

# **ADDENDUM**

*LONG SOIL NAILS*

## **TRIBAL ENVIRONMENTAL EVALUATION**

**Jamul Indian Village**

**Gaming Development Project**

**June 6, 2014**

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1	Pre-Construction Survey Results
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# **LONG SOIL NAIL ADDENDUM: TRIBAL ENVIRONMENTAL EVALUATION**

## **SUMMARY**

The Jamul Indian Village (hereafter, “Tribe”) has prepared this Third Addendum to its Final Tribal Environmental Evaluation (January 2013) to address modifications made to its previously-approved Jamul Gaming Facility, located in unincorporated San Diego County. (References in this Addendum to the “Final Tribal Environmental EE” are intended to mean the Final Tribal Environmental Evaluation, together with a February 2014 Addendum and a supplemental air quality analysis dated February 2014.) The modifications are intended to shorten the contemplated construction period and to enhance safety and reduce site disturbance during construction. No increase in operational use would result from the changes proposed. The square footages, building heights and other design features previously analyzed in the Final Tribal EE would not be modified by these proposed changes. No increased operational traffic would result, nor would the proposed modification affect the current access and intersection improvements currently being considered by Caltrans under a separate process.

The attached Environmental Checklist concludes that no new significant environmental impacts would result from the proposed modifications. All previously adopted mitigation measures for the gaming project are not altered and would continue to apply. The analysis in this Addendum assumes full implementation of the previously imposed mitigation measures.

The proposed modifications are the use of “long” soil nails to secure below-grade walls along the south and east-side of the Reservation. The Final Tribal EE contemplated the construction of such below-grade walls as part of the Facility. However, prior construction plans showed the wall being secured by “short” soil nails, which did not extend beyond the boundary of the Tribal property, whereas currently-proposed revisions to the construction plans would incorporate the use of longer nails that would extend underground beyond the boundary.. While short soil-nails continue to be a viable option for the project (and thus construction of the gaming facility would continue with or without approval of the long soil nails), the use of short soil nails requires a construction period that is several months longer and requires more materials than now proposed with the long soil nails.

## **ADDENDUM PROJECT DESCRIPTION**

The certification of the Final Tribal EE and approval of the Jamul Gaming Facility project in January 2013 resulted in the adoption of various mitigation measures designed to mitigate construction and operational impacts.

The proposed long soil nails are designed to maintain the structural integrity of the perimeter site retaining walls to be located on the Reservation. The following method of procedure (MOP) outlines the specific installation method and procedures that will be followed to avoid encroachment onto or disturbance to the adjacent land owned by the State of California and managed by the California Department of Fish & Wildlife (CDFW) as part of the Rancho Jamul Ecological Reserve (RJER).

### ***Method of Procedure***

The Tribe proposes to use long soil nails to secure below grade walls. These long soil nails are approximately 55 feet in length and would extend up to approximately 36 feet into the adjacent RJER land (measured horizontally).

The long soil nails would be installed starting at a depth of approximately 7 feet below grade to a depth between approximately 50 and 130 feet below grade depending on the surface elevation and slope (**Figure 1 and 2**).

Placement of the nails is a top-down construction “support of excavation method” that consists of excavating the face of the wall, placement of the nails and shotcreting the face of excavation. Shotcreting is a process of applying concrete through a hose onto the wall surface. The nails are epoxy-coated threaded bars placed inside a 6 inch diameter (6-feet on center) drilled and grouted hole. The grout is used to secure the nails to the bedrock inside the pre-drilled holes.

The process for placing the nails consists of:

- (1) excavating the face of the wall to a depth of about 6-feet,
- (2) drilling 6 inch diameter holes (6 feet on center) to approximately 55 feet in depth,
- (3) placing the epoxy coated threaded bar and fully grouting the hole, and
- (4) shotcreting the face of the wall with a thickness of about 4-6 inches.

All activity associated with the placement of the nails would occur on the Reservation and below the existing grade. These nails would constitute permanent features of the project that are out-of-view and below-ground.

The placement of subsurface soil nails would serve to improve the underlying soil/bedrock properties. This would assist in ensuring that the underlying area is stabilized and not subject to ground failure. According to Construction Testing & Engineering (CTE), Inc. in their October 16, 2013 report, the upper residual soils are confined to the upper 4-17 feet of the site, while fills, where encountered, ranged in thickness from 2-15.5 feet thick. Weathered granite extended to depths of 17-65 feet below ground surface. Granite exists below these depths.<sup>1</sup> All features associated with the nails are underground and would not be noticeable. No above ground project features would be present on adjacent RJER lands.

A temporary sound attenuation fence will be erected near the RJER boundary within the JIV to attenuate site noise effects on adjacent land. The sound attenuation fence will consist of adhering 1-inch foam boards along the entire length of the existing cyclone fence that separates the JIV from the adjacent RJER (**Figure 3**).

### ***Best Management Practices – Biological and Cultural Resources***

The Tribe has voluntarily embraced and will adhere to the best management practices below. These procedures are based upon and consistent with those that the Tribe voluntarily added to its Final Tribal EE to apply to off-

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<sup>1</sup> / According to CTE, Cal, Inc. in its *Report of Additional Geotechnical Core Explorations: Jamul Gaming Facility Development Project* (October 16, 2013), the “Core recovery in the upper cored materials was low as intermittent weathered granite continued to be present.”



SOURCE: Digital Globe, 2013; Natural Investigations, 2013; EDS, 2014

Jamul Indian Village Tribal EE Addendum ■

**Figure 1**  
Site Map







SOURCE: C.W. I Driver Builders, 2014; EDS, 2014

Jamul Indian Village Tribal EE Addendum ■

**Figure 3**  
Temporary Noise Attenuation Fence



Reservation roadway improvements, and are intended to ensure compliance with existing federal and State regulatory requirements.

The following best management practices for biological resources shall be observed during construction of the soil nail wall:

- Soil nail installation activities cannot start earlier than 1 hour after sunrise and can end no later than 1 hour before sunset.
- Pre-soil nail installation surveys for special-status species and protected species will be performed by a qualified biologist to further confirm that threatened or endangered species are not present. If any special-status species or protected species are detected, construction will be delayed, the appropriate wildlife agencies will be consulted (e.g. U.S. Fish and Wildlife Service) and avoidance measures implemented. “Protected Bird Species” includes species fully protected under state law, species listed under the California Endangered Species Act (“CESA”) and/or the Federal Endangered Species Act (“ESA”), species identified by the California Department of Fish and Game (“CDFW”) as a species of special concern or any other species for which take is prohibited under state or federal law. Pre-soil nail installation surveys for nesting birds will be performed by a qualified biologist to further confirm that no nesting birds (especially raptors or migratory species) are present. If active nesting is detected, CDFW will be consulted to determine the most appropriate protective measures including potentially creating a fenced buffer area that excludes construction activities until the young have fledged.
- A monitoring biologist (approved by CDFW) shall be on site during the soil nail installation process to ensure compliance with all conservation measures. The biologist shall be knowledgeable of upland and wetland biology and ecology. The Tribe shall submit the biologist’s name, address, telephone number, and work schedule on the soil nail installation to CDFW at least 5 days prior to initiating soil nail installation. The biologist shall perform the following duties:
  - (1) Prior to start of soil nail installation, conduct a bird survey to determine the presence or absence of non-listed nesting migratory birds on or within 100 feet of the construction area, determine the presence or absence of ESA- or CESA-listed birds (e.g., coastal California gnatcatcher, least Bell’s vireo) on or within 300 feet of the construction area, and determine the presence or absence of nesting raptors within 500 feet of the construction area. If nesting birds are detected by the biologist, the following buffers will be established:
    - (A) No work should occur within 100 feet of a non-listed nesting migratory bird nest,
    - (B) No work should occur within 300 feet of a listed bird nest, and
    - (C) No work should occur within 500 feet of a raptor nest.

There may be a reduction of buffer size depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction on

the soil nail wall must take place within the recommended buffer widths above, the Tribe will contact CDFW to determine the appropriate buffer.

- (2) Oversee installation of and inspect temporary fencing, sound barrier and erosion control measures within or up-slope of all restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence, sound barrier or erosion control devices are repaired immediately.
- (3) Monitor the work area weekly to ensure that work activities do not generate excessive amounts of dust or noise and to ensure noise is reduced during soil nail installation, drill rigs and associated machinery will be equipped with a noise shroud during operations and noise attenuating materials will be used for a noise barrier that will be at least six feet high and erected along the southern and eastern property line.
- (4) Train all contractors and construction personnel on the biological resources associated with the installation of soil nails and ensure that training is implemented by construction personnel. At a minimum, training shall include:
  - (A) The purpose for resource protection.
  - (B) The conservation measures that shall be implemented during the soil nail installation, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing).
  - (C) Environmentally responsible construction practices.
  - (D) The protocol to resolve conflicts that may arise at any time during the soil nail installation process.
- (5) Halt work and confer with CDFW to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to CDFW within 24 hours of its occurrence.
- (6) Submit weekly letter reports to CDFW during the installation of the soil nail wall. The weekly reports will document general compliance with all conditions. The reports will also outline the duration of species monitoring, the location of construction activities, the type of construction which occurred, and equipment used. These reports will specify numbers, locations, and sex of sensitive species (if present), observed species behavior (especially in relation to construction activities), and remedial measures employed to avoid impacts to sensitive species. Raw field notes shall be made available upon request by CDFW.
- (7) Submit a final report to CDFW within 30 days of the completion of the soil nail installation process that evidences general compliance with all conditions was achieved.

The following best management practices for cultural resources shall be observed during construction of the soil nail wall:

- A. The Tribe shall implement inadvertent discovery measures during all construction activities for the soil nail wall. These measures include:
  - (1) A worker education course for all construction personnel covering immediate work curtailment to protect cultural resources and to be conducted prior to initiation of ground-disturbing activities,
  - (2) Monitoring by a qualified archeologist, who meets the Secretary of the Interior's Standards for archaeologists (found at 36 CFR §61), as well as a JIV tribal monitor, of all off-site earth-disturbing activities in native soils/sediments; and
  - (3) Procedures for discovery of cultural resources, including human remains, during construction or earth-disturbing activities if an archaeological monitor is not present.
- B. In the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist or paleontologist, as appropriate, shall be consulted to assess the significance of the find. If any find is determined to be significant by the qualified professional, then appropriate agency and project representatives and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate course of action. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist or paleontologist according to current professional standards.
- C. If human bone or bone of unknown origin is found during construction, all work shall stop within 50 feet of the find and the San Diego County Coroner and the Tribe shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) who shall identify the most likely descendant. The most likely descendant shall work with the Tribe and the Lead Agency, as appropriate, to develop a plan for re-interment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified actions have been implemented.

## **ENVIRONMENTAL CHECKLIST**

### **I. Aesthetics**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a.) Have a substantial adverse effect on a scenic vista?			√
b.) Substantially damage off-reservation scenic resources, including, but not limited to, tress, rock outcroppings, and historic buildings within a state scenic highway?			√
c.) Substantially degrade the existing visual character or quality of the site and its surroundings?			√
d.) Create a new source of substantial light or glare, which would adversely affect day or nighttime views of historic buildings or views in the area?			√
<b>Discussion:</b>			
<p>The aesthetic setting for the project area is fully described in Section 4.3 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of the project area view shed and regulatory setting. The aesthetics setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.</p> <p>The long soil nails would be below-ground and; therefore, not visible. The temporary noise barrier that would be erected along the southern boundary of the Tribal property would not block any views of scenic vistas or resources. There are no long term visual changes that would result from the proposed long soil nails or the temporary noise barrier. There are no designated scenic vistas or state scenic highways that would be impacted by the temporary noise barrier or the proposed long soil nails. The proposed features would not damage off-reservation scenic resources or degrade the existing visual character/quality of the RJER site or its surroundings.</p>			

### **II. Agriculture and Forestry Resources**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section			√

51104(g)?			
d) Result in the loss of forest land or conversion of forest land to non-forest use?			√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			√
<b>Discussion:</b>			
The proposed features contemplated by this Addendum would not result in the conversion of off-reservation lands from farmland to non-agricultural uses. They also would not result in the loss of forest land or convert forest land to non-forest use, nor would they conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The only non-Tribal land affected by the temporary noise barrier and long soil nails is the adjacent RJER lands, which is an ecological reserve used for the benefit of plant and animal species. The project work is below ground and, therefore, would not convert above-ground prime farmland, unique farmland, or farmland of statewide importance. Additionally, the below-ground features contemplated by this Addendum would not conflict with existing zoning for agricultural use or Williamson Act contract lands.			

### III. Air Quality

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a.) Conflict with or obstruct implementation of the applicable air quality plan?		√	
b.) Violate any air quality standard or contribute to an existing or projected air quality violation?		√	
c.) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors?)		√	
d.) Expose off-reservation sensitive receptors to substantial pollutant concentrations?		√	
e.) Create objectionable odors affecting a substantial number of people off-reservation?		√	
<b>Discussion:</b>			
The air quality setting for the project area is fully described in Section 4.11 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of the existing air quality setting, air pollutants and regulatory setting. The air quality setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.			
Construction related emissions were addressed in Impact 4.11(1) of the Final Tribal EE. Within the Final Tribal EE, mass grading and site grading estimates were made based on general assumptions about construction activities. Any minor temporary PM10 emissions resulting from placement of the proposed features (i.e.,			

placement of long soil nails and replacement of a boundary fence with a temporary noise barrier) would have been accounted for in those calculations, which were found to be less than significant. Furthermore, the proposed use of longer nails will reduce the soil nail construction time by several months, resulting in a reduction of construction-related emissions. Overall, none of the proposed features would: conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute to an existing or projected air quality violation; Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality ; standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors); expose off-reservation sensitive receptors to substantial pollutant concentrations; or create objectionable odors affecting a substantial number of people off-reservation.

#### IV. Biological Resources

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		√	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		√	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		√	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		√	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		√	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		√	

#### Discussion:

The biological resources setting for the project area is fully described in Section 4.7 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of the regional setting, vegetation communities and wildlife habitat types, protected water resources, special status species and regulatory setting. The biological resources setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.

There are three sensitive habitats on the RJER near the JIV: (1) Riparian, (2) Coastal Sage Scrub, and (3) Southern Coast Live Oak Riparian habitat. General Riparian and Southern Coast Live Oak Riparian habitat occurs within the Willow Creek corridor, which extends in a band through the Reservation. A small patch

of Coastal Sage Scrub habitat does exist within the adjacent RJER; however, the project does not involve grubbing or other ground disturbance activities on the RJER lands.

As disclosed in the Final Tribal Environmental Evaluation (January 2013), numerous special-status species occur in the Jamul region. CDFW's California Natural Diversity Database does not report any special status species within the vicinity of the Reservation, and numerous surveys conducted have likewise not detected any special-status species within this area. Consistent with Mitigation Measure 4.7(1) in the Final Tribal EE, to ensure that no special-status plant or animal species are impacted throughout the project site, pre-construction surveys for special-status species were performed by a qualified biologist. No special status species were identified as a result of such surveys (**Attachment 1**). The only above-ground activity near the adjacent RJER lands that is contemplated within the scope of this Addendum is the replacement of existing fencing along the southern boundary between the RJER and the Reservation with a temporary noise barrier.

No significant impacts to listed species on the RJER land would occur from the replacement of the boundary fence (activities associated with placement of the temporary noise barrier would be limited and would not create excessive noise). Impacts to special-status species therefore would be less than significant. While the mitigation measures in the Final Tribal EE (including Mitigation Measure 4.7(1)) are sufficient to mitigate any impacts to nesting birds, reptiles, and small mammals to a less than significant level, the project description for this Addendum also includes implementation of best management practices relating to biological resources that will further assure that biological resources in the area will be protected throughout construction of the soil nail wall. A less than significant impact would occur.

The project site was formally assessed for wetlands and other jurisdictional water resources during a comprehensive delineation in 2007 and 2011, which was verified by the U.S. Army Corps of Engineers. Based on the results of those efforts, neither installation of the long soil nails themselves nor replacement of the boundary fence with a temporary noise barrier would result in an impact to federal or state waters. Additionally, no impacts to wetlands would occur.

Within the vicinity of the project site, several wildlife corridors exist: the Willow Creek riparian corridor; the Jamul Creek riparian corridor; and the CDFW preserve areas (RJER and Hollenbeck Canyon Wildlife Area). No fishery resources exist in the project site because all drainages flow only ephemerally or intermittently and spawning substrate are absent. The temporary noise barrier proposed to be installed would prohibit wildlife movement into and out of the construction site, but this movement is already blocked by the existing fencing, and none of the fencing would block a wildlife corridor; additionally, animals could move around the fenced area with ease. The existing and proposed barriers would also discourage animals from entering construction areas, which is a beneficial consequence. The long soil nails would be located below the surface of the land, and thus would not block any wildlife movement. The features of this project would not significantly interfere with wildlife movement.

The RJER is covered under the Multi-Species Conservation Plan (MSCP) South County Subarea Plan, which protects natural habitats within the project site (annual grassland and coastal sage scrub). Replacement of the fence between the Reservation and RJER with a temporary noise barrier and use of long soil nails would not result in an impact to MSCP designated lands. Similarly, conflicts with habitat conservation plans would be less than significant.

## V. Cultural Resources

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?		√	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		√	



c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		√	
d) Disturb any human remains, including those interred outside of formal cemeteries?		√	
<b>Discussion:</b>			
The cultural resources setting for the project area is fully described in Section 4.8 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of culture history, cultural/paleontological resources and regulatory framework. The cultural/paleontological setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.			
No built historic resources have been recorded within the project area and no cultural resources were identified within the Reservation during the pedestrian surveys in 2010 and 2011. Six archaeological sites (CA-SDI-7683, CA-SDI-7684, CA-SDI-7685, CA-SDI-7686, CA-SDI-7687, and CA-SDI -7688) previously recorded within the Reservation are not considered eligible for the National Register of Historic Places or the California Register of Historical Resources and have no potential to be impacted by installation of the long soil nails or the temporary noise barrier since each has been disturbed, removed or destroyed by natural or human agencies during the three decades since initial recordation in 1979.			
Given the recorded occurrence of artifacts in the project area, the top layer of soil on the RJER land (to a depth of 17 feet) has the potential to contain buried cultural resources. The project description for this Addendum includes implementation of best management practices relating to cultural resources, which include a worker education course, construction monitoring by a qualified archaeologist, procedures to be followed in case of discovery of artifacts, etc. The features of the Addendum therefore would not result in impacts to buried cultural or paleontological resources. A less than significant impact would occur.			
The project area is mapped as Holocene alluvium and Early Cretaceous Granitoid rocks. A record search and a one mile radius was requested from the San Diego Natural History Museum (Museum) on September 4, 2013. The same day the Museum responded by email that there were no fossil localities within the project study area or within a one mile radius. A survey conducted on September 12, 2013 confirmed the composition of the rock units. Utilizing the Caltrans paleontological sensitivity scale, the Holocene alluvium is assigned a low sensitivity (too young to have fossils) and the rest of the units are not sensitive. Neither the record searches nor the survey indicate any sediment sensitive for paleontological resources that would be impacted by installation of the temporary sound barrier or the long soil nails.			

## VI. Geology and Soils

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Expose off-reservation people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:			
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		√	
ii) Strong seismic ground shaking?		√	
iii) Seismic-related ground failure, including liquefaction?		√	

iv) Landslides?		√	
b) Result in substantial soil erosion or the loss of topsoil?		√	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		√	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		√	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?		√	
<b>Discussion:</b>			
<p>The geology and soils setting for the project area is fully described in Section 4.4 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of regional and local geologic setting, topography and soils, mineral resources, fault rupture and earthquake hazards, and regulatory setting. The geology and soils setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.</p> <p>The incorporation of appropriate seismic design and construction measures, as well as the adherence to the 2013 California Building Code (CBC), ensures that risks to the health or safety of workers or members of the public would be less than significant. Use of these standards would ensure that seismic hazard risks are less than significant. Given that the site is underlain by solid bedrock, liquefaction is not an issue for the project site.</p> <p>The affected project area does not contain any rare, high quality, or scientifically significant geologic or topographic resources, and does not encompass any areas designated as National Natural Landmarks. The features of the Addendum would not adversely affect any known or recorded mineral resources. Construction of these features would not result in a loss of economically viable aggregate rock or diminish the extraction of important ores or minerals. Because there are no known or mapped mineral resources within the project area, development and use of the land would not be affected by such resources. Thus, implementation of the features of the Addendum would have no significant adverse effect upon mineral resources.</p> <p>Under Clean Water Act Section 402, any construction project that disturbs at least one acre of land requires enrollment in the construction general permitting program under the National Pollutant Discharge Elimination System (NPDES). For construction on Indian reservations and federal lands, the landowner and contractor must enroll for coverage under USEPA's General Storm Water Discharge Permit for Construction Activities (NPDES No. CAR10000IF). For construction on non-federal lands in California, the landowner and contractor must enroll for coverage under the State Water Resources Control Board's General Storm Water Discharge Permit for Construction Activities (Order No. 2009-0009, NPDES No. CAS000002) prior to the initiation of construction. Coverage under either permit requires creation and implementation of an effective storm water pollution prevention plan, erosion control plan, hazardous materials management and spill response plan, and construction best management practices, all of which are designed to minimize or eliminate erosion issues and eliminate sediment discharges. With proper implementation, these plans reduce or eliminate the potential for accidental release of sediment and other pollutants during construction, as well as reduce the potential for erosion. The erosion control plan would be prepared before construction commences, and would identify the location of erosion control features necessary to protect and filter stormwater runoff. Features used during construction may include but are not limited to silt fences, fiber rolls, and gravel bag check dams. The location of permanent erosion control features such as drop inlet sediment traps, vegetated drainage swales, and energy dissipaters would also be identified. Furthermore, the project's grading plan would meet or exceed standards established by Sections 87.101 through 87.717 of San Diego County Code of Regulatory Ordinances (Grading, Clearing, and Watercourses Ordinance), which requires effective erosion control and compensatory mitigation for natural habitat loss, if applicable. As a result, erosion impacts would be less than significant.</p>			

In the location of the project area, the soil/geologic layers consist of an approximate 4-foot residual soil layer overlying weathered granitic rock, which overlies granitic rock. The process described in the Addendum Project Description for the placement of the nails would strengthen the underlying geologic formation compared to its current condition. This is due to the rebar-like support system that would exist once the nails are grouted into position. The installation of the temporary noise barrier on the surface of the land would not have any effect on the underlying geologic formation. The project features contemplated by this Addendum therefore would result in a less than significant impact to geology and soils.

## VII. Greenhouse Gas Emissions

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		√	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		√	
<b>Discussion:</b>			
The greenhouse gas emissions setting for the project area is described in Section 4.11 of the Final Tribal EE. The greenhouse gas setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.			
Operation of equipment to install the temporary noise barrier and long soil nails would emit temporary greenhouse gas emissions, which were accounted for in the Final EE Table 4.11-8. The factors used for the Tribal EE greenhouse gas calculations were broad enough to capture the temporary emissions associated with the existing short soil nail installation as well as the proposed long soil nail installation. As noted previously, the use of long soil nails as proposed would reduce the amount of construction time needed to secure the walls of the parking structure, which in turn reduces the amount of construction related emissions. A less than significant impact related to greenhouse gas emissions would occur.			

## VIII. Hazards and Hazardous Materials

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		√	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		√	

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			√
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			√
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			√
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			√
<b>Discussion:</b>			
<p>The hazards and hazardous materials setting for the project area is fully described in Section 4.6 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of current conditions and land use, previous environmental assessments, environmental database queries, site reconnaissance and regulatory setting. The hazardous and hazardous materials setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.</p> <p>The project would not emit or handle any hazardous materials or wastes. Phase 1 Environmental Site Assessments were performed in 2007, 2009, 2010, and 2013. These assessments query all lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and reported no sites in the study area or on adjacent parcels. The project site is not located within an airport land use plan and is not located near an airport or airstrip. The project would not impair the implementation or physically interfere with an adopted emergency response plan or evacuation plan. To the contrary, the project was designed to facilitate emergency access to the construction site. The proposed irrigation system would reduce the risk of ignition and wildfire generation. The project would have a less than significant impact on hazards and hazardous materials.</p> <p>Portions of the project area are covered in fuel-rich vegetation, such as grasses, leaf litter, resinous shrubs, and trees. The project area is located within an area of moderate to high fire hazard. However, potential impacts related to wildfires during project construction of the features contemplated in the Addendum are considered less than significant with implementation of Final Tribal EE Mitigation 4.6(4), which would continue to apply to the entire gaming project.</p>			

## IX. Hydrology and Water Quality

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a.) Violate any water quality standards or waste discharge requirements?			√
b.) Substantially deplete off-reservation groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			√
c.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation off-site?			√
d.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding off-site?			√
e.) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run off-reservation			√
f) Otherwise substantially degrade water quality?			√
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			√
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			√
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			√
j) Inundation by seiche, tsunami, or mudflow?			√

**Discussion:**

The hydrology and water quality setting for the project area is fully described in Section 4.5 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of surface water, drainage and flooding, groundwater, water quality, and regulatory setting. The hydrology and water quality setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.

The upper long soil nails would be placed beginning approximately 7 feet below land surface. No ground disturbance would occur on the land surface and the placement of the nails would not be visible once construction is complete. Surface runoff/erosion would not result from the placement of the long soil nails on the adjacent RJER as there is no surface land disturbance proposed on the adjacent RJER. The placement of the long soil nails below the surface of land would not impede water infiltration or surface water flow. The diameter of the long soil nails (approximately 6 inches) and the distance between the long soil nails (approximately 6 feet) will not impede the movement of ground water in any direction. Additionally, the placement of the temporary noise barrier would be located at the boundary of the development site and would not impeded surface water flows. Fractured rock geology dominates subsurface geology below the overburden down to 80 feet below the surface where solid granite geology dominates. Water migrating vertically within the geologic fractures of the fractured rock geology would not be significantly interrupted by the placement of the long soil nails. Fractures would still occur in sufficient quantity to accommodate the vertical migration of water. Likewise, surface ponding of water resulting from the placement of the long soil nails would not be an issue. The grout encased soil nails ensure that no discharge occurs from these units; therefore, the placement of the long soil nails would not degrade water quality.

**X. Land Use and Planning**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Physically divide an established community?		√	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		√	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	√		

**Discussion:**

The land use setting for the project area is fully described in Section 4.2 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of regional setting, Jamul/Dulzura Subregion Setting, project area setting, project site setting and regulatory setting. The land use setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.

The long soil nails are permanent; however, being located below ground they would not physically divide an established community or conflict with land use plans. The temporary noise barrier would replace an existing fence, so it would not cause the physical division of an established community or conflict with land use plans. Natural habitats within the RJER would not be impacted by the placement of the long soil nails beneath the surface or the replacement of existing fencing with a temporary noise barrier. The subsurface roots of the plant communities are confined to the soil zone, do not currently grow around the

existing boundary fence [true?], and do not extend into bedrock where the nails would be located. Because no natural habitats would be physically disturbed, and because the ecological functioning of the natural habitats would not be altered, the project would not conflict with any applicable conservation plan or natural community conservation plan.

## XI. Mineral Resources

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			√
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			√
<b>Discussion:</b>			
<p>The California Geological Survey classifies land in western San Diego County according to the presence or absence of construction aggregate resources. However, the project area itself does not offer a suitable combination of soils and minerals types to warrant extraction of aggregates. There are no known mapped mines within the area or visual evidence of any mining activity. The field survey did not indicate past or present mines or quarries. Impacts associated with mineral resources would be less than significant.</p> <p>The features contemplated by this Addendum would not adversely affect any known or recorded mineral resources. Construction of these features would not result in a loss of economically viable aggregate rock or diminish the extraction of important ores or minerals. Because there are no known or mapped mineral resources within the project area, development and use of the land would not be affected by such resources. Thus, implementation of the features of the Addendum would have no significant adverse effect upon mineral resources</p>			

## XII. Noise

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		√	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		√	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		√	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		√	



e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			√
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			√

**Discussion:**

The noise setting for the project area is fully described in Section 4.10 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of sensitive noise receptors in the project area and existing noise levels. The noise setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.

Current noise generating construction activities include truck movement, excavation activities and the placement of short soil nails. The soil nail activity would occur in the same pit as the on-going work and includes an activity that is consistent with activities currently being undertaken. Similarly, the replacement of the existing fence with a temporary noise barrier is consistent with activities currently being undertaken. The average hourly noise level would not increase from existing levels, nor would the period of construction increase. As mentioned previously, wall shoring activities using soil nails at the boundary of the JIV/RJER would occur with or without approval of long soil nails. The use of long soil nails is just another form of wall shoring at this location, but is much more efficient in design that also reduces the amount of time needed to shore up the walls. Given that the hourly average noise level and noise duration from soil nail placement would not increase from existing construction levels, the use of long soil nails would not result in noise levels that are significant.

The noise generating activity associated with placement of long soil nails vs. short soil nails includes the initial drilling of the long soil nail holes and placement/securing of nails. It should be noted that all of this activity will occur in the “pit” formed on the JIV ahead of time. The walls of the pit would break the line of sight between the noise source and the RJER, which serves to attenuate noise generating activities. Recent construction activities have formed the beginning of the pit that would ensure soil nail noise occurs from a lower level than the adjacent RJER.

The RJER contains extensive suitable nesting habitat for various bird species because of the presence of rock outcrops, oak trees, and riparian canopy. However, construction of the gaming project on the JIV pre-dated the 2014 breeding season, and thus nesting birds were neither directly impacted by tree removal or other habitat destruction, nor indirectly impacted by noise or vibration from construction-related activities. Construction activities on the JIV established a somewhat elevated noise environment surrounding the JIV prior to the 2014 nesting season, although noise diminishes exponentially with distance from the source. The three pre-construction surveys that were performed found that there were no active nests (and no listed species) surrounding the project site prior to the beginning of construction activities. Any nesting birds would have been acclimated to the existing noise environment if the nests now existed around the project site, just as they might acclimate to permanent, existing noise sources such as vehicular traffic on SR-94.

While the mitigation measures in the Final Tribal EE (including Mitigation Measure 4.7(1)) are sufficient to mitigate any noise impacts on nesting birds, reptiles, or small mammals to a less than significant level, the project description for this Addendum also includes implementation of best management practices relating to biological resources (such as construction of a temporary noise barrier along the southern boundary of the Tribe’s land) that will further assure that biological resources in the area will be protected throughout construction of the soil nail wall. A less than significant impact would occur.

### XIII. Population and Housing

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			√
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			√
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			√
<b>Discussion:</b>			
The population and housing setting for the project area is fully described in Section 4.16 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of population and housing within San Diego County and Jamul. The population and housing setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference. The use of long soil nails and the construction of a temporary noise barrier would not result in any impacts to population and housing.			

### XIII. Public Services

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			
Fire Protection?			√
Police Protection?			√
Schools?			√
Parks?			√
Other public facilities?			√
<b>Discussion:</b>			
The public services setting for the project area is fully described in Section 4.12 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of water supply, wastewater service, solid waste service, electricity, natural gas and telecommunications, law enforcement, and fire protection and emergency services. The public works setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.			
The long soil nails would be located below-ground on the JIV and south under the RJER. The use of long soil nails would reduce the existing short soil nail			

construction period by several months, but would not add to additional fire, police, school, or park issues beyond those described in the Final Tribal EE. The temporary noise barrier also would not add to additional fire, police, school, or park issues beyond those described in the Final Tribal EE. No schools, parks, police protection or other public facility impacts would result from the project features contemplated in this Addendum.

#### **XV. Recreation**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		√	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?		√	

#### **Discussion:**

The project area is home to a unique mix of preserves and reserves, which afford limited recreational opportunities. The Hollenbeck Canyon Wildlife Area offers hiking opportunities and is located approximately 4 miles south of the Reservation. The area is also home to a number of reserves, preserves and reservoirs, which provide recreational opportunities to area residents and visitors - Rancho Jamul Ecological Reserve, Otay Mountain Ecological Reserve, Sycuan Peak Ecological Reserve, McGintry Mountain Ecological Reserve, Otay Reservoir, Sweetwater Reservoir, as well as others. Other recreational opportunities identified by the public include school fields, and stables/equestrian training centers. The use of long soil nails would be a subsurface feature that would not impact above ground recreational/reserve facilities. The replacement of an existing fence with a temporary sound barrier also would not impact recreational/reserve facilities.

#### **XVI. Social Issues**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Significantly increase pathological or compulsive gambling, or significantly increase local crimes?			√

#### **Discussion:**

The report issued by the National Gambling Impact Study Commission (NGISC) could find no conclusive evidence that the introduction of legalized gambling increased pathological or compulsive gambling, or that local crimes increased significantly. Nonetheless, the Tribe has incorporated Problem Gaming Measures into its project description to address this issue. The revised features described herein are construction-related and would not increase pathological or compulsive gambling, or increase local crimes.

## XVII. Transportation and Traffic

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			√
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			√
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			√
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			√
e) Result in inadequate emergency access?			√
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			√
<b>Discussion:</b>			
<p>The transportation/circulation setting for the project area is fully described in Section 4.9 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of the road network, roadway segments, existing conditions, near term conditions, and horizon year conditions. The transportation/circulation setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.</p> <p>The project features addressed in this Addendum would result in no traffic increases, modifications or impacts. In fact, the shorter construction period associated with the use of long soil nails (proposed) compared with short soil nails (currently assumed) would reduce the construction time related to placement of soil nails, which would also reduce associated construction traffic. Construction related traffic was addressed within the Final Tribal EE (Impact 4.9(1)). Any construction related traffic associated with the project features addressed in this Addendum is already accounted for in the existing impact discussion. No new trips would result from these project features.</p>			

**XVIII. Utilities and Service Systems**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		√	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		√	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		√	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		√	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			√
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		√	
g) Comply with federal, state, and local statutes and regulations related to solid waste?		√	
<b>Discussion:</b>			
The utilities and service system setting for the project area is fully described in Public Works Section 4.12 of the Final Tribal EE. The setting description the Final Tribal EE includes a discussion of water supply, wastewater service, solid waste service, electricity, natural gas and telecommunications, law enforcement, and fire protection and emergency services. The Public Works setting description within the Final Tribal EE is hereby incorporated into this addendum checklist by reference.			
The features contemplated by this Addendum would not generate the need for additional wastewater service, water delivery service or solid waste service.			

**XVIX. Mandatory Findings of Significance**

Would the project	Potentially Significant Impact	Less than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California		√	

history or prehistory?			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		√	
c) Does the project have effects which will cause substantial adverse effects on human beings, either directly or indirectly?		√	
<b>Discussion:</b>			
<p>The Addendum Project Description includes features that <i>would not have</i> the potential to: (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (5) eliminate important examples of the major periods of California history or prehistory?</p> <p>No project in the cumulative project list located in the 2013 Final Tribal EE (Section 4.14) would add to impacts on the RJER in the vicinity of the temporary noise barrier or the long soil nails. Thus, no significant cumulative impacts would occur from the use of long soil nails.</p> <p>.</p>			

# ***ATTACHMENT 1***

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## ***PRE-CONSTRUCTION SURVEY RESULTS***





TO:

Mr. Joe Broadhead  
Environmental Data Systems  
1007 7th Street, Suite 308  
Sacramento CA 95814

and

Jamul Indian Village

SUBJECT:

**Technical Memo: Third Pre-construction Biological Survey for the Jamul Gaming Facility Project, Jamul, CA.**

## INTRODUCTION

The Jamul Indian Village (Tribe) and their contractor are mobilizing to construct a gaming facility on its Reservation approximately one mile south of the community of Jamul. A Tribal Environmental Evaluation was prepared, and approved in January 2013, that evaluated the off-reservation impacts of the proposed gaming facility pursuant to the Tribal-State Compact Between the State of California and the Jamul Indian Village signed on October 5, 1999, as well as the Jamul Indian Village Tribal Gaming Project Environmental Review Ordinance.

Mitigation measure # 4.7(1) Special Status Species/Protected Species of the Tribal Environmental Evaluation specified:

- preconstruction surveys for special-status species and listed species must be performed by a qualified biologist
- pre-construction surveys for nesting birds will be performed (if during breeding season - February 15 to September 15; and as early as January 1 for raptors)

This technical memo documents the findings of the third preconstruction survey for federally-listed species and other special-status species and was performed to fulfill these mitigation measures, as well as a general mitigation measure to protect biological resources.

## METHODS

Dr. G.O. Graening performed two previous biological surveys on the mornings of November 26 and December 12, 2013. This latest survey was conducted on January 29, 2014, with a morning temperature of approximately 55 degrees Fahrenheit warming to 75 F by midday. The survey area consisted of the entire Jamul Indian Village, the 4-acre parcel, and an additional 25 foot buffer around these parcels. Survey efforts emphasized the search for any special-status species or habitats that had documented occurrences, in databases queried, within the survey area or vicinity. Focal species consisted of least Bell's vireo, coastal California gnatcatcher, southwestern willow flycatcher, arroyo toad, Quino checkerspot butterfly, Hermes copper butterfly, and any rare plants or occupied nests. Field glasses were used to assist in the ocular surveys. Wildlife sign—tracks, feathers and shedding, burrows, scat, etc.—were interpreted to detect species not actually seen. All visible fauna and flora observed were recorded in a field notebook and identified to the appropriate taxon. Where detected,

the location of any special-status species was georeferenced with a geographic positioning system receiver with accuracy of 1 meter or better.

## RESULTS

### **Vegetation Types and Plants Present**

The project area within the Jamul Indian Village currently contains three terrestrial natural community/habitat types: ruderal/urbanized (approximately 4.6 acres); non-native annual grassland (1.0 acre); and coast oak riparian (0.4 acre). A small remnant (> 0.1 acre) of coastal scrub is also present. On the 4-acre parcel, the majority of area is ruderal/urbanized, and the rest is non-native annual grassland. Most vegetation was in a dormant stage during this winter season. Although the CNDDDB lists rare plants in the vicinity of the project area, no special-status plant species were detected during these field surveys. Previous botanical surveys did not detect any special-status plant species within this study area. Lists of all plant species found within the project area can be found in:

- Pacific Southwest Biological Services. 2011. A Botanical Inventory of the 6-acre Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California.
- Pacific Southwest Biological Services. 2013. A Botanical Inventory of the Roadways and Proposed Route Improvements Associated with the Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California. 19 pp.

### **Wildlife Habitat and Animals Present**

Most animals were absent or dormant during this winter season. The following animals were detected during the survey: desert cottontail (*Sylvilagus audubonii*); scat of coyote (*Canis latrans*); fence lizards (*Sceloporus occidentalis*); ants (Formicidae); small rodent burrows (probably *Perognathus*); crow (*Corvus brachyrhynchos*); and common songbirds such as sparrows (*Melospiza*) and finches (*Spinus*). No special-status animal species were detected during these field surveys.

No active nests were detected, although abandoned stick nests were present in the coast live oak canopy in the Willow Creek riparian corridor inside and north of the project area.

## CONCLUSIONS AND RECOMMENDATIONS

No federally-listed species or other special-status species were detected during this pre-construction survey. No impacts to federally-listed species or critical habitat have occurred to date.

FROM:



G. O. Graening, PhD, MSE



TO:

Mr. Joe Broadhead  
Environmental Data Systems  
1007 7th Street, Suite 308  
Sacramento CA 95814

and

Jamul Indian Village

SUBJECT:

**Technical Memo: Pre-construction Biological Survey for the Jamul Gaming Facility Project, Jamul, CA.**

## INTRODUCTION

The Jamul Indian Village (Tribe) is proposing to construct a 228,000 square foot gaming facility on its Reservation approximately one mile south of the community of Jamul. A Tribal Environmental Evaluation was prepared that evaluated the off-reservation impacts of the proposed gaming facility pursuant to the Tribal-State Compact Between the State of California and the Jamul Indian Village signed on October 5, 1999, as well as the Jamul Indian Village Tribal Gaming Project Environmental Review Ordinance.

Mitigation measure # 4.7(1) Special Status Species/Protected Species of the Tribal Environmental Evaluation specified:

- preconstruction surveys for special-status species and listed species must be performed by a qualified biologist
- pre-construction surveys for nesting birds will be performed (if during breeding season - February 15 to September 15; and as early as January 1 for raptors)

This technical memo documents the findings of the preconstruction surveys for special-status species and listed species performed to fulfill these mitigation measures.

## METHODS

Dr. G.O. Graening performed the biological survey on November 24, 2013. Weather conditions were cool and hazy, with a morning temperature of approximately 40 degrees Fahrenheit warming to 70 F by midday. The survey area consisted of the entire Jamul Indian Village, the 4-acre parcel, and an additional 20 foot buffer around these parcels. Survey efforts emphasized the search for any special-status species or habitats that had documented occurrences, in databases queried, within the survey area or vicinity. Field glasses were used to assist in the ocular surveys. Wildlife sign—tracks, feathers and shedding, burrows, scat, etc.—were interpreted to detect species not actually seen. All visible fauna and flora observed were recorded in a field notebook and identified to the appropriate taxon. Where detected, the location of any special-status species was georeferenced with a geographic positioning system receiver with accuracy of 1 meter or better.

## RESULTS

## Vegetation Types and Plants Present

The project area currently contains three terrestrial natural community/habitat types: ruderal/urbanized (approximately 4.6 acres); annual grassland (1.0 acre); and coast oak riparian (0.4 acre). A small remnant (> 0.1 acre) of coastal scrub is also present.

Although the CNDDDB lists rare plants in the vicinity of the project area, no special-status plant species were detected during this field survey. Previous botanical surveys did not detect any special-status plant species. Lists of all plant species found within the project area can be found in:

- Pacific Southwest Biological Services. 2011. A Botanical Inventory of the 6-acre Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California.
- Pacific Southwest Biological Services. 2013. A Botanical Inventory of the Roadways and Proposed Route Improvements Associated with the Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California. 19 pp.

## Wildlife Habitat and Animals Present

The following animals were detected during the survey: scat of coyote (*Canis latrans*); fence lizard (*Sceloporus occidentalis*); metalmark butterfly (*Apodemia* sp.); ants (Formicidae); small rodent burrows (prob. *Perognathus* sp.); crow (*Corvus brachyrhynchos*); red-tailed hawk (*Buteo jamaicensis*); and common songbirds. No special-status animal species were detected during this field survey.

No active nests were detected, although abandoned raptor stick nests were present in the Willow Creek riparian corridor north of the project area.

## CONCLUSIONS AND RECOMMENDATIONS

No federally-listed species or other special-status species were detected during this pre-construction survey. Because special-status species that occur in the vicinity could migrate onto the project area between the time that the field surveys were completed and the start of construction, it is recommended that a follow-up pre-construction survey for special-status species and nesting birds be performed by a qualified biologist to ensure that threatened or endangered species are not present if more than 60 days lapses between this survey date and the beginning of construction.

FROM:



G. O. Graening, PhD, MSE



TO:

Mr. Joe Broadhead  
Environmental Data Systems  
1007 7th Street, Suite 308  
Sacramento CA 95814

and

Jamul Indian Village

SUBJECT:

**Technical Memo: Third Pre-construction Biological Survey for the Jamul Gaming Facility Project, Jamul, CA.**

## INTRODUCTION

The Jamul Indian Village (Tribe) and their contractor are mobilizing to construct a gaming facility on its Reservation approximately one mile south of the community of Jamul. A Tribal Environmental Evaluation was prepared, and approved in January 2013, that evaluated the off-reservation impacts of the proposed gaming facility pursuant to the Tribal-State Compact Between the State of California and the Jamul Indian Village signed on October 5, 1999, as well as the Jamul Indian Village Tribal Gaming Project Environmental Review Ordinance.

Mitigation measure # 4.7(1) Special Status Species/Protected Species of the Tribal Environmental Evaluation specified:

- preconstruction surveys for special-status species and listed species must be performed by a qualified biologist
- pre-construction surveys for nesting birds will be performed (if during breeding season - February 15 to September 15; and as early as January 1 for raptors)

This technical memo documents the findings of the third preconstruction survey for federally-listed species and other special-status species and was performed to fulfill these mitigation measures, as well as a general mitigation measure to protect biological resources.

## METHODS

Dr. G.O. Graening performed two previous biological surveys on the mornings of November 26 and December 12, 2013. This latest survey was conducted on January 29, 2014, with a morning temperature of approximately 55 degrees Fahrenheit warming to 75 F by midday. The survey area consisted of the entire Jamul Indian Village, the 4-acre parcel, and an additional 25 foot buffer around these parcels. Survey efforts emphasized the search for any special-status species or habitats that had documented occurrences, in databases queried, within the survey area or vicinity. Focal species consisted of least Bell's vireo, coastal California gnatcatcher, southwestern willow flycatcher, arroyo toad, Quino checkerspot butterfly, Hermes copper butterfly, and any rare plants or occupied nests. Field glasses were used to assist in the ocular surveys. Wildlife sign—tracks, feathers and shedding, burrows, scat, etc.—were interpreted to detect species not actually seen. All visible fauna and flora observed were recorded in a field notebook and identified to the appropriate taxon. Where detected,

the location of any special-status species was georeferenced with a geographic positioning system receiver with accuracy of 1 meter or better.

## RESULTS

### **Vegetation Types and Plants Present**

The project area within the Jamul Indian Village currently contains three terrestrial natural community/habitat types: ruderal/urbanized (approximately 4.6 acres); non-native annual grassland (1.0 acre); and coast oak riparian (0.4 acre). A small remnant (> 0.1 acre) of coastal scrub is also present. On the 4-acre parcel, the majority of area is ruderal/urbanized, and the rest is non-native annual grassland. Most vegetation was in a dormant stage during this winter season. Although the CNDDDB lists rare plants in the vicinity of the project area, no special-status plant species were detected during these field surveys. Previous botanical surveys did not detect any special-status plant species within this study area. Lists of all plant species found within the project area can be found in:

- Pacific Southwest Biological Services. 2011. A Botanical Inventory of the 6-acre Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California.
- Pacific Southwest Biological Services. 2013. A Botanical Inventory of the Roadways and Proposed Route Improvements Associated with the Jamul Rancheria, Jamul, San Diego County, California. Prepared for Environmental Data Systems, Inc. Prepared by R. Mitchell Beauchamp, Pacific Southwest Biological Services, Inc., National City, California. 19 pp.

### **Wildlife Habitat and Animals Present**

Most animals were absent or dormant during this winter season. The following animals were detected during the survey: desert cottontail (*Sylvilagus audubonii*); scat of coyote (*Canis latrans*); fence lizards (*Sceloporus occidentalis*); ants (Formicidae); small rodent burrows (probably *Perognathus*); crow (*Corvus brachyrhynchos*); and common songbirds such as sparrows (*Melospiza*) and finches (*Spinus*). No special-status animal species were detected during these field surveys.

No active nests were detected, although abandoned stick nests were present in the coast live oak canopy in the Willow Creek riparian corridor inside and north of the project area.

## CONCLUSIONS AND RECOMMENDATIONS

No federally-listed species or other special-status species were detected during this pre-construction survey. No impacts to federally-listed species or critical habitat have occurred to date.

FROM:



G. O. Graening, PhD, MSE