A	—	10.6	B
		PM	DNE	DNE	0.0[f]	—	—	0.0[f]	—
4. Valley Center Road/ Lake Wohlford Road (N.)	Signal	AM	23.3	C	24.5	C	—	33.2	C
		PM	26.0	C	26.8	C	—	43.3	D
5. Lake Wohlford Road (N.)/ School Bus Road	TWSC	AM	14.6	B	15.9	C	—	28.4	D
		PM	10.2	B	10.5	B	—	12.2	B
6. Lake Wohlford Road (N.)/ Woods Valley Road	AWSC[e]	AM	11.1	B	12.3	B	—	33.0	D
		PM	10.7	B	11.7	B	—	29.7	D
7. Lake Wohlford Road (N.)/ Project Access	TWSC	AM	—	—	11.3	B	—	13.8	B
		PM	—	—	10.7	B	—	12.6	B
8. Valley Center Road/ Lilac Road	Signal	AM	14.9	B	15.0	B	—	34.9	C
		PM	13.7	B	13.7	B	—	34.7	C
9. Valley Center Road/ Woods Valley Road	Signal	AM	16.1	B	16.1	B	—	19.8	B
		PM	17.7	B	17.9	B	—	24.0	C

Footnotes:

a. Average delay expressed in seconds per vehicle.
b. Level of Service.
c. "Δ" denotes the project-induced increase in trips at the critical movement for potentially impacted intersections.
d. TWSC – Two-Way Stop Controlled intersection. Minor street left turn delay is reported.
e. AWSC –All-Way Stop Controlled intersection.
f. No critical movements are reported during the PM peak hour on the Valley Center Road/ School Bus Road (Realigned) intersection, therefore no delay is shown.

General Notes:

Bold typeface and shading indicates a potential significant impact.
DNE = Does Not Exist

SIGNALIZED DELAY/LOS THRESHOLDS		UNSIGNALIZED DELAY/LOS THRESHOLDS	
Delay	LOS	Delay	LOS
0.0 < 10.0	A	0.0 < 10.0	A
10.1 to 20.0	B	10.1 to 15.0	B
20.1 to 35.0	C	15.1 to 25.0	C
35.1 to 55.0	D	25.1 to 35.0	D
55.1 to 80.0	E	35.1 to 50.0	E
> 80.1	F	> 50.1	F

TABLE 8–2
STREET SEGMENT OPERATIONS

Street Segment	Capacity (LOS E) [a]	Existing		Existing + Project		Project-induced increase	Year 2030 (With Project)	
		ADT [b]	LOS [c]	ADT	LOS		ADT	LOS
Valley Center Road								
Lake Wohlford Road (N.) to Cole Grade Road	16,200	11,180	E	**13,220**	**E**	**2,040**	**15,040**	**E**
Cole Grade Road to Lilac Road	37,000	22,910	B	23,770	B	**860**	**41,860**	**F**
Lilac Road to Woods Valley Road	37,000	24,100	B	24,550	B	**450**	**41,450**	**F**
Woods Valley Road to Lake Wohlford Road (S.)	37,000	24,930	C	25,300	C	**370**	**36,370**	**E**
Lake Wohlford Road (N.)								
Valley Center Road to Woods Valley Road	16,200	9,420	D	10,650	D	**1,230**	**15,230**	**E**
Woods Valley Road to Guejito Road	16,200	5,970	C	6,590	C	**620**	**13,620**	**E**
Woods Valley Road								
Valley Center Road to Lake Wohlford Road (N.)	16,200	2,450	B	2,740	B	—	5,290	C
Cole Grade Road								
Valley Center Road to Fruitvale Road	19,000	12,230	D	12,720	D	**490**	**31,490**	**F**

Footnotes:

a. Capacities based on County of San Diego Roadway Classification Table.

b. Average Daily Traffic Volumes.

c. Level of Service.

General Notes:

Bold typeface and shading indicates a significant impact.

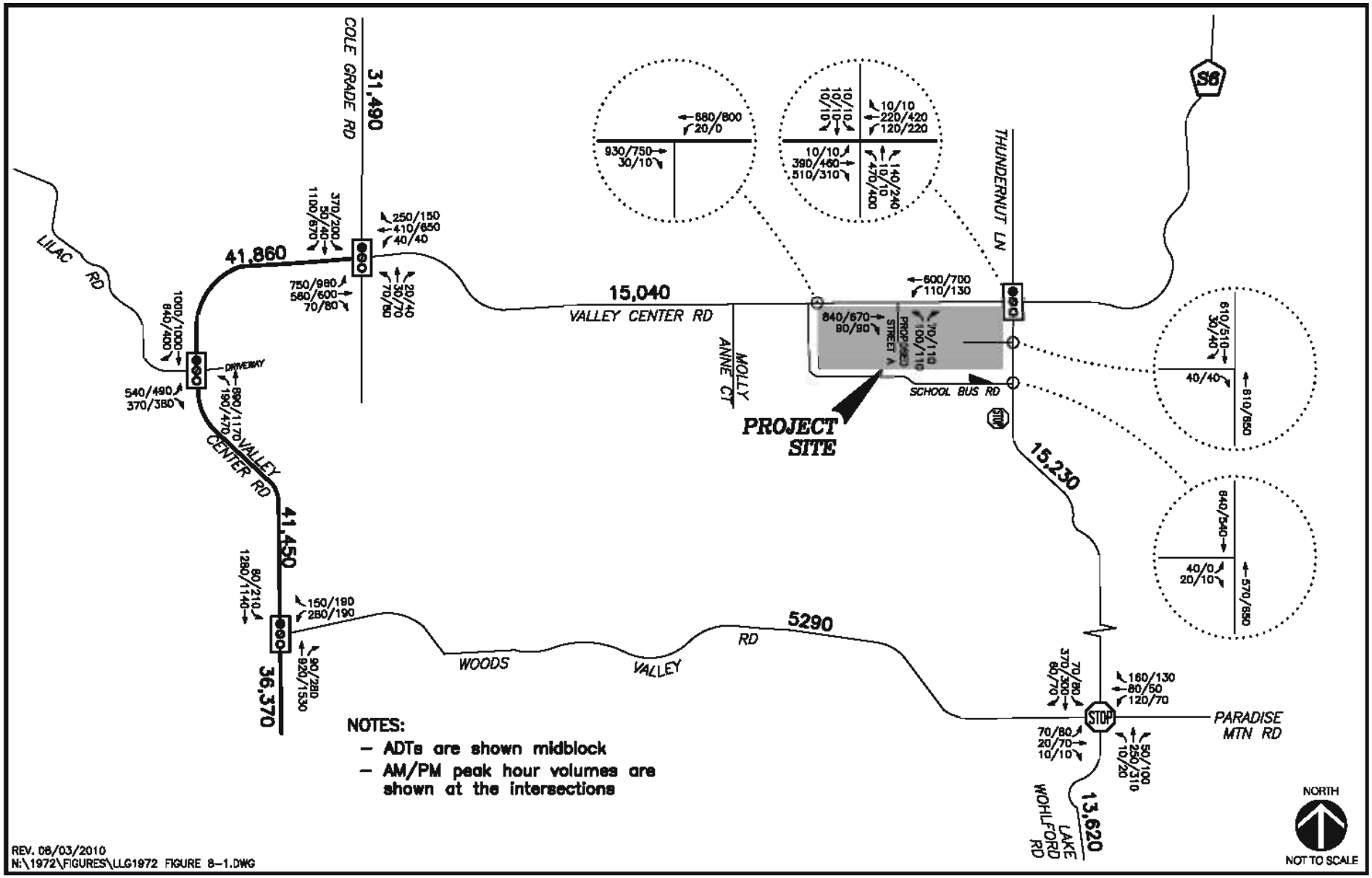

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Figure 8-1

Year 2030 (With Project) Traffic Volumes AM/PM Peak Hours & ADT

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT

9.0 CONGESTION MANAGEMENT PROGRAM COMPLIANCE

The Congestion Management Program (CMP), adopted on November 22, 1991, is intended to link land use, transportation and air quality through level of service performance. The CMP requires an Enhanced CEQA Review for projects that are expected to generate more than 2,400 ADT or more than 200 peak hour trips.

The *SANDAG Congestion Management Program, Updated July 16, 2008* report contains a list of "CMP Arterials" that are to be analyzed if the project exceeds the above mentioned trip generation thresholds. Although the project generates more than the 2,400 ADT and 200 peak hour trips, none of the study area locations analyzed in this report are listed as CMP arterials, highways, or freeways. ***Therefore, a CMP analysis is not required of this project.***

10.0 ACCESS AND OTHER ISSUES

10.1 Project Access

Access to the commercial portion of the project is proposed via one full access driveway on Valley Center Road and one right-turn in/out only driveway on Lake Wohlford Road (N.). Based on a review of forecasted traffic volumes at the access points, the following geometry and traffic controls are recommended to facilitate adequate operations at each driveway. ***Figure 10–1*** illustrates the project access recommendations.

1. **<u>Valley Center Road/ Street "A"</u>**

   Restripe Valley Center Road to provide a westbound left-turn lane with 150-feet of storage and a 90-foot bay taper and an eastbound dedicated right-turn lane. Provide two outbound (northbound) lanes on Street "A", one left-turn lane and one right-turn lane with an overlap phase. Conduct an annual traffic count at the Valley Center Road/ Street "A" intersection as part of a monitoring program of the intersection to determine when signal warrants are met. Install the traffic signal once warrants are met.

   It should be noted that signalization of the Valley Center Road/ Street "A" intersection will likely not be needed until full buildout of the site and is dependent on tenant mix and trip generation. It is recommended that a monitoring system be implemented to identify the point at which a traffic signal is warranted.

2. **<u>Lake Wohlford Road (N.)/ Project Access</u>**

   Place the project driveway under stop-control. Signage shall be placed to restrict access to right-turn in/ right-turn out only. An exception to the 300-foot separation County standard between road intersections will be required. This exception is justified since access will be limited to right-in/right-out only at Lake Wohlford Road (N.) and peak hour traffic volume projections are low coming in and out of this driveway (see *Figure 7–3*). In addition, the signal on Lake Wohlford Road (N.) at Valley Center Road will provide gaps for vehicles exiting the site. Corner sight distance meeting County standards must be provided.

At the relocated Valley Center Road/ School Bus Road intersection, the following is recommended to provide adequate operations:

Provide a westbound left-turn lane with 130-feet of storage and a 90-foot bay taper and an eastbound dedicated right-turn lane on Valley Center Road. School Bus Road should be a 22-foot wide one-way roadway with school buses entering along Valley Center Road and exiting along Lake Wohlford Road (N.). Ensure proper sight distance is met at the new location based on County standards.

10.2 Site Plan Assessment

The site plan dated March 24, 2009 (*Figure 2–3*) was evaluated for access and circulation issues. Based on this evaluation, LLG has the following recommendations.

1. The one-way School Bus Road shall continue its current operations in which buses and vehicles enter from Valley Center Road and exit to Lake Wohlford Road (N.).

2. Place the driveway to the west parking lot further south on Street "A" to be opposite the east parking lot access to provide for a four-legged intersection.

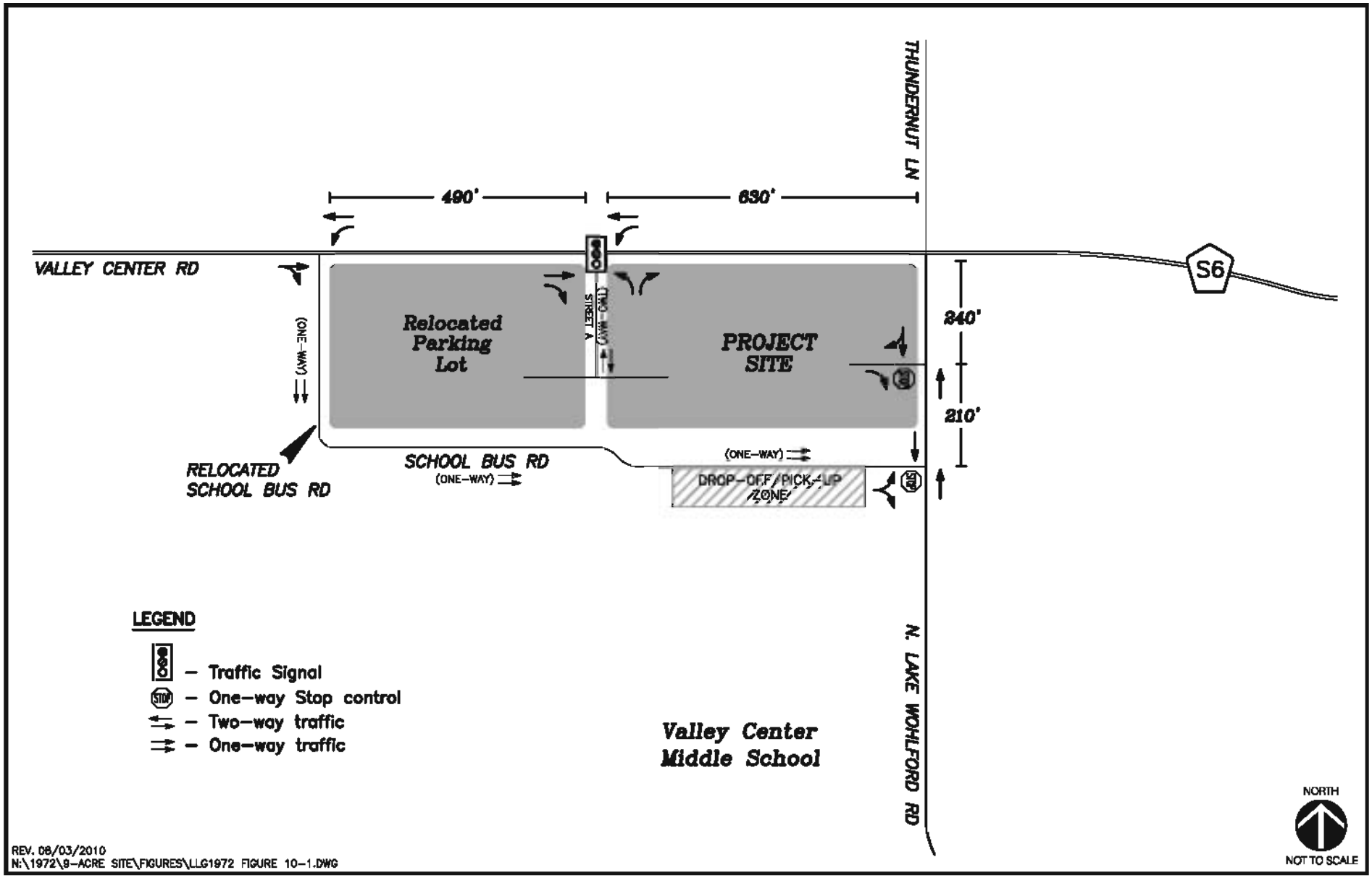

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Figure 10-1

Project Access Recommendations

SAN PASQUAL 9-ACRE FEE-TO-TRUST & RETAIL PLAZA PROJECT

11.0 IMPACT SUMMARY

The project is calculated to generate a total of 5,072 ADT with 325 total AM and 417 total PM peak hour trips. The effects of the proposed project traffic were measured at 9 intersections (including project access locations) and 8 street segments in the project area for direct project and cumulative impacts.

11.1 Significance of Impacts

The following is a description of the calculated significant impacts for the proposed project based on the County of San Diego "Guidelines for Determining Significance", effective June 30, 2009 with a first modification effective February 19, 2010 along with recommendations for mitigation measures at the impacted locations.

Direct and Cumulative Impacts

1. Valley Center Road/ Street "A" intersection
2. Valley Center Road segment between Lake Wohlford Road (N.) and Cole Grade Road
3. Valley Center Road between Cole Grade Road and Lake Wohlford Road (S.)
4. Lake Wohlford Road (N.) between Valley Center Road and Guejito Road
5. Cole Grade Road between Valley Center Road and Fruitvale Road

11.2 Mitigation Measures

The following mitigation measures are recommended.

Direct and Cumulative Mitigation

1. **Valley Center Road/ Street "A" intersection:** Restripe Valley Center Road to provide a westbound left-turn lane with 150-feet of storage and a 90-foot bay taper and an eastbound dedicated right-turn lane. Provide two outbound (northbound) lanes on Street "A", one left-turn lane and one right-turn lane with an overlap phase. Conduct an annual traffic count at the Valley Center Road/ Street "A" intersection as part of a monitoring program of the intersection to determine when signal warrants are met. Install the traffic signal once warrants are met.

2. **Valley Center Road between Lake Wohlford Road** (N.) **and Cole Grade Road:** Provide the intersection improvements listed in Mitigation Measure #1 and in addition, provide a westbound left-turn only lane at the Valley Center Road/ Molly Anne Court intersection (entering into Citrus Point Subdivision). These capacity improvements along the impacted portion of Valley Center Road would directly improve traffic flow and is a proportional improvement to the amount of traffic the project adds to the segment. The provision of dedicated left-turn lanes will enable left-turn vehicles to not need to stop in Valley Center Road through traffic to make their turn. This is advantageous due to high speeds on Valley

Center Road. These improvements would mitigate the significant direct and cumulative impacts.

3. **Valley Center Road between Cole Grade Road and Lake Wohlford Road (S.):** Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance.

4. **Lake Wohlford Road (N.) between Valley Center Road and Guejito Road:** Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance.

5. **Cole Grade Road between Valley Center Road and Fruitvale Road:** Payment into the County Traffic Impact Fee Program would mitigate the cumulative impact on this roadway to below a level of significance.

ATTACHMENT 1

YEAR 2030 WITHOUT PROJECT
STREET SEGMENT OPERATIONS

Street Segment	Capacity (LOS E) [a]	Year 2030 (Without Project)	
		ADT [b]	LOS [c]
Valley Center Road			
Lake Wohlford Road (N.) to Cole Grade Road	16,200	13,000	E
Cole Grade Road to Lilac Road	37,000	41,000	F
Lilac Road to Woods Valley Road	37,000	41,000	F
Woods Valley Road to Lake Wohlford Road (S.)	37,000	36,000	E
Lake Wohlford Road (N.)			
Valley Center Road to Woods Valley Road	16,200	14,000	E
Woods Valley Road to Guejito Road	16,200	13,000	E
Woods Valley Road			
Valley Center Road to Lake Wohlford Road (N.)	16,200	5,000	C
Cole Grade Road			
Valley Center Road to Fruitvale Road	19,000	31,000	F

Footnotes:

a. Capacities based on County of San Diego Roadway Classification Table.

b. Average Daily Traffic Volumes.

c. Level of Service.

The appendices to this Traffic Impact Analysis are available upon request.

Appendix I Bureau of Land Management Manual 8410 Visual Resources Inventory

Appendix I:

Bureau of Land Management Manual 8410 Visual Resources Inventory

1.0 Introduction

The Bureau of Land Management (BLM) developed a Manual (8410) for assessing the level of value of the Visual Resources for a specific parcel (BLM, 2007). This methodology was used to complete the analysis for the Scenic Quality Rating Summary in **Section 3.13** Visual Resources. The methodology for

2.0 Scenic Quality - Explanation of Rating Criteria

The BLM established rating criteria for seven features that effect scenic quality of visual resources. These features are landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications.

Landform

Topography becomes more interesting as it gets steeper or more massive, or more severely or universally sculptured. Outstanding landforms may be monumental, as the Grant Canyon, the Sawtooth Mountain Range in Idaho, the Wrangell Mountain Range in Alaska, or they may be exceedingly artistic and subtle as certain badlands, pinnacles, arches and other extraordinary formations.

Vegetation

Give primary consideration to the variety of patterns, forms, and textures created by plant life. Consider short-lived displays when they are known to be recurring or spectacular. Consider also small scale vegetational features which add striking and intriguing detail elements to the landscape (e.g. gnarled or windbeaten trees, and Joshua trees).

Water

That ingredient which adds movement or serenity to a scene. The degree to which water dominates the scene is the primary consideration in selecting the rating score.

Color

Consider the overall color(s) of the basic components of the landscape (e.g. soil, rock, vegetation, etc.) as they appear during the seasons or periods of high use. Key factors to use when rating “color” are variety, contrast, and harmony.

Adjacent Scenery

Degree to which scenery outside the scenery unit being rated enhances the overall impression of the scenery within the rating unit. The distance which adjacent scenery will influence scenery within the

rating unit will normally range from 0-5 miles, depending upon the characteristics of the topography, the vegetative cover, and other such factors. This factor is generally applied to units which would normally rate very low in score but the influence of the adjacent unit would enhance the visual quality and raise the score.

Scarcity

This factor provides an opportunity to give added importance to one or all of the scenic features that appear to be relatively unique or rare within one physiographic region. There may also be cases where a separate evaluation of each of the key factors does not give a true picture of the overall scenic quality of an area. Often it is a number of not so spectacular elements in the proper combination that produces the most pleasing and memorable scenery-the scarcity factor can be used to recognize this type of area and give it the added emphasis it needs.

Cultural Modifications

Cultural modifications in the landform/water, vegetation, and addition of structures should be considered and may detract from the scenery in the form of a negative intrusion or complement or improve the scenic quality of a unit. Rate accordingly.

3.0 Scenic Quality Inventory and Evaluation Chart

The BLM developed a Scenic Quality Inventory and Evaluation Chart, which provides rating criteria and associated scores to each of the features that comprise the scenic quality. The Inventory and Evaluation Chart is presented in **Table 1,** below.

4.0 References

Department of the Interior Bureau of Land Management. 2007. Manual 8410 – Visual Resource Inventory. Electronic Document, http://www.blm.gov/nstc/VRM/8410.html, Accessed August 2010.

Table 1:
Scenic Quality Inventory and Evaluation Chart

Key Factors	Rating Criteria	Score	Rating Criteria	Score	Rating Criteria	Score
Landform	High Vertical Relief as expressed in cliffs, spires, or massive rock outcrops, or severe surface variation or highly eroded formations including major badlands or dune systems; or detail features dominant and exceptionally striking	5	Steep canyons, mesas, buttes, cinder cones, and drumlins; or variety in size and shape of landforms; or detail features which are interesting though not dominant or exceptional.	3	Low rolling hills, foothills, or flat valley bottoms; or few or not interesting landscape features.	1
Vegetation	A variety of vegetative types as expressed in interesting forms, textures, and patterns.	5	Some variety of vegetation, but only one or two major types	3	Little or no variety or contrast in vegetation.	1
Water	Clean and clear appearing, still, or cascading white water, any of which are a dominant factor in the landscape.	5	Flowing, or still, but not dominant in the landscape.	3	Absent, or present, but not noticeable.	0
Color	Rich color combinations, variety, or vivid color; or pleasing contrasts in the soil, rock, vegetation, water, or snow fields.	5	Some intensity or variety in colors and contrasts of the soil, rock, and vegetation, but not a scenic element.	3	Subtle color variations, contrast, or interest; generally mute tones.	1
Influence of Adjacent Scenery	Adjacent scenery greatly enhances visual quality.	3	Adjacent scenery moderately enhances overall visual quality.	3	Adjacent scenery has little or no influence on overall visual quality.	0
Scarcity	One of a kind, or unusually memorable, or very rare within the region. Consistent chance for exceptional wildlife or wildflower viewing, etc.	*5+	Modifications add little or no visual variety to the area, and introduce no discordant elements.	0	Modifications add variety but are very discordant and promote strong disharmony.	-4

* A rating of greater than 5 can be given but must be supported by written justification.

Source: BLM, 2007

Appendix J URBEMIS Files

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Urbemis 2007 Version 9.2.4

Summary Report for Summer Emissions (Pounds/Day)

File Name: C:\Documents and Settings\aelzeftawy\Application Data\Urbemis\Version9a\Projects\San Pasqual FTT.urb924

Project Name: San Pasqual Fee-to-Trust

Project Location: Orange County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2011 TOTALS (lbs/day unmitigated)	5.71	46.98	25.75	0.00	17.21	2.35	19.56	3.60	2.16	5.76	4,743.46
2012 TOTALS (lbs/day unmitigated)	37.55	8.32	7.24	0.00	0.02	0.51	0.53	0.01	0.47	0.47	1,320.64

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	0.62	0.42	4.94	0.00	0.02	0.02	442.27

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	21.35	27.42	266.46	0.33	54.79	10.58	32,274.51

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SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (lbs/day, unmitigated)	21.97	27.84	271.40	0.33	54.81	10.60	32,716.78