DRAFT
TRIBAL ENVIRONMENTAL IMPACT REPORT

Jamul Casino Hotel and Event Center Project

Lead Agency:

Jamul Indian Village of California

September 2022

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Prepared By:

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Executive Summary

ES.1 BACKGROUND

This Tribal Environmental Impact Report (TEIR) has been prepared by the Jamul Indian Village of California (Tribe) to assess the potential off-reservation impacts of the proposed expansion to its Jamul Casino with the addition of a hotel, event center, additional parking garage, and associated infrastructure (Project). The proposed facilities would be located at the existing Jamul Casino on the Jamul Reservation (Reservation) in Jamul, San Diego County, California. The TEIR has been developed in accordance with the requirements of the Tribal-State Compact (Compact) between the Tribe and the State of California regarding Class III Gaming operations. The Tribe serves as the Lead Agency for the TEIR.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

The Project consists of the expansion of the Jamul Casino with the addition of a hotel, event center, additional parking garage, and associated infrastructure. The proposed improvements will be developed on the Tribe's existing 6-acre Reservation located at 14145 Campo Road, Jamul, CA 91935. The existing facility includes an approximately 200,000 square foot (sf) casino with an eight-level subterranean parking garage. The proposed hotel will consist of a total of 16 floors, with 10 floors of guest rooms, roof-top pool, spa, restaurant, and banquet space. The proposed hotel will provide up to 225 rooms and be developed west side of the existing Casino, with pedestrian access to the Casino building provided by a new clear-span bridge over Willow Creek. The height of the hotel tower would be at an elevation of approximately 1,128 feet above mean sea level (amsl), which is approximately 225 feet above ground level and 116 feet taller than the existing Casino building. An additional parking garage will be located south of the proposed hotel building. The proposed parking garage will have 6 levels and provide 255 parking spaces. The existing modular tribal community center and administration building currently located on the west side of the Reservation will be removed to accommodate the footprint of the new hotel and parking structure. The existing casino building will be remodeled to eliminate the second floor (which is a veranda level between the main casino floor and the third floor, and the location of a restaurant) and the fourth floor (currently the rooftop lounge) of the existing Casino building and to expand the third floor to accommodate an approximately 25,500 square-foot (sf) outdoor, covered event venue and associated lounge areas; an approximately 9,250 sf enclosed multi-purpose/bingo hall; and associated back-of-house, restrooms, and circulation. Other existing dining, office, circulation, and support spaces will be reconfigured or relocated within the Casino, but not expanded. No expansion of the gaming floor or increase in the number of slot machines or table games is proposed. Infrastructure improvements will be made within the Reservation to serve the proposed facilities, including but not limited to expanding and upgrading the existing wastewater treatment plant to accommodate the increase in flows resulting from the Project.

All Project related construction activities and improvements will occur entirely within the Reservation, with the exception of the following:

- Below grade soil nails would be used along the southern and northwestern project site perimeters to stabilize the proposed facilities that would extend below the ground surface into the adjacent properties

- Construction deliveries and temporary construction trailers may be located within the 4-acre parcel north of the Reservation.
- A new fire service water line may be extended from SR-94 through the 4-acre parcel to connect with existing water lines within the Reservation
- An existing modular building located within the western portion of the Reservation may be relocated to the 4-acre parcel for use as the new security building, or police station for the proposed Tribal Police Department

ES.3 ENVIRONMENTAL PROCESS

Notice of Preparation

The Tribe filed a Notice of Preparation (NOP) of the Draft TEIR on May 20, 2022, in accordance with Section 11.2 of the Compact (**Appendix A)**. The NOP was distributed to the California State Clearinghouse (SCH), San Diego County, resource agencies with off-reservation jurisdiction and other interested parties. The NOP was also published on the Tribe's website (www.jamulteir.com) and published in the San Diego Union-Tribune newspaper on May 20, 2022. The NOP was prepared to inform agencies and the general public that a TEIR was being prepared and to invite comments on the scope and content of the document. The NOP provided a preliminary description of the Project, Project location, and a summary of probable off-reservation environmental impacts. Comments were accepted for a 30-day period ending on June 20, 2022. Comments received during that time are included in **Appendix B** and summarized in Chapter 5, Agency and Public Comments.

Draft TEIR

The publication of this Draft TEIR initiates a 45-day public review period. The public review period is identified within the Notice of Completion (NOC) filed with the SCH and may be found on the SCH's CEQANet website (https://ceqanet.opr.ca.gov/) filed under SCH Number 2022050410. The NOC and TEIR has also been submitted to the California Gambling Control Commission, San Diego County, and the Attorney General of California. The NOC and TEIR is also posted on the Tribe's website (www.jamulteir.com).

Final TEIR

The Tribe will prepare a Final TEIR which will include all comments received on the Draft TEIR along with responses to comments and the Draft TEIR (including any revisions made to the document). The Tribe will submit the Final TEIR to San Diego County, SCH, the California Gambling Control Commission, and the Attorney General of California.

ES.4 ALTERNATIVES

Alternative A – Hotel-Only Alternative

The Hotel Alternative would include the development of a hotel and associated parking garage similar to the Project. However, under the Hotel Alternative, there would be no changes to the existing Casino and an expanded event center would not be provided. All other aspects of the Hotel Alternative would be similar to the Project. All environmental impacts associated with the Hotel Alternative would be similar to

or less than the Project, but it would not accomplish the project objectives to the same extent as the Project.

Alternative B - Reduced-Hotel Alternative

The Reduced-Hotel Alternative would include the development of a smaller hotel with 157 rooms (68 fewer than the Project), and 12 floors (4 floors less than the Project), and a smaller 4 story parking garage. The height of the hotel tower would be at an elevation of approximately 1,060 feet above mean sea level, which is approximately 50 feet taller than the existing Casino building (in comparison to 116 feet under the Project). The proposed event center and Casino remodeling and all other aspects described for the Project would remain the same**.** All environmental impacts associated with the Reduced-Hotel Alternative would be similar to or less than the Project, but it would not accomplish the project objectives to the same extent as the Project.

No-Project Alternative

Under the No Project Alternative, the project site would remain as it currently is with no further improvements to the site or its surroundings. This alternative would eliminate the construction and operational off-Reservation environmental impacts of the Project, including those associated with scenic vistas, lighting, air quality and greenhouse gas emissions, noise, traffic, biological resources, and water resources. However, the No Action Alternative would not accomplish any of the project objectives.

ES.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

This TEIR analyzes the potential environmental impacts of the Project. **Table ES-1** (found at the end of this chapter) summarizes all impacts, whether their level of significance was found to be no impact, less-than-significant impact, or significant impact. For any impacts found to be significant, corresponding mitigation measures are included and the level of significance after mitigation is indicated. The identified mitigation measures are considered to be feasible by the Tribe. All but one of the impacts of the Project would be less than significant or would be mitigated to a less-than-significant level. As described in **Section 3.2.3**, whereas the existing Casino generally matches the elevation of the surrounding topography to blend with natural setting, the maximum elevation of the proposed hotel tower would exceed the elevation of nearby hillsides, and as a result would be a more prominent and dominating visual feature that would influence the viewer experience of the natural landscape. Thus, the Project would have a significant impact on a scenic vista that cannot be avoided. While the No Action alternative would avoid this significant effect, it would not accomplish any of the project objectives, and Alternative B, the Reduced Hotel Alternative, would lessen this significant visual effect, but would not avoid it. There are no known outstanding issues to be resolved with respect to environmental impacts, with the exception of ongoing coordination with the County related to fire safety and access design considerations.

Table ES-1: Summary of Impacts and Mitigation Measures

Impact	Significance Before Mitigation	Mitigation Measure	Residual Impact
Environmental Categories with No Significant Impacts			
Agriculture and Forest Resources			
A. Would the Project involve changes in the existing environment, which, due to their location or nature, could result in conversion of off-reservation farmland to non-agricultural use?	NI	None Required.	NA
Mineral Resources			
A. Would the Project result in the loss of availability of a known off- reservation mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and the residents of the state?	NI	None Required.	NA
B. Would the Project result in the loss of availability of an off-reservation locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	NI	None Required.	NA
Population and Housing			
A. Induce substantial off-reservation population growth?	NI	None Required.	NA
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere off-reservation?	NI	None Required.	NA
Recreation			
A. Increase the use of existing off-reservation neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	NI	None Required.	NA
Aesthetics			
A. Would the Project have a substantial adverse effect on a scenic vista?	S	No feasible mitigation is available.	S

B. Would the Project substantially damage off-Reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	LS	None Required	NA
C. Would the Project 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?	S	**Mitigation Measure 3.2-1**: If dusk or nighttime construction activities are necessary at the project site, lighting for those activities shall be strictly limited to the minimum locations necessary for safety and security and shall be downcast onto the worksite to prevent lighting and glare impacts on off-Reservation areas and sensitive receptors/ecological resources. **Mitigation Measure 3.2-2**: The Tribe will implement feasible means to reduce the visibility of parking garage lights, interior hotel lighting, and event center lighting from the surrounding areas, with options to be considered including reducing lighting levels, providing additional shielding, and installing screens along the façades of the facilities, as appropriate.	LSM
Air Quality and Greenhouse Emissions			
A. Would the Project conflict with or obstruct implementation of the applicable air quality plan?	LS	None Required	NA
B. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?	LS	None Required.	NA
C. Would the Project 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	LS	None Required.	NA
D. Would the Project expose off-Reservation sensitive receptors to substantial pollutant concentrations?	LS	None Required.	NA
E. Would the Project create objectionable odors affecting a substantial number of people off-Reservation?	LS	None Required.	NA
F. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the off-Reservation environment?	S	**Mitigation Measure 3.3-1**: The Tribe shall stipulate in the construction contract for the hotel and event center that 10% of construction equipment used during	LSM

		construction activities use alternative fuels such as renewable diesel, renewable natural gas, compressed natural gas or electricity. **Mitigation Measure 3.3-2**: The Tribe shall implement a Transportation Demand Management (TDM) program to achieve a 15% reduction in commute vehicle miles traveled and commit to monitoring and reporting results to demonstrate compliance. **Mitigation Measure 3.3-3**: The Tribe shall use electric boilers and appliances in lieu of propane units to the greatest extent practicable.	
G. Would the Project conflict with any off-Reservation plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	S	**Mitigation Measure 3.3-1, 3.3-2** and **3.3-3**	LSM
Biological Resources			
A. Would the Project have a substantial adverse impact, either directly or through habitat modifications, on any 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?	LS	None Required.	NA
B. Would the Project have a substantial adverse effect on any off-Reservation 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 U.S. Fish and Wildlife Service?	LS	None Required.	NA
C. Would the Project have a substantial adverse effect on federally protected off-Reservation wetlands as defined by Section 404 of the Clean Water Act?	LS	None Required	NA
D. Would the Project 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?	LS	None Required.	NA
E. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	LS	None Required.	NA

Cultural Resources			
A. Would the Project cause a substantial adverse change in the significance of an off-reservation historical or archeological resource?	LS	None Required.	NA
B. Would the Project directly or indirectly destroy a unique off-reservation paleontological resource or site or unique off-reservation geologic feature?	LS	None Required.	NA
C. Would the Project disturb any off-reservation human remains, including those interred outside of formal cemeteries?	LS	None Required.	NA
Geology and Soils			
A. Would the Project expose off-Reservation people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?	LS	None Required.	NA
B. Would the Project result in substantial off-Reservation soil erosion or the loss of topsoil?	LS	None Required.	NA
Hazards and Hazardous Materials			
A. Would the Project create a significant hazard to the off-Reservation public or the off-Reservation environment through the routine transport, use, or disposal of hazardous materials?	LS	None Required.	NA
B. Would the Project create a significant hazard to the off-Reservation public or the off-Reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	LS	None Required.	NA
C. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed off-Reservation school?	NI	None Required.	NA

D. Would the Project expose off-Reservation people or structures to a significant risk of loss, injury or death involving wildland fires?	LS	None Required.	NA
E. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LS	None Required.	NA
Land Use			
A. Would the Project conflict with any off-Reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?	LS	None Required.	NA
B. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan covering off-Reservation lands?	LS	None Required.	NA
Noise			
A. Would the Project expose off-Reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	S	**Mitigation Measure 3.9-1:** The event center should be designed to provide a minimum sound transmission class (STC) rating of 26 for all exterior wall/roof assemblies during special events which include use of amplified sound. This could be accomplished with the use of typical exterior wall/roof assemblies, glazing, operable walls, etc. The tribe shall engage a qualified acoustical engineer during the architectural design process to ensure that the acoustical requirements are achieved in the building design process. **Mitigation Measure 3.9-2:** The Tribe shall engage a qualified acoustic engineer during the first three concerts to verify that the facility is achieving compliance with the applicable exterior noise standards at the nearest residential uses. If the noise levels exceed County's daytime 50 dBA Leq and nighttime (10:00pm to 7:00am) 45 dBA Leq noise standards, then additional measures shall be performed to reduce the noise levels to acceptable levels. This could include reducing sound volume or ending events before 10 p.m. If these	LSM

		measures prove unsuccessful to meet County standards at the off-Reservation sensitive receptors, then additional acoustical treatment shall be undertaken to achieve these levels.	
B. Would the Project expose off-Reservation persons to excessive groundborne vibration or groundborne noise levels?	S	**Mitigation Measure 3.9-3:** To reduce noise and vibration by project-related construction activities, the project applicant(s) of all project phases shall conform to the following requirements: ▪ All blasting shall be performed by a blasting contractor and blasting personnel licensed to operate in the County. ▪ Each blast shall be monitored and recorded with an air blast overpressure monitor and groundborne vibration accelerometer that is located outside the closest residence to the blast. ▪ A blasting plan, including estimates of the air blast over-pressure level and groundborne vibration at the residence closest to the blast, shall be prepared to ensure that vibration levels do not exceed acceptable level of 0.2 inch/sec PVV at San Diego County Fire Station 36 and the nearest residential home. The Plan will be submitted to the Tribe for review prior to the first blast. Blasting shall not commence until the Tribe has approved the blasting plan.	LSM
C. Would the Project result in a substantial permanent increase in ambient noise levels in the off-Reservation vicinity of the project?	S	**Mitigation Measure 3.9-1** and **3.9-2**	NA
D. Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the off-Reservation vicinity of the project?	S	**Mitigation Measure 3.9-1** and **3.9-2**	NA
Public Services			
A. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-	LTS	None Required.	NA

Reservation 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 off-Reservation fire protection and emergency medical services?			
B. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation 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 off-Reservation police protection?	LTS	None Required.	NA
C. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for off-Reservation schools?	NI	None Required.	NA
D. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for off-Reservation parks or other public facilities?	NI	None Required.	NA
Transportation and Traffic			
A. Would the Project cause an increase in off-reservation traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	LS	No additional mitigation required.	NA
B. Would the Project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated off-reservation roads or highways?	LS	No additional mitigation required.	NA

C. Would the Project substantially increase hazards to an off-reservation design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	LS	No additional mitigation required.	NA
D. Result in inadequate emergency access for off-reservation responders?	LS	No additional mitigation required.	NA
Utilities and Service Systems			
A. Would the Project exceed off-Reservation wastewater treatment requirements of the applicable Regional Water Quality Control Board?	LS	None Required.	NA
B. Would the Project 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 off-Reservation environmental effects	LS	None Required.	NA
C. Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant off-Reservation environmental effects?	LS	None Required.	NA
D. Would the Project result in a determination by an off-Reservation wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	LS	None Required.	NA
Water Resources			
A. Would the Project violate any water quality standards or waste discharge requirements?	LS	None Required.	NA
B. Would the Project 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	LS	None Required.	NA
C. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of	LS	None Required.	NA

the course of a stream or river, in a manner which would result in substantial erosion of siltation off-site?			
D. Would the Project 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?	LS	None Required.	NA
E. Would the Project 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 runoff off-Reservation?	LS	None Required.	NA
F. Would the Project place within a 100-year flood hazard area structures, which would impede or redirect off-Reservation flood flows?	NI	None Required.	NA
G. Would the Project expose off-Reservation 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?	LS	None Required.	NA
Growth-Inducing Impacts			
A. Would the Project directly or indirectly induce growth in the surrounding area?	LS	None Required.	NA
Indirect Impacts			
Aesthetics	LS	None Required.	NA
Air Quality and Greenhouse Emissions	S	**Mitigations Measures 3.3-2**	LSM
Biological Resources	LS	None Required.	NA
Cultural Resources	LS	None Required	NA
Geology and Soils	LS	None Required.	NA
Hazards and Hazardous Materials	LS	None Required.	NA
Land Use	LS	None Required.	NA
Noise	LS	None Required.	NA
Public Services	LS	None Required.	NA
Transportation and Traffic	LS	None Required	NA

Utilities and Service Systems	LS	None Required.	NA
Water Resources	LS	None Required.	NA
Cumulative Impacts			
Aesthetics	LS	None Required.	NA
Air Quality and Greenhouse Emissions	S	**Mitigations Measures 3.3-1**, **3.3-2**, and **3.3-3**	LSM
Biological Resources	LS	None Required.	NA
Cultural Resources	LS	None Required.	NA
Geology and Soils	LS	None Required.	NA
Hazards and Hazardous Materials	LS	None Required.	NA
Land Use	LS	None Required.	NA
Noise	LS	None Required.	NA
Public Services	LS	None Required.	NA
Transportation and Traffic	LS	No additional mitigation required.	NA
Utilities and Service Systems	LS	None Required.	NA
Water Resources	LS	None Required.	NA

Section 1 | Introduction

1.1 INTRODUCTION

This Tribal Environmental Impact Report (TEIR) has been prepared by the Jamul Indian Village of California (Tribe or JIV) to assess the potential off-Reservation impacts of the proposed expansion of its Jamul Casino with the addition of a hotel, event center, additional parking garage, and associated infrastructure (Project). The proposed facilities would be located at the existing Jamul Casino on the Jamul Indian Village Reservation (Reservation) in San Diego County, California. The TEIR has been developed in accordance with the requirements of the 2016 Tribal-State Compact (Compact) between the Tribe and the State of California regarding Class III Gaming operations. The Tribe serves as the Lead Agency for the TEIR.

The Jamul Indian Village Development Corporation (JIVDC), a wholly owned subsidiary and instrumentality of the Tribe, owns and operates the Jamul Casino in compliance with federal law and the Compact regarding Class III Gaming operations. The Compact requires that, before beginning construction of any new "Project" (as defined in the Compact) , the Tribe must prepare a TEIR that analyzes the potential off-Reservation environmental impacts of that Project. Under the Compact, "off-Reservation" refers to all locations other than the 6-acre Reservation, which is also described herein as the project site.

1.2 PROJECT LOCATION AND SETTING

The Reservation consists of approximately six acres of federal trust land located in unincorporated San Diego County approximately one mile south of the community of Jamul (**Figure 1-1**). The Jamul Casino is located on the Reservation at 14145 Campo Road, Jamul, CA 91935. The Reservation is located within portions of Section 10 and unsectioned areas of Township 17 South, Range 1 East, San Bernardino Baseline and Meridian.

The Jamul Casino is located entirely within the Reservation, as shown on **Figure 1-2** and **Figure 1-3**. Additional structures within the Reservation include the Tribal Community Building, Tribal Administration Building, Water Reclamation Plant, parking garage, and utilities. Willow Creek bisects the property with the Casino on the east side and the remaining facilities on the west side. Land uses adjacent to the Reservation include the Tribal church and cemetery to the west, a 4-acre parcel owned by the Tribe that was formerly developed with a fire station, and undeveloped property to the north, State Route 94 (SR 94) and undeveloped previously disturbed property to the east, and undeveloped land owned by the California Department of Fish and Wildlife (CDFW) as part of the Rancho Jamul Ecological Reserve (RJER) to the south.

SR 94 provides regional access to the Reservation from downtown San Diego, which is located approximately 17 miles to the west of the Reservation. Local access to the Reservation is provided directly from SR 94 via Daisy Drive and an access road limited to authorized vehicles.

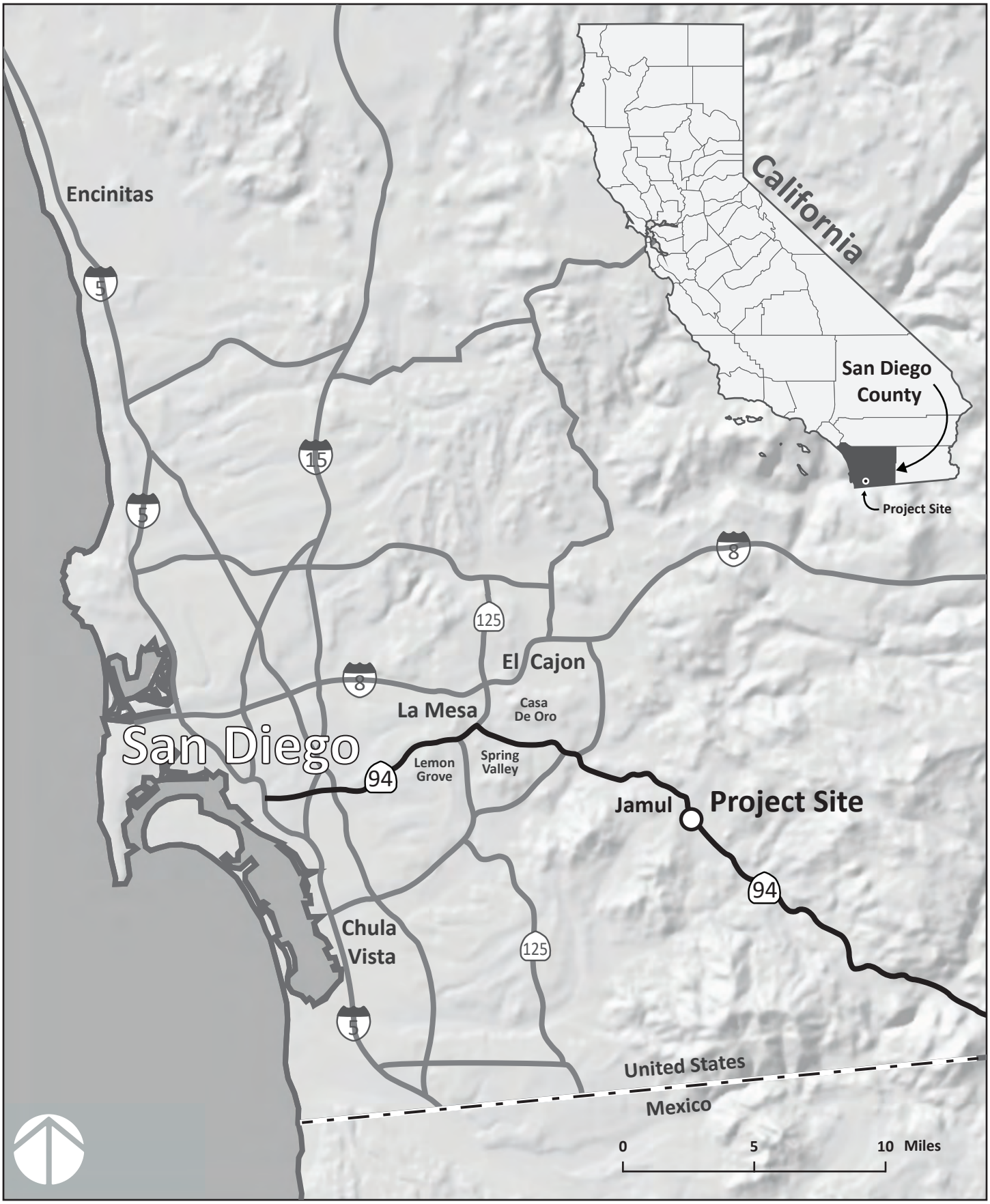
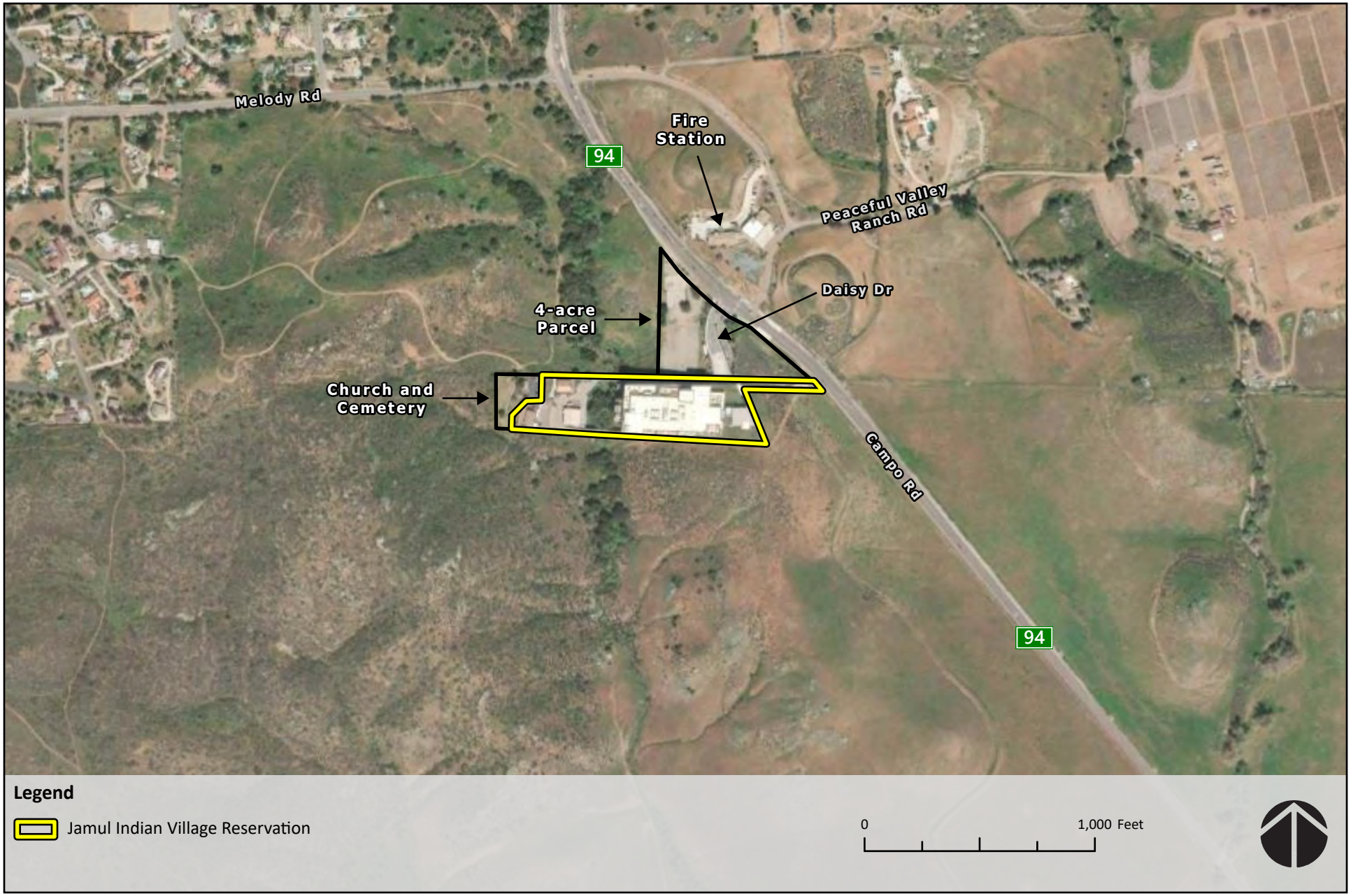


FIGURE 1-1

REGIONAL LOCATION



Source: ESRI World Imagery; SanGIS

FIGURE 1-2

SITE AND VICINITY

Source: ESRI World Imagery; SanGIS

FIGURE 1-3

AERIAL PHOTOGRAPH

1.3 PROJECT BACKGROUND AND PRIOR ENVIRONMENTAL REVIEW

The existing Jamul Casino opened in October of 2016 and was the subject of an exhaustive planning and environmental review process that began in the late 1990s. In 2001, the Bureau of Indian Affairs BIA and the National Indian Gaming Commission (NIGC) issued an Environmental Assessment (EA) for a Proposed Action that would have brought approximately 101 acres adjacent to the Reservation into federal trust, while the existing 6-acre Reservation would have been developed with a gaming facility. The EA addressed proposed development of a Gaming Facility and other land uses on what would be an expanded Reservation. The BIA initially issued a Finding of No Significant Impact (FONSI), but subsequently determined on appeal that the mitigation proposed for traffic impacts associated with construction and operation of the gaming facility was beyond the ability of the Tribe to implement independently of State and local agencies. Therefore, JIV's ultimate implementation of the traffic mitigation measures was considered too provisional and that an Environmental Impact Statement (EIS) was required.

In August 2003, the BIA completed a Final EIS for the 101-acre Fee-to-Trust Transfer and Gaming Project. The Final EIS evaluated the environmental consequences associated with placing approximately 101 acres into federal trust for JIV and subsequent development of the proposed gaming facility, which was to include a 205,194-square-foot gaming facility together with a 222,985-square-foot, 300-room hotel. The 2003 project also included a 2,550-space parking structure on an adjacent 87-acre parcel to the north of the Reservation, as well as 18 homes for Tribal members on a 10-acre parcel north of Melody Road. The 2003 Final EIS represented the completion of the environmental review process for the BIA/NIGC. A final BIA/NIGC decision was never rendered on the 2003 version of the Fee-to-Trust Transfer and Gaming Project. JIV eventually withdrew the BIA fee-to-trust application and instead moved forward in 2006 with a revised project that placed a gaming facility entirely on the existing 6-acre Reservation. In terms of square footage, the 2006 version of the gaming facility was identical to the 2003 proposal at 205,194 square feet, while the hotel was increased to 400 rooms totaling 361,900 square feet. The overall size of the 2006 proposal represented a 32% increase from the 2003 version. Proposed Tribal housing on the 10-acre lot north of Melody Road was removed in the 2006 version. This revised plan also eliminated the previously requested federal trust acquisition of the 101 acres adjacent to the Reservation (Jamul Indian Village, 2006).

Following redesign, JIV commenced preparation of the 2006 Tribal Environmental Impact Statement/Report (Tribal EIS/R) pursuant to the Compact. The project revisions resulted in the elimination of BIA authority because BIA approval of the fee-to-trust transfer was no longer proposed. The Tribal EIS/R analyzed the off-Reservation impacts of the development and operation of the gaming facility, hotel, and supporting land uses on the Reservation. JIV initiated construction of the Gaming Facility following completion of the environmental work and Tribal approval of the on-Reservation gaming/hotel project; however, JIV did not continue with the project due to unresolved access issues on SR 94 (Jamul Indian Village, 2006).

In 2010, JIV made changes to the 2006 project design, including the removal of the hotel component and proposing to construct the project in a single phase rather than multiple phases. The result was a 203,000-square-foot gaming facility, which was 64% smaller than the 2006 version and 53% smaller than the 2003 version. In 2012, JIV prepared a Draft Tribal Environmental Evaluation (TEE) pursuant to the Tribal-State Compact then in effect between the Tribe and the State of California (1999 Compact) that addressed impacts associated with the revised project. In January 2013, JIV certified the Final TEE as adequate/

complete and approved the gaming facility. The Final TEE identified traffic mitigation measures, including improvement of an existing access road from SR 94 to the Reservation known as Daisy Drive located on a 4-acre parcel adjacent to the Reservation (Jamul Indian Village, 2013).

As project plans moved forward following the January 2013 approval of the Final TEE, minor modifications were made to the project, which resulted in JIV's processing of four addenda to the Final TEE in 2014 and 2015. The first addendum addressed issues related to a shift in uses on the project site, the addition of a south bridge over Willow Creek on the Reservation, and other construction related adjustments such as increased excavation hauling and the use of the adjacent 4-acre parcel for construction related staging and possible redevelopment of the fire station. It also became clear that more than one disposal facility for excavation materials would be used during the construction period. To address this issue from an air quality standpoint, JIV had an air quality supplement prepared to ensure all air quality effects were adequately analyzed. The first Addendum including the Air Quality Supplement was approved by the Tribe in February 2014. All features of the February 2014 Addendum have been completed except for the construction of the fire station on the adjacent 4-acre parcel (Jamul Indian Village, 2014a).

As excavation of the Reservation for the gaming facility moved forward in early 2014, JIV proposed replacing the use of short soil nails with long soil nails that would extend underground beyond the southern boundary of the Reservation into adjoining CDFW land. This modification was proposed to shorten the construction period and to enhance safety and reduce site disturbance during construction. The Addendum: Long Soil Nails addressed the effects of this project design modification. This Addendum was adopted by the Tribe in June 2014. A subsequent agreement was approved between JIV and the State of California for a subsurface easement into adjacent State property for the soil nails. The placement of the long soil nails is complete (Jamul Indian Village, 2014b).

As construction planning progressed, it was determined that a change in the location of temporary employee parking and material laydown areas would increase site-related efficiencies during construction of the gaming facility. As a result, JIV analyzed the temporary use of approximately 2.1 acres of the adjacent 87-acre parcel during construction of the gaming facility for possible staging/laydown and parking. The document Addendum: Temporary Construction Staging, which addressed the effects of the project modification, was completed in October 2014 and adopted by the Tribe in November 2014. The temporary parking and laydown area was constructed in late 2014. Due to objections raised by San Diego County, the temporary parking area was removed from the 87-acre parcel. Temporary construction parking was relocated east of SR 94 within the Peaceful Valley Ranch Property. The use of the Peaceful Valley Ranch Property for construction parking ceased in January 2016, when parking was relocated to the completed gaming parking structure on the Reservation (Jamul Indian Village, 2014c). Finally, JIV proposed refinements to their previously used treated water generation estimates and water balance estimates. Modifications were made to the size and location of the onsite treated water storage tank, as well as the treated wastewater disposal method. The water generation estimates were reduced due to calculation refinements made during construction, which resulted in changes to the water balance estimates. An above ground 130,000-gallon storage tank that measures 24 feet in height was proposed instead of a 200,000-gallon below ground storage tank. The treated wastewater disposal method changed from use of a mechanical vapor compression system to a combination of onsite sub-surface disposal and trucking. The document Addendum: Wastewater Addendum, which addressed the effects of the project modifications to the onsite treated water storage tank and treated wastewater disposal method, was adopted by the Tribe in May 2015 (Jamul Indian Village, 2015). Currently, only the trucking method for disposal of wastewater is utilized.

In 2016, the National Indian Gaming Commission (NIGC) issued a Final Supplemental Environmental Impact Statement (SEIS) to update conditions and address revisions to the federal Proposed Action previously analyzed in the 2003 Final EIS. The scope of the 2016 Final SEIS was limited to the approval of the Management Agreement between the JIVDC and then proposed operator, which was subject to approval by the NIGC and compliance with National Environmental Protection Act (NEPA). The 2016 Final SEIS relied heavily on the analysis completed within the 2013 Final TEE and addendums (National Indian Gaming Commission, 2016).

The list below summarizes the environmental study documents prepared for the existing Casino:

1. BIA/NIGC Final Environmental Impact Statement (Final EIS) (August 2003);
2. Jamul Indian Village Final Tribal Environmental Impact Statement/Report (TEIS/R) (December 2006);
3. Jamul Indian Village Gaming Development Final Tribal Environmental Evaluation (TEE) (January 2013);
    a. Addendum to Final TEE: Jamul Indian Village Gaming Development Project (February 2014);
    b. Addendum to Final TEE: Long Soil Nails (June 2014);
    c. Addendum to Final TEE: Temporary Construction Staging (October 2014); and
    d. Addendum to Final TEE: Wastewater Addendum (May 2015).
4. NIGC FSEIS (June 2016).

The 2006 Final TEIS/R, 2013 Final TEE and Addendums, and 2016 NIGC FSEIS are incorporated by reference and are available at http://www.jamulteir.com. In addition to environmental compliance documentation for the existing Casino, the California Department of Transportation (Caltrans) prepared and certified a Final Environmental Impact Report (EIR) in 2016 for transportation mitigation improvements associated with the Tribe's facility (available by request at https://dot.ca.gov/caltrans-near-me/district-11/programs/district-11-environmental; Caltrans, 2016). The Caltrans Final EIR evaluated the existing access improvements at Daisy Drive, as well as mitigation improvements at the following intersections: SR 94/Jamacha Boulevard intersection, SR 94/Jamacha Road intersection, SR 94/Steele Canyon Road intersection, SR 94/Lyons Valley Road intersection, and SR 94/Maxfield Road intersection (additional discussion on the status of these improvements is provided in **Section 3.10** of this TEIR).

1.4 AGREEMENTS

1.4.1 Tribal-State Gaming Compact

In 2016, the Tribe and the State of California entered into the Tribal-State Compact for the purpose of establishing a mutually respectful government-to-government relationship through developing and implementing a regulatory framework for Class III gaming in accordance with the Indian Gaming Regulatory Act. The Compact outlines, among other things, the nature and scope of Class III gaming; the licensing and certification requirements and procedures; procedures regarding the enforcement of compact provisions; regulations for the operation and management of the tribal gaming operation; application of certain State laws to the Casino; and tribal reimbursement of regulatory fees and expenses incurred by the state gaming agency (Jamul Indian Village and State of California, 2016).

1.4.2 Intergovernmental Agreement (Existing Casino)

An Intergovernmental Agreement (IGA) between the Tribe and San Diego County was executed on May 16, 2016 related to the construction and operation of the existing Jamul Casino. The IGA provides a mechanism for ensuring adequate public services for the existing Casino, including water service, stormwater, and on- and off-site road improvements to off-set Casino-related traffic impacts. The IGA provides details regarding the one-time and annual payments made by the Tribe to San Diego County related to the provision of services, including, but not limited to, law enforcement, operations and maintenance for public roadways, and public safety. The IGA also required that development of the existing Casino comply with various standards of California Codes and County Codes, Standards, and Ordinances. These included construction and operation standards associated with the onsite wastewater treatment plant, onsite tribal security, hazardous materials, biological resources, visual resources, noise, air quality, stormwater, and cultural resources (Jamul Indian Village and County of San Diego, 2016a).

1.4.3 Fire Service Agreement

As specified in the 2016 IGA, a Fire Service Agreement (FSA) was signed on January 21, 2016 between the County and the Tribe related to construction and operation of the existing Jamul Casino. The FSA outlines the provision of fire protection and emergency medical services from the County and Tribal funding for such services. Through the FSA, the Tribe committed to follow fire safety standards during construction activities and the installation of fire suppression and detection systems. These fire and life safety standards are adopted through a Fire Protection Plan which complies with County and State Fire Code. The FSA additionally identified the purchase of County fire support equipment, the provision of ambulance services, and one time and annual tribal payments for staffing, capital, and operating expenses for County fire services (Jamul Indian Village and County of San Diego, 2016b).

A subsequent amended FSA was entered into between the County and Tribe on July 1, 2019, (Amended FSA) to further recognize the actual services provided to the Reservation. The Amended FSA restates the provisions, standards, and services provided by the County, the ongoing fire safety and suppression standards onsite, as well as revising annual payments to the County for services (Jamul Indian Village and County of San Diego, 2019).

1.5 TEIR PROCESS

This TEIR has been prepared in compliance with Section 11.0 of the Compact, which requires the Tribe to prepare a TEIR for any Project (as defined in the Compact). The TEIR must consider all the potentially significant off-Reservation environmental impacts listed in the Environmental Impact Analysis Checklist attached to the Compact as Appendix B (Checklist). A copy of the Checklist is included as **Appendix A** of this TEIR.

1.5.1 Notice of Preparation and Comments (Section 11.2 of the Compact)

The Tribe filed a Notice of Preparation (NOP) of the Draft TEIR on May 20, 2022 in accordance with Section 11.2 of the Compact. The NOP was distributed to the California State Clearinghouse (SCH), San Diego County, resource agencies with off-Reservation jurisdiction, and other interested parties. The NOP was also published on the Tribe's website (www.jamulteir.com) and published in the San Diego Union-Tribune newspaper on May 20, 2022. The NOP was prepared to inform agencies and the general public that a TEIR was being prepared and to invite comments on the scope and content of the document. The NOP provided

a preliminary description of the Project, Project location, and a summary of probable off-Reservation environmental impacts. Comments were accepted for a 30-day period ending on June 20, 2022. Comments received during that time are included in **Appendix B** and summarized in **Section 5, Agency and Public Comments**.

1.5.2 Draft TEIR and Public Review (Sections 11.1 and 11.3 of the Compact)

This document is the Draft TEIR for the Project. It contains a description of the Project, a description of the physical environmental conditions in the vicinity of the Project, discussions of potentially significant off-Reservation environmental impacts, discussions of recommended measures to be implemented to mitigate identified and anticipated potentially significant off-Reservation environmental impacts, discussions of any unavoidable or irreversible potentially significant off-Reservation environmental impacts, and an analysis of alternatives to the Project as required by the Compact. Additionally, information concerning the feasibility and effectiveness of the mitigation measures identified in this Draft TEIR can be found in **Section 3**, and potential indirect growth inducing effects in **Section 4.3.**

The publication of this Draft TEIR initiates a 45-day public review period. The public review period is identified within the Notice of Completion (NOC) filed with the SCH and may be found on the SCH's CEQANet website (https://ceqanet.opr.ca.gov/) filed under SCH Number 2022050410. The NOC and TEIR has also been submitted to the California Gambling Control Commission, San Diego County, and the Attorney General of California. The NOC and Draft TEIR are also posted on the Tribe's website (www.jamulteir.com).

1.5.3 Final TEIR (Section 11.4 of the Compact)

The Tribe will prepare a Final TEIR which will include all comments received on this Draft TEIR along with responses to comments and this Draft TEIR (including any revisions made to the document). Pursuant to the Compact, the Tribe will submit the Final TEIR to San Diego County, SCH, the California Gambling Control Commission, and the Attorney General of California.

1.5.4 Intergovernmental Agreement (Section 11.7 Of Compact)

Prior to issuance of the Final TEIR and commencement of the Project, the Compact requires that the Tribe offer to commence negotiations with the County for an IGA between the Tribe and the County covering the matters described in Section 11.7 of the Compact. The Tribe anticipates that the County will accept the Tribe's offer to negotiate, and that negotiations for such an IGA will occur. One of the subjects to be covered in the IGA negotiations described in Section 11.7 of the Compact is the timely mitigation of potentially significant impacts on the off-Reservation environment that are attributable to the Project as identified in the Final TEIR.

Section 2 | Project Description

2.1 OVERVIEW AND BACKGROUND

The JIVDC is proposing to expand its Jamul Casino with the addition of a hotel, event center, multi-purpose bingo hall, additional parking garage, and associated infrastructure. The Casino opened in October of 2016 and was the subject of an exhaustive environmental review process as described in **Section 1.3**. The existing Casino consists of approximately 200,000 square feet (sf) with a 68,000-sf gaming floor and eight levels of parking (including subterranean parking) with 1,792 parking spaces.

2.2 PROJECT OBJECTIVES

The Project has been designed to meet the following objectives:

- Provide overnight accommodations for Casino patrons to reduce vehicle trips and allow for an extended and enhanced visitor experience.
- Provide additional amenities related to entertainment that are in demand from existing patrons and that are not currently available in the area.
- Offer new amenities that would enable the facility to remain competitive as a premier casino resort.
- Expand and diversify the economic base for the Tribe to support programs benefitting the health and welfare of Tribal members and the surrounding community.

2.3 PROJECT ELEMENTS

The Project consists of the development of hotel, event center, multi-purpose/bingo hall, additional parking garage, relocation of the existing modular tribal community center and administration building, expansion of the existing water reclamation facility, reconfiguration of stormwater retention and treatment facilities, and utility improvements/relocations. These facilities are described below, and a site plan is provided in **Figure 2-1**. Architectural renderings showing the completed Project from the southwest and northwest viewpoints are provided in **Figure 2-2** and **Figure 2-3**, respectively.

The Project would generate approximately 125 new jobs, for a total of approximately 1,225 employees during operations of the Casino. The Casino-Resort, as expanded by the Project, would continue to be managed by the JIVDC and its team of highly qualified professionals and to operate 24 hours per day, 7 days per week.

2.3.1 Hotel & Parking Garage

A new 225-room hotel and associated parking structure would be developed west of the existing Casino building with pedestrian access to the Casino building provided by a new clear-span bridge over Willow Creek, which bisects the Reservation immediately west of the existing Casino building (**Figure 2-1**).

Source: Jamul Casino Masterplan; SanGIS

FIGURE 2-1

SITE PLAN

FIGURE 2-2

PROJECT RENDERING, FACING SOUTHWEST

FIGURE 2-3

PROJECT RENDERING, FACING NORTHWEST

The proposed hotel would consist of 16 stories including a banquet hall (Floor 2), a hotel lobby level with restaurant (Floor 3), a spa level with outdoor deck (Floor 4), 10 levels of guest rooms (Floors 5 through 14), a rooftop pool deck (Floor 16), and 2 levels of back-of-house/mechanical (Floors 1 and 15). The height of the hotel tower would be at an elevation of approximately 1,128 feet above mean sea level (amsl), which is approximately 225 feet above ground level and 116 feet taller than the existing Casino building.

A new 6-story parking structure would be developed south of the new hotel building and would connect to the hotel lobby.

2.3.2 Event Center, Multi-Purpose Bingo Hall & Casino Remodel

The Project includes the remodeling of the existing Jamul Casino to provide a new event center and multi-purpose bingo hall. Currently, the Jamul Casino occupies four building levels above an eight-level parking garage. The main casino floor is the first building floor and there are three floor levels above the main casino floor. The second floor is a partial level that provides a restaurant with veranda and allows circulation between the main casino floor and the fourth floor. The third floor provides kitchen and administrative office space. The fourth floor is a partial level that provides a rooftop lounge terrace.

The proposed remodeling would eliminate the second floor and the fourth floor and expand the third floor to accommodate an approximately 25,500 sf outdoor, covered event venue and associated lounge areas (with a combined seating capacity of approximately 1,500 seats); an approximately 9,250 sf enclosed multi-purpose/bingo hall with 465 seats; and associated back-of-house, restrooms, and circulation. The existing restaurant located on the second floor of the Casino building would be relocated to the third floor with no changes in occupant capacity. Approximately 11,838 sf of existing office space on the eastern portion of the third floor would be relocated to an expanded area of the western portion of the third floor (**Figure 2-1**). The new event venue and bingo-hall addition would result in a net increase of approximately 35,000 sf of enclosed, covered outdoor, and uncovered outdoor areas. No expansion of the gaming floor or increase in the number of slot machines or table games is proposed. **Table 2-1**: provides a summary of the existing and proposed development. The expansion of the existing casino building would appreciably change the height of the existing structure, however the overall size of the upper floors would be expanded by 35,000 square feet, increasing the massing of the facility as shown in **Figure 2-2** and **Figure 2-3**. The event center is predicted to host an average of 1 to 2 events per week, which would typically begin around 7:30 p.m. and end around 11:00 p.m. The bingo hall is assumed to host two “sessions” a day with a duration of approximately 6 hours each.

2.3.3 Relocated Facilities

The existing modular tribal community center and administration buildings would be removed from the western part of the Reservation to accommodate the footprint of the new hotel and parking structure. There are several options under consideration for relocation of the Tribal administration and community facilities, including utilizing space within the expanded third floor administrative areas of the Casino, purchase of an off-site property with an existing building, or leasing existing office space within the region. This document assumes that the existing approximately 2,200 sf modular administration building would be relocated to an existing concrete pad associated with a former fire department building on the western portion of the 4-acre parcel, which is north of the Reservation. The relocated building would be utilized by the tribal security department. The operation of the security office within the 4-acre parcel is a separate project subject to permitting and approvals by the County of San Diego. Although not directly related to

the expansion Project, the indirect impacts of operating the security office on the 4-acre parcel are addressed in **Section 4.5.1**, Indirect Impacts, of the TEIR.

Table 2-1: Existing and Proposed Development

	Existing	Proposed Change	Proposed New Total
Casino			
First Floor	**125,850 sf**	**—**	**125,850 sf**
Casino Floor	*68,262 sf*	*—*	*68,262 sf*
Restaurants/Bars	*29,035 sf*	*—*	*29,035 sf*
Misc. and Circulation	*28,553 sf*	*—*	*28,553 sf*
Second Floor	**8,110 sf**	**(6,907 sf)**	**1,203 sf**
Restaurant/Bars (Loft 94)	*248 seats / 4,549 sf*	*(4,549 sf)*	*0 sf*
Misc. and Circulation	*3,561 sf*	*(2,358 sf)*	*1,203 sf*
Third Floor	**60,132 sf**	**50,983 sf**	**111,115 sf**
Outdoor Event Center	*—*	*25,514 sf*	*25,514 sf*
Bingo Hall	*—*	*465 seats / 9,233 sf*	*465 seats / 9,233 sf*
Restaurant/Bars (relocated Loft 94)	*—*	*248 seats / 7,449 sf*	*248 seats / 7,449 sf*
Office, Misc., and Circulation	*60,132 sf*	*—*	*60,132 sf*
Fourth Floor	**9,038 sf**	**(9,038 sf)**	**0 sf**
Restaurant/Bars (Loft 94 roof deck)	*5,604 sf*	*(5,604 sf)*	*0 sf*
Misc. and Circulation	*3,434 sf*	*(3,434 sf)*	*0 sf*
Total Casino (Floors 1–4)	**203,130 sf**	**35,038 sf**	**238,168 sf**
Hotel			
Guest Rooms		225 rooms	225 rooms
Dining	—	92 seats/6,724 sf	92 seats/6,724 sf
Banquet	—	187 seats/5,180 sf	187 seats/5,180 sf
Bar	—	49 seats/1,242 sf	49 seats/1,242 sf
Rooftop Pool Deck	—	14,608 sf	14,608 sf
Fitness Center	—	900 sf	900 sf
Spa	—	8,600 sf	8,600 sf
Total Hotel	**—**	**16 floors/253,390 sf**	**16 floors/253,390 sf**
Hotel Parking	**—**	**255 spaces/129,642 sf**	**255 spaces/129,642 sf**

Notes: All measurements are approximate; sf = square feet of building area; numbers in parenthesis indicate a reduction in square footage

2.3.4 Access

Access to the Reservation is provided directly from SR 94 via Daisy Drive, which extends through a 4-acre parcel owned by the Tribe directly north of the Reservation. The intersection of SR 94 and Daisy Drive is a signalized intersection. In the vicinity of the Reservation, SR 94 is a two-lane highway. Dedicated turning

lanes are provided on SR 94 at the Daisy Drive intersection. No changes are proposed to the existing off-Reservation roadways and driveways serving the site. Circulation to the proposed hotel and associated parking garage would be provided through extensions to the existing roadway on the Reservation. The existing access road to the chapel and cemetery located west of the Reservation will be preserved.

2.3.5 Water and Wastewater

A water supply and wastewater treatment engineering feasibility study was completed for the Project and is provided in **Appendix C**.

Water Supply

Currently the Otay Water District (OWD) provides water to the Reservation and would continue to provide water supply for the Project. The existing service for the Jamul Casino is provided from a 12-inch potable water main along SR 94 via a 12-inch lateral and 4-inch potable water meter on the Reservation.

As described in Table 12 of **Appendix C**, the Project would have an estimated average daily water demand of 57,690 gallons per day (gpd) or 68,940 gpd if a cooling tower is utilized at the proposed hotel. Approximately 7,086 gpd (18,336 gpd with cooling tower) of that demand can be met with recycled water from the onsite wastewater treatment plant (WWTP) being used for toilet flushing and cooling system process water. Additionally, as described further below, the Project would increase the amount of recycled water available for reuse at the Jamul Casino. This increase in recycled water would eliminate the need for potable water to be used for toilet flushing and the cooling system at the existing facilities, which makes up an average of 10,086 gpd of the current potable water demand. Therefore, the net average increase in potable water demand would be 40,518 gpd with or without the use of the cooling tower.

The potable water supply for the Project is planned to be provided through OWD's existing 12-inch lateral and existing 4-inch water meter that is currently used to supply potable water to the Jamul Casino (as identified above). Fire service water would also be provided from the existing 12-inch lateral. However, it is possible that a second point of connection would be required from the existing 12-inch potable water main along the north side of SR 94 to create a "loop" system within the Reservation. If required, the second lateral is expected to be located west of Daisy Drive and a pipeline extended across the 4-acre parcel to the Reservation. This second service connection would be connected to the existing water lines on the Reservation to provide a looped fire service line.

Wastewater Treatment, Recycled Water Use and Discharge of Treated Effluent

Wastewater generated by the Jamul Casino is treated at a WWTP (also referred to herein as a Water Reclamation Plant) located on the Reservation west of the Casino building (**Figure 2-1**). The WWTP produces tertiary treated recycled water which is used for irrigation, toilets, and cooling system process water. Excess wastewater that cannot be reused or treated onsite, waste activated sludge, and brine effluent is trucked to the City of San Diego Pump Station 1 for further treatment and disposal at the Point Loma WWTP. In addition, the Tribe has a National Pollution Discharge System (NPDES) permit (No. CA0084284) for direct discharge of up to 68,000 gallons per day of tertiary treated wastewater to either an outfall to Willow Creek or sub-surface infiltration basins within the Reservation; however, to date, no effluent has ever been discharged from the WWTP to Willow Creek or the sub-surface infiltration basins.

Under current conditions, excess treated wastewater that is not reused onsite is trucked to San Diego Pump Station 1 for disposal at the City's regional WWTP.

As described in Table 8 of **Appendix C**, the Project would have an estimated average daily wastewater flow of 55,448 gpd. The existing WWTP will be expanded and upgraded to accommodate the increase in flows resulting from the Project. The upgraded WWTP will have an average daily flow capacity of 150,000 gpd and will be designed to treat the wastewater to meet the California Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and to meet the Tribe's NPDES permit requirements. The components of the upgraded WWTP would be located within the existing WWTP building and in a new wastewater treatment room that would be constructed on the first floor of the proposed hotel parking garage (see **Section 2.3.1**). The key processes that will remain and be expanded/upgraded in the existing WWTP building are the biological (aerobic/anoxic) treatment system, clarification (membrane bioreactor [MBR]) system, and sludge processing system. The expansion/upgrade for these systems will require repurposing of the below grade effluent storage tank beneath the existing WWTP building to provide a new aeration basin associated with the biological treatment system and to expand the digester basin associated with the sludge processing system. The key processes that will be installed in the proposed wastewater treatment room within the parking garage are the total dissolved solids (TDS) removal systems, disinfection and odor control systems, recycled water pumping system, dichlorination system, wastewater cooling system. Separate storage tanks and pumping equipment for resulting brine, off-specification wastewater, and treated effluent would be installed below grade, beneath the proposed hotel parking garage. The existing sub-surface effluent infiltration basins will be eliminated to accommodate other Project components.

Reverse osmosis (RO) systems for TDS removal would be installed at the existing cooling tower on the Jamul Casino building, as well as the proposed cooling tower, if utilized, for the proposed hotel. These systems will treat the discharge water from the cooling towers so that it can be reused to meet the water demands of the cooling towers. The RO system at the Jamul Casino building would treat an estimated average daily flow of 10,745 gpd while the RO system at the proposed hotel would treat an estimated average daily flow of 5,625 gpd. The resulting brine from these systems will be discharged into the proposed brine storage tank at the WWTP and will be trucked off site for disposal.

Treated effluent from the expanded WWTP would be reused for used for toilet flushing and cooling system process water at the Jamul Casino-Resort as expanded by the Project. As shown in Table 9 of **Appendix C**, the amount of treated effluent that would be reused at the existing Casino is estimated to range from 69,708 gpd to 102,170 gpd, with the higher use in the summer months and lower use in the winter months. Excess treated effluent will be discharged to Willow Creek under the Tribe's existing NPDES Permit. As shown on Table 9 of **Appendix C**, the amount of treated effluent that would be discharged to Willow Creek is estimated to range from 14,699 to 46,379 gpd, with the higher discharge rates in the winter months and lower discharge rates in the summer months.

The increase in wastewater generated by the Project would result in a proportional increase in the brine waste, activated sludge, and untreated wastewater generated by the WWTP. Consistent with current operations of the WWTP, these wastes would be temporarily stored in onsite tanks before being trucked to the City of San Diego Pump Station 1 for further treatment and disposal at a Point Loma WWTP. As shown in Table 10 of **Appendix C**, the Project is estimated to result in an annual increase of 562 truckloads of brine waste, 151 truckloads of activated sludge, and 14 loads of untreated wastewater from plant maintenance activities (e.g., lift station cleaning, sewer line cleaning etc.). Additionally, because no treated effluent would need to be trucked to the City of San Diego Pump Station 1 for disposal, the Project

would result in an annual reduction of 73 truckloads of treated effluent currently being trucked to the City. Therefore, the Project will result in a net increase of 654 truckloads to the City of San Diego Pump Station 1 per year.

2.3.6 Drainage and Stormwater Best Management Practices

Under current conditions, stormwater treatment within the existing site is being accomplished on a project-scale basis with detention and treatment best management practices (BMPs) provided to meet County drainage and water quality standards. Site design low-impact development (LID) BMPs such as the green roof areas and permeable pavers were utilized to aid in minimizing the sizes of the existing stormwater infrastructure of the site. The current impervious surface area from the Casino and adjacent driveway and from the area is approximately 159,921 sf. This amount does not include the existing pervious pavement areas which are better characterized as pervious surfaces. It also does not include a portion of the existing Casino roof which is vegetated and considered a 'green roof.' The net increase in the impervious surface area on the project site due to the Project is anticipated to be approximately 61,000 sf, which this includes the elimination of the 'green roof'. **Figure 2-4** shows the existing and proposed stormwater infrastructure that would be used to treat and retain stormwater on the project site. The existing stormwater facilities to be affected by the Project improvements include the cistern and biobasin located at the southeast corner of the Casino building, the 'green roof' areas on the Casino roof, which will be eliminated, the two biobasins located on the west side of the Willow Creek, and the permeable paver sections along the looped road west of Willow Creek. New stormwater facilities and retrofits of the existing facilities will be designed to attenuate peak storm water flows to match existing levels, and to achieve compliance with County standards.

A Preliminary Drainage Analysis and Conceptual Stormwater Treatment Assessment have been completed for the Project and are provided in **Appendix D** and **Appendix E**, respectively. The assessments recommended modifications and retrofits to the existing stormwater facilities to achieve compliance with County standards. The existing cistern and biobasin on the southeast corner of the Casino building will continue to be utilized with minor revisions to the outlet structure of the cistern. The storm drain which is currently collecting a small portion of the loop road along the southern property boundary and disposing directly into Willow Creek will be tied to the existing piping flowing to the cistern detention and water quality treatment facilities on the southeast corner of the Casino building. The existing biobasin and associated pipelines and outlet structure on the northwest side of Willow Creek will be retrofitted to achieve detention for peak flows and hydromodification-level flows. Stormwater treatment of runoff for the areas west of Willow Creek will be accomplished by routing treatment flows through a new modular proprietary biofiltration unit immediately upstream of the detention facility. Pipe discharge velocities will be decreased to nonerosive levels by use of energy dissipating device such as rip rap, check dams, or permanent turf reinforcement matting.

2.3.7 Fire Protection and Emergency Medical Services

Fire protection and emergency medical services to the existing Casino and Reservation are currently provided by San Diego County Fire (SDCF) and the California Department of Forestry and Fire Protection (CAL FIRE). As described in more detail in **Section 3.10**, Public Services, through the current FSA, the Tribe provides funding to fully staff the SDCF Jamul Station #36, located at 14024 Peaceful Valley Ranch Road across SR 94 from the project site, and it is anticipated that this station would continue to provide rapid response to the Project.

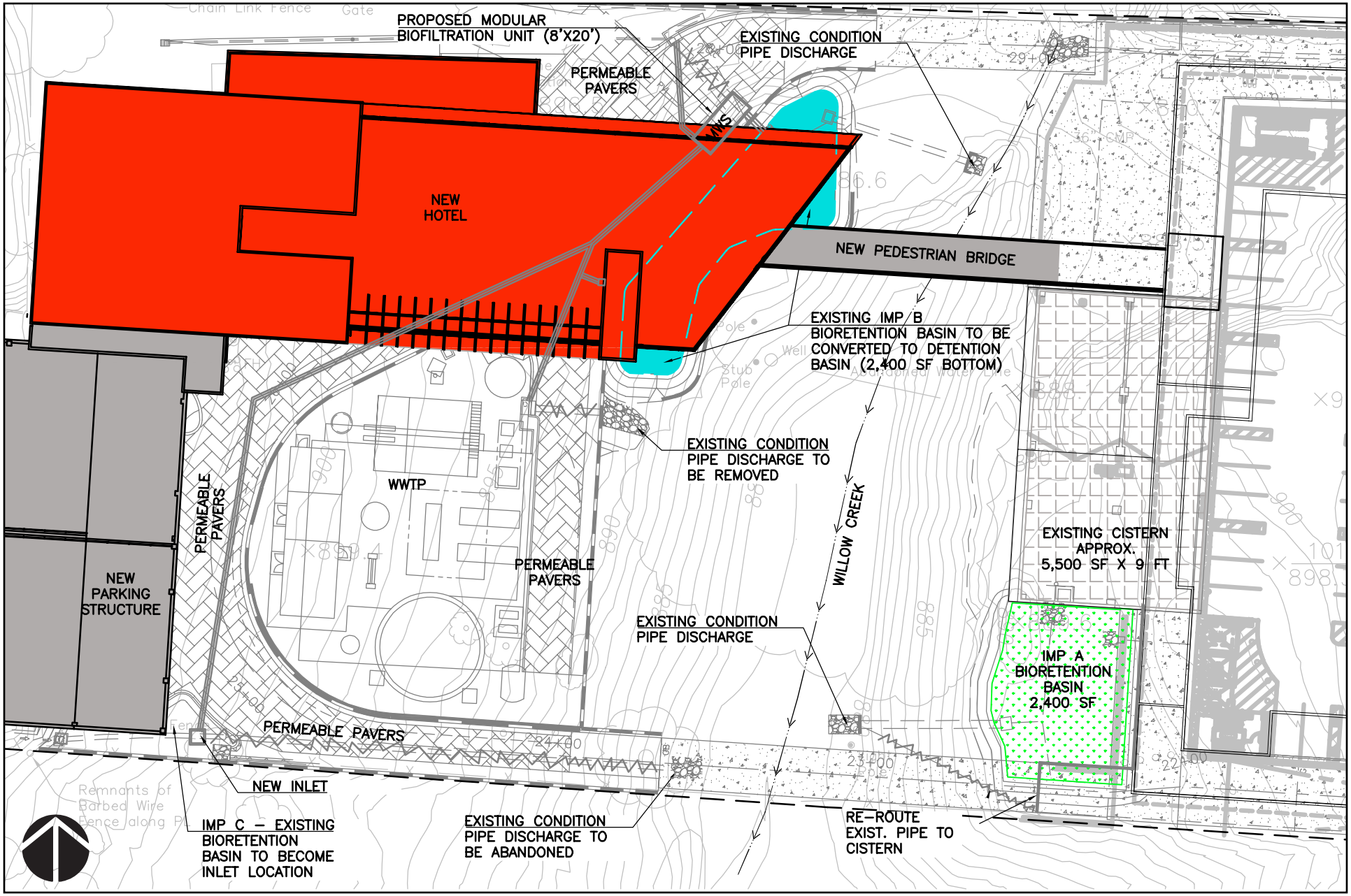


FIGURE 2-4

STORMWATER DRAINAGE IMPROVEMENTS

A Casino Fire and Emergency Plan, prepared in 2016, will be updated to consider the development of the Project. This document, developed by the County in coordination with the Tribe and CAL FIRE, provides a detailed description of onsite safety features as well as an evacuation plan for multiple emergency scenarios including a potential wildfire event (**Appendix F**). Additional information regarding Fire Protection and Emergency services is discussed in **Section 3.10**, Public Services, and Wildfire Risk and Evacuation are addressed in **Section 3.7**, Hazards and Hazardous Materials.

2.3.8 Law Enforcement Services

Law enforcement services for the Reservation are currently provided by the County's Sheriff Department pursuant to Public Law 280 and the IGA between the Tribe and the County (see **Section 1.4.2**). The IGA outlines, among other things, procedures for onsite security to provide for an effective working relationship with the San Diego County Sheriff's Office. The IGA also outlines procedures for reimbursement of the Sheriff's Office for reasonable costs incurred in conjunction with furnishing law enforcement at the project site. The Tribe currently funds a full-time deputy dedicated to serving the Reservation, a proportional share of the cost of a Sheriff Sergeant, vehicle, and overhead and program costs for services at the project site.

The Tribe is in the process of establishing a fully federalized Tribal Police Department, with up to three officers per shift for 24-hour coverage, plus a sergeant, lieutenant, and chief, and associated equipment, including vehicles. Once federal approvals are received, the security building (which would operate on the 4-acre parcel as discussed in **Section 2.3.3**) would be converted to the police department building. The JIV Police Department would handle all minor offenses, which constitute the majority of incidents within the Reservation and at the Casino. The County Sheriff Department would continue to receive calls for major offenses under Public Law 280.

2.3.9 Power Supply

In compliance with the Compact and applicable Tribal law, the Project would be designed to meet or exceed the standards of Title 24 of the California Code of Regulations (CCR), which sets minimum efficiency requirements for building construction materials and energy-consuming equipment in California.

The Project would increase peak electrical energy demand for the Casino from 3 megawatt (MW) to 4.4 MW (an approximately 1.4-MW increase). Electricity is supplied by the San Diego Gas and Electric Company (SDG&E). SDG&E serves the Jamul area through one circuit via 12-kilovolt above ground power lines along SR 94. This circuit at the Reservation is rated to carry approximately 10 megawatts. It is possible that, depending on the peak demand load addition and timing, reconductoring, as well as load transfers among the nearby circuits, may be necessary to serve additional demands resulting from the Project. This reconductoring would involve replacing the existing lines with higher capacity lines along the current wooden pole powerline that exists in the vicinity of the project site. If it is determined that reconductoring is needed at the project site, additional arms or brackets would be installed on the existing poles to support the higher capacity cable.

Two existing standby diesel generators, each with a capacity of 2,000 kilowatts (KW), provide backup energy supply to the Casino and Tribal facilities within the Reservation in the event of a power outage. The Project would include the addition of up to two 500 KW emergency diesel back-up generators within the Reservation. Diesel fuel would be stored onsite in dual-walled tanks to ensure spill containment. The

generators would only be operated during power outages and for up to 1 hour each month for maintenance purposes.

The Casino currently utilizes propane boilers and water heaters, and liquid propane is stored onsite in above ground, double walled tanks. The Project would also result in the addition of three high efficiency propane fired boilers, each with a rated capacity of 2,000 thousand BTU per hour (MBH) (6,000 MBH total).

2.3.10 Soil Nails

The Project includes the use of soil nails that would be subject to approval of the easement by CDFW. The soil nails are intended to maintain the structural integrity of the perimeter of the project components, including the proposed parking garage. The following method will be used to avoid encroachment onto or disturbance to the adjacent land owned by the State of California and managed by the CDFW as part of the Rancho Jamul Ecological Reserve (RJER).

The JIVDC proposes to use approximately 120 long soil nails to secure below grade walls. These long soil nails would range from approximately 15 to 35 feet in length and would extend up to approximately 30 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 of up to 45 feet below grade depending on the surface elevation and slope (**Figure 2-5** and **Figure 2-6**).

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 spraying concrete onto the wall surface. The nails are epoxy-coated threaded bars placed inside a 4-inch diameter 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. Install vertical nails from grade at three feet on center;
2. Excavate nine feet maximum initial cut;
3. Install first row of soil nails at seven feet below grade;
4. Provide four-inch initial shotcrete;
5. Excavate maximum six feet cut to install next level of the soil nails;
6. Four-foot initial shotcrete is to be provided as the excavation proceeds;
7. Continue to excavate, install soil nails, and initial shotcrete to final bottom of wall; and
8. Install eight-inch final layer of shotcrete.

All activities associated with the placement of the nails would occur within the project site and below the existing grade; however, the nails themselves would extend into the northeastern area of Church property to the west and CDFW property to the south as shown in **Figure 2-5**. These nails would constitute permanent features of the Project that are out-of-view and below-ground.

Source: ESRI World Imagery; SanGIS

FIGURE 2-5

SOIL NAILS LOCATIONS

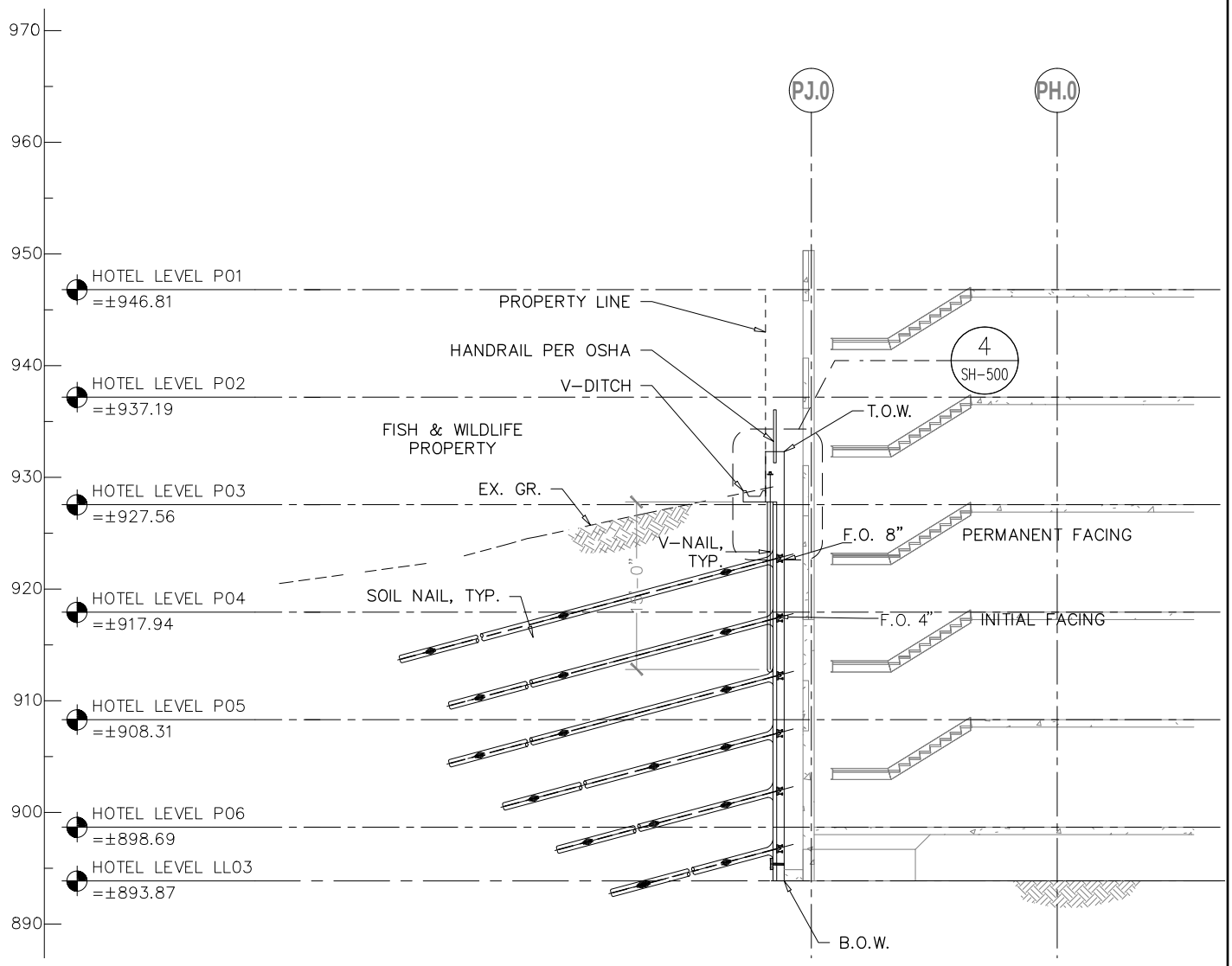


FIGURE 2-6

SOIL NAIL EXHIBIT

2.4 PROJECT CONSTRUCTION

Construction activities associated with the hotel and parking garage components of the Project are proposed to commence in December 2022 with excavation and soil nail installation first. Construction activities are anticipated to take place over 18–24 months. There would be an estimated average of 220 construction workers per day with a peak average of 330 workers per day during a six-month span in the middle of the project between approximately September of 2023 and February of 2024. Construction of the event center component is expected to occur at a later date following the completion of the hotel but is conservatively assumed in this TEIR to occur simultaneously with construction of the hotel and event center.

Consistent with prior commitments, JIVDC would require construction contractors to limit exterior construction to between the hours of 7 a.m. and 7 p.m. Monday through Saturday, with no work scheduled on Sundays and federally recognized holidays.

Construction of parking garage will commence first, followed by construction activities associated with the hotel tower. During the initial construction of the parking garage, equipment and materials staging will occur within the western area of the Reservation, with the 4-acre parcel being utilized for temporary construction trailers and as a temporary staging area for deliveries and equipment, as shown in **Figure 2-7**. Following completion of 4–5 levels of the parking structure, construction of the hotel tower will commence, with the top level of the parking structure being utilized for equipment and materials laydown, and the lower levels of the garage being utilized for construction worker parking. If required, construction staging and employee parking may also occur within previously paved/disturbed off-Reservation locations/parking lots, with shuttles potentially utilized to transport workers to the project site.

Earthwork activities will include cuts up to about 15 and 45 feet for the western portions of the hotel building and parking structure, respectively. Other anticipated earthwork will include site preparation, remedial grading, fine grading, placement, and compaction of fill and backfill, temporary excavations for underground utilities, and preparation of subgrade soils beneath hardscape and pavements. Grading and excavation activities associated with building foundations and utilities would take place over approximately 12.5 to 15 weeks and would result in the export of 20,000 cubic yards of soil; the exported soil would be transported to an approved location in Chula Vista. The excavation activity would consist mostly of backhoe excavation or use of a hydraulic excavator or ripper; however, it is expected that some blasting would be required. Excavations may also generate oversized material that will require extra effort to screen, crush, or export from the site.

The construction area on the Reservation has been previously disturbed/developed and does not include suitable habitat for special-status species. While no earthwork or tree removal in the riparian area is proposed, construction would occur near Willow Creek and its associated riparian habitat. As discussed in (**Table 2-2**), the riparian area will be fenced off with temporary orange fencing during construction and ground disturbing work and vegetation removal within 25 feet of the riparian corridor will be monitored by a qualified biologist. The Project includes a pedestrian bridge over Willow Creek and a hotel overhang which would be constructed over the existing tree canopy and thus would not require tree removal.

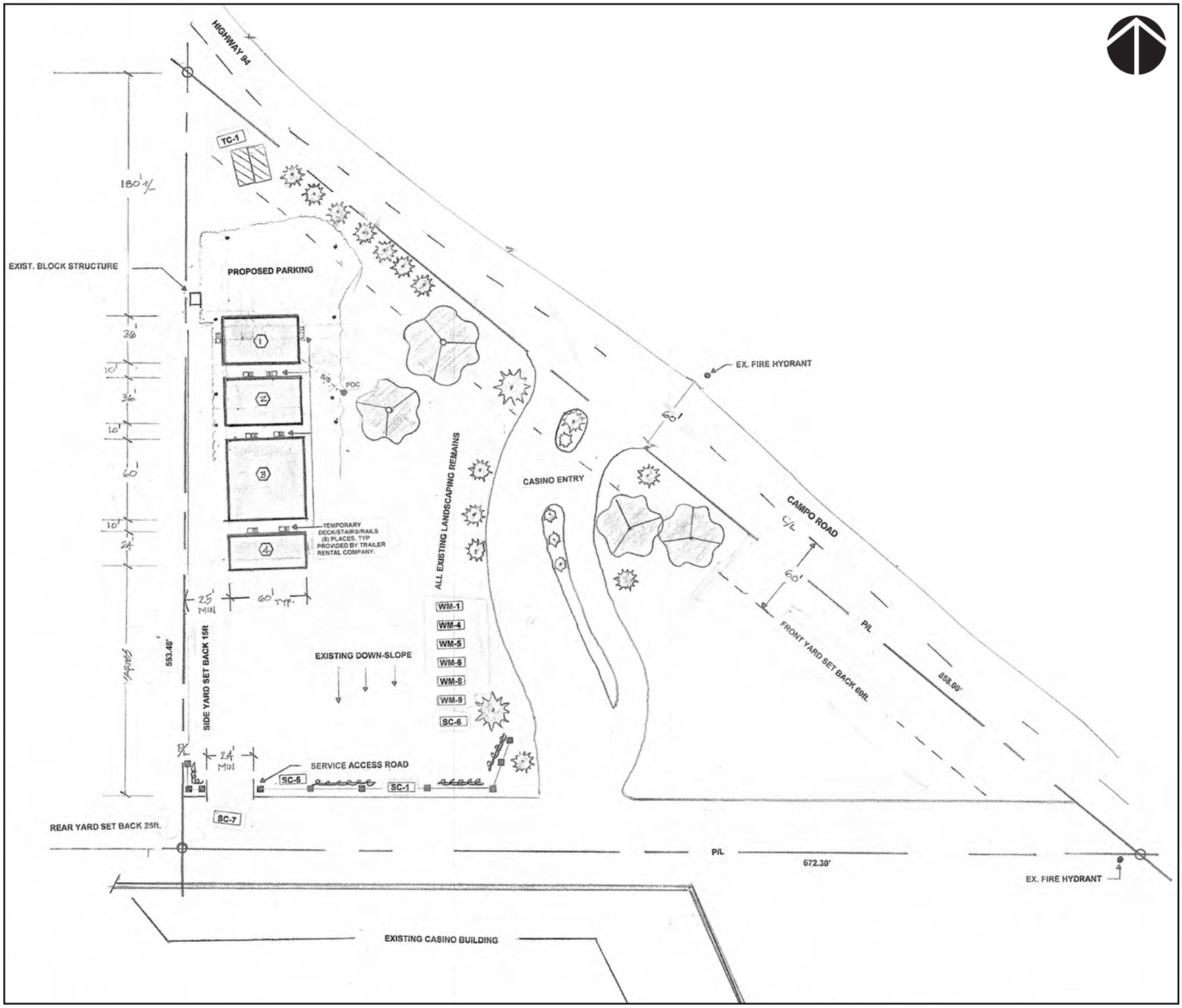


FIGURE 2-7

4-ACRE TEMPORARY CONSTRUCTION PLAN

Construction of a second water service lateral, if required, would include excavation of the pipeline, and installing a lateral across SR 94 to the 4-acre parcel. This TEIR assumes open trenching would be used to install the lateral. Traffic on SR 94 would be maintained consistent with measures identified in **Section 2.5.4**.

2.5 DESIGN STANDARDS AND BEST MANAGEMENT PRACTICES

The Project would be designed and constructed to be generally consistent with the following standards.

2.5.1 Tribal Building Code

Pursuant to Section 2.1 of the Compact, the Tribe has adopted as Tribal law the California Building Code (CBC) (Title 24 of the CCR) and the California Public Safety Code applicable to the County (Title 19 of the CCR), including, but not limited to, codes for building, electrical, energy, mechanical, plumbing, fire, and safety (Tribal Building Ordinance). The Project would be constructed in compliance with the existing Tribal Building Ordinance, with the Tribal Gaming Agency serving as the code enforcement agency. The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The CBC also includes the Energy, Electrical, Mechanical, Plumbing, Fire Codes and the California Green Building Standards.

The California Public Safety Code as set forth in CCR Title 19 contains regulations governing the use and maintenance of buildings where more than 50 people may gather. The Public Safety Code requires inspections to ensure adequate emergency lighting, fire equipment, means of egress, and other safety measures.

2.5.2 Fire Protection Plan and Code Standards

Pursuant to the FSA, JIV adopted a Fire Protection Plan ("FPP") that complies with the 2011 San Diego County Consolidated Fire Code (CCFC) and the 2013 California Fire Code. The Project will comply with the FPP, updating it to the 2020 San Diego County Consolidated Fire Code, currently adopted by San Diego County, including but not limited to, providing a minimum fire flow of 2,500 gallons per minute for a duration of four hours per the CCFC, and standards for emergency vehicle primary and secondary access roads. Although not required, the JIVDC is currently coordinating design review with the San Diego County Fire Department to review site access, staging locations and hydrant placement, as well as fire prevention technology. To ensure sufficient fire prevention services to the adjacent church property, the project design may be modified to widen the proposed access road to the church or retrofitting the structure with an internal sprinkler system. Per the FSA, automatic fire sprinklers, fire alarm systems, commercial kitchens, and fire hydrants shall be inspected and tested per National Fire Protection Association (NFPA), 2014 California Edition standards.

2.5.3 San Diego County Codes and Ordinances

Consistent with prior commitments in the IGA with the County applicable to the existing Casino, the JIVDC intends to construct and operate the Project in a manner generally consistent with the following San Diego County codes and ordinances:

- County of San Diego Ordinance 51.201 et. seq., also known as the "Dark Sky Ordinance"
- County of San Diego Ordinance 36.4, also known as the “Noise Ordinance”
- San Diego CCFC, 2020, regarding Fire Safety and Suppression

2.5.4 Best Management Practices

Protective measures and BMPs, including regulatory requirements and voluntary measures that would be implemented by the Tribe and/or JIVDC (as applicable), have been incorporated into the design of the Project to eliminate or substantially reduce environmental consequences. These measures are discussed below in **Table 2-2**.

Table 2-2: Best Management Practices

Issue Area	BMP
Aesthetics	▪ Project lighting sources shall comply with the County's "Lighting Pollution" ordinance, County of San Diego Ordinance 51.201 et. seq., also known as the "Dark Sky Ordinance" ▪ All Project lighting shall be directed towards the center of the Project and onto the facilities themselves to avoid impacts to the community and wildlife within adjacent parcels. ▪ Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare
Air Quality and Greenhouse Gas	The following measures will be implemented during construction to minimize the emission of fugitive dust, PM_{10}, and $PM_{2.5}$: ▪ Use watering trucks to minimize dust. Watering shall be sufficient to confine dust plumes to the Project work areas. ▪ Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes. ▪ Cover all trucks hauling dirt when traveling at speeds greater than 15 miles per hour. ▪ Restrict vehicle speeds on the construction site to 15 miles per hour. ▪ Stabilize the surface of dirt piles if not removed within two days; if wind gusts exceed 25 miles per hour surface piles must be stabilized immediately during construction activities. ▪ Stabilize any unpaved surfaces and temporary roads. ▪ Minimize unnecessary vehicular and machinery activities. ▪ Sweep paved streets at least once per day where there is evidence that dirt has been carried onto the roadway. The Project would be constructed in a manner that substantially complies with the following San Diego Air Pollution Control District Rules and Regulations: ▪ Rule 51 – Nuisance: Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or tend to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property. ▪ Rule 55 – Fugitive Dust: Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site. ▪ Rule 67.0.1 – Architectural Coatings: Requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce volatile organic

	compounds (VOC) emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories. ▪ Rule 67.7 – Cutback and Emulsified Asphalts: Requires manufacturers, distributors, and end users of cutback and emulsified asphalt materials for the paving, construction, or maintenance of parking lots, driveways, streets, and highways to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC evaporation content. The following measures will be implemented to minimize operational emissions of criteria air pollutants and greenhouse gas emissions: ▪ The Project will utilize energy efficient infrastructure in compliance with the CBC 2022 California Green Building Standards Code, Title 24, Part 11 (CALGreen) (effective January 1, 2023). ▪ The JIVDC will continue to provide shuttle and bus services to and from the project site to reduce vehicle trips and miles traveled as required/needed. ▪ The expanded WWTP will utilize an aerobic treatment process which does not produce methane byproduct unlike utilizing an anaerobic treatment process which does produce methane byproduct. Flare or bum off would not be required as there would be no methane present. ▪ The Project will utilize low flow water devices such as High Efficiency Toilets (HET) with specifications meeting or exceeding standards set forth by the Environmental Protection Agency (USEPA). ▪ The JIVDC will continue to promote employee and patron ridesharing to help reduce vehicle trips traveled. Dedicated parking stalls and charging stations for will be established for electric vehicles consistent with CBC requirements. This will include the installation of infrastructure at 20% of the new parking spaces (51 spaces) to facilitate future installation of electric vehicle charging infrastructure, with 25% of those spaces (13 spaces) being equipped with charging stations at opening day.
Biological Resources	Consistent with prior commitments in the IGA, the following best management practices for biological resources shall be observed during construction activities. ▪ The western edge of the riparian area on the Reservation will be fenced off with temporary orange fencing during construction. Ground disturbing activities and vegetation removal within 25 feet of Willow Creek and associated riparian habitat shall be monitored by a qualified biologist. ▪ Initiation of construction activities within 500 feet of off-Reservation lands that may support active nests and temporary construction uses within the 4-acre parcel shall occur outside of the nesting season between February 1 and August 30; if the nesting season cannot be avoided, a qualified biologist shall conduct a pre-construction survey for nesting birds within 10 calendar days prior to the start of construction. The results of the nesting bird survey will be documented in a letter report and made available to the County and/or CDFW upon request. If construction activities in these areas cease for more than 14 consecutive days, the nesting bird survey shall be reinitiated prior to the resumption of construction activities that occur within the nesting season. If nesting birds are detected by the biologist, the following buffers will be established: No work should occur within 100 feet of a non-listed nesting migratory bird nest, No work should occur within 300 feet of a listed bird nest, and 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 non-Reservation lands must take place within the recommended buffer widths above, the Tribe will contact CDFW to determine the appropriate buffer.

- A pre-construction survey of the portion of the 4-acre parcel east of Daisy Drive and affected portions of the SR 94 right-or way (if required) shall be conducted for special-status species including species protected under Federal Endangered Species Act, California Endangered Species Act, and CDFW species of special concern. If any special-status species or protected species are detected, construction activities within the eastern portion of the 4-acre parcel and/or SR 94 right-of-way will be delayed, the appropriate wildlife agencies will be consulted (e.g., U.S. Fish and Wildlife Service) and avoidance measures implemented.
- Following construction activities and removal of the Conex storage boxes, the eastern portion of the 4-acre parcel shall be revegetated and restored to pre-construction conditions.
- 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 (FESA), species identified by the 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 JIVDC 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:

  - 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 FESA- 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:
    - No work should occur within 100 feet of a non-listed nesting migratory bird nest,
    - No work should occur within 300 feet of a listed bird nest, and

	▪ 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 non-Reservation lands must take place within the recommended buffer widths above, the JIVDC will contact CDFW to determine the appropriate buffer. o Oversee installation of and inspect temporary fencing 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. o 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. o 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: ▪ The purpose for resource protection. ▪ 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). ▪ Environmentally responsible construction practices. ▪ The protocol to resolve conflicts that may arise at any time during the soil nail installation process. o 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. o 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. o Submit a final report to CDFW within 30 days of the completion of the soil nail installation process that proves general compliance with all conditions was achieved.
Cultural Resources	The following best management practices for cultural resources shall be observed during construction activities, including during construction of the soil nail wall and any off-Reservation ground disturbing activities associated with utilities relocation: ▪ The JIVDC shall implement inadvertent discovery measures during all construction activities. These measures include:

	o 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, o Monitoring by a qualified archeologist, who meets the Secretary of the Interior's Standards for archaeologists (found at 36 Code of Federal Regulations [CFR] §61), as well as a JIV tribal monitor, of all off-site earth-disturbing activities in native soils/sediments; and o Procedures for discovery of cultural resources, including human remains, during construction or earth-disturbing activities if an archaeological monitor is not present. o 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. o 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 JIVDC 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.
Hazards and Hazardous Materials	▪ Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving hazardous materials include the following. o Fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment to reduce the potential for accidental release. o Catch-pans shall be placed under equipment to catch potential spills during servicing. o Refueling shall be conducted only with approved pumps, hoses, and nozzles. o All disconnected hoses shall be placed in containers to collect residual fuel from the hose. o Vehicle engines shall be shut down during refueling. o No smoking, open flames, or welding shall be allowed in refueling or service areas. o Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. o Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. o Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations. o All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. o Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. o All landscape plants shall be species that do not advance fire or threaten the structures. ▪ In the event that contaminated soil and/or groundwater is encountered during construction related earthmoving activities, all work shall be halted until a professional

	hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, it shall be assessed, managed, and disposed of in accordance with cleanup standards from the California Code of Regulations Title 22, the Regional Water Quality Control Board's Basin Plan, or California Human Health Screening Levels. Furthermore, a Health and Safety Plan (HASP) shall be prepared for the construction or remediation process, consistent with Chapter 4 of the County of San Diego Site Assessment and Mitigation (SAM) Manual.
Noise	▪ For mechanical equipment used in wastewater treatment and the emergency generators, noise control measures will be installed to comply with the County Noise Ordinance and ventilation shall be oriented away from sensitive uses and adjacent property lines. Noise reducing measures include, but are not limited to: Acoustical louvers, sound blankets and enclosures, sound traps, silencers, and sound absorption materials. ▪ Operational activities associated with the Project, including special events, will not create any noise which exceeds the one-hour average sound level limits of 50 A-weighted decibels (dBA) from 7a.m. to 10 p.m. and 45 dBA from 10 p.m. to 7 a.m. at residential sensitive receptors, as identified in County of San Diego Ordinance 36.404. ▪ Roof top parapet walls will be utilized at rooftop air handlers, and acoustical louvers at garage fan exhaust locations to ensure County noise requirements are met.
Water Resources	The JIVDC shall comply with the NPDES General Construction Permit from the USEPA, for construction site runoff during the construction phase in compliance with the Clean Water Act (CWA). A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. The SWPPP prepared for the project site would include, but would not be limited to, the following BMPs to minimize storm water effects to water quality during construction and prevent pollutants from entering waters of the U.S. ▪ Temporary erosion control measures (such as fiber rolls, hydro-seeding, temporary drainage inlet protection, preservation of existing vegetation, stabilization of construction entrances, self-contained concrete washout areas, and covered material delivery and storage areas) shall be employed for disturbed areas. ▪ Disturbed areas shall be paved or re-vegetated following construction activities. ▪ A spill prevention and countermeasure plan shall be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite. ▪ Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 United States Code [USC] §§ 1251 to 1387). ▪ Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater. ▪ Fuel and vehicle maintenance areas shall be designed to control runoff. ▪ Sanitary facilities shall be provided for construction workers. ▪ Disposal facilities shall be provided for soil wastes, including excess asphalt during construction. ▪ Wheel wash or rumble strips and sweeping of paved surfaces shall be used to remove any and all tracked soil.

	The following best management practices for water resources shall be observed during construction and operation activities consistent with prior commitments in the IGA. ▪ The project design plans shall show all improvements to be located outside of the ordinary high-water mark of Willow Creek ▪ Onsite bioretention facilities shall retain and treat runoff and will be built in accordance with the County of San Diego Hydromodification Management Documents and Low Impact Development Manual. Bioretention facilities shall be designed by a State of California licensed engineer of record. ▪ Plywood shoring (or a similar temporary construction barrier) and the following erosion and sediment control measures will be implemented to ensure that sediment does not enter Willow Creek during construction of retaining walls. a. Existing vegetation shall be preserved when feasible. b. Erosion in concentrated flow paths shall be controlled by applying fiber rolls, erosion control I fiber blankets, silt fences, and plastic sheeting, and/or lining swales as required. c. Concentrated water flows shall be channeled away from disturbed soil areas and stockpiles. Concentrated water flows shall be conveyed in a non-eroding fashion. d. Non-active areas and all finished slopes shall be stabilized with effective soil cover (such as vegetation) as soon as feasible after construction or disturbance is complete and no later than 14 days after construction or disturbance in that portion of the site has temporarily or permanently ceased. ▪ Hydraulic Calculations shall be included as part of the final construction drawings to confirm stormwater pipe conveyance capacity and to design adequate energy dissipation at all discharge locations. ▪ To minimize the size of the proposed treatment facilities west of Willow Creek, site design BMPs such as permeable pavers should be utilized wherever possible. ▪ The wastewater system will be operated and maintained accordance with the NPDES Discharge Permit and associated waste discharge requirements (WDRs) established to protect the beneficial uses of the region's surface and ground waters and preserve the water quality objectives established in the Water Quality Control Plan for the San Diego Basin (Basin Plan). A discharge monitoring plan will be implemented to ensure the ongoing preservation of water quality to the regional groundwater basin and adjacent potable water supply wells. Discharge monitoring reports will be provided to the USEPA as required by the CWA NPDES Discharge Permit and WDRs.
Transportation and Traffic	If construction of a fire connection requires construction within the right-of-way of SR 94, the JIVDC shall obtain and comply with the conditions of a California Department of Transportation (Caltrans) encroachment permit. The following best management practices for traffic shall be observed during construction with the Caltrans right-of-way: ▪ A Traffic Control Plan shall be submitted to Caltrans to address the management of traffic flow during the construction process. The plan shall identify dates and hours of construction to minimize peak hour traffic, signage, and traffic control methods. ▪ Traffic and emergency access shall be maintained on SR 94 and adjacent driveways throughout the construction process.

Section 3 | Environmental Analysis

3.1 SCOPE OF THE OFF-RESERVATION ANALYSIS

Consistent with the requirements of the Tribal-State Compact (Compact) between the Tribe and the State of California, this section analyzes the potential off-Reservation environmental impacts of the Project. The "Reservation" is defined as the land currently held in federal trust for the Tribe. Environmental impacts that would occur only on the Reservation are not addressed in this analysis, only environmental impacts that would affect off-Reservation areas. This section addresses the following environmental categories.

Section 3.2	Aesthetics
Section 3.3	Air Quality and Greenhouse Gas Emissions
Section 3.4	Biological Resources
Section 3.5	Cultural Resources
Section 3.6	Geology and Soils
Section 3.7	Hazards and Hazardous Materials
Section 3.8	Land Use
Section 3.9	Noise
Section 3.10	Public Services
Section 3.11	Transportation and Traffic
Section 3.12	Utilities and Service Systems
Section 3.13	Water Resources

3.1.1 Summary of Off-Reservation Activities

Note that all Project related construction activities and improvements will occur entirely within the Reservation, with the exception of the following:

Soil Nails

The Project includes the use of soil nails, which are intended to maintain the structural integrity of the perimeter of the Project components. The soil nails would be installed below the ground surface and would extend into the adjacent CDFW property to the south and the Church property to the west, but not into the cemetery area (refer to **Section 2.3.10** for additional detail).

Construction Staging

The 4-acre parcel may be used during construction for management trailers, and as a temporary staging area for deliveries and equipment. If required, construction staging and employee parking may also occur within previously paved/disturbed off-Reservation locations/parking lots, with shuttles potentially utilized to transport workers to the project site. (Refer to **Section 2.4** for additional detail).

Fire Line Connection

If a looped fire service water line is required, a second lateral would be installed off the existing 12-inch potable water main that runs along the north side SR 94 and would extend through the western portion of the 4-acre parcel to the Reservation. (Refer to **Section 2.3.5** for additional detail). The construction impacts of looped fire line are addressed as part of the Project.

Relocation of Modular Building to 4-acre Parcel

The Tribe is planning to relocate an existing modular building located within the western portion of the Reservation to the 4-acre parcel for use as the new security building, or police station for the proposed Tribal Police Department. (Refer to **Section 2.3.3** for additional detail). The construction impacts of relocation are addressed as part of the Project; however, operation of the security office is a separate project addressed in **Section 4.5**, Indirect Impacts.

3.1.2 Determination of Significance

The Tribe bases the determination of significance on whether the Project would result in a substantial, adverse change in the physical conditions of the off-Reservation environment. In some cases, the determination of significance is guided by questions contained in the Off-Reservation Environmental Impact Analysis Checklist provided in the Compact. In other cases, the significance of an impact is judged in light of the environmental setting or other factors.

3.1.3 Environmental Categories with No Significant Impacts

The Tribe has determined that there would be no significant off-Reservation impacts within the following categories. These environmental categories are not discussed further in this TEIR.

Agriculture and Forest Resources

The Project would not result in off-Reservation construction activities or utility improvements that would extend through agricultural land. The area surrounding the Reservation is zoned by San Diego County as Specific Plan and Open Space and there is one nearby on-going agricultural operation that covers approximately 20 acres. This agricultural operation is accessed from Peaceful Valley Ranch Road across SR 94 from Daisy Drive. While this agricultural operation is nearby, the Project would not restrict or impede access to this agricultural operation. Furthermore, development of Project would not result in land use changes that would lead to the conversion of land uses off the Reservation that would impact agriculture or forest resources.

Mineral Resources

The Project would not result in conversion of off-Reservation areas to alternative land uses, and therefore there would be no direct impacts to off-Reservation mineral resources.

Population and Housing

The Jamul Casino currently employs approximately 1,100 people. The development of the Project would add approximately 125 permanent jobs. The increase in permanent jobs is expected to be filled by the

existing labor force. In 2022, the labor force in the San Diego County was estimated to be around 1,576,600, of which 48,900 persons were unemployed (EDD, 2022). Within the context of the regional labor force, the additional jobs are not expected to induce population growth in the area. No people or housing would be displaced as the result of the Project.

Recreation

The Jamul Casino is a recreational facility that would be expanded by development of the Project. This development would occur entirely on the Reservation. Further, as discussed above, the Project is not expected to result in substantial unplanned population growth in the area. Accordingly, the Project would not directly or indirectly increase the use of parks or other recreational facilities in the region.

3.2 AESTHETICS

3.2.1 Regulatory Setting

Land use on the project site is regulated and guided by the Tribe. Land use planning for land adjacent to the project site is guided by the County of San Diego General Plan Update and the Jamul-Dulzura Subregional Plan (Subregional Plan). The General Plan contains a Visual Resources section that addresses landscape/setting, scenic corridors, and astronomical dark skies. The Jamul/Dulzura Subregional Plan contains conservation, scenic highway and resource conservation chapters that address aesthetics and visual quality. Although the Tribe is not regulated by County policies, goals/policies from the County are presented below to provide a context for the off-Reservation visual analysis.

County of San Diego General Plan Update

The Conservation and Open Space Element (COSE) of the County's General Plan Update contains goals and policies related to landscape/setting, scenic corridors, and astronomical dark skies. The General Plan identifies three distinctive geographic regions, listed from west to east: (1) low-lying coastal plain, (2) mountainous peninsular range, and (3) desert Salton (Imperial) Basin. The General Plan states that the diversity of these regions provides the residents/visitors with an array of natural vistas and scenic environments that provide a unique collection from the ocean to the desert.

The COSE addresses two aspects of scenic highways within the scenic corridor discussion: (1) County designated and (2) State designated. For County designated segments, the General Plan Update states that "A "scenic highway" can pertain to any freeway, highway, road, or other vehicular right-of-way along a corridor with considerable or otherwise scenic landscape." For State Scenic Highways, highways that are officially designated as scenic or eligible for designation are considered "State Scenic Highways" by the County. SR 94 is not designated as a State Designated Scenic Highway. State Route 94 from Interstate 8 to SR 125, inclusive of the segment traveling past the project site, is designated as a County Scenic Highway.

The astronomical dark sky discussion lists two sites within the County that meet five criteria for high-quality observatory locations: (1) Palomar and (2) Mount Laguna Observatories. Palomar Observatory is located at an altitude of 5,500 feet at the top of Palomar Mountain approximately 76.2 miles from the project site in northern San Diego County near Palomar Mountain State Park. The Mount Laguna Observatory is located at an altitude of 6,100 feet on the eastern edge of the Cleveland National Forest approximately 38.7 miles from the project site near the Anza-Borrego State Park, 45 miles east of downtown San Diego.

The County of San Diego General Plan Update goals and policies include the following:

> **Goal COS-11:** Preservation of scenic resources, including vistas of important natural and unique features, where visual impacts of development are minimized.
>
> > **Policy COS 11.1:** Require the protection of scenic highways, corridors, regionally significant vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.

Policy COS 11.2: Promote the connection of regionally significant natural features, designated historic landmarks, and points of regional historic, visual, and cultural interest via designated scenic corridors, such as scenic highways and regional trails.

Policy COS 11.3: Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following: (a) creative site planning, (b) integration of natural features into the project, (c) appropriate scale, materials, and design to complement the surrounding natural landscape, and (d) minimal disturbance of topography.

Goal COS-13: Preserved dark skies that contribute to rural character and are necessary for the local observatories.

Policy COS 13.1: Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.

Policy COS 13.2: Minimize, to the maximum extent feasible, the impact of development on the dark skies surrounding Palomar and Mount Laguna observatories to maintain dark skies which are vital to these two world-class observatories by restricting exterior light sources within the impact areas of the observatories.

Policy COS 13.3: Coordinate with adjacent federal and State agencies, local jurisdictions, and tribal governments to retain the quality of night skies by minimizing light pollution.

Jamul/Dulzura Subregional Plan

The County last updated the Subregional Plan in August 2016 as part of their General Plan Update process. The policies within the conservation and scenic highway chapter selectively amend and/or carry out the policies for the Visual Resources section of the Conservation and Open Space Element of the General Plan for the Jamul/Dulzura Subregion.

The following aesthetic goals and policies were adopted as part of this update process:

Mobility:

Goal 1: Develop a transportation system that provides for safe, efficient travel throughout this rural community and preserves the beauty, quality, and rural character of the Jamul/Dulzura Subregional Planning area.

Policy 1: Road design within the community shall be compatible with topography and landscape and minimize grading. All road improvements shall be designed to maximize environmental and aesthetic considerations.

Policy 2: County policies that provide for the replacement of all healthy, mature trees lost during highway maintenance or improvement projects shall be strictly enforced.

Policy 5: In order to keep the rural character of the community, it is important to retain the dark skies. Therefore, street lighting should be of the type as to reflect downward only. Such lighting,

when required, should be located at street intersections, end of cul-de-sacs, and other locations as necessary for safety only.

Conservation:

Goal 5: Environmental resources in the Jamul/Dulzura area that are carefully managed to maintain them for future needs.

Policy 1: Require the preservation of diverse, viable natural habitats, and aesthetic resources, such as scenic rock outcroppings, ridge tops, and mountain peaks.

Policy 6: Standards should be developed for control over light pollution to preserve the dark sky characteristics of Jamul/Dulzura Subregion.

Scenic Highways:

Goal 6: The designation of a scenic highway system that provides attractive and scenic travel routes within the Jamul/Dulzura Subregional Area.

Policy 1: The scenic highway corridors in the Jamul/Dulzura Subregional Area designated in the County General Plan Conservation and Open Space Element include: State Route 94, Lyons Valley Road, Skyline Truck Trail, Proctor Valley Road, Honey Springs, and Otay Lakes. In addition to these scenic highway corridors, Lawson Valley Road is a scenic corridor that is also important to the community.

Policy 2: The route identified above, and those identified in the Conservation and Open Space Element, should be protected by the application of a "S" Scenic designator.

Appendix A of the Jamul/Dulzura Subregional Plan identifies Resource Conservation Areas "requiring special attention to conserve resources in a manner best satisfying public and private objectives." Appropriate implementation actions identified by the County include the establishment of such measures as scenic or natural resource preservation overlay zones. Resource conservation areas include groundwater problem areas, coastal wetlands, native wildlife habitats, construction quality sand areas, littoral sand areas, astronomical dark sky areas, unique geological formations, and significant archaeological and historical sites.

The important resource conservation areas as defined by the Jamul/Dulzura Subregional plan includes the San Miguel/Jamul Mountains located to the southwest of the project site, Indian Springs located north of the project site, and Mother Miguel located west of the project site. The San Miguel/Jamul Mountains are recognized for the large number of rare and endangered plants, Indian Springs for the Riparian and Oak woodlands representing a part of the "character of Jamul", and Mother Miguel for the outstanding Golden Eagle habitat and significant stands of the rare and endangered coast barrel cactus.

San Diego County Dark Sky Ordinance

The San Diego County Dark Sky Ordinance, codified as Section 51.201 of the County Code of Regulatory Ordinances, intends to minimize light pollution to allow citizens of the County to view and enjoy the night environment, allow communities within the unincorporated areas of the County to become recognized

by the International Dark-Sky Association as Dark-Sky Communities, and protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research.

Caltrans State Scenic Highway Program

In 1963, the California State Legislature established the California Scenic Highway Program through Senate Bills 1467 and 1468, provisions of which were added to the Streets and Highways Code. The goal of the California Scenic Highway Program is to preserve and enhance the natural beauty of California, with scenic highways being designated based upon the amount of natural landscape visible to a passing motorist. Scenic highway designation does not preclude nearby development; however, the program encourages development that does not degrade the scenic value of the highway corridor.

Title 24 Outdoor Lighting Zones

The California Energy Commission has published the 2019 Building Energy Efficiency Standards for residential and non-residential buildings (Title 24, part 6). These standards took effect January 1, 2020 and include mandatory requirements for outdoor lighting such as maximum brightness and shielding. These requirements vary based on the Lighting Zone the building is located in. Lighting Zones range from Zone 0 (undeveloped open spaces) to Zone 3 (urban areas). Lighting Zone 4 can only be designated when a local government applies for exceptionally high lighting allowances. Lighting Zones are intended to help limit light pollution and ensure light levels are appropriate for the region.

3.2.2 Environmental Setting

The project site is located in southwestern San Diego County approximately 17 miles east of downtown San Diego, and just south of the community of Jamul. The project site lies on moderately steep slopes in the Jamul Mountains, which surround the site on all sides. SR 94 transects the region on its course between Interstate 5 in the City of San Diego, and Interstate 8 near the community of Manzanita in eastern San Diego County. SR 94 passes through a number of distinct viewsheds, separated from each other by the mountainous topography of the region. Within the vicinity of the project site, SR 94 is a two-lane undivided highway lined with fence posts and utility posts. Natural terrain consists of sparsely vegetated rocky hillsides with tree-lined drainages, interrupted by vegetated rural residential lots. Due to rolling terrain and curves in the vicinity of the project site, views along SR 94 range from distant views of hills with a mountainous backdrop to views with lines of sight obscured by hillsides and vegetation.

The visual character of the viewshed is mainly influenced by topography and surrounding land uses that shape local viewing corridors to and from the project site. Surrounding land uses are largely rural and semi-rural in nature. Undeveloped lands immediately surround the project site. Approximately one mile north of the project site is the town center of Jamul. Land uses between the town center and the project site consist of scattered housing and small businesses. The San Diego County Fire Station 36 is located at 14024 Peaceful Valley Ranch Road, approximately 600 feet northeast of the project site. Rancho Jamul Estates, a low-density residential development, is located 0.7 miles southeast of the project site.

There are two primary viewing corridors of the project site as experienced by sensitive receptors, or vistas. Vista A is the line-of-sight between the project site and the portion of Melody Road north of the project site. Vista A is classified as a Melody Road commuter vista. Vista B is a commuter vista that includes the line-of-sight between the project site and the SR 94 near the intersection of Melody Road, north of the project site.

No roads or residences occur within view south of the project site; therefore, nothing south of the project site is considered for analysis in this viewshed. Topography is the most influential characteristic of the regional viewshed, and its role in delineating the vistas introduced here is explained in detailed discussion of each vista, below.

Vista A – Melody Road Viewshed

Vista A is a commuter vista generally providing access between SR 94 and the residential areas to the east and to the west of SR 94 northwest of the project site (**Figure 3-1**). On eastbound Melody Road, the view to the project site begins approximately 1,000 feet west of SR 94. Residential development is more intensive along this portion of Melody Road than on the westbound portion east of SR 94. The existing Casino appears downgrade and to the right against a backdrop that includes mountainous terrain. The view of the existing Casino becomes more complete as the commuter progresses east, until it is directly to the right, approximately 1,200 feet removed when the commuter is approximately 250 feet east of SR 94. Progressing eastward on Melody Road, the project site is removed from forward-oriented view at the commuter's right side. Turning either left or right onto SR 94 removes the commuter from this vista.

On westbound Melody Road, the view to the project site begins at the origin of Melody Road itself, approximately 1,000 feet east of SR 94. Development along this portion of Melody Road is sparse, and westbound vehicular use is correspondingly limited. The existing Casino appears downgrade and to the left against a backdrop comprised mainly of mountains. The general view is framed by rural and semi-rural land uses and sage scrub chaparral. A more complete view of the existing Casino occurs as the commuter progresses westward. Approximately 250 feet east of SR 94, the project site is directly to the left of the commuter until westward transition places the project site out of forward-oriented view at the commuter's left side. Turning either left or right onto SR 94 removes the commuter from this vista. The SR 94 commuter vista is described below.

Vista B – Highway 94 Viewshed

Vista B is a commuter vista generally providing access between Melody Road and rural and semi-rural land uses south of the project site (**Figure 3-2**). Vista B begins on SR 94 near the intersection with Melody Road. There is significantly more local development along SR 94 north of the project site than south of the project site, although a residential community served by Rancho Jamul Drive, adjoining SR 94 approximately 0.7 miles south of the project site, would also be a source of passing residential traffic. The southbound route of SR 94 also provides access to the U.S.-Mexico border at Tecate, Mexico.

Southbound SR 94 commuters enter the vista approximately 500 feet north of Melody Road, with the existing Casino appearing directly forward, downgrade and approximately 1,900 feet distant. After crossing Melody Road, SR 94 curves approximately 40 degrees to the left, thereafter winding slightly to the right in its intercourse with the hilly terrain. The existing Casino is at the commuter's right side for this segment, which continues for approximately 1,000 feet, where SR 94 curves to the left approximately 10 degrees on a downgrade, placing the existing Casino from 400 feet to 250 feet away, directly to the right, for a distance of approximately 850 feet until the project site disappears from view behind the local terrain.

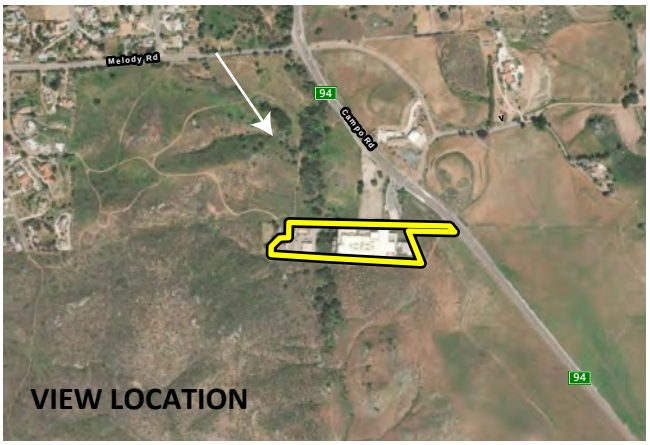
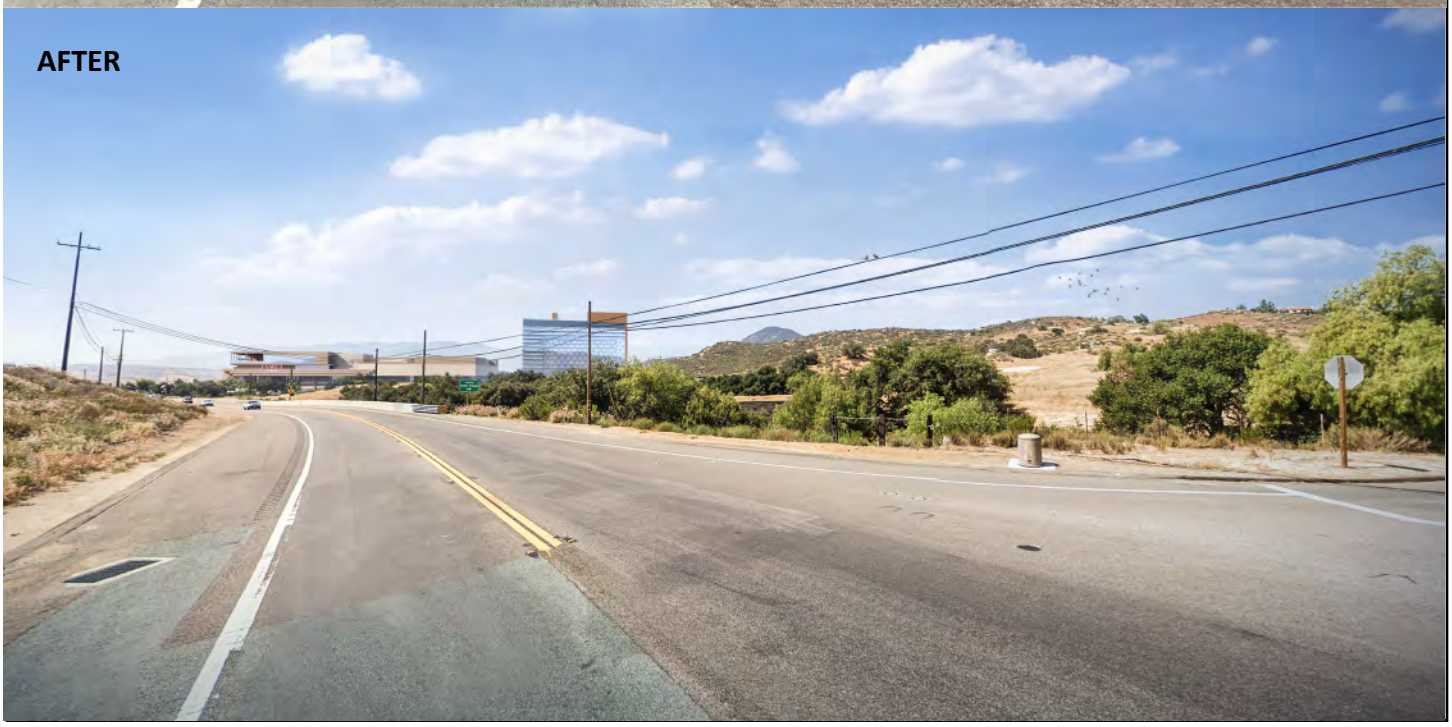


FIGURE 3-1

MELODY ROAD VIEWSHED



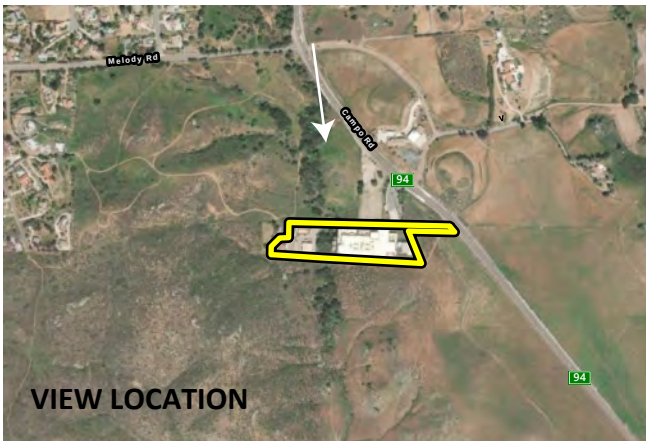


FIGURE 3-2

HIGHWAY 94 VIEWSHED

The northbound view presents the existing Casino as it emerges from behind the terrain and into view directly on the left-hand side at approximately 250 feet of distance, flanked by live oak and sage scrub chaparral against a mountain backdrop. Continuing northbound within the vista, the point of view is elevated due to the localized vertical curvature of SR 94, and the view to the left opens up to emphasize the mountainous backdrop, as the foreground appears to descend from view. SR 94 enters a gradual curve to the left here, and as a result the existing Casino remains directly to the left for approximately 850 feet, until SR 94 curves to the right approximately 10 degrees, and the project site is removed from forward-oriented view at the commuter's left flank.

Peaceful Valley Road joins SR 94 directly north of the project site, providing SR 94 access to approximately four homes. Westbound commuters enter the vista approximately 500 feet east of SR 94 after passing occluding terrain features. Upon reaching the intersection with SR 94, the existing Casino appears directly forward at similar elevation, and approximately 400 feet distant. It is partially occluded by terrain, with mountains in the background and SR 94 directly in the foreground. The project sight disappears from view at the commuter's left flank after turning right onto SR 94 and progressing for approximately 350 feet. For left-turning commuters, the existing Casino comes directly to a right-side view and remains in view for approximately 500 feet before disappearing behind local terrain features.

3.2.3 Impact Analysis

Methodology

The evaluation of potential impacts of the Project to off-Reservation aesthetics distinguishes between impacts related to construction and operation of the Project. Construction impacts would be mostly temporary while operation impacts could be permanent. The evaluation of potential impacts on off-Reservation aesthetics consisted of the following:

- Field observation;
- Photographic documentation;
- Review of site plans and renderings; and
- Analysis of regulations that apply to off-Reservation aesthetic resources.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation aesthetic resources. The Project would result in a significant impact if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage off-Reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- 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.

Impacts

3.2-1 Would the Project have a substantial adverse effect on a scenic vista?

Construction

Construction of the Project would temporarily alter views of the project site from off-Reservation locations. Heavy machinery and construction activities would be visible from off-Reservation locations and to passing motorists on SR 94 and Melody Road. Visibility of construction activities from the off-Reservation locations would be temporary in nature and would not permanently degrade existing visual characteristics. Construction activities would occur primarily within the Reservation, with the 4-acre parcel utilized for deliveries, construction trailers, and storage containers. The construction areas of the Project would take place in areas that have been previously disturbed, and thus would not alter views of a natural landscape. Construction activities would not permanently obstruct any off-Reservation scenic vista, and visual impacts would be temporary and less than significant.

Operation

As noted above, the visual character of the viewshed in the vicinity of the project site is mainly influenced by topography and surrounding land uses that shape local viewing corridors to and from the project site. The view of the project site would be altered by the construction of the Project. At its highest point, the proposed hotel would measure approximately 225 feet above ground level and would measure approximately 116 feet taller than the existing Casino building. Additionally, while the proposed event center and casino expansion would not appreciably increase the height of the existing casino structure, it would increase the size of the upper levels of the casino by 35,000 square feet. Both the increased height from the addition of the hotel tower and the expanded massing of the existing casino would increase the visual prominence of the Casino facilities from outlying areas. Whereas the existing Casino generally matches the elevation of the surrounding topography to blend with natural setting, the maximum elevation of the proposed hotel tower would exceed the elevation of nearby hillsides, and as a result would be a more prominent and dominating visual feature that would affect the viewer experience of the natural landscape.

Vista A – Melody Road Viewshed

Figure 3-1 illustrates the current southward views of the landscape as experienced from Melody Road near SR 94 under existing conditions, and after development of the Project. As shown, while the proposed event center represents a minor change from the visual character of the existing Casino, the proposed hotel tower would expand the prominence of the facility as experienced from this viewshed. Vista A Melody Road commuter vista would also generally represent portions of County streets, such as Proctor Valley Road and Calle Mesquite, west of SR 94. Commuters on these collector roadways would experience an emerging view of the upper portion of the proposed structures nearing the approach to Melody Road. Commuters traveling eastbound toward SR 94 would observe the proposed facilities increasing in prominence, until it dominates the view southward at SR 94. On the portion of Melody Road east of SR 94, westbound commuters would experience a view of the upper levels of the proposed facilities to the southwest, which would emerge from behind foreground topography into a more complete view as the viewer progresses westward. The mountains in the background would continue to dominate the view until the commuter is at SR 94, at which point the proposed facilities would command the southward line of sight. While commuters on Melody Road would only experience temporary changes in views as they pass through the viewshed, the views from residential areas along Melody Road would be permanently altered.

Vista B – SR 94 Viewshed

Figure 3-2 illustrates the current southward views of the landscape as experienced from SR 94 under existing conditions, and after development of the Project. Southbound SR 94 commuters would begin to see the upper portion of the proposed structures from areas on SR 94 approximately one mile north of the project site, as it emerges from behind foreground topography and vegetation. Crossing Melody Road, the structure would be brought into full view until it becomes a dominant feature of the southward view (**Figure 3-2**). Continuing southbound as SR 94 curves to the left, the proposed facilities continue to appear to the right quarter, as they relinquish their visual dominance to the mountains to the west.

The view from SR 94 presents the top of the proposed facilities as it emerges into view from behind the foreground topography, directly forward, from approximately two miles south of the project site. The structure shifts gradually to the left quarter on approach, increasing in apparent size until adjacent to the project site, where the structure would suddenly come into full view directly left. Continuing north, the facilities drop back and out of forward-oriented view.

Summary

Overall, the Project would increase the existing Casino's massing and would introduce new visual elements to the project site's viewsheds. The design of the Project would be similar to, and compatible with, the existing facilities on the project site. The Project would blend with the existing facilities through the use of similar architectural styles, colors, and materials, thereby ensuring a smooth visual transition from the existing facilities to the components added by the Project. Regardless, the Project would substantially alter scenic views of the Jamul Valley and mountainous terrain as experience by travelers and residences along Melody Road and SR 94, a County designated scenic corridor. Thus, the Project would result in a significant off-Reservation visual impact to scenic vistas.

3.2-2 Would the Project substantially damage off-Reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Construction of the Project would be contained entirely within the trust land and the 4-acre parcel, both of which have been previously heavily disturbed during construction of the existing Casino, and therefore, no off-Reservation scenic resources would be damaged during construction activities. No off-Reservation trees, outcroppings, or historical buildings would be altered or otherwise physically damaged by the Project. Therefore, impacts to off-Reservation scenic resources would be less than significant.

3.2-3 Would the Project 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?

Construction

Construction of the Project would be limited to daylight hours between 7:00 a.m. and 7:00 p.m., as stated in **Section 2.4**. If unanticipated circumstances were to require onsite activity during dusk and nighttime periods, temporary lighting sources would be used. Temporary lighting could adversely impact off-Reservation sensitive receptors, including nearby residences, resulting in a potentially significant off-Reservation impact. Implementation of **Mitigation Measure 3.2-1** would minimize off-Reservation light and glare impacts of the Project during construction by limiting construction hours and establishing design and installation criteria for appropriate lighting. After mitigation, potential impacts due to lighting and glare from construction of the Project would be less than significant.

Operation – Lighting

Development of the Project would modify the existing site lighting. The County General Plan and Jamul/Dulzura Subregional Plan both address the preservation of dark skies. Where a proposed County project would potentially impact dark skies, the County would require the proposed development to minimize light impacts by various methods including site design, downcast lighting, etc. The County General Plan and Jamul/Dulzura Subregional Plan also address the issue of dark skies as it relates to the two recognized observatories – Palomar and Mount Laguna observatories. The Palomar Observatory is located in north San Diego County and is approximately 75 miles north of the project site, and separated by several urban areas. The Mount Laguna Observatory is approximately 30 miles northeast of the Reservation. Given the distance to the observatories and the commitment by the Tribe to use downcast lighting, the impact to the observatories is considered less than significant.

The Project would have limited exterior lighting. Consistent with prior commitments in the IGA with the County applicable to the existing Casino, the Tribe intends to construct and operate the Project in a manner consistent with County's Dark Sky Ordinance. Exterior lighting on the majority of the project site would be limited to shielded security lighting and would not be obtrusive. Lighting of the proposed hotel parking garage, interior lighting from the hotel, and exterior lighting of the outdoor event center, however, would likely be visible from surrounding areas, and would include lighting sources that may contribute to a perception of "glow" of the facilities. This is a potentially significant impact. With implementation of **Mitigation Measures 3.2-2**, the off-cast lighting from the facilities would not create a new source of substantial light. Impacts would be less than significant.

Operation – Glare

The proposed hotel parking garage would not include building materials that would cause a substantial amount of glare. However, the hotel tower would include glass windows that may produce sources of glare during the day, and at nighttime from reflection of the parking garage lighting. As stated in the Project Description in **Table 2-2**, glass used in building façades shall be antireflective or treated with an anti-reflective coating in order to minimize glare. Therefore, with this BMP, the Project would not create a new source of substantial light or glare. Impacts would be less than significant.

3.2.4 Mitigation Measures

Mitigation Measure 3.2-1

If dusk or nighttime construction activities are necessary at the project site, lighting for those activities shall be strictly limited to the minimum locations necessary for safety and security and shall be downcast onto the worksite to prevent lighting and glare impacts on off-Reservation areas and sensitive receptors/ecological resources.

Mitigation Measure 3.2-2

The Tribe will implement feasible means to reduce the visibility of parking garage lights, interior hotel lighting, and event center lighting from the surrounding areas, with options to be considered including reducing lighting levels, providing additional shielding, and installing screens along the façades of the facilities, as appropriate.

3.3 AIR QUALITY AND GREENHOUSE GAS EMISSIONS

3.3.1 Regulatory Setting

Federal

The USEPA is responsible for implementing and enforcing the federal Clean Air Act (CAA) and developing the National Ambient Air Quality Standards (NAAQS). As part of its implementation responsibilities, the USEPA requires each state to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain and/or maintain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. USEPA responsibilities under the CAA includes regulating mobile sources, such as cars, trucks, buses, and planes. The provisions of Title II of the CAA have resulted in tailpipe emission standards for vehicles, which have generally strengthened over time to improve air quality

State

The California Air Resources Board (CARB) is the state agency responsible for coordinating both state and federal air pollution control programs in California. It is primarily responsible for ensuring implementation of the 1988 California Clean Air Act (CCAA), for responding to the federal CAA requirements, and for regulating emissions from motor vehicles and consumer products within the state. CCAA requirements include annual emission reductions, development and use of low emission vehicles, establishment of the California Ambient Air Quality Standards (CAAQS), and submittal of air quality attainment plans by air districts for incorporation into the California State Implementation Plan (SIP). The CCAA and other California air quality statutes invest local air districts, such as the San Diego County Air Pollution Control District (APCD), with the responsibility for regulating most stationary sources, and to a certain extent, area sources.

The Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) is the overarching law that requires the State to set statewide greenhouse gas (GHG) reduction targets. AB 32 required CARB to develop a Climate Change Scoping Plan that describes the approach California will take to reduce GHGs to achieve emission reduction goals, and to update the plan every five years. CARB approved the first Scoping Plan in 2008, and the first update was approved in 2014. The second update was approved by CARB in December 2017. The 2017 Scoping Plan identifies a framework for reducing statewide GHG emissions to at least 40% below 1990 levels by the end of 2030. The largest proposed GHG reductions recommended are from improving emission standards for light-duty vehicles, implementation of the Low-Carbon Fuel Standard, employing energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and applying a renewable portfolio standard for electricity production.

Local

The CCAA designates air districts as lead air quality planning agencies and requires air districts to prepare air quality plans. The CCAA also emphasizes the control of indirect and area-wide sources of air pollutant emissions. The CCAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures.

In San Diego County, the APCD is the regional agency responsible for the administration of federal and state air quality laws, regulations, and policies. Included in the APCD's tasks are monitoring of air pollution,

preparation of the Regional Air Quality Strategy (RAQS) for the San Diego Air Basin, and promulgation of rules and regulations.

The San Diego County APCD develops and adopts rules to regulate sources of air pollution in San Diego County. The rules most pertinent to the Project are briefly described below.

Rule 51 – Nuisance: Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or tend to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property.

Rule 55 – Fugitive Dust: Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site.

Rule 67.0.1 – Architectural Coatings: Requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce volatile organic compounds (VOC) emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

Rule 67.7 – Cutback and Emulsified Asphalts: Requires manufacturers, distributors, and end users of cutback and emulsified asphalt materials for the paving, construction, or maintenance of parking lots, driveways, streets, and highways to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC evaporation content.

3.3.2 Environmental Setting

Climate and Meteorology

The project site is located in the San Diego Air Basin (SDAB), which is coincident with San Diego County. The climate of San Diego County is characterized by warm, dry summers and mild, wet winters. One of the main determinants of the climatology is a semi-permanent high-pressure area (the Pacific High) in the eastern Pacific Ocean. In the summer, this pressure center is located well to the north, causing storm tracks to be directed north of California. This high-pressure cell maintains clear skies for much of the year. When the Pacific High moves southward during the winter, this pattern changes, and low-pressure storms are brought into the region, causing widespread precipitation.

In San Diego County, the months of heaviest precipitation are November through April, averaging about 14 inches annually. The mean temperature is 65.3°F, and the mean maximum and mean minimum temperatures are 78.0°F and 52.6°F, respectively (NCEI, 2020).

Criteria Pollutants

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NOx), sulfur dioxide (SO_2), particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$), lead, and fugitive dust are primary air pollutants. Of these, CO, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NOx are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions

in the atmosphere. Ozone (O_3) and nitrogen dioxide (NO2) are the principal secondary pollutants. **Table 3-1**: summarizes the criteria air pollutants and their known health effects.

Table 3-1: Criteria Air Pollutant Sources and Effects

Pollutant	Major Man-Made Sources	Human Health Effects
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases (ROGs) and nitrous oxides (NOx) in the presence of sunlight. Common sources of these precursor pollutants include motor vehicle exhaust, industrial emissions, gasoline storage and transport, solvents, paints, and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Particulate Matter (PM_{10} & $PM_{2.5}$)	Produced by power plants, chemical plants, unpaved roads and parking lots, wood- burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.

Source: California Air Pollution Control Officers Association (CAPCOA), 2022.

Basin Air Quality

Specific geographic areas are classified as either “attainment” or “nonattainment” areas for each pollutant based on the comparison of measured data with federal and state standards. If an area is redesignated from nonattainment to attainment, the CAA requires a maintenance plan to demonstrate how the air quality standard will be maintained for at least 10 years. The project site is located in the SDAB, which currently meets the federal standards for all criteria pollutants except ozone (USEPA, 2022a). The SDAB is a CO attainment-maintenance area following a 1998 redesignation as a CO attainment area. The SDAB

currently meets state standards for all criteria pollutants except O_3, PM_{10}, and $PM_{2.5}$. The SDAB is currently classified as a state nonattainment area for O_3, $PM_{2.5}$ and PM_{10} (CARB, 2022a). **Table 3-2** shows the federal and state attainment status criteria pollutants for the SDAB.

Table 3-2: San Diego Air Basin Attainment Status

Criteria Pollutant	Federal Attainment Status	State Attainment Status
Ozone (O_3) 1-hour	No federal standard	Nonattainment
Ozone (O_3) 8-hour	Nonattainment (Severe 15)	Nonattainment
Nitrogen Dioxide (NO_2)	Attainment – Unclassified	Attainment
Carbon Monoxide (CO)	Maintenance	Attainment
Particulate Matter (PM_{10})	Attainment – Unclassified	Nonattainment
Particulate Matter ($PM_{2.5}$)	Attainment – Unclassified	Nonattainment

Source: USEPA, 2022a; CARB, 2022a.

Toxic Air Contaminants

A toxic air contaminant (TAC) is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. TACs are not treated as criteria air pollutants, with ambient air quality standards. Instead, the USEPA and CARB regulate TACs through statutes and regulations that generally require the use of the maximum or best available control technology to limit emissions.

Greenhouse Gases

Certain gases in Earth's atmosphere, classified as GHGs, play a critical role in determining Earth's surface temperature. Carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6) are the principal GHGs. When concentrations of these gases exceed historical concentrations in the atmosphere, the greenhouse effect is intensified. CO_2, CH_4, and N_2O occur naturally and are also generated through human activity. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing, natural gas leaks from pipelines and industrial processes and incomplete combustion associated with agricultural practices, landfills, energy providers and other industrial facilities. Other human-generated GHGs include fluorinated gases such as SFCs, PFCs, and SF_6, which have much higher heat-absorption potential than CO_2 and are byproducts of certain industrial processes. GHGs are typically quantified in terms of "carbon dioxide equivalent" (CO_2e), a common measure used to compare the emissions of various greenhouse gases based on their global warming potential. This measure is usually presented in metric tons and is expressed as $MTCO_2e$.

Existing Air Quality

Ambient air pollutant concentrations in the SDAB are measured at eight air quality monitoring stations operated by the APCD. The monitoring station that best represents the project site and vicinity, climate, and topography in the SDAB is the El Cajon monitoring station. The station monitors O_3, PM_{10}, and $PM_{2.5}$ and is located approximately seven miles northwest of the Reservation. **Table 3-3** summarizes the highest

pollutant levels recorded at this station from 2019 through 2021, and the number of days the standards were exceeded, if any.

Table 3-3: Ambient Air Monitoring Summary

POLLUTANT STANDARDS	2019	2020	2021
Ozone (O_3)			
Maximum 1-hour concentration (ppm)	0.094	0.094	0.088
Maximum 8-hour concentration (ppm)	0.075	0.083	0.077
Number of days standard exceeded			
CAAQS 1-hour (>0.09 ppm)	0	0	0
CAAQS 8-hour (>0.070 ppm)	2	14	3
NAAQS 8-hour (2015) (>0.070 ppm)	2	14	3
Particulate Matter (PM_{10})			
National maximum 24-hour concentration (µg/m^3)	38.7	*	*
State maximum 24-hour concentration (µg/m^3)	37.4	*	*
National annual average concentration (µg/m^3)	20.1	36.1	41.1
Number of days standard exceeded			
NAAQS 24-hour (>150 µg/m^3)	0	*	*
CAAQS 24-hour (>50 µg/m^3)	*	*	*
Particulate Matter ($PM_{2.5}$)			
National maximum 24-hour concentration (µg/m^3)	23.8	38.2	30.2
State maximum 24-hour concentration (µg/m^3)	25.7	41.6	31.5
National annual average concentration (µg/m^3)	8.5	10.3	9.7
Number of days standard exceeded			
NAAQS 24-hour (>35 µg/m^3)	0	2.2	0

Notes: ppm = parts per million; µg/m3 = micrograms per cubic meter;
* = insufficient data.
Source: CARB, 2022b

Sensitive Receptors

Some receptors are considered more sensitive than others to air pollutants. The reasons for sensitivity include pre-existing health problems, proximity to emissions and odor sources, or duration of exposure to air pollutants or odors. Schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality related health problems. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with greater associated exposure to ambient air quality. Recreational uses are also considered sensitive due to the greater exposure to ambient air quality conditions because vigorous exercise associated with recreation places a high demand on the human respiratory system. Industrial and commercial areas are considered the least sensitive to air pollution but may also be a producer of air pollution. Exposure periods are relatively short and intermittent, as most the workers tend to stay indoors most of the time. In addition, the working population is generally the healthiest segment of the public.

The land surrounding the project site is primarily open space. The closest residences are approximately 0.25 mile northeast of the project. Residential areas to the north and west are approximately 0.3 mile from the project site. Residential areas to the east are approximately 0.7 mile from the project site. The closest development is the San Diego County Fire Station 36, approximately 600 feet northeast of the project site; however, the fire station is not considered to be a sensitive receptor.

3.3.3 Impact Analysis

Significance Criteria

The criteria established by the Environmental Impact Analysis Checklist (**Appendix A**) are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation air quality. The Environmental Impact Analysis Checklist does not include the evaluation of GHGs; however, two criteria were added to address GHG emissions. The Project would result in a significant impact if it 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;
- Create objectionable odors affecting a substantial number of people off-Reservation;
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the off-Reservation environment; or
- Conflict with any off-Reservation plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Criteria Pollutants

Based upon the criteria identified above and the County of San Diego Guidelines for Determining Significance Air Quality (San Diego County, 2007) project emissions are evaluated based on the quantitative emission thresholds established by the APCD. San Diego County has adopted as screening-level thresholds (SLTs), the Air Quality Impact Analysis (AQIA) trigger levels for new or modified stationary sources from the APCD Rules 20.2 and 20.3. The County has also adopted the SCAQMD's screening threshold of 55 pounds (lbs) per day or 10 tons per year as a significance threshold for $PM_{2.5}$, and the SCAQMD's Coachella Valley screening threshold of 75 lbs per day or 13.7 tons per year significance threshold for VOCs.

The screening-level thresholds are summarized in **Table 3-4**. These thresholds are used to determine whether the Project would result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of PM_{10} or exceed quantitative thresholds for ozone precursors, NO_X and ROGs, project emissions.

Table 3-4: Screening-Level Thresholds for Air Quality Impact Analysis

Construction Emissions		Total Emissions Pounds per Day	
Respirable Particulate Matter (PM_{10})		100	
Fine Particulate Matter ($PM_{2.5}$)		55	
Oxides of Nitrogen (NOx)		250	
Oxides of Sulfur (SOx)		250	
Carbon Monoxide (CO)		550	
Volatile Organic Compounds (VOC)		75	
Operational Emissions	**Pounds Per Hour**	**Pounds per Day**	**Tons per Year**
Respirable Particulate Matter (PM_{10})	–	100	15
Fine Particulate Matter ($PM_{2.5}$)	–	55	10
Oxides of Nitrogen (NOx)	25	250	40
Oxides of Sulfur (SOx)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	–	3.2	0.6
Volatile Organic Compounds (VOC)	–	75	13.7

Source: San Diego County, 2007

Toxic Air Contaminants

TACs do not have ambient air quality standards. Instead, TAC impacts are evaluated by calculating the health risks associated with a given exposure. County of San Diego identifies an excess cancer risk level of 1 in 1 million or less for projects that do not implement Toxics Best Available Control Technology (T-BACT), and an excess cancer risk level of 10 in 1 million or less for projects that do implement T-BACT. The significance threshold for non-cancer health effects is a health hazard index of one or less. These significance thresholds are consistent with the APCD's Rule 1210 requirements for stationary sources. If a project has the potential to result in emissions of any TAC which result in a cancer risk of greater than 1 in 1 million without T-BACT, 10 in 1 million with T-BACT, or non-cancer health hazard index of one or more, the project would be deemed to have a potentially significant impact.

Greenhouse Gases

The Environmental Impact Analysis Checklist provided in the Compact does not include the evaluation of greenhouse gases. However, to provide full disclosure of potential impacts and to evaluate consistency with efforts to address climate change, this analysis estimates GHGs and identifies measures being taken to address climate change.

Methodology

Regional construction and operational emissions were estimated using the California Emissions Estimator Model (CalEEMod), version 2020.4.0. CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. Site-specific information that was used in the modeling of emissions is present in **Appendix G**.

Impacts

3.3-1 Would the Project conflict with or obstruct implementation of the applicable air quality plan?

As discussed above, the SDAB is designated as a nonattainment area for the national ozone standards and for the state ozone, PM_{10}, and $PM_{2.5}$ standards. The applicable air quality plans are the RAQS and the 2020 Plan for Attaining the National Ozone Standards (Attainment Plan). These plans identify state and federal emissions control programs and local control programs to address VOC and NOx emissions. As sovereign entities, tribal nations such as JIV, have authority over their own territories. Such areas are generally exempt from local/State regulations and none of the region's tribal areas are subject to APCD regulations. However, to determine whether the Project's emissions would result in a cumulatively considerable net increase in ozone precursors NO_X and VOC emissions and particulate matter emissions, Project emissions are evaluated based on the quantitative emission trigger thresholds established by the APCD (as shown in **Table 3-4**).

During construction, onsite emissions of ozone precursors include operation of off-road (heavy duty) construction equipment such as excavators and graders, and off-site emissions include material hauling and worker trips. During operation, onsite emissions include area (landscaping equipment), energy (heating and cooling), mobile (vehicle trips), and stationary (emergency generators). Construction and operational emissions were estimated using CalEEMod and are summarized in **Table 3-5** and **Table 3-6**, respectively.

Table 3-5: Estimated Construction Emissions (lbs/day)

Construction Activity	VOC	NOx	CO	SO_2	PM_{10}	$PM_{2.5}$
Demolition	1.75	16.78	14.44	0.03	1.09	0.84
Site Preparation	1.17	12.45	6.90	0.02	3.05	1.81
Grading	1.42	17.08	9.90	0.03	3.78	2.18
Building Construction	2.27	15.04	19.61	0.05	3.15	1.22
Paving	0.70	6.27	9.26	0.02	0.48	0.33
Architectural Coating	23.45	1.30	2.92	0.01	0.50	0.18
MAXIMUM DAILY EMISSIONS	**25.58**	**21.31**	**28.86**	**0.07**	**5.97**	**2.84**
Screening-Level Thresholds	75	250	550	250	100	55
Exceedance?	**No**	**No**	**No**	**No**	**No**	**No**

Note: Maximum daily emissions of VOC occur when building construction and architectural coating phases overlap. Maximum daily emissions of CO occur when building construction and paving phases overlap. Maximum daily emission totals of overlapping phases may differ from sum individual phase maximums shown due to actual summer/winter periods of overlap.
Source: CalEEMOD, **Appendix G**.

Table 3-6: Estimated Operation Emissions (lbs/day)

Category	VOC	NOx	CO	SO_2	PM_{10}	$PM_{2.5}$
Site Preparation	7.05	0.00	0.06	0.00	0.00	0.00
Area	0.70	6.35	5.33	0.04	0.48	0.48
Energy	3.08	3.00	25.24	0.05	5.26	1.43
Mobile	0.03	0.07	0.58	0.00	0.05	0.05
Stationary	**10.86**	**9.42**	**31.20**	**0.09**	**5.78**	**1.95**
PROJECT TOTAL	*75*	*250*	*550*	*250*	*100*	*55*
Screening-Level Thresholds	***No***	***No***	***No***	***No***	***No***	***No***
Exceedance?	7.05	0.00	0.06	0.00	0.00	0.00

Note: Emission totals may not add up exactly due to rounding.
Source: CalEEMOD, **Appendix G**.

As shown in **Table 3-5** and **Table 3-6**, emissions of all criteria pollutants, including ozone precursors VOC and NOx, would be below the pounds per day screening-level thresholds during construction and operation of the Project. Likewise, as presented in the detailed CalEEMod output files (Appendix G), the Project would not exceed the pounds per hour or tons per year screening-level thresholds. Because the project's emissions would be below screening-level thresholds, which were developed by the APCD to attain the national and state standards, project construction would not conflict with the RAQS and Attainment Plan. Impacts would be less than significant.

3.3-2 Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?

As described under **Impact 3.3-1**, the Project's emissions would be below screening-level thresholds developed by the APCD to attain the national and state standards. Accordingly, the Project would not violate national and state standards or significantly contribute to an existing or projected air quality violation. Impacts would be less than significant.

3.3-3 Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

As described under **Impact 3.3-1**, the SDAB is designated as a nonattainment area for the national ozone standards and for the state ozone, PM_{10}, and $PM_{2.5}$ standards. As further described under **Impact 3.3-1**, the Project's emissions would be below screening-level thresholds developed by the APCD to attain the national and state standards. Therefore, the Project would not result in a cumulatively considerable contribution to a significant air quality impact pertaining to NOx, VOCs, PM_{10}, and $PM_{2.5}$.

3.3-4 Would the Project expose off-Reservation sensitive receptors to substantial pollutant concentrations?

Criteria Pollutants

As described under **Impact 3.3-1**, the Project's emissions would be below screening-level thresholds developed by the APCD to attain the national and state standards. The national and state standards identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. Accordingly, the Project would not generate criteria pollutants in quantities that could expose off-Reservation sensitive receptors to adverse human health effects. Impacts would be less than significant.

Toxic Air Contaminants

Construction activities would result in short-term emissions of diesel particulate matter (Diesel PM) from off-road heavy-duty diesel equipment exhaust and diesel-fueled haul trucks. Diesel PM was identified as a TAC by CARB in 1998. Health risks associated with exposure of sensitive receptors to TAC emissions are typically based on the concentration of a substance or substances in the environment (dose) and the duration of exposure to the substance(s). Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual.

Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period. Project construction, however, would occur over a much shorter period of time, approximately 18–24 months, with most emissions occurring during grading, which is estimated to occur over 75 work days. During this period, the use of off-road heavy-duty diesel equipment would be limited to a typical 8-hour workday, and diesel PM emissions would disperse rapidly with distance from the source.

As shown in **Table 3-5**, the highest daily emissions of diesel exhaust $PM_{2.5}$ during construction would be approximately 2 lbs./day during the grading phase. Emissions of $PM_{2.5}$ (which includes equipment emissions of diesel PM) would be well below 55 lbs./day significance level threshold. As discussed under **Impact 3.3-1**, these significance level thresholds were developed with the purpose of attaining the national and state standards, which identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. Accordingly, considering the relatively low level of diesel PM emissions that would be generated by construction, the short duration of heavy-duty diesel equipment uses, and the highly dispersive properties of diesel exhaust, Project-related TAC emission impacts during construction would be less than significant.

Operation of the Project would generate emissions of diesel exhaust from buses and delivery trucks accessing the project site and from periodic testing and use of emergency generators. To address concerns of locating sensitive land uses near sources of TACs, CARB developed siting recommendations within its Air Quality and Land Use Handbook (CARB, 2005). Specifically, CARB recommends that local agencies avoid siting new, sensitive land uses within 500 feet of a freeway with traffic volumes exceeding 100,000 vehicles/day or rural roads with volumes greater than 50,000 vehicles per day, within 1,000 feet of a warehouse distribution center, within 300 feet of a large gas station, 50 feet of a typical gas dispensing facilities or within 300 feet of a dry-cleaning facility that uses ethylene (PCE), among other siting recommendations. The Project would not result in the development of any of these uses or otherwise

expose sensitive receptors to these conditions. The Project would not include uses associated with the requirement for a detailed health risk assessment. Impacts associated with TACs during operation would be less than significant.

Carbon Monoxide Hotspots

CO emissions are the result of the combustion process and therefore primarily associated with mobile source emissions (vehicles). CO concentrations tend to be higher in urban areas where there are many mobile-source emissions. According to the County of San Diego Guidelines for Determining Significance Air Quality (San Diego County, 2007), CO "hotspots" or pockets where the CO concentration exceeds the NAAQS and/or CAAQS, have been found to occur only at signalized intersections that operate at or below level of service (LOS) E with peak-hour trips for that intersection exceeding 3,000 trips. The potential for CO concentrations along SR 94 intersections effected by Jamul Casino traffic was evaluated by Caltrans in 2014 (Ldn Consulting, 2014). This analysis determined that estimated maximum CO concentrations would not exceed exceeds the NAAQS or CAAQS. As addressed in **Section 3.10.3**, actual traffic generated by the Jamul Casino is lower than the volume modeled during Caltrans' review. With traffic from the Project added to the actual traffic from Jamul Casino, less traffic would be generated than assumed during Caltrans' review. Accordingly, with less traffic generated by the Jamul Casino (including Project traffic), maximum CO concentrations at affected intersections would be less than that previously modeled. Impacts would be less than significant.

3.3-5 Would the Project create objectionable odors affecting a substantial number of people off-Reservation?

The Project would not generate significant odors during construction or operation of the proposed facilities. Common types of facilities known to produce odors such as landfills, chemical manufacturing, auto body shops and coffee roasters would not be developed as part of the Project. The proposed hotel and event center would include kitchens that would occasionally generate odors from cooking and baking. However, these odors are not expected to be strong or objectionable and would dissipate quickly. Impacts would be less than significant.

3.3-6 Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the off-Reservation environment?

Development of the Project would result in an increase in GHG emissions related to construction, mobile sources (trips generated by the Project), stationary sources (components of the project that directly emit GHGs) from the combustion of propane or diesel in boilers, emergency generators, and heating, ventilation, and air conditioning (HVAC) units, and indirect sources related to electricity (combustion of fuels use to produce electricity), solid waste (solid waste decomposition at the landfill and haul trucks), wastewater processing (decomposition of waste and electric and diesel pumps), and water transport (electricity and diesel pumps).

CalEEMod was used to estimate construction, area, energy, mobile, stationary, water and wastewater, and solid waste project-related GHG emissions. Model input and output files are provided in **Appendix G**. **Table 3-7** provides a summary of project-related GHG emissions.

Table 3-7: Estimated Greenhous Gas Emissions

Source	CO_2e Emissions (metric tons/Year)
Construction	
2022	14
2023	543
2024	382
Operation	
Area	*0.01*
Energy	*2,515*
Mobile	*826*
Stationary	*373*
Waste	*82*
Water	*111*
Total Operational Emissions	**3,906**

Note: Emission totals may not add up exactly due to rounding.
Source: CalEEMod, **Appendix G**

GHG emissions resulting from the Project are primarily indirect (either indirect mobile emissions from delivery, patron, and employee vehicles or indirect off-site electricity generation, waste pickup, water and wastewater transport, etc.). The federal government and the State of California have enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions.

Best management practices are provided in **Section 2.5.4** to reduce project-related GHG emissions. These practices include using energy efficient infrastructure in compliance with the CBC 2022 California Green Building Standards Code, providing shuttle and bus services to and from the project site to reduce vehicle trips and miles traveled, low flow water devices such as High Efficiency Toilets (HET) with specifications meeting or exceeding standards set forth by the USEPA, promote employee and patron ridesharing to help reduce vehicle trips traveled, and installing electric vehicle charging infrastructure consistent with the CBC requirements.

The County of San Diego does not currently have any approved quantitative thresholds related to GHG emissions. To characterize the significance of project-related GHG emissions in San Diego County, it is common for lead agencies to reference the quantitative thresholds established by the California Air Pollution Control Officers Association (CAPCOA) or other air districts. For instance, CAPCOA guidance provides a screening level of 900 $MTCO_2e$ (CAPCOA, 2008) and the Sacramento Metropolitan Air Quality Management District (SMAQMD) provides a screening level of 1,100 $MTCO_2e$ (SMAQMD, 2020). As shown in **Table 3-7**, operation of the Project would generate approximately 3,906 $MTCO_2e$ annually, which exceeds these commonly referenced quantitative thresholds.

While the County of San Diego does not currently have an adopted Climate Action Plan, efforts to address project-related climate change impacts within the County are focused on achieving reductions of GHG emissions in line with the 2017 Scoping Plan goal of reducing statewide GHG emissions to at least 40% below 1990 levels by the end of 2030. Consistent with this approach, **Mitigation Measures 3.3-1**, **3.3-2**, and **3.3-3** are identified to achieve compliance with state and regional plans to address GHG emissions

and the impacts of climate change within San Diego County. Therefore, with the implementation of all feasible mitigation measures provided in **Section 3.3.4**, implementation of the Project would not result in significant off-Reservation impacts associated with GHG emissions.

3.3-7 Would the Project conflict with any off-Reservation plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As described under **Impact 3.3-6**, the Project incorporates best management practices to reduce project-related GHG emissions. In addition, **Mitigation Measures 3.3-1**, **3.3-2**, and **3.3-3** are identified to achieve consistency with state and regional plans to address GHG emissions and the impacts of climate change. Therefore, with the implementation of all feasible mitigation measures provided in **Section 3.3.4**, implementation of the Project would not conflict with any off-Reservation plan, policy or regulation adopted for the purpose of reducing GHG emissions.

3.3.4 Mitigation Measures

Mitigation Measure 3.3-1

The Tribe shall stipulate in the construction contract for the hotel and event center that 10% of construction equipment used during construction activities use alternative fuels such as renewable diesel, renewable natural gas, compressed natural gas or electricity.

Mitigation Measure 3.3-2

The Tribe shall implement a Transportation Demand Management (TDM) program to achieve a 15% reduction in commute vehicle miles traveled (VMT) and commit to monitoring and reporting results to demonstrate compliance.

Mitigation Measure 3.3-3

The Tribe shall use electric boilers and appliances in lieu of propane units to the greatest extent practicable.

3.4 BIOLOGICAL RESOURCES

3.4.1 Regulatory Setting

Federal

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) implement the federal Endangered Species Act of 1973 (FESA, 16 United States Code [USC] § 1531 et seq.). Projects that may result in "take" (direct or indirect harm) of a listed species must consult with the USFWS and/or NMFS.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC § 703-711), as amended, is designed to protect birds that migrate and cross state lines and to provide management of migratory birds at a federal level. Under the MBTA, migratory bird species and their nests and eggs are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle.

Clean Water Act

The U.S. Army Corps of Engineers (USACE) is the agency responsible for regulating the discharge of dredged or fill material into jurisdictional wetlands and other waters of the U.S. under Section 404 of the Clean Water Act (CWA). The federal government defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and do support, under normal circumstances) a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] § 328.3(b) and 40 CFR § 230.3). The term "other waters of the U.S." refers to aquatic features that are regulated by the CWA but are not wetlands (33 CFR § 328.3).

State

California Endangered Species Act

The California Endangered Species Act (CESA) is similar in many ways to the FESA and is applicable to off-Reservation lands in California. CESA is administered by the California Department of Fish and Wildlife (CDFW). CESA provides a process for CDFW to list species as threatened or endangered in response to a citizen petition or by its own initiative (Fish and Game Code § 2070 et seq.). CESA prohibits the take of species listed as threatened or endangered pursuant to the Act (Fish and Game Code § 2080).

California Fish and Game Code

The California Fish and Game Code is applicable to off-Reservation lands in California. The California Fish and Game Code (§ 3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. California Fish and Game Code § 3511 designates certain bird species "fully protected", making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. California Fish and Game Code (§ 4700, 5050, and 5515) designates certain mammal, amphibian, and reptile species "fully protected," making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (§ 1900 et seq.) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare.

Local

Jamul/Dulzura Subregional Community Plan

Development of off-Reservation areas in the vicinity of the project site is guided by the Jamul/Dulzura Subregional Community Plan (San Diego County, 1979), which contains the County's goals and policies for this subregion. The following policies are related to biological resources:

Conservation

> **Goal 5:** Environmental resources in the Jamul/Dulzura area that are carefully managed to maintain them for future needs.
>
> > **Policy 1**: Require the preservation of diverse, viable natural habitats, and aesthetic resources, such as scenic rock outcroppings, ridge tops, and mountain peaks.
> >
> > **Policy 2:** Protect sensitive biological, archaeological, aesthetic, mineral, and water resources within Resource Conservation Areas (RCAs) identified in this Plan.

The project site and immediate vicinity do not include scenic rock outcroppings, ridge tops, or mountain peaks. The project site and immediate vicinity are not located within an identified RCA. As such the Community Plan is not discussed further.

San Diego County Multiple Species Conservation Program (MSCP)

The San Diego Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation program which addresses the needs of multiple species and the preservation of natural vegetation communities in San Diego County. The project site is within the boundaries of the County Subarea Plan (South County Plan) which was approved in 1997 and implements the MSCP within the southwestern portion of the unincorporated area of the County (San Diego County, 1997). Off-Reservation development projects are required to conform with the South County Plan through compliance with the Biological Mitigation Ordinance (discussed below).

County Ordinances

The County of San Diego Codes and Regulations protects natural resources under the following ordinances and policies (administered by the Department of Planning and Land Use):

- Clearing of Vegetation / Grading and Clearing Ordinance (No. 9547). This ordinance regulates vegetation clearing and grading.
- Coastal Sage Scrub Habitat Ordinance (No. 8365). This ordinance regulates development to avoid potential loss of Coastal Sage Scrub Habitat.
- Sensitive Habitats / Resource Protection Ordinance (Nos. 7968, 7739, 7685 and 7631). This ordinance protects steep-slope lands, wetlands, floodplains, and sensitive habitats (including mature riparian woodland) and applies to discretionary projects.
- Biological Mitigation Ordinance. This ordinance specifies mitigation standards for covered species and their habitat and applies to discretionary projects.

3.4.2 Environmental Setting

Regional Setting

The following regional setting is summarized from the 2016 NIGC FSEIS, which is incorporated by reference. The Reservation is located within the Peninsular Ranges geographic sub region, which is contained within the Southwestern geographic subdivision of the larger California Floristic Province. The region is in climate Zone 21 – "Ocean-influenced southern California," characterized by infrequent frost, with mild to hot, dry summers and mild, wet winters moderated by marine air influx. The general direction of surface runoff in the vicinity of the project site is to the southwest via Willow Creek, an intermittent tributary of Jamul Creek (National Indian Gaming Commission, 2016).

Project Site and Vicinity

The Reservation is mostly developed with the Jamul Casino and associated roadways and infrastructure. Undeveloped areas include Willow Creek and its associated riparian habitat in the central portion of the Reservation. The eastern portion of the Reservation contains some grassland. To the north are the 4-acre parcel and open space. The entire 4-acre parcel was heavily disturbed and utilized as staging area during construction of the Casino and Daisy Drive. The areas to the west of Daisy Drive currently consist of barren compacted dirt and a remnant concrete pad from the former fire station on the site. The portion of the 4-acre parcel east of Daisy Drive was disturbed until approximately 2018 and grassland/scrub vegetation has regrown in this area. Near the project site, the SR 94 right-of-way consists primarily of the paved roadway and shoulder. Barren rocky ground and degraded ruderal vegetation existing along the margin of the roadway is interspersed with drainage and utility infrastructure. To the west of the Reservation is the Church property which is largely disturbed with a cemetery and small church. To the south are undeveloped lands of the Rancho Jamul Ecological Reserve (RJER). In the vicinity of the Reservation, the RJER lands include coastal sage scrub, Willow Creek, and riparian habitat associated with Willow Creek.

Vegetation Communities and Wildlife Habitat Types

Vegetation communities are described in the 2016 NIGC FSEIS (National Indian Gaming Commission, 2016). The following plant communities are found on or adjacent to the Reservation.

Ruderal/Developed

Ruderal or developed areas consist of disturbed or converted natural habitat that is now either in a weedy and barren (ruderal) state, recently graded, or urbanized with pavement, landscaping, and structure and utility placement. Vegetation within this habitat type consists primarily of non-native weedy or invasive ruderal species or ornamental plants lacking a consistent community structure. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages. However, common, disturbance-tolerant species do occur in these lands.

Most of the Reservation is developed and the 4-acre parcel is developed/disturbed west of Daisy Drive (**Figure 1-3**).

Annual Grassland

Annual grassland is a plant community in the vicinity of the project site and consists of open fields of non-native pasture grasses and weedy forbs. These annual grasslands have replaced native habitats of

perennial bunchgrasses or coastal scrub. Grazing disturbances, rather than periodic wildfires, keep this plant community from undergoing successional changes to woodland or scrub. Plant species common in this community include European annual grasses (Avena, Bromus, Hordeum, Festuca), and forbs, such as turkey mullein (*Eremocarpus setigerus*), yellow star thistle (*Centaurea solstitialis*), and black mustard (Brassica nigra). The conversion of native habitats to annual grasslands greatly reduces wildlife biodiversity and habitat value.

Annual Grassland areas are located on adjacent lands north of the Reservation.

Riparian

A coast live oak riparian corridor associated with Willow Creek runs north-south through the Reservation. The dominant canopy tree is coast live oak (*Quercus agrifolia*); other characteristic riparian trees include canyon live oak and Engelmann oaks (*Quercus chrysolepis*, *Q. engelmannii*), willows (e.g., *Salix gooddingii* and *S. lasiolepis*), cottonwood, walnut, and non-native trees such as eucalyptus, Tree of Heaven (*Ailanthus altissima*) and pepper tree (*Schinu*s sp.). Understory vegetation is sparse, but includes elderberry, blackberry, and poison oak. On the Reservation, the delineation noted that in-channel vegetation includes: watercress (*Rorippa nasturtiumaquaticum*), curly dock (*Rumex crispus*), nutsedge (*Cyperus* sp.), Jimsonweed (*Datura stramonium*), tree tobacco (*Nicotiana* sp.), and various non-native annual grasses and weedy forbs.

Riparian areas are located along Willow Creek, in the central portion of the Reservation, and extend into off-Reservation lands to the north and south.

Coastal Scrub

Remnants of coastal scrub habitat are present in the vicinity of the project site and consist largely of California sagebrush (*Artemisia californica*) and buckwheats (*Eriogonum sp.*). Other common species in this habitat type are mule-fat (*Baccharis salicifolia*), tumbleweed (*Salsola*), white sage (*Salvia apiana*), and laurelleaf sumac. Coastal scrub plant communities are adapted to wildfires and drought conditions and provide habitat for many different types of wildlife. Cattle grazing has severely degraded the coastal scrub vegetation community and reduced the native shrub cover and allowed non-native weedy species to establish. Degraded scrub provides little habitat for wildlife. Granitic outcrops in the vicinity of the project site provide breaks in the scrub cover for reptiles to bask and birds to perch.

Adjacent off-Reservation areas to the east, south and west are generally Coastal Scrub with the exception of riparian habitat along Willow Creek. The portion of the 4-acre parcel east of Daisy Drive was previously disturbed until approximately 2018 when the site was replanted with scrub vegetation.

Special-Status Communities

Two special-status communities were reported by the California Natural Diversity Database (CNDDB) (**Appendix H**) within a 5-mile radius of the project site: Southern Coast Live Oak Riparian Forest and Southern Interior Cypress Forest. One special-status community is present within the project site and vicinity: the Willow Creek riparian corridor contains Southern Coast Live Oak Riparian Forest.

Habitat Connectivity and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human developments, but natural barriers such as rugged terrain and abrupt changes in

vegetation cover also exist. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations. In the project site vicinity wildlife corridors include Willow Creek, Jamul Creek, and preserve areas (Rancho Jamul Ecological Reserve and Hollenbeck Canyon Wildlife Area). Busy roadways (primarily SR 94) and their fences create significant barriers for wildlife and are sources of mortality. Culverts and bridges, such as the bridge at Melody Road, allow some wildlife movement under busy roads. No fishery resources exist in the project site and vicinity because all drainages flow only ephemerally or intermittently and are highly degraded.

Jurisdictional Waters

A formal delineation of waters of the U.S. for the Reservation and 4-acre parcel was conducted in 2011. This delineation was field verified by USACE in November 2011, and a preliminary jurisdictional determination was agreed upon by both USACE and the Tribe. Within the Reservation, Willow Creek is identified as a Waters of the U.S. Willow Creek is an intermittent tributary of Jamul Creek and has an average channel width of three feet in the vicinity of the project site. Willow Creek extends into off-Reservation lands to the north and south of the project site. The entire 4-acre parcel has upland features and contains no water features and no waters of the U.S.

Special Status Species

The following resources were considered to determine the potential special-status species that could occur in the vicinity of the project site:

- Previous biological resource studies of the Reservation and 4-acre parcel;
- USFWS IPaC Species List; and
- A spatial query (query of specified geographic area) of the CNDDB (5-mile radius) and SanBIOS database (2.5-mile radius).

Special-status species lists from the USFWS IPaC tool, CNDDB, and SanBIOS are included in **Appendix H**. These special-status species were further assessed for their likelihood to occur within the vicinity of the project site based upon previously documented occurrences, previous field surveys, habitat requirements, and the quality and extent of suitable habitat in the vicinity of the project site. It should be noted that field surveys over the last two decades of the Reservation and 4-acre parcel have not detected special-status wildlife or plant species (Natural Investigations Company Inc., 2016).

The following special-status wildlife species have been determined to have a “moderate” or “high” potential to occur in the project vicinity*: Accipiter cooperii* (Cooper’s hawk); *Aquila chrysaetos* (golden eagle); *Aspidoscelis hyperythra* (orange-throated whiptail); *Aspidoscelis tigris stejnegeri* (coastal western whiptail); *Chaetodipus californicus femoralis* (Dulzura pocket mouse); *Charina trivirgata* (Rosy boa); *Coluber fuliginosus* (Baja California coachwhip); *Crotalus ruber* (northern red-diamond rattlesnake); *Dendroica petechia brewsteri* (yellow warbler); *Diadophis punctatus similis* (San Diego ringneck snake); *Empidonax traillii extimus* (southwestern willow flycatcher); *Eumeces skiltonianus interparietalis* (Coronado skink); *Lepus californicus bennettii* (San Diego black-tailed jackrabbit); *Neotoma lepida intermedi*a (San Diego desert woodrat); *Phrynosoma coronatum* (blainvillii population, coast horned lizard); *Plestiodon skiltonianus interparietalis* (Coronado Island skink); *Polioptila californica* (Coastal California gnatcatcher); and *Vireo bellii pusillus* (least Bell’s vireo).

Critical habitat for Hermes copper butterfly (*Lycaena hermes*) is located to the south and west of the Reservation. Critical habitat is approximately 75 feet from the Reservation at its nearest point (USFWS, 2022). Hermes Copper butterfly was not detected during protocol surveys by Forensic Entomology Services for butterflies in 2011, 2012, and 2013 in the project site and vicinity.

The following special-status plant species have been determined to have a "moderate" or "high" potential to occur in the project vicinity: *Artemisia palmeri* (San Diego sagewort); *Deinandra conjugens* (Otay tarplant); *Ericameria palmeri var. palmeri* (Palmer's goldenbush); *Harpagonella palmeri* (Palmer's grapplinghook); *Horkelia truncata* (Ramona horkelia); *Isocoma menziesii var. decumbents* (decumbent goldenbush); *Lepechinia ganderi* (Gander's pitcher sage); *Lepidium virginicum var. robinsonii* (Robinson's peppergrass); *Monardella hypoleuca lanata* (felt-leaved monardella); and *Salvia munzii* (Munz's sage).

3.4.3 Impact Analysis

Methodology

The following impact analysis identifies off-Reservation biological resources that would potentially be affected by construction and operation of the Project. Biological databases (CNDDB, SanBios, United States Fish and Wildlife Service) and previous surveys were reviewed to determine the potential for special-status species and sensitive habitat, including aquatic features to be present in the vicinity of the project site. The impact analysis compares existing conditions to foreseeable changes to off-Reservation conditions that would likely result from implementation of the Project.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation biological resources. The Project would result in a significant impact if it would:

- Have a substantial adverse impact, either directly or through habitat modifications, on any 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;
- Have a substantial adverse effect on any off-Reservation 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 U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected off-Reservation wetlands as defined by Section 404 of the Clean Water Act;
- 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; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts

3.4-1 Would the Project have a substantial adverse impact, either directly or through habitat modifications, on any 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?

Construction activities would be limited to the Reservation, the 4-acre parcel, and underground soil installation (which would extend beyond the Reservation boundaries to the south and west). The off-Reservation effects to special-status species from construction in these areas is addressed below as well as operational effects.

On-Reservation Construction Activities

Construction on the Reservation would not directly modify off-Reservation habitat and thus would not result in direct effects to special-status species. Construction activities on the Reservation would generate noise and light which may indirectly affect off-Reservation special-status species such as nesting birds outside of the Reservation. Exterior construction activities would be limited from 7 a.m. to 7 p.m. which would reduce the need for nighttime lighting. To avoid impacts to nesting birds, the Project includes Best Management Practices (BMPs) in **Table 2-2** to conduct work outside of the nesting season. If the nesting season cannot be avoided, then a pre-construction survey for nesting birds will be conducted 10 days prior to the start of construction on the Reservation. A survey for protected bird species would occur in off-Reservation areas within 300 feet of construction; for raptors, the survey would occur off-Reservation areas within 500 feet of construction. With BMPs, impacts to biological resources from on-Reservation construction activities would be less than significant. To further reduce the potential for off-Reservation indirect impacts to biological resources from lighting during construction, **Mitigation Measure 3.2-1** is proposed which would limit lighting during dusk or nighttime to those areas necessary for safety and security and require that lighting be downcast onto the worksite.

4-acre Parcel Construction Activities

The entire 4-acre parcel was heavily disturbed and utilized as staging area during construction of the existing Casino and Daisy Drive. Field surveys over the last decade have not detected any special-status species within the 4-acre parcel. The areas to the west of Daisy Drive currently consist of barren compacted dirt and a remnant concrete pad from the former fire station on the site, and thus do not provide suitable habitat or foraging areas for special-status species. Although the portion of the 4-acre parcel to the east of Daisy Drive currently supports some native vegetation that was replanted in 2018 following construction activities associated with the existing Casino, this area provides very low habitat value and is unlikely to support special-status species due to its small size (approximately 0.75 acres), and the fact that it is bounded on all sides by heavily trafficked and fenced roadways, including SR 94 to the northeast, Daisy Drive to the west, and the fences and retaining walls associated with the Casino emergency access drive to the south (**Figure 1-3**). These busy roadways and fences create significant barriers for wildlife and are sources of mortality. The 4-acre parcel will be used as a staging area during construction. Construction trailers, the tribal security office, and deliveries and construction traffic will primarily occur on the western portion of the parcel and a loop fire service pipeline may be constructed through the western portion of the parcel. Several Conex storage boxes placed on the eastern side of the parcel. The trees and large shrubs located directly adjacent to Daisy Drive would be preserved. The project description for this TEIR includes implementation of BMPs in **Table 2-2** relating to biological resources, which include pre-construction surveys by a qualified biologist, procedures to be followed in case of discovery of nests or special-status species, and revegetation of the site. Indirect effects from noise and lighting would be the same as those discussed under the heading, *On Reservation Construction Activities*,

above. With implementation of BMPs, off-Reservation impacts to biological resources from construction activities and staging within the 4-acre parcel would be less than significant.

Soil Nail Installation

Soil nail installation would occur on the edge of the Reservation and extend to off-Reservation areas to the south and west. While soil nails would be installed underground and are not anticipated to directly impact habitat or special-status species, the proximity of construction to off-Reservation areas could indirectly affect off-Reservation special-status species from lighting and noise. To reduce potential impacts to off-Reservation areas from soil nail installation, the Project includes BMPs listed in **Table 2-2**, which are summarized below:

- Soil nail installation will not start earlier than one hour after sunrise and can end no later than one hour before sunset.
- A monitoring biologist (approved by CDFW) shall be on site during the soil nail installation process to ensure compliance with all conservation measures.
- Pre-soil nail installation surveys for special-status species, protected species and nesting birds, will be performed by a qualified biologist to further confirm that threatened or endangered species are not present.
- If species are present, CDFW will be consulted to determine the best protective measures.
- The biologist will monitor the work area weekly, have the ability to stop work, conduct construction personnel training, and submit reports to CDFW.

With BMPs, off-Reservation effects from soil nail installation would be less than significant.

Fire Line Connection

If required, creation of a looped fire line connection would require installation of a second service lateral from the existing 12-inch potable water main along the north side of SR 94. All construction would occur within Caltrans' existing right-of-way and the 4-acre parcel. Near the project site, the SR 94 right-of-way consists primarily of the paved roadway and shoulder. Barren rocky ground and degraded ruderal vegetation existing along the margin of the roadway is interspersed with drainage and utility infrastructure. The SR 94 right-of-way does not provide suitable habitat or foraging areas for special-status species. The areas to the west of Daisy Drive currently consist of barren compacted dirt and a remnant concrete pad from the former fire station on the site, and thus do not provide suitable habitat or foraging areas for special-status species. Installation of the pipeline would require excavation across the roadway and into the northern margin of the roadway. Upon completion of the pipeline installation, the existing grades and drainage features would be restored. With BMPs, off-Reservation effects to biological resources from the potential fire line connection would be less than significant.

General Operational Effects

To address the potential impact of noise and light pollution upon wildlife, the Project mitigates potential impacts by design. Specifically, noisy machinery, including additional generators, HVAC equipment, and the WWTP equipment, would be enclosed or equipped with noise attenuating features. Best management practices for reducing light pollution from exterior lighting would be implemented, such as shielding and selection of appropriate bulb technologies. The exterior of buildings would include downcast lighting consistent with the County's Dark Sky Ordinance to maintain consistency with the surrounding area. Lighting from the buildings would be directionally pointed away from the adjacent reserves and shielding employed. Where necessary, low wattage security and safety lighting would be used near doorways consistent with Uniform Building Code requirements. To reduce the risk of avian collisions with hotel glass

following construction, glass used in building façades shall be antireflective or treated with an anti-reflective coating in order to minimize glare. Furthermore, the Willow Creek channel and riparian corridor, which may function as a wildlife corridor, will be avoided. Therefore, off-Reservation operational effects to special status species would be less than significant. To further reduce potential off-Reservation impacts from lighting, **Mitigation Measure 3.2-2** is included which would implement feasible measures to further reduce lighting in the surrounding off-Reservation area.

Summary

With the adopted BMPs listed in **Table 2-2**, and **Mitigation Measures 3.2-1** and **3.2-2**, off-Reservation impacts to special-status species during construction and operation would be less than significant.

3.4-2 Would the Project have a substantial adverse effect on any off-Reservation riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Off-Reservation riparian habitat and other sensitive natural communities in the vicinity of the project site include Southern Coast Live Oak Riparian Forest along Willow Creek and Coastal Sage Scrub to the east, south, and west of the Reservation. As discussed in **Impact 3.4-1** above, the Project would not involve earthwork or tree removal in the riparian area. No surface disturbance would occur within Coastal Sage Scrub habitat adjacent to the eastern, southern, and western boundaries of the Reservation; however, soil nails would be installed underground and extend below off-Reservation areas with Coastal Sage Scrub habitat. The installation of underground soil nails is not anticipated to temporarily or permanently affect off-Reservation habitat. As discussed under **Impact 3.4-1** above, a biologist would conduct a pre-construction clearance survey on the 4-acre parcel. Any disturbed areas on the eastern portion of the 4-acre parcel shall be revegetated with native planting consistent with surrounding habitat. Indirect impacts to off-Reservation riparian habitat from effluent discharge are not anticipated due to the permitting requirements discussed in **Impact 3.4-3** below, which would regulate flow and water quality. As such, impacts to riparian habitat and other sensitive natural communities would be less than significant.

3.4-3 Would the Project have a substantial adverse effect on federally protected off-Reservation wetlands as defined by Section 404 of the Clean Water Act (CWA)?

The Project does not involve construction within a wetland or other waters of the U.S. as defined by the CWA. As described in **Impact 3.13-1**, the Project would comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and implement stormwater discharge management controls that effectively reduce or prevent the discharge of pollutants into receiving waters during construction in accordance with the CWA. During operation, excess tertiary treated effluent would be discharged to Willow Creek through an existing outfall under the terms of the Tribe's existing NPDES Permit. As described in **Impact 3.13-1**, the NPDES permit through flow limitation, water quality testing, and other measures, would ensure that effluent disposal does not cause additional impairment of downstream waterbodies and that the beneficial uses of downstream waterbodies is maintained. As water of the U.S. would be avoided, stormwater controls would be implemented during construction, and effluent disposal would be subject to the terms of an NPDES permit, impacts to off-Reservation wetlands and other waters of the U.S. would be less than significant.

3.4-4 Would the Project 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?

The Willow Creek channel is the only wildlife corridor in the vicinity of the project site. No fishery resources exist in the vicinity of the project site because all drainages, including Willow Creek, flow only ephemerally or intermittently, and at very low volumes. The design of the Project would avoid the Willow Creek channel and the riparian area associated with the channel both on and off the Reservation. Therefore, Project implementation will not affect off-Reservation wildlife corridors, nurseries, or fisheries. Therefore, the Project would result in a less-than-significant impact to wildlife corridors, nurseries, and fisheries.

3.4-5 Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Reservation is not subject to the MSCP. The MSCP is applicable to off-Reservation areas, including the 4-acre parcel and adjacent off-Reservation areas to the west and south below which soil nails would be installed. The 4-acre parcel is not designated in the MSCP as a preserve or conservation area. The entire 4-acre parcel was heavily disturbed and utilized as staging area during construction of the existing Casino and Daisy Drive and thus does not include sensitive habitat protected by the MSCP. The installation of underground soil nails is not anticipated to temporarily or permanently affect off-Reservation habitat. As such, the Project would not conflict with the MSCP; this is a less-than-significant impact.

3.5 CULTURAL RESOURCES

3.5.1 Regulatory Setting

Cultural resources include prehistoric, ethnohistoric, or historic-era (>50 years old) archaeological artifacts, features and sites, districts, buildings, structures and objects that are protected under federal and state regulations and policies, including the National Historic Preservation Act of 1966 (NHPA), the Archaeological Resources Protection Act of 1979 (ARPA), NEPA, California Environmental Quality Act (CEQA), and Section 5097.5 of the California Public Resources Code (PRC). Cultural resources that are judged to meet the criteria for listing in the National Register of Historic Places (NRHP) are considered to be significant historic properties and, as such, must be considered during planning for federal undertakings under Section 106 of the NHPA (36 CFR 800). Historic properties listed in the NRHP are automatically listed in the California Register of Historical Resources (CRHR) maintained by the State Office of Historic Preservation. Both registers may include districts, sites, buildings, structures, and objects with local, regional, state, or national significance, although the CRHR may also include historical resources not listed in the NRHP.

3.5.2 Environmental Setting

Background

Located approximately 17 miles from the Pacific coast, the project site is situated within an area of southern California that was occupied by different prehistoric cultures dating to at least 12,000 years ago (Moratto, 1984; Gallegos, 2002; Byrd and Raab, 2007). Prehistoric archaeological research for the region is divided into three broad periods: Paleoindian, Archaic, and Late Prehistoric. The Paleoindian period (12,000–8,500 years before present [B.P.]) is characterized by a diverse mixture of hunting and gathering by relatively mobile groups, who relied on marine resources near the coast. During the Archaic Period (8,500 B.C.–A.D. 500), milling tools were added to the toolkit and subsistence practices were more diversified, focusing more on plants and small animals. Groups likely traveled seasonally between coastal and inland sites, and had a continued reliance on fish and shellfish along the coast. The Late Prehistoric (A.D. 500–historic contact) is characterized by an increase in social complexity with central villages, associated satellite camps and specialized activity sites distributed along the coast and inland river valleys, a change In mortuary practices, and an expansion of trade networks. There was an increased reliance on acorns and other nuts at upland bedrock milling station seasonal camps. Artifacts associated with this period include the bow and arrow, mortars and pestles, ceramics, ornaments, and rock art.

The characteristics of the Late Prehistoric period are similar to the culture of the Yuman-speaking Native American group occupying this region at historic contact (Kroeber, 1925; Luomala, 1978). The Kumeyaay inhabited most of today's San Diego and Imperial Counties and portions of adjoining northern Baja California. The Tipai, a geographic division of the Kumeyaay, occupied the Jamul region, west to San Diego, and south into Baja California past Ensenada. Their diet depended on a variety of natural resources including large and small game, fish, shellfish, waterfowl, and seasonally available plant foods, some of which like the acorn were collected in the fall and then stored in granaries before processing with bedrock or portable mortars and pestles. In terms of seasonal resources, the Sweetwater River and Otay River/Jamul Creek drainage systems west, south, and east of the Project area would have been productive environments during prehistoric and ethnohistoric times. Ethnographic Tipai established villages along these waterways, and archaeological sites have been identified along their banks.

Early historic land use in the project site vicinity included establishment of the first Franciscan mission and the San Diego Presidio in Tipai territory in 1769, transportation routes, and Mexican land grants in the early 1800s. The historic Rancho Jamul was located directly to the south of the project site and included what is now the Reservation. Situated between Jamul and Dulzura, the rancho was provisionally granted in 1831 and regranted in 1845 to Pío Pico, who was the last Mexican Governor of California (Gudde, 2004). It was sold several times in the late 1800s, and was part of the Jamul Portland Cement Manufacturing Company between 1889 and 1892 (Brackett, 1960). During this same period, stage lines connecting to San Diego operated roughly along today's SR 94. In 1915, Rancho Jamul was purchased for use as a Wild West motion picture backdrop. By 1943, Campo Road (today's SR 94) connected the communities of Jamul, Indian Springs, and North Jamul. Settled by a small band of Tipai over 65 years ago, the Reservation was taken into trust for the benefit of the Tribe and its tribal members in 1979 (4-acrel parcel) and 1982 (2-acre parcel).

Records Search and Survey Findings

Reservation

No cultural resources that meet the definition of historic property or historical resource have been documented within the Reservation. During excavation activities associated with the existing Casino, archaeological monitoring was conducted as stipulated in the Mitigation Monitoring and Reporting Plan adopted by the Tribe. No cultural resources were encountered during excavation on the Reservation.

4-Acre Parcel

The most recent cultural resources investigation of the off-Reservation 4-acre parcel was completed as part of Caltrans environmental review of the SR 94 Improvement Project. Caltrans' investigation included an Archaeological Survey Report (Parus Consulting, 2014) which included the entirety of the 4-acre parcel. In addition, a Cultural Resources Review and Effects Assessment was completed for the 4-acre parcel by Natural Investigations Company in January 2016, which summarized previous surveys on the 4-acre site (Natural Investigations Co., 2016b). The information presented below is summarized from these reports and from the 2013 Final TEE.

Cultural resources record searches were performed by the South Coastal Information Center (SCIC) located at San Diego State University. The SCIC acts as a branch of the California Historic Resources Information System (CHRIS), which was established by the Office of Historic Preservation (OHP) and maintains information concerning cultural resources and associated studies recorded in their respective counties. Additionally, consultation was conducted with Native American organizations and individuals and with the Native American Heritage Commission.

The record search identified eight recorded resources within a 0.25-mile radius of the 4-acre parcel. Only one resource was identified within the 4-acre parcel. This site was also identified during a pedestrian survey of the project site by archaeologists. Based on the attributes and condition of this resource, Caltrans recommended that the resource did not meet the criteria for inclusion in the National Register of Historic Places (NRHP). In September 2014, the State Historic Preservation Officer concurred with this determination.

Paleontological Setting

Paleontology is the study of the remains, typically fossilized, of various plant or animal species such as dinosaurs and early mammals and not the traces of human cultural activity or human remains themselves. Paleontological remains are found in sedimentary rock formations. Such remains often appear as fossilized or petrified skeletal matter, imprints or endocasts (interior casts of hollow objects).

The University of California Museum of Paleontology (UCMP) database identifies more than 1,700 fossil localities within San Diego County, ranging in age from the Late Cretaceous (99–65 million years ago) to the Pleistocene (1.8–0.1 million years ago) (UCMP, 2011). The localities, many of which are along the coast, contain mostly invertebrate fossils. No significant paleontological fossils have been produced in the Project area or vicinity (UCMP, 2011).

A paleontological study conducted by Caltrans for the SR 94 Improvement Project addressed the potential for paleontological resources in the Project area. This study concluded that because the Project area geology is composed of granitoid rock, the area is not sensitive for paleontological resources (Caltrans, 2015).

3.5.3 Impact Analysis

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation cultural resources. The Project would result in a significant impact if it would:

- Cause a substantial adverse change in the significance of an off-Reservation historical or archeological resource;
- Directly or indirectly destroy a unique off-Reservation paleontological resource or site or unique off-Reservation geological feature or
- Disturb any off-Reservation human remains, including those interred outside of formal cemeteries.

Section 106 of the National Historic Preservation Act (NHPA) requires that potential impacts to historic properties are assessed by using the "criteria of adverse effect" (36 CFR 800.5[a][1]): "An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative."

Impacts

3.5-1 Would the Project cause a substantial adverse change in the significance of an off-Reservation historical or archeological resource?

Soil Nails

As discussed in **Section 2.3.10**, long soil nails will be used along the southern and western boundaries of the parking garage and western boundary of the hotel to stabilize the structures. The soil nails would range from 35 to 15 feet in length and would be installed starting at a depth of approximately seven feet below grade to a depth between approximately 12 and 45 feet below grade depending on the surface elevation and slope (**Figure 2-5** and **Figure 2-6**). No cultural resources that meet the definition of historic property or historical resource have been documented within or immediately adjacent to the Reservation, however numerous artifacts have been recorded in the vicinity, indicating a high potential for buried resources. During excavation activities associated with the existing Casino, archaeological monitoring was conducted as stipulated in the Mitigation Monitoring and Reporting Plan adopted by the Tribe, including during the installation of existing soil nails located along the southeastern site boundary. No cultural resources were encountered during excavation on the Reservation. Due to the depth of the soil nails (at least seven feet below grade), installation is not expected to encounter historical or archaeological resources, as the greatest potential for these resources to occur is primarily on or near the ground surface (however, it should be noted that previous studies have predicted 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 TEIR includes implementation of best management practices in **Table 2-2** 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 or human remains to ensure the protections of these features. With implementation of these BMPs, off-Reservation impacts to cultural resources from installation of soil nails would be less than significant.

4-Acre Parcel

Construction activities within the 4-acre parcel, including establishment of temporary construction trailers the relocation of the modular building for use as a tribal security building, and potential trenching for utility connections could impact cultural resources if present within the property. No cultural resources that meet the definition of historic property or historical resource have been documented within the 4-acre parcel. Due to the extensive ground disturbance that has occurred within the 4-acre parcel during past land uses and construction of the existing Casino and Daisy Drive improvements, no construction monitoring is warranted. In the unlikely event that cultural resources or human remains are discovered, the Tribe would implement inadvertent discovery measures as outlined in **Table 2-2** to ensure that cultural resources are protected. Off-Reservation impacts to cultural resources from construction activities and staging within the 4-acre parcel would be less than significant.

Fire Line Connection

If required, creation of a looped fire service water line connection would require installation of a second service lateral from the existing 12-inch potable water main along the north side of SR 94. All construction would occur within Caltrans' existing right-of-way and the 4-acre parcel. Near the project site, the SR 94 right-of-way consists primarily of the paved roadway and shoulder interspersed with drainage and utility infrastructure. Installation of the pipeline would require excavation across the roadway and into the northern margin of the roadway. The pipeline installation activities would occur entirely within the area of potential effects of the 2016 SR-94 Improvements Project, which was thoroughly surveyed for cultural resources as part of the Caltrans environmental compliance process for that project. No cultural resources

that meet the definition of historic property or historical resource have been documented within the SR-94 ROW adjacent to the 4-acre parcel. In the unlikely event that cultural resources or human remains are discovered during pipeline trenching activities, the Tribe would implement inadvertent discovery measures as outlined in **Table 2-2** to ensure that cultural resources are protected. Off-Reservation impacts to cultural resources from construction activities associated with the fire line connection would be less than significant.

3.5-2 Directly or indirectly destroy a unique off-Reservation paleontological resource or site or unique off-Reservation geological feature?

Geologic formations that underlie the project site and vicinity have an extremely low probability of containing paleontological resources. No paleontological resources were encountered during construction of the existing Casino and Daisy Drive improvements. No unique off-Reservation geologic features exist in the vicinity of the project site. Off-Reservation construction activities are limited to the use of underground long soil nails that will extend below the ground surface onto off-Reservation properties, as well as use of the 4-acre parcel for construction staging. The project description for this TEIR includes implementation of best management practices in **Table 2-2** relating to paleontological resources, which include procedures to be followed in case of discovery to ensure the protections of these features. With implementation of these BMPs, off-Reservation impacts to unique paleontological resources and geological features would be less than significant

3.5-3 Disturb any off-Reservation human remains, including those interred outside of formal cemeteries?

The Project's potential to disturb off-Reservation human remains are limited to the use of the 4-acre parcel as a construction staging area and the installation of soil nails. Because minimal ground disturbance is anticipated on the 4-acre parcel, and do the previously disturbed condition, there is minimal potential for human remains to exist on the 4-acre parcel. As discussed in **Section 2.3.10**, long soil nails will be installed along the southern and western boundaries of the parking garage and western boundary of the hotel to stabilize the structures. The soil nails would range from 35 to 15 feet in length and would be installed starting at a depth of approximately seven feet below grade to a depth between approximately 12 and 45 feet below grade depending on the surface elevation and slope (**Figure 2-5** and **Figure 2-6**). The property to the west of the site contains a cemetery with known human remains. The design plans for the cemetery were developed in coordination with the Tribe to specifically to avoid the disruption of buried human remains within the cemetery. The project description for this TEIR includes implementation of best management practices in **Table 2-2** relating to inadvertent discovery of human remains during earthwork activities, which include a worker education course, construction monitoring by a qualified archaeologist, procedures to be followed in case of discovery of human remains. With implementation of these BMPs, off-Reservation impacts to off-Reservation human remains from installation of soil nails would be less than significant.

3.6 GEOLOGY AND SOILS

3.6.1 Regulatory Setting

Federal

National Earthquake Hazards Reduction Program

The Earthquake Hazards Reduction Act of 1977 (Public Law 95-124, 42 U.S. Code 7701 et seq.), as amended in 2004 (Public Laws 101-614, 105-47, 106-503, and 108-360), established the National Earthquake Hazards Reduction Program. The program develops strategies, tools, techniques, and other measures that can reduce the adverse effects of earthquakes and facilitates and promotes implementation of these measures, thereby strengthening earthquake resilience among at-risk communities.

NPDES Construction General Permit

Construction projects disturbing one or more acres of soil must be covered under the NPDES general permitting process. For tribal projects on trust land, the contractor proposing the project must apply for coverage under the USEPA's Construction General Permit. The USEPA's Construction General Permit also requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must list BMPs that address stormwater runoff rates and quality.

State

Alquist–Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active and potentially active faults in California. The California Geological Survey (CGS) defines an "active" fault as one that exhibits evidence of activity during the last 11,000 years. Faults that exhibit evidence of Quaternary activity (within the last 1.6 million years) are considered to be "potentially active." The purpose of the Alquist-Priolo Act is to regulate off-Reservation development on or near fault traces to reduce the hazard of fault rupture and to prohibit the location of most off-Reservation structures for human occupancy across these traces.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was enacted in 1991 to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within the portions of these zones over which they have jurisdiction. Before a development permit is granted by a city, county, or other local permitting agency for a site within a seismic hazard zone, a geotechnical investigation of the site must be conducted and appropriate mitigation measures must be incorporated into the project design. Ground shaking probability maps have been developed in conjunction with the U.S. Geological Survey for all of California.

California Building Standards Code

The California Building Standards Commission, an independent commission within the State of California, produces the California Building Code (CBC) as part of Title 24, Part 2 of the California Code of Regulations.

These building codes serve as the basis for the design and construction of off-Reservation buildings in California. The CBC incorporates by reference the International Building Code with necessary California amendments. The CBC includes minimum standards for designing structures to withstand earthquakes. It also requires that project proponents identify soil and geologic conditions at the site. If conditions are identified that may interfere with the stability of the building, the CBC includes specific building requirements for accommodating those conditions.

Local

San Diego County General Plan

The San Diego County General Plan applies to the unincorporated area of the County and is the County's long-term blueprint for the vision of the future. The primary focus of the Conservation and Open Space Element of the General Plan is to provide direction to future growth and development in the County of San Diego with respect to the conservation, management, and utilization of natural and cultural resources; the protection and preservation of open space; and the provision of park and recreation resources. The project site does not have a General Plan land use designation. The following specific objectives and policies are relevant to the assessment of geology and soils concerns:

GOAL COS-5: Protection and maintenance of local reservoirs, watersheds, aquifer-recharge areas, and natural drainage systems to maintain high-quality water resources.

COS-5.1: Restrict development in floodways and floodplains in accordance with policies in the Flood Hazards section of the Safety Element. Development in floodways and floodplains has the potential to alter natural hydrologic flow and cause soil erosion and increased stormwater runoff—including loss of wetland and health issues related to surface and groundwater contamination.

COS-5.2: Impervious Surfaces. Require development to minimize the use of directly connected impervious surfaces and to retain stormwater run-off caused from the development footprint at or near the site of generation.

COS-5.3: Require development to be appropriately sited and to incorporate measures to retain natural flow regimes, thereby protecting downslope areas from erosion, capturing runoff to adequately allow for filtration and/or infiltration, and protecting downstream biological resources.

San Diego County Code of Regulatory Ordinances

The County of San Diego Code of Regulatory Ordinances regulates vegetation clearing and grading through the Grading Ordinance (Ordinance Number 10224). The Resource Protection Ordinance (Ordinance Number 9842) protects steep-slope lands, wetlands, floodplains.

3.6.2 Environmental Setting

Geology

The project site is within the Peninsular Ranges Geomorphic Province of California, which stretches from the Los Angeles basin to the tip of Baja California in Mexico. In general, the province consists of northwest-

trending mountains underlain by Tertiary sedimentary rocks, Cretaceous igneous rocks of the Peninsular Ranges batholith, and Mesozoic meta-volcanic and metasedimentary rocks (**Appendix I**). The Peninsular Ranges Province is traversed by a group of sub-parallel faults and fault zones trending roughly northwest. Several of these faults are considered active. The Elsinore, San Jacinto, and San Andreas Fault Zones are active systems located east of the project site and the Newport-Inglewood, Agua Blanca-Coronado Bank, and San Clemente Fault Zones are active systems located offshore, west of the site. The majority of these faults have right-lateral, strike-slip movement. Uplift associated with these faults has created a diverse topographic environment that has also brought hazards such as landslides, mudslides, and hillside creep (gradual downhill soil movement). Regional geologic maps of the subject property and vicinity indicate the subject property is underlain by early Cretaceous granitic rock (Kgr) consisting of undivided tonalite and granodiorite (**Appendix I**). Figure 4-1 in **Appendix I** presents the regional geology in the vicinity of the project site.

Subsurface testing was performed on the project site and the results are included in **Appendix I**. As described therein, the project site is underlain by fill, alluvium, and granite rock.

Seismicity

The project site is located in a seismically active area, as is the majority of southern California, and the potential for strong ground motion is considered significant during the design life of the proposed structure. **Figure 3-3** shows the locations of known faults in the region of the site. Active faults are presented in orange, potentially active faults with displacement occurring within the last 11,700 years to 700,000 years are presented in green, and undifferentiated Quaternary faults are presented in purple. Major known active faults in the region consist generally of echelon, northwest striking, right-lateral, strike-slip faults (**Appendix I**). These include the San Andreas, Elsinore, and San Jacinto Faults located northeast of the site, and the San Clemente, San Diego Trough, and Agua Blanca- Coronado Bank Faults located to the west of the site.

The project site is not located in an Alquist-Priolo Earthquake Fault Zone (**Appendix I**). The nearest active fault is located about 16.2 miles west of the site within the San Diego section of the Newport-Inglewood-Rose Canyon Fault Zone, which is recognized to have the potential for a Magnitude 6.99 seismic event. The seismicity of the site was evaluated utilizing a web-based tool (**Appendix I**). The evaluation indicates that the site may be subject to site-adjusted Peak Ground Accelerations (PGAM) of 0.366g.

Evidence of active faulting was not observed at the site during the field investigation (**Appendix I**). The probability of fault rupture is considered very low.

Soil Types and Characteristics

Soil survey reports for the project site and surrounding off-Reservation areas are available online through the Natural Resources Conservation Service (NRCS), a sub-unit of the U.S. Department of Agriculture. Each NRCS survey map illustrates the various type and location of soil units and provides a summary of major physical characteristics with recommendations based on the soil characteristics.

Figure 3-4 provides a map of soils on the project site. Soils mapped on the project site consist of Cienaba course sandy loam (CIE2), Fallbrook sandy loam (FaD2), and Las Posas fine sandy loam (LpC2 and LpE2) (NRCS, 2022). These soil types are typical of low to moderate slopes, have a deep-water table, and are well-drained.

Source: NOVA; CGS, 2022

FIGURE 3-3

FAULT MAP

Source: NRCS, 2022

FIGURE 3-4

SOIL MAP

Soil Erosion

The hydrologic soil group is a classification based on the runoff potential of the soils when thoroughly saturated by a long duration storm. Soils are grouped into four classes that grade from A to D, with A being coarse-grained soils with high infiltration and low runoff potential and D being mostly fine-grained clays with extremely slow infiltration and high runoff potential. The soils on the western portion of the project site have a hydrologic rating of C, indicating that the soils on the project site have slow infiltration rates when thoroughly wet (NRCS, 2022).

Saturated hydraulic conductivity [Ksat] is a quantitative measurement for the movement of water through saturated soil or the ease with which pores in a saturated soil transmit water. Ksat is a factor in determining the hydrologic soil group and is often used in the design of water and wastewater disposal features such as percolation ponds and septic systems. Ksat measures transport only in a vertical direction under completely saturated conditions. Ksat for the soils on the western portion of the project site where development would occur is moderately high to high (NRCS, 2022).

Soil erosion is the wearing and removal of soil materials from the ground surface and the transportation of these soil materials resulting in deposition elsewhere. Mechanisms of soil erosion include stormwater runoff and wind as well as human activities. Factors that influence erosion include physical properties of the soil, topography (slope), and annual rainfall and peak intensity. As described above, soils on the project site transmit water at moderately high rates, but infiltration slows when the soils become thoroughly wet, which would increase run off during large storm events. Accordingly, erosion potential on the project site is moderate but increases during large storm events.

Landslides

The primary cause of a landslide is a steep slope that becomes overburdened by weight; the point at which instability is reached is based on various factors, including saturation (by snowmelt or heavy rains) and seismic activity. Evidence of landslides, deep-seated landslides, or slope instabilities was not observed on the project site (**Appendix I**). Additionally, there are no mapped landslides in the vicinity of the project site (**Appendix I**). Accordingly, the potential for landslides or slope instabilities to occur at the project site is considered very low.

Liquefaction

Liquefaction occurs when loose, saturated, generally fine sands and silts are subjected to strong ground shaking. The soils lose shear strength and become liquid, resulting in large total and differential ground surface settlements, as well as possible lateral spreading during an earthquake. Due to the lack of shallow groundwater and given the relatively dense nature of the materials beneath the site, the potential for liquefaction and dynamic settlement to occur is considered low (**Appendix I**).

3.6.3 Impact Analysis

Methodology

Off-Reservation impacts of the Project with respect to geology, soils, and mineral resources were analyzed based on existing soil types and topography of the project site and its vicinity, proximity of the project site to known faults, proposed changes to the project site and any changes to its vicinity, and estimates of

how the Project would affect existing off-Reservation geologic, soils, and mineral conditions and resources.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (Appendix A) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation geology and soils. The Project would result in a significant impact if it would:

- Expose off-Reservation people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides; or
- Result in substantial off-Reservation soil erosion or the loss of topsoil.

Impacts

3.6-1 Would the Project expose off-Reservation people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Faults and Seismic Risks

As described above, there are no Alquist-Priolo Earthquake Fault Zones located on or within the vicinity of the project site, and the probability of fault rupture, liquefaction, and dynamic settlement to occur on the project site is considered low. The Project would be built in accordance with the requirements of the CBC, including those relating to earthquake design features and soil and geological conditions. Although the project site is located in an area that may be subject to seismic ground shaking in the future, there are no mapped surface faults on the project site that would have the potential to rupture. Compliance with the CBC would require the expected seismic conditions to be established and incorporated into the design of all new structures. Any new structures and utilities would be designed to withstand seismic shaking and forces per CBC requirements. Therefore, these construction standards would minimize the seismic ground shaking effects on developed structures. The placement of the soil 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.

Therefore, implementation of the Project would not increase the exposure of off-Reservation people or structures to adverse effects in the event of fault rupture or ground shaking, and thus this impact would be less than significant. Additionally, no impact on off-Reservation people or structures attributable to seismic-related ground failure, including liquefaction, would occur as a result of the Project.

Landslides

Construction of the Project would entail grading and excavating; the project components have been designed to take advantage of the existing topography and minimize changes to topography. However, due to the steep slopes and drainages within the project site and vicinity, some cutting and filling of certain

topographic features would be necessary. Project components would be built into the sloping hills, avoiding Willow Creek in the vicinity of the construction area. The Project includes the installation of soil nails to further increase the stability of the slopes on the project site. Because onsite soils are stable and the project site is already graded, all impacts as a result of earthwork activities, including any excavation, fill, and earth building pad construction, would be minimal. Additionally, no slopes would be introduced as a result of the Project. Therefore, landslides would not result from the limited grading activities associated with construction of the Project. No impact on off-Reservation people or structures attributable to landslides would occur as a result of the Project.

3.6-2 Would the Project result in substantial off-Reservation soil erosion or the loss of topsoil?

Construction of the Project would involve earth-moving activities such as grading, excavation, stockpiling of soil, installation of new facilities, and the use of heavy machinery and equipment. The majority of the Project would be constructed in previously developed areas, and any excess of cut soil, estimated at 20,000 cubic yards, would be transported to an approved location in Chula Vista. Onsite earth-moving activities would create the potential for off-Reservation impacts related to erosion by exposing soils stockpiled on the trust lands to erosion by stormwater. However, as stated in **Table 2-2**, the Tribe shall comply with the NPDES General Construction Permit from the USEPA, for construction site runoff in compliance with the CWA. A SWPPP will be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements, including temporary erosion control BMPs to reduce impacts to off-Reservation water from siltation. Refer to **Section 3.13.3** for a detailed discussion of potential erosion impacts during construction.

The temporary construction staging and relocation of the modular building on the 4-acre parcel would not involve grading or exposed soils.

During operation of the Project, stormwater runoff would be conveyed to an existing subsurface drainage system on the project site. This system would reduce storm flows to pre-development levels and would therefore prevent the scouring of drainages or erosion of topsoil downstream of the project site from increased stormwater run-off and streamflow volumes and velocities. With implementation of BMPs listed in **Table 2-2**, this impact would be less than significant.

3.7 HAZARDS AND HAZARDOUS MATERIALS

3.7.1 Regulatory Setting

Federal

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) regulates the land disposal of hazardous materials from cradle-to-grave. This means establishing a regulatory framework for the generation, transport, treatment, storage, and disposal of hazardous waste. Specifically, Subtitle D of RCRA pertains to non-hazardous solid waste and Subtitle C focuses on hazardous solid waste. A solid waste can consist of solids, liquids, and gases, but these must be discarded in order to be considered waste. Additionally, the USEPA has developed regulations to set minimum national technical standards for how disposal facilities should be designed and operated. States issue permits to ensure compliance with USEPA and state regulations. The regulated community is comprised of a diverse group that must comprehend and adhere to RCRA regulations. These groups can consist of hazardous waste generators, government agencies, small businesses, and gas stations with underground petroleum tanks.

Food, Drug, and Cosmetic Act

Under the federal Food, Drug, and Cosmetic Act, the USEPA sets maximum residue limits, or tolerances, for pesticides residues on food. When the USEPA sets a tolerance level for a food, this is the level deemed safe. In defining safe, this means that, "reasonable certainty that no harm will result from aggregate exposure to the pesticide residue." When determining a safety finding for a tolerance level, the USEPA considers the toxicity of the pesticide and its break-down products, aggregate exposure to the pesticide in foods and from other sources of exposure if applicable, and any special risks specific to infants and children. If a tolerance is not set for a pesticide residue, a food containing that pesticide residue will be subject to government seizure if deemed appropriate. However, once a tolerance has been established for a pesticide residue, then residue levels below the tolerance will not trigger enforcement actions. If the residue level is detected above that tolerance, then the commodity will be subject to seizure. Some pesticides do not have a set tolerance level as the USEPA may grant exemptions in the cases where the pesticide residue does not pose, under foreseeable situations, a significant dietary risk.

Federal Insecticide, Fungicide, and Rodenticide Act

The federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) addresses the sale, distribution, and labeling of pesticides, as well as the certification and training of pesticide applicators. FIFRA establishes recordkeeping and reporting requirements on certified applicators of restricted use pesticides. Furthermore, FIFRA imposes storage, disposal, and transportation requirements on registrants and applicants for the registration of pesticides. Pesticide use is regulated through requirements to apply pesticides in a manner consistent with the label. The labeling requirement includes directions for use, warnings, and cautions along with the uses for which the pesticide is registered (e.g., pests and appropriate applications). This includes the specific conditions for the application, mixture, and storage of the pesticide. Additionally, the label must specify a time period for re-entry into an area after the pesticide has been applied, and when crops may be harvested after the application of the pesticide. If a pesticide is used in a manner contrary to specifics on its label, then the use constitutes a violation of the FIFRA.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) helps ensure employee safety by regulating the handling and use of chemicals in the workplace. For instance, it administers the Hazard Communication Standard (HCS). The HCS ensures safety in the workplace concerning chemicals through requiring information to be provided and understood by workers about the identity and hazards associated with chemicals they may work with. This also requires that chemical manufactures and importers evaluate the hazards associated with the chemicals they create or import, and that these chemicals have proper labels and material safety data sheets concerning their hazards to others (e.g., customers). Downstream of the production, employers who utilize these hazardous chemicals in their workplaces are obligated to have labels and safety data sheets for their workers and to train them on the proper handling of these chemicals.

Hazardous Substances Act

The Consumer Product Safety Commission has a limited role in regulating hazardous substances; it primarily deals with the labeling of consumer products through the federal Hazardous Substances Act (FHSA). FHSA only requires products that may at some point be in the presence of people's dwellings to be labeled, including during purchase, storage, or use. These labels must alert consumers of the potential hazards that the product may pose. However, in order for a product to be required for labelling, the product must be toxic, corrosive, flammable/combustible, an irritant, a strong sensitizer, or have the ability to generate pressure through decomposition, heat, or other means. Furthermore, the product must possess the ability to cause severe personal injury or substantial illness during or as a result of any customary or reasonably predictable handling or use, including reasonably foreseeable ingestion by children.

Toxic Substances Control Act

The federal Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, permits the USEPA to evaluate the potential risk from novel and existing chemicals and address unacceptable risks chemicals may have on human health and the environment. The USEPA oversees the production, importation, use, and disposal of certain chemicals. This includes the USEPA having the authority to require record keeping, reporting, and test requirements and restrictions associated with certain chemical substances and/or mixtures. However, certain groups of chemicals are excluded from TSCA consideration, including—but not limited to—food, drugs, cosmetics, and pesticides. Examples of chemicals included in TSCA consideration are lead paint, asbestos, mercury, formaldehyde, and polychlorinated biphenyls.

Emergency Planning and Community Right-to-Know Act

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) is designed to assist local communities protect public health, safety, and the environment from chemical hazards. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. The EPCRA also requires industry to report on the storage, usage, and releases of hazardous substances to federal, state, and local governments, and states and communities can use the information gained to improve chemical safety and protect public health and the environment.

State and Local

The Project is located on trust land and is therefore not subject to state or local guidelines, rules or controls concerning hazards and hazardous materials. However, these do apply to off-Reservation land surrounding the project site.

San Diego County General Plan

The 2011 updated San Diego County General Plan (General Plan) is the long-term blueprint for the vision of the future for the County's unincorporated areas. Policies in the General Plan that are relevant to the off-Reservation hazards and hazardous materials in the vicinity of the Project are from the Safety Element and include the following policies:

Policy S-2.2: Advise, and where appropriate, require all new developments to help eliminate impediments to evacuation within existing community plan areas, where limited ingress/egress conditions could impede evacuation events.

Policy S-2.7: All development proposals are required to identify evacuation routes at the Community Plan level and identify and facilitate the establishment of new routes needed to ensure effective evacuation. Evacuation routes should be incorporated into existing Community Wildfire Protection Plans where available.

Policy S-4.1: Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.

Policy S-4.2: Require development located in wildland areas, near ridgelines, top of slopes, saddles, or other areas where the terrain or topography affects its susceptibility to wildfires to be located and designed to account for topography and reduce the increased risk from fires. Density reduction may be necessary to reduce fire hazards if the location and design of the development cannot reduce the threat effectively.

Policy S-4.3: Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas or islands of flammable vegetation within a development.

Policy S-4.4: Plan for development where fire and emergency services are available or planned.

Policy S-4.5: Require development to provide additional access roads where feasible to provide for safe access of emergency equipment and civilian evacuation concurrently. The width, surface, grade, radius, turnarounds, turnouts, bridge construction, vegetative management and brush clearance around roadways, and lengths of fire apparatus access roads shall meet the requirements of the State and San Diego County Consolidated Fire Codes. All requirements and any deviations will be at the discretion of the Fire Code Official.

Policy S-4.6: Ensure that development located within fire hazard areas implement measures in a Fire Protection Plan that reduce the risk of structural and human loss due to wildfire.

Policy S-4.7: Require all new, remodeled, or rebuilt structures to meet current ignition resistance construction codes and establish and enforce reasonable and prudent standards that support retrofitting of existing structures in high fire hazard areas.

Policy S-7.2: Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.

Policy S-7.3: Require that new development demonstrate that adequate fire services can be provided that meet the minimum staffing of personnel and that meet the minimum travel times identified in Table S-3 (Travel Time Standards from Closest Fire Station).

Policy S-7.4: Ensure that fire protection staffing, facilities, and equipment required to serve development are operating prior to, or in conjunction with, the development. Allow incremental growth to occur until a new facility can be supported by development.

3.7.2 Environmental Setting

Hazardous Materials

Previous Environmental Investigations

The project site, as discussed in **Section 1.2**, and its existing facilities have undergone multiple previous environmental reviews and assessments. The 2016 NIGC FSEIS prepared for the Jamul Casino lists and briefly describes environmental assessments for hazardous materials conducted between 2002 and 2016. These environmental assessments included various combinations of onsite surveys, hazardous materials database inquiries, interviews, and reviewing past documentation. None of the environmental assessments noted potential Recognized Environmental Conditions associated with the presence of any hazardous substances or petroleum products at and in the vicinity of the project site. Only minor hazardous observations were made, primarily in the form of debris and trash on the project site[1] (National Indian Gaming Commission, 2016).

Current Environmental Conditions

Existing Onsite Facilities

Existing development on the project site includes the four-story Jamul Casino that consists of a gaming floor, restaurants and bars, and offices and circulation. The tribal administration building, community building, wastewater treatment plant (WWTP) and associated driveways and parking areas occupy the western portion of the project site. Paved surface parking lots surround the existing buildings. To analyze any potential off-Reservation impacts associated with the Project, the discussion below discusses the hazardous materials currently in use and stored at the project site.

Jamul Casino and Ancillary Facilities

The Jamul Casino and ancillary facilities use normal chemicals for commercial facilities, which primarily consist of cleaning and maintenance chemicals, pesticides/fertilizers for landscaping, and propane for cooking facilities. The facilities are not significant generators of hazardous waste or require abnormal

[1] As described in **Section 1.2**, the 2016 NIGC FSEIS is incorporated by reference and can be viewed here: http://www.jamulteir.com

quantities of hazardous materials to be disposed of. There is a propane-air mix with a main propane supply line manifold and tank located near front entrance to the Jamul Casino and a 30,000-gallon propane tank located on the west side of the entrance driveway. All flammable materials onsite are stored on a concrete slab in a secured locker onsite that is marked "Flammable," as required by OSHA. The propane is stored in above-ground storage tanks and also marked "Flammable" as required by OSHA. No permits for or tracking of these materials are required under RCRA by the USEPA due to the relatively small amounts of hazardous materials used and stored onsite at any given time.

Emergency Diesel Generators

There are two existing emergency generators with a combined capacity of 4 megawatts that provide a backup power system in case of interruptions to the electrical supply from San Diego Gas and Electric. Each generator uses diesel as fuel and has an above-ground diesel fuel storage tank. All fuel storage tanks and the oil storage area are dual walled for spill containment, have a pre-cast concrete encasement to further protect against the possibility of a leak, and meet OSHA and USEPA standards.

Water and Wastewater Treatment

The onsite WWTP treats influent from the existing development to tertiary standards and the treated effluent is utilized for landscaping, toilet flushing, and cooling/cooling systems (for additional information, refer to **Section 2.3.5**). The wastewater treatment process utilizes very little hazardous materials. Chemicals stored at the WWTP plant include sodium hypochlorite, citric acid 50%, sodium bisulfite 25%, descalant, activated carbon, hydrochloric acid 20%, caustic acid 50%, and sodium bisulfate. Waste activated sludge is trucked off-site for disposal. The limited hazardous materials onsite at the WWTP are stored and handled according to OSHA and USEPA standards with Material Safety Data Sheets available near the storage areas. Furthermore, all wastewater employees have been trained in hazardous materials handling and fire safety to reduce the potential risks associated with the limited hazardous materials onsite.

Off-Reservation Conditions

The immediate off-Reservation area surrounding the project site is primarily undeveloped with the exception of the San Diego Fire Station 36 across SR 94 on its northern side. Beyond the immediate area, there are residential developments north, west, and east of the project site. Hazardous materials associated with these adjacent off-Reservation land uses entail chemicals and fuels normal to residential and light commercial development, such as pesticides, households cleaning chemicals, propane, and maintenance chemicals. The fire station across SR 94 includes standard maintenance chemicals, fuels, and chemicals used for firefighting activities, such as flame retardants.

Database Review

Querying both Department of Toxic Substances Control EnviroStor and State Water Resources Control Board's Geotracker, only one case involving potential release of hazardous materials was detected within a mile radius of the project site on Peaceful Ranch Valley Road. The case was filed under the Voluntary Assistance Program, and the contamination of soil was reported in addition to an underground storage tank (UST). However, this case has been closed as the soil contamination was determined to not be an issue beyond the property itself and the UST location was uncertain (State Water Resources Control Board, 2022).

Wildfire Risk

Wildfire Risk Conditions

The topographic, geographic, and climatic conditions within the County culminate together to result in a regional fire problem for the County. Features of the Jamul area include valleys and large flat areas of fuel loads that can result in the rapid spread of fire. Dry strong north and east winds (Santa Anas Winds) are common and create an adverse effect with fire in addition to the usual westerly and southerly winds that can also be strong (Jamul Fire Safe Council, 2021). From 1950 to 2014, wildfires larger than 5,000 acres have accounted for over 1,158,468 acres burned, affected over 8,400 structures (damaged/destroyed), and resulted in 30 deaths. Approximately 250 dwellings were destroyed from wildland fires in the years 2014 to 2019, which was 0.6% of the total structures destroyed statewide by wildfires (San Diego County, 2021). The project site is located within an area designed by CAL FIRE as Very High Fire Hazard Severity Zone in a local responsibility area. The area surrounding the project site is either Very High Fire Hazard Severity Zone in a local responsibility area or moderate Fire Hazard Severity Zone in a state responsibility area (CAL FIRE, 2022). Wildland fires are frequent in the area around the project site, and the SR 94 corridor is within a historical major fire area that includes the Laguna Fire (1970) and Harris Fire (2007). The west Jamul area includes one of the most hazardous contiguous fuel beds in the County. Under critical fire weather, fires are expected to burn with extreme fire behavior and explosive fire growth/high rates of spread. High vegetation and narrowing topography to the west may cause fires to accelerate and pose significant threats to life and structures in the area (**Appendix F**).

The project site is currently developed with small areas of vegetation remaining onsite, which are primarily riparian vegetation along Willow Creek and decorative landscaping (for additional information on onsite vegetation, refer to **Section 3.4.2**). Because of the limited vegetation on the project site, there are limited wildfire fuels onsite. Surrounding the project site there is more vegetation that can serve fuel for wildfires and the topography varies between gentle slopes or rolling hillsides (for additional information on off-site vegetation, refer to **Section 3.4.2**). It should be noted that during the Border 32 Fire (2022), the 4-acre site served as a temporary evacuation center per the request of the Sheriff Department.

Casino Fire and Emergency Plan

In accordance with the 2019 Fire Services Agreement between the County and the Tribe (described in **Section 1.4**), a Fire and Emergency Plan for the Casino was prepared by Rohde and Associates as directed by the County and in coordination with the Tribe and CAL FIRE. This Plan provides details on onsite systems and procedures to be used in multiple emergency scenarios, include flooding, earthquakes, and wildfires (**Appendix F**). During a mandatory fire evacuation, patrons and employees will be provided information regarding the location and direction of the wildfire in addition to the safest route for them to leave the property as dictated by the Fire Department in charge (San Diego County Fire). Security Dispatch will serve as the primary contact point for announcements from law enforcement and emergency personnel issuing/enforcing the evacuation order. As emphasized in the Wildland-Urban Interface Fire Response Plan, included in the Casino Fire and Emergency Response Plan, the onsite primary tactical plans for a wildfire scenario call for an early evacuation of the project site and/or shelter in place (**Appendix F**).

Jamul Casino Emergency Evacuation and Preparedness Plan

In addition to the Fire and Emergency Plan, the Tribe has prepared and implemented an Emergency Evacuation and Preparedness Plan (EPP) for the Casino as a guideline to assist management personnel and employees in the handling of emergencies and liaison with law enforcement, fire department, and medical personnel to ensure the protection of employees and patrons.

The EPP establishes communication and procedures to in the event of an emergency and provide guidelines and responsibilities in the event of the following:

- Fire
- Power Outage
- Medical Response
- Bomb Threats
- Armed Intruder/Robbery/Hostage
- Earthquake, Floods, and Natural Disasters
- Hazardous Materials, Spills, or Toxic Exposure
- Terrorism
- Kidnapping

3.7.3 Impact Analysis

Methodology

For the purposes of this section's off-Reservation environmental impact analysis, a material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The California HSC § 25501 provides the following definition for "hazardous material:"

- A substance or product for which the manufacturer or producer is required to prepare a safety data sheet pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 [commencing with § 6360] of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.
- A substance listed as a radioactive material in Appendix B of Part 30 (commencing with § 30.1) of Title 10 of the Code of Federal Regulations (CFR), as maintained and updated by the Nuclear Regulatory Commission.
- A substance listed pursuant to Title 49 of the CFR.
- A substance listed in § 339 of Title 8 of the CCR.

Hazards and hazardous materials were analyzed based on existing conditions of the project site and its vicinity for off-Reservation impacts, and an assessment of how the Project could adversely affect existing off-Reservation hazardous incidents or potentially cause new hazards or incidents with hazardous materials were also taken into consideration.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation hazards and hazardous materials. Such an impact is considered significant if it would:

- Create a significant hazard to the off-Reservation public or the off-Reservation environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the off-Reservation public or the off-Reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1-quarter mile of an existing or proposed off-Reservation school; or
- Expose off-Reservation people or structures to a significant risk of loss, injury or death involving wildland fires.

Impacts

3.7-1 Would the project create a significant hazard to the off-Reservation public or the off-Reservation environment through the routine transport, use, or disposal of hazardous materials?

Construction

During construction of the Project, limited quantities of hazardous substances common to construction would be used and stored on the project site and the 4-acre parcel, such as fuels, solvents, oils, and paint. These would also include temporary bulk storage containers for fuel storage and storage sheds or trailers for fueling and maintenance purposes. Accident releases could occur during the handling and transfer from one container to another, such as during refueling and transport, which is a common method for release during construction. In general, the chemicals and fuels used onsite could pose a hazard to the off-Reservation public or the off-Reservation environment if not transported, used, stored, and disposed of properly. Such instances of mismanagement could pose a hazard to the off-Reservation public and to the off-Reservation environment, and therefore could create a significant off-Reservation impact. However, several factors would be in place to reduce the probability of an accidental release. During transportation of hazardous materials off- and onsite, the transporters of hazardous materials would be required to adhere to applicable State, federal, and local regulations. This would ensure that the transportation of hazardous materials to and from the Project would not result in spills. BMPs in **Table 2-2** would reduce the probability of accidental onsite release through spill prevention methods and utilizing proper equipment. Furthermore, onsite hazardous chemicals would be used and stored per federal regulations and manufacturer guidelines would be followed. In addition to the hazardous materials mentioned above, explosives may be used for blasting activities associated with excavation. Similar to the hazardous chemicals discussed above, the explosives would be managed, used, and stored per federal regulations and manufacturer guidelines with only authorized and qualified individuals handling them. Off-Reservation transportation and disposal would be performed according to State, local, and federal regulations and guidelines. Therefore, the overall off-Reservation impact from the routine transport, use, or disposal of hazardous materials during construction is less than significant.

Operation

Operation of the Project would increase the quantity of hazardous materials onsite; however, no new or specialized hazardous materials beyond what is currently used would be needed. For instance, the existing 4MW generator system that currently serves the Jamul Casino would be expanded with two additional generators to accommodate the Project, bringing the total capacity to 5 MW (an increase of 1 MW). Therefore, approximately 20% more fuel would be transported and stored compared to existing conditions. Fuel storage on trust land would remain consistent with existing practices that have effectively prevented significant incidences. In addition to the increased capacity of the emergency generator system, the expanded WWTP would require additional chemicals for treatment because the Project would increase the quantity of wastewater treated (see **Section 3.12** for additional information on this). Currently, small amounts of hazardous materials are used during the treatment of wastewater. The Project would slightly increase the quantity of hazardous material used because the process uses very small amounts of chemicals to begin with. This marginal increase would not increase off-Reservation

hazards and would not result in a new requirement for permitting or tracking of these materials under RCRA by the USEPA. In addition to the WWTP's hazardous materials needs, the new project components, such as the hotel, would increase the overall quantity of hazardous materials used and stored onsite. However, these hazardous materials would be similar to the ones currently utilized in the Jamul Casino because they would primarily consist of cleaning and maintenance chemicals for the facilities. The Project would not introduce a new use that would require unusual or new hazardous materials onsite. Furthermore, the current procedures for storing and using these hazardous materials according to federal regulations and manufacture guidelines would remain unchanged. Transportation and disposal would continue to follow applicable federal, state, and local regulations and guidelines. Therefore, the increase in hazardous materials on the project site after operation of the Project would not result in a significant off-Reservation impact to the environment. This off-Reservation impact would be less than significant.

3.7-2 Would the project create a significant hazard to the off-Reservation public or the off-Reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As discussed in **Section 3.7.2**, there are no known releases of hazardous materials at the project site or within a 1-mile radius of the project site (including the 4-acre parcel) that would pose a threat to project construction or operation. Therefore, there is no known contaminated soil or groundwater that could be disturbed during the construction or operation of the Project and therefore accidentally release onto the off-Reservation environment. However, there is a remote possibility that unknown soil contamination could be discovered during earth-moving construction activities. If such an incident occurred and was not managed properly, it could result in transport of contamination off the Reservation, resulting in a potential significant impact. BMPs incorporated into the Project design would ensure proper management if contaminated soil or groundwater is encountered during grading and excavation activities (refer to **Table 2-2** for more information). This would include the work being halted until a qualified individual assesses the extent of contamination and prepares a Health and Safety Plan for the construction or remediation process, consistent with Chapter 4 of the County of San Diego Site Assessment and Mitigation (SAM) Manual, if deemed necessary. Therefore, potential impacts during construction would be less than significant.

During operation, the total hazardous material used and stored onsite would only minimally increase with the addition of the Project. As described above under **Impact 3.7-1**, these would primarily consist of hazardous material already used onsite, such as cleaning chemicals, maintenance chemicals, and fuel in addition to the few chemicals used in the wastewater treatment process. These chemicals would continue to be transported, stored, used, and disposed of according to applicable regulations and manufacturer guidelines. Consequently, the Project would not increase the risk of accidental release of hazardous materials into the environment. This impact is less than significant.

3.7-3 Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed off-Reservation school?

The nearest off-Reservation school is Oak Grove Middle School, which is approximately 2.6 miles northeast of the project site and greater than 0.25 miles (see **Section 3.10** for addition information about schools). Project construction and operation would not result in off-Reservation hazardous emissions or handling of hazardous materials. Therefore, no impact on off-Reservation schools would occur.

3.7-4 Would the project expose off-Reservation people or structures to a significant risk of loss, injury or death involving wildland fires?

Construction Fire Ignition Risk

During construction, the operation of equipment could create sparks or fire that could ignite the sparse vegetation on the project site, which could then travel off-Reservation and create a wildfire. Examples of construction equipment that could ignite a fire and thus increase risk include power tools and acetylene torches. As described in **Section 3.7.2**, the County has experienced destructive wildfires and the project site is located within an area that is designated a Very High Fire Hazard Severity Zone. The potential to ignite a fire onsite that would migrate off-Reservation to an area that is deemed very high fire risk is a potentially significant impact. However, the project site has very sparse vegetation onsite to serve as fuel for a wildfire and the implementation of BMPs in **Table 2-2** would reduce the probability of igniting a fire. These BMPs include the prevention of fuel being spilled and putting spark arresters on equipment with the potential to create sparks. Therefore, the potential for fire ignition during construction is less than significant.

Operation Fire Ignition Risk

As described in **Section 2.5**, the Project would be designed consistent with the Tribal Building Ordinance, which requires compliance with CBC and the California Public Safety Code applicable to the County (Title 19 of the CCR), including measures related to fire and structural safety. This will include the use of fire-resistant materials (CCR, Title 24, Section 704), fire walls (CCR, Title 24, Section 706), automatic Fire Sprinklers, fire alarm systems, and other measures to prevent and avoid structural fire risk. Additionally, Pursuant to the FSA, the Tribe adopted a Fire Protection Plan that complies with the 2011 San Diego County Consolidated Fire Code (CCFC) and the 2013 California Fire Code. The FPP is being updated to include the 2020 San Diego County Consolidated Fire Code, currently adopted by San Diego County. Further, the Tribe is currently working with the County Fire Department to ensure adequate access for emergency responders and fire suppression equipment to the Reservation and adjacent church property. This may include widening the access road to the Church or retrofitting the Church with an internal sprinkler system. After implementation of the Project, the Tribe would continue to take all necessary steps to reasonably ensure the ongoing availability of sufficient and qualified fire suppression services to the existing and new development. This will include inspecting and testing fire sprinkler and alarm systems, commercial kitchens, and fire hydrants per National Fire Protection Association (NFPA), 2014 California Edition standards. These measures would reduce the risk of structural fires onsite that could spread to off-Reservation areas. In addition, as described in **Section 3.10**, the nearest fire station is directly across the SR 94 and could swiftly access the project site if a fire incident were to occur. Therefore, impacts associated with exposing off-Reservation people or structures to a significant risk of loss, injury, or death involving ignition of wildland fires during operation of the Project are less than significant.

Impair Evacuation Plans

The Project does not include building components that would impede off-Reservation emergency evacuation or emergency response plans, but it would attract additional patrons and increase the total number of persons onsite during operation that may need to be evacuated during a wildfire event. The project site has direct access to a major emergency route identified in the County General Plan, SR 94 (San Diego County, 2021). An increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury or death involving wildland fires.

As discussed in **Section 3.7.2**, there are emergency plans in place at the Casino that would continue to be implemented, including the Casino Fire and Emergency Plan developed by the County in coordination with the Tribe and CAL FIRE (**Appendix F**). This plan includes procedures to be implemented during emergency events, including wildfires. During a wildfire, the primary tactical plans call for early evacuation of the Casino or sheltering-in place. These tactical plans are intended to minimize off-Reservation evacuation traffic from the Reservation during community wide evacuation orders, to reduce the potential for traffic congestion and increased evacuation timelines. Therefore, the Project would not significantly impede evacuation traffic on SR 94 as patrons would be evacuated early and before community wide evacuation, or they would shelter in place at the Casino, which is a fire hardened structure with multiple levels of subterranean parking. Furthermore, the County and the Tribe are currently coordinating an update to the Casino Fire and Emergency Plan that will consider the addition of the Project. Therefore, the Project would have a less-than-significant impact on off-Reservation evacuation timelines and emergency responders and would not expose off-Reservation people or structures to a significant risk of loss, injury or death involving wildland fires.

3.8 LAND USE

3.8.1 Regulatory Setting

Land use on the project site is regulated and guided by the Tribe. Land use planning for land adjacent to the project site is guided by the County of San Diego General Plan Update and the Jamul-Dulzura Subregional Plan (Subregional Plan). Although the Tribe is not regulated by County policies, goals/policies from the County are presented below to provide a context for the off-Reservation land use analysis.

San Diego County General Plan

The San Diego County General Plan applies to the unincorporated area of the County and is the County's long-term blueprint for the vision of the future. The Land Use Element of the San Diego County General Plan provides a framework to accommodate future development in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable and sensitive natural resources.

The Land Use element designates the general location and intensity of housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities and other land uses. This element of the General Plan Update states that Community Plans, such as the Jamul/Dulzura Subregional Plan, define goals and policies to provide more precise guidance regarding the character, land uses, and densities. Given that goals and policies of the Jamul/Dulzura Subregional Plan provide more precise guidance than the General Plan, the discussion of Land Use goals and objectives will be provided below within the Jamul/Dulzura discussion.

The "Other Land Use Designations" section of the County's Land Use Element states "(s)even additional land use designations are applied in the General Plan to recognize other existing land use types and jurisdictions." One of these categories is "Tribal Lands," which includes the project site.

Jamul/Dulzura Subregional Plan

The Jamul/Dulzura Subregional Plan was initially adopted in 1979 to guide development in the unincorporated areas of Jamul and other rural communities in the region, including Steel Canyon, Dulzura, and Barrett Junction. The Subregional Plan has the goal of encouraging development in a manner as to retain the rural atmosphere of the community. The updated Jamul/Dulzura Subregional Plan contains six main sections and an appendix identifying Resource Conservation Areas. The main sections to the Subregional Plan address land use, mobility, recreation, conservation, scenic highway, and plan implementation. Jamul Subregional Planning Area land use designations in the project vicinity include Semi-Rural Residential, Specific Plan, and Open Space (Conservation).

The relevant Jamul/Dulzura goals include the following:

Land Use

Goal 1: Development of the land in such a manner as to retain the rural densities and land uses of the community.

Goal 2: Agricultural land uses, which are compatible with limited water resources and established residential development.

Recreation

Goal 4: Support the establishment of improved recreational facilities in the Jamul/Dulzura Planning Area that will meet the distinctive needs of the community and enrich the lives of the residents.

Conservation

Goal 5: Environmental resources in the Jamul/Dulzura area that are carefully managed to maintain them for future needs.

Scenic Highways

Goal 6: The designation of a scenic highway system that provides attractive and scenic travel routes within the Jamul/Dulzura Subregional Area.

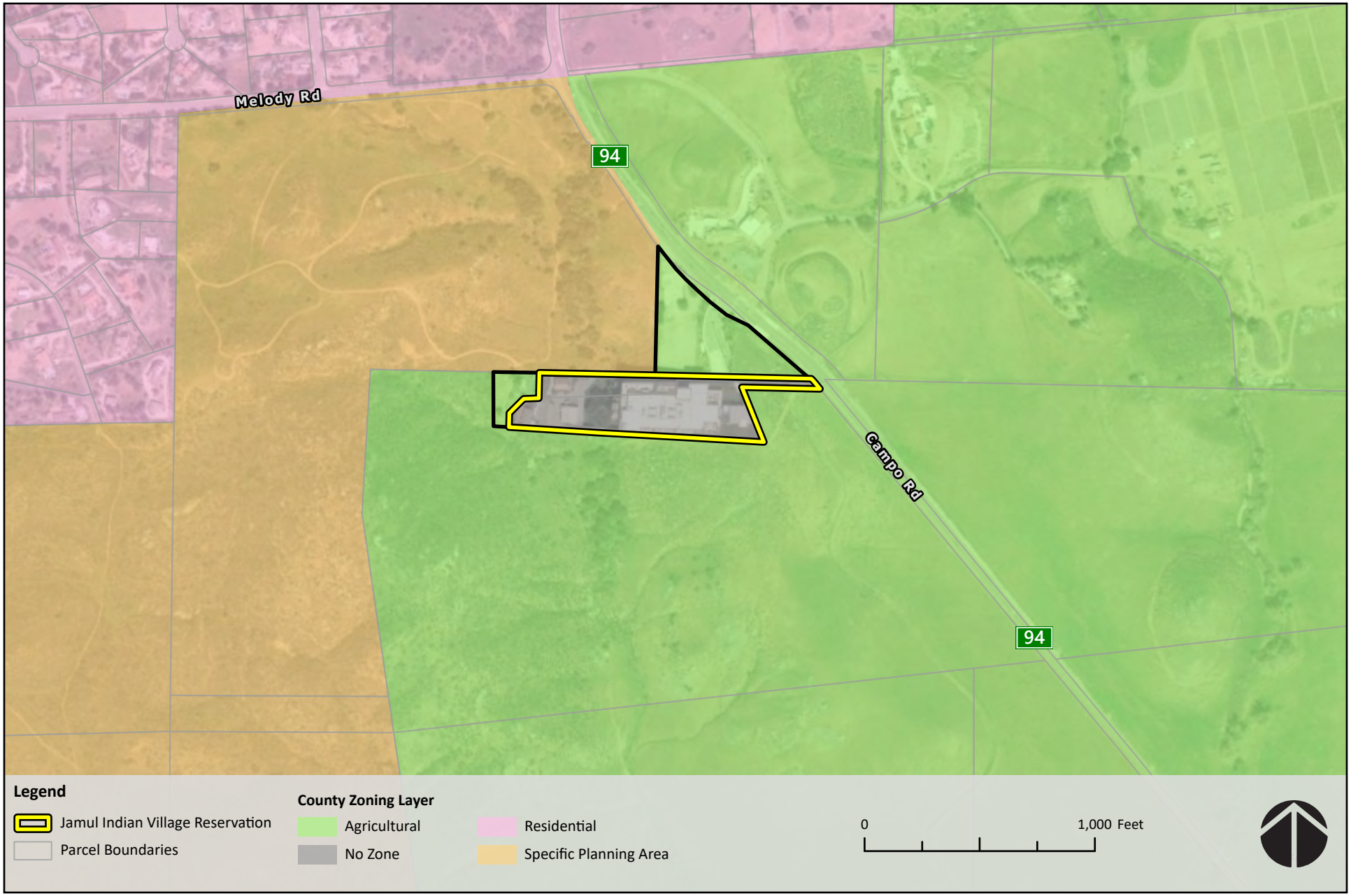
San Diego County Zoning Ordinance

The San Diego County Zoning Ordinance implements San Diego County General Plan by classifying and regulating the uses of land and structures within unincorporated San Diego County. The project site itself is not subject to zoning. As shown on **Figure 3-5**, the cemetery and church parcel, 4-acre parcel, and areas to the south and east are zoned Agricultural, which is intended to create and preserve areas intended primarily for agricultural crop production, and allows for limited non-agricultural uses, including essential services, fire protection services, and law enforcement services.

Other zoning designations surrounding the project site include Specific Planning Area and Residential. The Specific Planning Area zoning is applied to a property to reflect the Specific Planning Area land use designation applied by the General Plan and is applied to areas where a Specific Plan was adopted by the County prior to the adoption of a General Plan. Specific Plans may contain residential, commercial, industrial, public, institutional, and/or open space uses; detailed land use regulations are contained within each adopted specific plan document. The Residential zoning is intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents.

Regional Habitat Conservation Plans

The Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation program which addresses the needs of multiple species and the preservation of natural vegetation communities in San Diego County. The project site is within the boundaries of the County Subarea Plan (South County Plan) which was approved in 1997 and implements the MSCP within the southwestern portion of the unincorporated area of the County (San Diego County, 1997). Off-Reservation development projects are required to conform with the South County Plan through compliance with the Biological Mitigation Ordinance. The South County Plan and Biological Mitigation Ordinance are discussed further in **Section 3.4**, Biological Resources.



Source: ESRI World Imagery; SanGIS

FIGURE 3-5

ZONING MAP

3.8.2 Environmental Setting

Regional Setting

The project site is located in the southwestern portion of San Diego County. The County includes eighteen incorporated cities and numerous unincorporated communities. Jamul is an unincorporated community within San Diego County measuring approximately 16.8 square miles. There are eighteen federally recognized Native American reservations within the County (SANDAG, 2022). The Reservation, measuring approximately 6 acres in size, is the only Indian reservation within the unincorporated Jamul Community.

Jamul/Dulzura Subregion Setting

The Jamul/Dulzura Subregion of San Diego County encompasses approximately 168 square miles extending southward to the U.S./Mexico border. Land within the Jamul/Dulzura Subregion is characterized by rolling hills with flat, broad valleys. There are several unincorporated communities within the Jamul/Dulzura Subregion including Jamul, Steel Canyon, Dulzura and Barrett Junction. Jamul, located in the northwestern portion of the Jamul/Dulzura Subregion, is the largest of these communities and houses a majority of the Subregion's population. SR 94, which traverses the Subregion in a northwest to southeast direction, provides regional access to the area. The northwest section of this Subregion has recently felt residential growth pressures according to the San Diego County Jamul/Dulzura Subregional Plan. Commercial development, consisting primarily of strip commercial, is generally confined to the community of Jamul, with the exception of small, dispersed sites along SR 94. Agricultural uses occur in small, scattered areas and include dry land farming, grazing, and some row crops.

Project Area Setting

Within the vicinity of the project site, existing land uses consist primarily of rural residences and open space. The natural terrain consists of sparsely vegetated rocky hillsides with open tree-lined drainages and is interrupted by vegetated residential lots. The San Diego Rural Fire Protection District occupies a fire station on Peaceful Valley Ranch Road to the east of the project site, and a Church and cemetery are located directly to the west.

Immediately south of the project site is the Rancho Jamul Ecological Reserve, and to the east of the Rancho Jamul Ecological Reserve is the Hollenbeck Canyon Wildlife Area. Both the Rancho Jamul Ecological Reserve and the Hollenbeck Canyon Wildlife Area are owned by the State of California and managed by CDFW for conservation purposes. Rancho Jamul Estates, a low-density residential development, is located approximately 0.7 mile southeast of the project site. The nearest residences are located approximately 0.25 mile northeast of the project site.

The trend of land use development/growth over the several decades within the Jamul/Dulzura Subregion has been characterized by residential development and associated commercial growth. Partly as a result of this growth, the County has increased efforts to preserve habitat for endangered species and other natural resources.

Project Site

The project site is located on approximately six acres of trust land in the Jamul/Dulzura Subregion approximately one mile south of Jamul. The entire project site is currently developed but is located in a

relatively undeveloped region of the County that consists mainly of open space. The existing Casino is located in the eastern portion of the project site. Small administrative buildings and the wastewater treatment plant occupy a portion of the western project site, and paved surface parking lots surround the existing buildings. Willow Creek and its vegetated riparian corridor bisect the project site in a north-south orientation.

3.8.3 Impact Analysis

Methodology

The following analysis identifies potential off-Reservation environmental impacts of the Project related to land use. The impact analysis compares existing conditions described above to foreseeable changes to existing conditions that would be likely to result from implementation of the Project. The evaluation of off-Reservation environmental impacts in this section consisted of the following:

- Field observations;
- Review of planning documents; and
- Review of site plans for the Project.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation land use. The Project would result in a significant impact if it would:

- Conflict with any off-Reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect; or
- Conflict with any applicable habitat conservation plan or natural communities conservation plan covering off-Reservation lands.

The discussion in this section differs from other sections in this TEIR in that consistencies and inconsistencies with adopted local land use plans are addressed as opposed to physical environmental effects. Physical environmental impacts of the Project are discussed in the other topical sections of the TEIR. Therefore, a finding of inconsistency with an adopted plan does not necessarily result in a significant physical environmental impact.

Impacts

3.8-1 Would the Project conflict with any off-Reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?

Development of the Project would include an expansion of the existing Casino to include a hotel, event center, additional parking garage, and associated infrastructure. County regulations do not apply to land development on the project site given that the land is held in federal trust status for the Tribe. The entirety of the above-ground Project components would be constructed on trust land and, as such, would not conflict with current or future land use plans on adjacent County land (please refer to **Section 4** regarding the indirect effects of relocating the modular building on the Reservation to the 4-acre site). The soil nails

would extend off-site into the adjacent RJER lands, which is an ecological reserve. This project component is below ground and, therefore, would not affect any off-Reservation land uses.

The Jamul Dulzura Subregional Plan states that the major business center for the Subregion should be limited to one centralized area as generally defined by SR 94 and Jefferson Road, located approximately a mile north of the project site, and other commercial areas should be neighborhood in type. Additionally, the Subregional Plan includes policies that limit development, including Policy 7, which states that commercial development should retain the rural character of the Subregion, be limited to two stories in height, and have permanent exterior signs limited to 32 square feet with only indirect lighting. The development of the Project would be regional in nature and would exceed these development limits, however, as noted above, development within the project site is not governed by the County's land use plans.

Policy 8 of the Subregional Plan states that commercial development should be discouraged outside the designated Village Boundary areas and should only be approved in the rural areas if (1) the circulation and access needs can be met adequately, (2) would not cause an adverse impact on neighborhood properties, and (3) site plan review and appropriate landscaping would be required. As discussed in **Section 3.10.3**, the circulation and access needs of the Project will be met through the existing roadway network and continued implementation of previously defined mitigation for traffic impacts. The County does not define what would cause an adverse impact "…on neighborhood properties"; however, per the analysis throughout **Section 3** of this TEIR, the Project would not result in an adverse impact to residential properties, except for the alteration of views.

The Subregional Plan states that SR 94 is a scenic highway corridor as designated by the County General Plan Conservation and Open Space Element. The segment of SR 94 adjacent to the project site is a designated County Scenic Highway but has not achieved State Designated Scenic Highway status. Refer to **Section 3.2** for a thorough analysis of the Project's impacts to scenic vistas, including SR 94. Additionally, County Policy COS-11.4 states that the County will coordinate with adjacent "…tribal governments to protect scenic resources and corridors that extend beyond the County's land use authority but are important to the welfare of County residents." The public review of this TEIR will afford the County the opportunity to comment on the Tribe's proposed plan as it relates to the SR 94 County-designated scenic corridor.

The fact that the project site is the Tribe's only land base is a limiting factor for the Tribe when it comes to land development. The Tribe cannot build the project, or any other facility, on any site outside the project site and exert their federally recognized tribal sovereignty over that development and land. The Tribe has no other land in federal trust. The Project would be largely consistent with County land use plans, policies, and regulations. Further, the Project would not change the current land use of the Reservation, which is currently developed with the Jamul Casino, rather it would expand and enhance this existing use. The Project would not result in significant off-Reservation land use consistency conflicts. This impact is less than significant.

3.8-2 Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan covering off-Reservation lands?

As discussed in **Section 3.4**, Biological Resources, the Project would not conflict with habitat conservation plans or natural community conservation plans covering off-Reservation lands. This impact is less than significant.

3.9 NOISE

3.9.1 Regulatory Setting

Federal

There are no federal regulations related to noise that apply to the Project, but federal regulations have established noise limits for medium and heavy trucks (more than 4.5 tons, gross vehicle weight rating) under 40 CFR Part 205, Subpart B. The federal truck pass-by noise standard is 80 decibels (dB) at 15 meters (approximately 49 feet) from the vehicle pathway centerline. These controls are implemented through regulatory controls on truck manufacturers.

State

There are no state regulations related to noise that apply to the Project. The California Code of Regulations has guidelines for evaluating the compatibility of various off-Reservation land uses as a function of community noise exposure. The State also established noise limits for vehicles licensed to operate on public roads. For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dB. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons, gross vehicle rating) is also 80 dB at 15 meters (approximately 49 feet) from the centerline. These standards are implemented through controls on vehicle manufacturers and by legal sanction of vehicle operators by State and local law enforcement officials.

Local

San Diego County General Plan

The Noise Element of the General Plan identifies noise and land use compatibility guidelines for various land uses. The land use compatibility table is reproduced in **Table 3-8**.

The County's General Plan Noise Element also provides recommendations for maximum noise levels for specific land uses, which are reproduced in **Table 3-9.**

In addition to the compatibility guidelines and noise standards, the General Plan has the following policies related to noise:

> **Policy N-3.1:** Use the Federal Transit Administration and Federal Railroad Administration guidelines, where appropriate, to limit the extent of exposure that sensitive uses may have to groundborne vibration from trains, construction equipment, and other sources.
>
> **Policy N-4.6:** For County road improvement projects, evaluate the proposed project against ambient noise levels to determine whether the project would increase ambient noise levels by more than three decibels. If so, apply the limits in the noise standards listed in Table N-2 for noise sensitive land uses that may be affected by the increased noise levels. For federally funded roadway construction projects, use the limits in the applicable Federal Highway Administration Standards.

Table 3-8: Noise Compatibility Guidelines for Exterior Noise Level (CNEL; Table N-1)

	Land Use Category		55	60	65	70	75	80
A	Residential – single family residences, mobile homes, senior housing, convalescent homes							
B	Residential – multi-family residences, mixed-use (commercial/residential)							
C	Transient lodging – motels, hotels, resorts							
D	Schools, churches, hospitals, nursing homes, child care facilities							
E	Passive recreation parks, nature preserve, contemplative spaces, cemeteries							
F*	Active parks, golf courses, athletic fields, outdoor spectator sports, water recreation							
G*	Office/professional, government, medical/dental, commercial, retail, laboratories							
H*	Industrial, manufacturing, utilities, agriculture, mining, stables, ranching, warehouse, maintenance/repair							

	ACCEPTABLE – specific land use is satisfactory, based upon the assumption that any buildings involved are of normal construction, without any special noise insultation requirements.
	CONDITIONALLY ACCEPTABLE – New construction or development should be undertaken only after a detailed noise analysis is conducted to determine if noise reduction measures are necessary to achieve acceptable levels for land use. Criteria for determining exterior and interior noise levels are listed in Table N-2, Noise Standards. If a project cannot mitigate noise to a level deemed Acceptable, the appropriate county decision-maker must determine that mitigation has been provided to the greatest extent practicable or that extraordinary circumstances exist
	UNACCEPTABLE – New construction or development shall not be undertaken

*Denotes facilities used for part of the day; therefore, an hourly standard would be used rather than CNEL (Refer to Table N-2)
CNEL = Community Noise Equivalent Level
Source: San Diego County, 2021

Table 3-9: Noise Standards (Table N-2)

1.	The exterior noise level (as defined in item 3) standard for Category A shall be 60 Community Noise Equivalent Level (CNEL), and the interior noise level standard for indoor habitable room shall be 45 CNEL.
2.	The exterior noise level standard for Categories B and C shall be 65 CNEL, and the interior noise level standard for indoor habitable rooms shall be 45 CNEL.
3.	The exterior noise level standard Categories D and G shall be 65 CNEL and the interior noise level standard shall be 50 dBA L_{eq} (one hour average).
4.	For single-family detached dwelling units, "exterior noise level" is defined as the noise level measured at an outdoor living area which adjoins and is on the same lot as the dwelling, and which contains at least the following minimum net lot area: (i) for lots less than 4,000 square feet in area, the exterior area shall include 400 square feet, (ii) for lots between 4,000 square feet to 10 acres in area, the exterior area shall include 10% of the lot area; (iii) for lots over 10 acres in area, the exterior area shall include 1 acre.
5.	For all other residential land uses, "exterior noise level" is defined as noise measured at exterior areas which are provided for private or group usable open space purposes. "Private Usable Open Space" is defined as usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies. When the noise limit for Private Usable Open Space cannot be met, then a Group Usable Open Space that meets the exterior noise level standard shall be provided. "Group Usable Open Space" is defined as usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails, but not including off-street parking and loading areas or driveways.
6.	For non-residential noise sensitive land uses, exterior noise level is defined as noise measured at the exterior area provided for public use.
7.	For noise sensitive land uses where people normally do not sleep at night, the exterior and interior noise standard may be measured using either CNEL or the one-hour average noise level determined at the loudest hour during the period when the facility is normally occupied.
8.	The exterior noise standard does not apply for land uses where no exterior use area is proposed or necessary, such as a library.
9.	For Categories E and F, the exterior noise level standard shall not exceed the limit defined as "Acceptable" in Table N-1 or an equivalent one-hour noise standard.

Note: Exterior Noise Level computability guidelines for Land Use Categories A-H are identified in Table N-1, Noise Compatibility Guidelines.

Source: San Diego County, 2021

County of San Diego Municipal Code

The County of San Diego Municipal Code Section 36.404 establishes general sound limits for stationary noise sources. The relevant criteria are reproduced below:

(a) Except as provided in section 36.409 of this chapter, it shall be unlawful for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 36.404 [reproduced as **Table 3-10**] when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise.

Table 3-10: Sound Level Limits in Decibels (dBA) (Table 36.404)

Zone	Time	One-Hour Average Sound Level Limits (dBA)
(1) RS, RD, RR, RMH, A70, A72, S80, S81, S90, S92, RV, and RU with a General Plan Land Use Designation density of less than 10.9 dwelling units per acre.	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
(2) RRO, RC, RM, S86, FB-V5, RV and RU with a General Plan Land Use Designation density of 10.9 or more dwelling units per acre.	7 a.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
(3) S94, FB-V4, AL-V2, AL-V1, AL-CD, RM-V5, RM-V4, RM-V3, RM-CD and all commercial zones.	7 a.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55
(4) FB-V1, FB-V2, RM-V1, RM-V2	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
FB-V1, RM-V2	10 p.m. to 7 a.m.	55
FB-V2, RM-V1	10 p.m. to 7 a.m.	50
FB-V3	7 a.m. to 10 p.m.	70
	10 p.m. to 7 a.m.	65
(5) M50, M52, and M54	Anytime	70 70
(6) S82, M56, and M58.	Anytime	75
(7) S88 (see subsection (c) below)		

(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 36.404 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 36.404 [reproduced as **Table 3-10**], subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

(d) If the measured ambient noise level exceeds the applicable limit in Table 36.404 [reproduced as **Table 3-10**], the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.

(e) The sound level limit at a location on a boundary between two zones is the arithmetic mean of the respective limits for the two zones. The one-hour average sound level limit applicable to extractive industries, however, including but not limited to borrow pits and mines, shall be 75 decibels at the property line regardless of the zone in which the extractive industry is located.

Sec. 36.408. Hours

Except for emergency work, it shall be unlawful for any person to operate or cause to be operated, construction equipment:

(a) Between 7 p.m. and 7 a.m.
(b) On a Sunday or a holiday. For purposes of this section, a holiday means January 1st, the last Monday in May, July 4th, the first Monday in September, the fourth Thursday in November and December 25th. A person may, however, operate construction equipment on a Sunday or holiday between the hours of 10 a.m. and 5 p.m. at the person's residence or for the purpose of constructing a residence for himself or herself, provided that the operation of construction equipment is not carried out for financial consideration or other consideration of any kind and does not violate the limitations in sections 36.409 and 36.410.

(Amended by Ord. No. 9962 (N.S.), effective 1-9-09; amended by Ord. No. 10364 (N.S.), effective 1-2-15)

Sec. 36.409. Sound Level Limitations on Construction Equipment.

Except for emergency work, it shall be unlawful for any person to operate construction equipment or cause construction equipment to be operated, that exceeds an average sound level of 75 decibels for an eight-hour period, between 7 a.m. and 7 p.m., when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is being received.

(Amended by Ord. No. 9700 (N.S.), effective 2-4-05; amended by Ord. No. 9962 (N.S.), effective 1-9-09)

Sec. 36.410. Sound Level Limitations on Impulsive Noise.

In addition to the general limitations on sound levels in section 36.404 and the limitations on construction equipment in section 36.409, the following additional sound level limitations shall apply:

Except for emergency work or work on a public road project, no person shall produce or cause to be produced an impulsive noise that exceeds the maximum sound level shown in Table 36.410A [reproduced as **Table 3-11**] when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is received, for 25% of the minutes in the measurement period, as described in subsection (c) below. The maximum sound level depends on the use being made of the occupied property. The uses in Table 36.410A [reproduced as **Table 3-11**] are as described in the County Zoning Ordinance.

Table 3-11: Maximum Sound Level Measured at Occupied Property (Table 36.410A)

Occupied Property Use	Decibels (dBA)
Residential, village zoning or civic use	82
Agricultural, commercial, or industrial use	85

(b) Except for emergency work, no person working on a public road project shall produce or cause to be produced an impulsive noise that exceeds the maximum sound level shown in Table 36.410B [reproduced as **Table 3-12**], when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is received, for 25% of the minutes in the measurement period, as described in subsection (c) below. The maximum sound level depends

on the use being made of the occupied property. The uses in Table 36.410B [reproduced as **Table 3-12**] are as described in the County Zoning Ordinance.

Table 3-12: L_{max} Measured at Occupied Property for Public Road Projects (Table 36.410B)

Occupied Property Use	Decibels (dBA)
Residential, village zoning or civic use	85
Agricultural, commercial, or industrial use	90

(c) The minimum measurement period for any measurements conducted under this section shall be one hour. During the measurement period a measurement shall be conducted every minute from a fixed location on an occupied property. The measurements shall measure the maximum sound level during each minute of the measurement period. If the sound level caused by construction equipment or the producer of the impulsive noise exceeds the maximum sound level for any portion of any minute, it will be deemed that the maximum sound level was exceeded during that minute.

(Added by Ord. No. 9962 (N.S.), effective 1-9-09)

3.9.2 Environmental Setting

Fundamentals of Sound

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second or Hertz (Hz) (**Appendix J**).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected, or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person (**Appendix J**).

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers, and therefore, to avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, which is defined as 0 dB at this threshold. Other sound pressures are then compared to this 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, and changes in levels (dB) correspond closely to human perception of relative loudness. Since the decibel scale is logarithmic, not linear, two sound levels 10-dB apart differ in acoustic energy by a factor of 10 (**Appendix J**).

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 A-weighted sound levels. There is a strong correlation between A-weighted sound levels (dBA) and the way the human ear perceives sound. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness.

For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound (**Appendix J**).

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 environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn}, and shows very good correlation with community response to noise (**Appendix J**).

The day/night average level (DNL or L_{dn}) 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 twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment. **Table 3-13** lists several examples of the noise levels associated with common situations (**Appendix J**).

Table 3-13: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	100	
Gas Lawn Mower at 1 m (3 ft.)	90	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	80	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	70	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	60	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	50	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night, Concert Hall (Background)
	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: Caltrans, 2013

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise. Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness and can cause an adverse response.

Stationary point sources of noise—including stationary mobile sources such as idling vehicles—attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate (**Appendix J**).

Characteristics of Vibrations

Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration will depend on their individual sensitivity to vibration, amplitude and frequency of the source, and the response of the system that is vibrating (**Appendix J**).

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of peak particle velocities (**Appendix J**).

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. **Table 3-14** shows the vibration levels that would normally be required to result in damage to

structures. The vibration levels are presented in terms of peak particle velocity in inches per second. **Table 3-14** indicates that the threshold for architectural damage to structures is 0.20 in/sec peak particle velocity (PVV). A threshold of 0.20 in/sec PVV is considered to be a reasonable threshold for short-term construction projects (**Appendix J**).

Table 3-14: Effects of Vibration on People and Buildings

Peak Particle Velocity	Peak Particle Velocity	Human Reaction	Effect on Buildings
mm/second	in/second		
0.15–0.30	0.006–0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of “architectural” damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of “architectural” damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize “architectural” damage
10–15	0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause “architectural” dam age and possibly minor structural damage

Source: Caltrans, 2002.

Sensitive Receptors

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise (**Appendix J**).

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. In the vicinity of the project site, sensitive land uses include existing single-family (zoned rural residential) uses located approximately 0.25 mile north and west of the project site and single-family (zoned agricultural) uses located approximately 0.25 miles northeast of the project site (**Appendix J**).

Existing Ambient Noise Environmental

The existing noise environment in the vicinity of the project site is defined primarily by vehicle traffic on SR 94 and aircraft overflights to/from the San Diego International Airport. Occasional event noise from the existing Jamul Casino rooftop event center is also audible at times, primarily at locations east of the event center.

To quantify the existing ambient noise environment on the project site, Saxelby Acoustics conducted a continuous noise measurement survey in April 2022. Larson Davis Laboratories (LDL) Model 820 and 831 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with an LDL Model CAL-200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4). The sound level meters were programmed to record the maximum, median, and average noise levels at each measurement location during the survey. The maximum value, denoted L_{max}, represents the highest noise level measured. The average value, denoted L_{eq}, represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted L_{50}, represents the sound level exceeded 50% of the time during the monitoring period. The noise measurement locations are shown on **Figure 3-6** while a summary of the noise level measurement survey is provided in **Table 3-15**. For the complete results of the noise monitoring, see Appendix B of **Appendix J**.

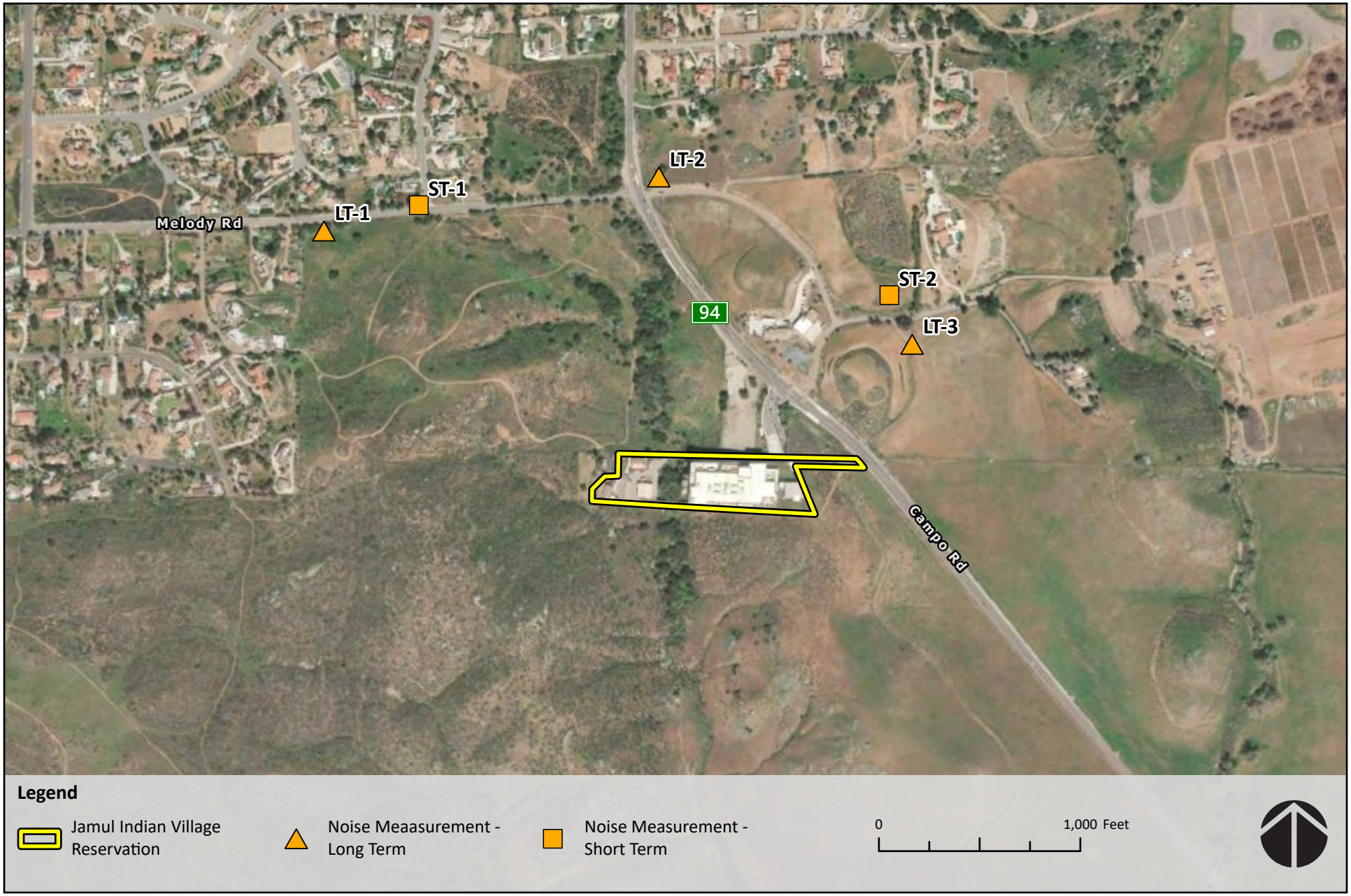
Table 3-15: Existing Background Noise with Average Measured Hourly Noise Levels (dBA)**

Site	Date	L_{dn}	Daytime (7:00 am – 10:00 pm)			Nighttime (10:00 pm – 7:00 am)		
			L_{eq}	L_{50}	L_{max}	L_{eq}	L_{50}	L_{max}
LT-1	Saturday/Sunday April 16–17, 2022	52	53	38	72	40	28	67
LT-2	Saturday/Sunday April 16–17, 2022	64	61	58	79	57	48	72
LT-3	Saturday/Sunday April 16–17, 2022	49	48	42	63	40	34	57
ST-1	Saturday (4/16/22) 4:35 p.m.	N/A	50	41	68	N/A	N/A	N/A
	Saturday (4/16/22) 6:12 p.m.*	N/A	55	38	81	N/A	N/A	N/A
	Saturday (4/16/22) 8:18 p.m.*	N/A	50	33	71	N/A	N/A	N/A
ST-2	Saturday (4/16/22) 5:14 p.m.	N/A	46	41	59	N/A	N/A	N/A
	Saturday (4/16/22) 5:29 p.m.*	N/A	46	42	62	N/A	N/A	N/A
	Saturday (4/16/22) 8:37 p.m.*	N/A	42	39	58	N/A	N/A	N/A

*Data collected during concert event at existing rooftop event center. Concert ran from approximately 5:30 p.m. to 9:00 p.m. on Saturday, April 16, 2022.

**Measurements were taken continuous for 24 hours

Source: **Appendix J**



Source: ESRI World Imagery; Saxelby Acoustics

FIGURE 3-6

NOISE MEASUREMENT SITES

3.9.3 Impact Analysis

Methodology

To assess the noise related impacts as result of the Project, Saxelby Acoustics prepared an environmental noise assessment to evaluate the existing and projected noise environmental due to the Project. This assessment is attached as **Appendix J**. The methodology used and the results are discussed below.

Future Traffic Noise Environment at Off-Site Receptors

To assess noise impacts due to project-related traffic increases on the local roadway network, traffic noise levels are predicted at sensitive receptors with and without the Project for existing and cumulative traffic conditions. Existing and cumulative noise levels due to traffic are calculated using the Federal Highway Administration Highway (FHWA) Traffic Noise Prediction Model (FHWA RD-77-108). The model is based upon the Calveno reference noise factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions. To predict traffic noise levels in terms of L_{dn}, it is necessary to adjust the input volume to account for the day/night distribution of traffic.

Project trip generation volumes were provided by **Appendix K**, truck usage was obtained from the Caltrans annual average daily truck traffic (AADT) for 2020, and vehicle speeds on the local area roadways were estimated from field observations. The predicted increases in traffic noise levels on the local roadway network for existing conditions that would result from the Project are provided in terms of L_{dn}. Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each project-area roadway segment.

Evaluation of Project-Generated Noise at Residential Receptors

In addition to increased traffic, the new hotel parking garage, hotel rooftop pool, expanded WWTP, new generators, and expanded event center are the primary noise sources for this Project. This analysis considers each of these primary noise sources. The following is a list of assumptions used for the noise modeling. The data used is based upon a combination of manufacturer's provided data and Saxelby Acoustics data from similar operations.

- Rooftop Pool: Data was used from a large (46,000 sf) pool deck to estimate noise generation by the proposed 14,608-sf rooftop pool deck located on the 16th floor of the hotel. The sound level for the 46,000-sf pool deck was 61 dBA L_{eq} at a distance of 200 feet.
- Hotel Parking Garage: The noise level increase due to construction of the new 6-story that would add an additional 255 space parking lot was modeled. The analysis assumes that the parking garage could fill or empty in a peak hour.
- Event Center: A sound system output of 90 dBA L_{eq} at 100 feet was assumed for the proposed covered outdoor event center to be located on the third floor. This level of sound is considered typical of a large concert event with an A-list type performer.

The SoundPLAN noise prediction model was used. Inputs to the model included sound power levels for the proposed event center, existing and proposed mechanical equipment, existing and proposed buildings, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation

of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on the off-Reservation noise environment. The Project would result in a significant impact if it would:

- Expose off-Reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Expose off-Reservation persons to excessive groundborne vibration or groundborne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the off-Reservation vicinity of the project; or
- Result in a substantial temporary or periodic increase in ambient noise levels in the off-Reservation vicinity of the project.

Temporary Construction Noise Impacts

For short-term off-Reservation noise associated with Project construction, the Caltrans *Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects* predicted worst-hour design-year noise level was used. With this level, a significant impact occurs if the increase in noise exceeds the existing worst-hour noise level by 12 dBA or more (Caltrans, 2020).

Operational Impacts

For traffic, Policy N-4.6 of the General Plan Noise Element establishes a 3 dBA ambient noise level increase as the threshold of significance of County road improvement projects. Additionally, County General Plan Noise Element 60 dBA Community Noise Equivalent Level (CNEL) exterior noise standard applied to residential uses. Therefore, increases of 3 dBA CNEL/L_{dn} or exceedance of 60 dBA CNEL would constitute a significant off-Reservation impact.

For stationary (non-transportation) noise increases, the County General Plan and Noise Ordinance do not specify a threshold of significance. While 3 dBA change is typically considered to be barely perceptible, 5 dBA is typically accepted as the point at which a noticeable change in human response would be expected. Therefore, 5 dBA was used as a threshold for evaluating non-transportation noise level increases.

Vibration Impacts

For off-Reservation vibrations impacts, Policy N-3.1 of the County General Plan Noise Element establishes the Federal Transit Administration and Federal Railroad Administration (FTA) guidelines for limiting groundborne vibration from trains, construction equipment, and other sources at sensitive receptors. Therefore, the FTA construction vibration limit of 0.2 in/sec PPV for non-engineered timber and masonry buildings would be the most applicable standard for the nearby sensitive receptors. This is also consistent with the Caltrans guidelines outlined in **Table 3-14**.

Impacts

3.9-1 Would the project expose off-Reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction *Noise*

During the construction phases of the Project, noise from construction activities would add to the noise environment in the immediate vicinity of the project site. As indicated in **Table 3-16**, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dBA L_{max} at a distance of 50 feet. In addition to the normal heavy equipment used during construction, the installation of soil nails and blasting would be other sources of noise generation during construction.

Table 3-16: Construction Equipment Noise

Type of Equipment	Maximum Level, dBA at 50 feet
Auger Drill Rig	84
Backhoe	78
Compactor	83
Compressor (air)	78
Concrete Saw	90
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Jackhammer	89
Pneumatic Tools	85

Source: Federal Highway Administration, 2006

At the current stage of the project design, a blasting study has not been completed and no specific blasting timelines, blast numbers, or locations are proposed or available. Note that blasting would be very periodic in nature and the duration of the noise increase would be short-lived. During blasting activities associated with construction of the Jamul Casino and associated facilities, no noise complaints were received concerning these. Given the distance of the nearest receptors, the short duration of the blast, and not receiving complaints during previous blasting activities, this would not significantly contribute to the ambient noise environment and would be momentary, sporadic increases in noise (for additional information on blasting activities, refer to **Impact 3.9-2**).

With regards to the soil nails, the noise generating activity associated with installation of the soil nails includes the initial drilling of the soil nail holes and the installing/securing of the nails. It should be noted that all of this activity will occur in the "pit" formed on the project site. The walls of the pit would break the line of sight between the noise source and off-Reservation sensitive receptors, which serves to attenuate noise generating activities. Furthermore, a biology related BMP in **Table 2-2** would ensure that noise reductions measures are undertaken if deemed excessive during soil nail installation. These include equipping machinery with a noise shroud during operations. Given that the hourly average noise level and

noise duration from soil nail installation would not increase construction levels and that this BMP is in place, the installation of soil nails would not result in noise levels that are significant compared to normal construction activities. In general, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours.

The nearest residential uses are located approximately 1,500 feet from the project site, as measured from the center of the closest construction area (hotel or event center). (Note that while the 4-acre site may be closer to residential receptors, the activities there, including construction trailers, deliveries, and storage facilities, would not generate substantial noise in comparison with the equipment being utilized at the project site.) At this distance, maximum construction noise levels would be in the range of 35-49 dBA L_{eq} and 45–59 dBA L_{max} at the nearest residential uses. This would comply with the County's 75 dBA L_{eq} noise limit for 7 a.m. to 7 p.m. construction activity noise limit outlined in Section 36.409 of the Noise Ordinance. If construction activity occurred outside of these hours and exceeded the County's 45 dBA L_{eq} nighttime noise standard, this could be a potentially significant impact. However, this is unlikely to occur because, as discussed in **Section 2.4**, construction would only occur between 7 a.m. to 7 p.m., Monday through Saturday, with the exception of federally recognized holidays. On these days, no construction would occur. Consequently, construction noise would have a less-than-significant off-Reservation impact.

Off-Site Traffic Noise during Operation

Increased traffic as a result of new development can be one of the largest sources for raising the ambient noise in an environment. **Table 3-17** summarizes the modeled traffic noise levels at the nearest sensitive receptors along each roadway segment in the Project area**.** Appendix C of **Appendix J** provides the complete inputs and results of the FHWA traffic modeling. Based upon the **Table 3-17** data, the Project is predicted to result in an increase in a maximum traffic noise level increase of 0.5 dBA.

Table 3-17: Predicted Existing Exterior Noise Level (dBA CNEL/L_{dn}) at Closest Sensitive Receptors

Condition	SR 94
Existing	64.5 dBA
Existing + Project	65.0 dBA
Change	**+0.5 dBA**

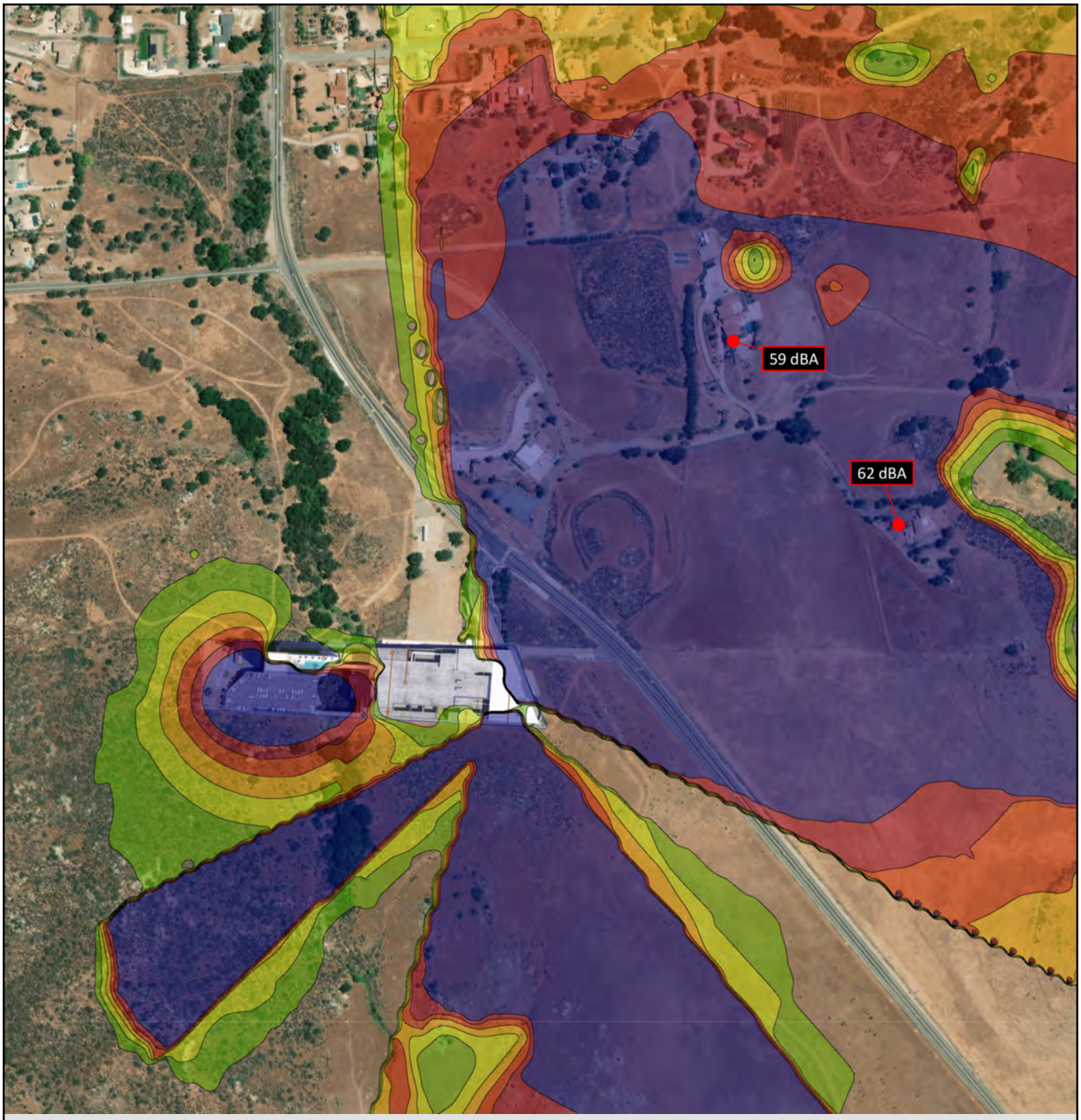
Source: **Appendix J**

Existing receptors located along SR 94 are predicted to be exposed to exterior noise levels of 64.5 dBA under existing conditions without the Project. This means that sensitive receptors along SR 94 are currently experiencing ambient noise levels above the County's 60 dBA CNEL noise standard. The maximum increase due to the Project generated traffic at the nearest sensitive receptor is predicted to be 0.5 dBA CNEL/L_{dn}. With operation of the Project, exterior noise exposure would increase to 65.0 dBA under existing conditions. Therefore, the nearest receptors located along SR 94 are currently, and will remain, exposed to exterior noise levels exceeding the County's 60 dBA CNEL noise standard with and without the Project. Furthermore, the contribution of the Project to increased noise levels is 0.5 dBA, which is less than the 3 dBA test of significance established in Policy N-4.6 of the General Plan Noise Element. Therefore, the off-Reservation impact related to traffic noise is less than significant.

Onsite Operational Noise

Onsite operation noise would be generated from multiple sources, including the heating, ventilation, and air conditioning systems mounted on the roofs, WWTP, onsite vehicles and mechanical equipment, and emergency generators. The majority of these sources would be from existing conditions or facilities that will be proportionally expanded to serve the Project (e.g., WWTP and generators). Consequently, they would not significantly increase the ambient noise levels on the project site or adversely affect off-Reservation sensitive receptors. Furthermore, for the WWTP, new emergency generators, and parking garage, BMPs described in **Table 2-2** incorporate measures to reduce noise at the WWTP, within the parking garage, and for the generators. Traffic, as discussed above, would increase under the Project. Onsite vehicles would generate noise from vehicle arrival, limited idling, occupants exiting the vehicle, door closures, conversations among passengers, occupants entering the vehicle, startup, and departure of the vehicle. Other sources of vehicle or mechanic noise could be from the loading dock and delivery activities, which could include trucks idling, onsite truck circulation, trailer-mounted refrigeration units, pallets dropping, and the operation of forklifts. However, similar to off-site traffic, this increase of onsite vehicles and mechanical activity would not be high enough to trigger a significant off-Reservation impact for sensitive receptors in terms of exceeding the County's daytime 50 dBA Leq and nighttime 45 dBA Leq noise standards.

Performances at the new outdoor event center could create noticeable periodic changes in the ambient noise environment. **Figure 3-7** shows the estimated noise contours as a result of the Project. As shown in **Figure 3-7**, project-related noise levels during special events could be up to 62 dBA L_{eq} at the nearest sensitive receptors during major performances under open air (no enclosure) conditions. This would exceed the County's daytime 50 dBA L_{eq} and nighttime 45 dBA L_{eq} noise standards. Therefore, impacts resulting from increased stationary noise would be a significant off-Reservation impact. **Mitigation Measure 3.9-1** requires that design measures be implemented to reduce special event related noise at the nearest sensitive receptor in compliance with County noise standards. As currently designed, the facility has a high roof deck with a glass railing around the perimeter. This design would do little to control noise from leaving the facility to the east. In order to achieve noise control during concert events, mitigation requires that the gap between the overhead roof deck and the floor of the event center should be enclosed. This could be accomplished by using an operable wall system that could be closed during concert events. An operable wall system, such as NanaWall would have dual pane window panels that could be slid into a closed position during concerts but left open during events without amplified sound. Acoustical curtains could potentially be used for this as well. In order to model the event center as an enclosed facility, a minimum sound transmission class (STC) rating of 26 was assumed for all exterior roof/wall assemblies. As noted, this could be accomplished with the use of typical exterior wall/roof assemblies, glazing, operable walls (NanaWall, or similar), sound control curtains, etc. as long as the facility is enclosed during special events which include use of amplified sound.



Source: Saxelby Acoustics

FIGURE 3-7

PROJECT STATIONARY NOISE CONTOURS

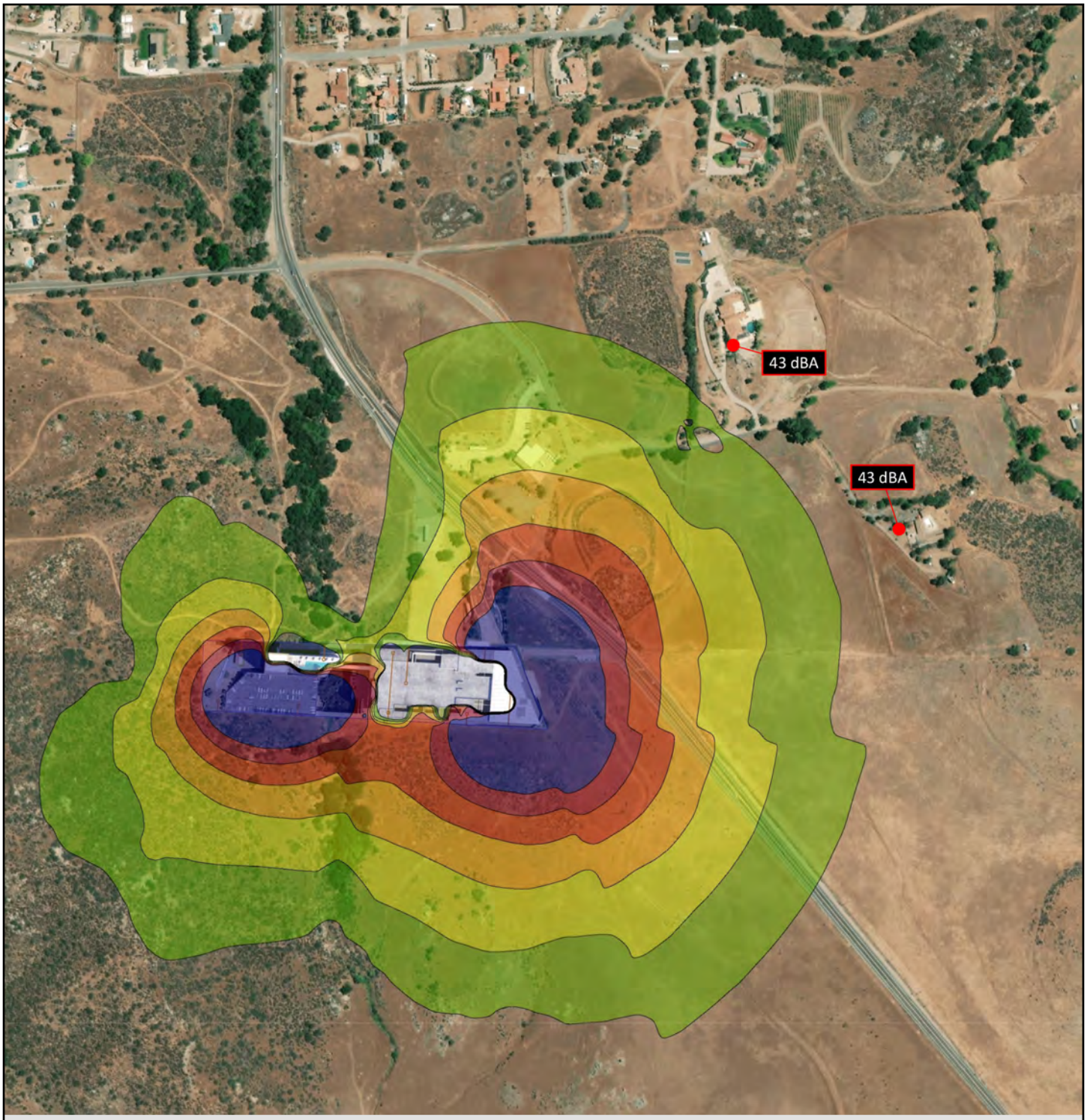
Figure 3 8 shows the resulting noise levels with implementation of Mitigation Measure 3.9-1. As shown, after mitigation, the Project would not exceed County standards at the nearest residential sensitive receptors. It should be noted that a typical stucco wall assembly has an STC rating of approximately 40, a typical commercial roof deck has an STC rating of approximately 35-40, and a typical commercial dual glazed window or glass wall has an STC rating of 26, or higher, and the NanaWall operable wall system has STC ratings as high as 43. Therefore, achieving the STC 26 requirement would be feasible using typical building construction methods. To verify that Mitigation Measure 3.9-1 has achieve its intended effect, Mitigation Measure 3.9-2 requires that the Tribe engage a qualified acoustic engineer during the first three concerts to verify that compliance with the applicable exterior noise standards at the nearest residential uses is being achieved. Therefore, this off-Reservation impact would be reduced to less than significant with mitigation.

3.9-2 Would the project expose off-Reservation persons to excessive groundborne vibration or groundborne noise levels?

Construction

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Damage to buildings can range from cosmetic defects to structural issues that compromise the stability of a structure. **Table 3-14** indicates that construction vibration levels anticipated for the Project are less than the 0.2 in/sec threshold specified in the Policy N-3.1 of the County General Plan Noise Element (at distances of 26 feet). Sensitive receptors that could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located further than 26 feet from typical construction activities. At distances greater than 26 feet, construction vibrations are not predicted to exceed acceptable level of 0.2 inch/sec PVV.

In addition to heavy construction equipment, there would be blasting activities. When explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass. However, a small portion of the energy is released in the form of vibration waves that radiate away from the charge location. The strength, or 'amplitude', of the waves reduces as the distance from the charge increases. The rate of amplitude decay depends on local geological conditions but can be estimated with a reasonable degree of consistency, which allows regulatory agencies to control blasting operations by means of relationships between distance and explosive quantity. Additionally, while explosives generate low frequency sound waves that can damage buildings, techniques have been developed that allow blasting to be conducted in relative proximity to buildings without causing damage. The nearest receptor would be the fire station, which is approximately 570 feet from the nearest point of potential blasting. The nearest residential receptor to the blasting activities, a single-family residence northwest of the project site, is approximately 1,500 feet from the nearest potential blasting site. At these distances, it is unlikely that blasting would generate substantial groundborne vibration or noise impacts. However, as no detailed blasting plans have been prepared yet, a potentially significant vibratory impact may occur. **Mitigation Measure 3.9-3** requires that a blasting plan be prepared that estimates groundborne vibration at the residence closest to the blast, to confirm that such levels do not exceed acceptable level of 0.2 inch/sec PVV. With mitigation, vibration impacts during construction would be reduced to less than significant.



Source: Saxelby Acoustics

FIGURE 3-8

PROJECT STATIONARY NOISE CONTOURS AFTER MITIGATION

Operation

Operation of the Project would not generate significant enough sources of vibration to trigger the significance thresholds. Therefore, this off-Reservation impact is less than significant.

3.9-3 Would the project result in a substantial permanent increase in ambient noise levels in the off-Reservation vicinity of the project?

Traffic Noise

The maximum increase in traffic noise at the nearest sensitive receptor is predicted to be 0.5 dBA (**Table 3-17**), which is less than the 3 dBA test of significance. Therefore, traffic generated by the Project would not result in a substantial permanent increase in ambient off-Reservation noise levels.

Operational Noise

As discussed above, operation of the Project would result in increases in ambient noise levels at off-Reservation locations. The expanded onsite facilities, such as the WWTP, would represent a permanent increase in the ambient noise environment, but would not be large enough to cause a significant increase in the ambient noise environment to affect off-Reservation sensitive receptors. Furthermore, there are BMPs specified in **Table 2-2** to reduce these potential sources of onsite noise. As for off-site traffic, the Project would not introduce new land uses that would generate significant increases in off-Reservation noise with the exception of events at the event center. However, these events would be intermittent in nature and not a permanent feature that would consistently generate noise. With **Mitigation Measure 3.9-1** and **3.9-2**, exterior noise levels due to the Project are expected to be limited to 43 dBA L_{eq} at the nearest residential uses. As shown in **Table 3-15**, the nearest residential uses are currently exposed to average nighttime noise levels of 40 dBA L_{eq} (Site LT-3). When combined with the existing ambient noise level, total existing plus Project stationary noise levels would be 44.8 dBA L_{eq}. This would be a maximum increase of 4.8 dBA, which is less than the 5 dBA threshold of significance. Therefore, the permanent off-Reservation increase in the ambient noise levels is less than significant.

3.9-4 Would the project result in a substantial temporary or periodic increase in ambient noise levels in the off-Reservation vicinity of the project?

Construction of the Project would cause a temporary and periodic increase in the ambient noise environment. As described above, construction noise would be expected to be in the approximate range of 35-49 dBA L_{eq} and 45-59 dBA L_{max} at the nearest residential uses. Existing daytime ambient noise levels were found to be in the range of 48-53 dBA Leq and 63-72 dBA Lmax (**Table 3-15)**. For a noticeable difference in the existing ambient noise environment to occur for these sensitive receptors, the ambient noise environmental would need to double to achieve a perceptible change of 3 dBA (e.g., 60 dBA + 60 dBA = 63 dBA). If the projected noise from construction is combined with the existing L_{eq}, this would not constitute a doubling of the existing noise environment and therefore a perceptible change. Therefore, construction would cause a less-than-significant off-Reservation impact.

As discussed under **Impact 3.9-3**, there would be significant operational noise from the events at the event center that would occur frequently. These events would result in a noticeable change in the ambient noise environment for nearby sensitive receptors and would constitute a significant impact. However, with implementation of **Mitigation Measure 3.9-1** and **3.9-2**, this impact would be reduced to less than significant.

3.9.4 Mitigation Measures

Mitigation Measure 3.9-1

The event center should be designed to provide a minimum sound transmission class (STC) rating of 26 for all exterior wall/roof assemblies during special events which include use of amplified sound. This could be accomplished with the use of typical exterior wall/roof assemblies, glazing, operable walls, etc. The JIVDC shall engage a qualified acoustical engineer during the architectural design process to ensure that the acoustical requirements are achieved in the building design process.

Mitigation Measure 3.9-2

The JIVDC shall engage a qualified acoustic engineer during the first three concerts to verify that the facility is achieving compliance with the applicable exterior noise standards at the nearest residential uses. If the noise levels exceed County's daytime 50 dBA L_{eq} and nighttime (10:00 p.m. to 7:00 a.m.) 45 dBA L_{eq} noise standards, then additional measures shall be taken to reduce the noise levels to acceptable levels. This could include reducing sound volume or ending events before 10 p.m. If these measures prove unsuccessful to meet County standards at the off-Reservation sensitive receptors, then additional acoustical treatment shall be undertaken to achieve these levels.

Mitigation Measure 3.9-3

To reduce noise and vibration impacts by project-related construction activities, the project applicant(s) of all project phases shall conform to the following requirements:

- All blasting shall be performed by a blasting contractor and blasting personnel licensed to operate in the County.
- Each blast shall be monitored and recorded with an air blast overpressure monitor and groundborne vibration accelerometer that is located outside the closest residence to the blast.
- A blasting plan, including estimates of the air blast over-pressure level and groundborne vibration at the residence closest to the blast, shall be prepared to ensure that vibration levels do not exceed acceptable level of 0.2 inch/sec PVV at San Diego County Fire Station 36 and the nearest residential home. The Plan will be submitted to the Tribe for review prior to the first blast. Blasting shall not commence until the Tribe has approved the blasting plan.

3.10 PUBLIC SERVICES AND RECREATION

3.10.1 Regulatory Setting

Public Law 280

Public Law 83-280 (Public Law 280) was enacted in 1953 and delegated federal criminal jurisdiction to certain states, including California, for offenses involving tribal members in Indian Country in addition to permitting civil litigation involving tribal members to be heard in state courts. In six states, including California, the transfer was mandatory unless a specific tribe in one of these states was excluded from the change. There were no tribes excluded in California. The federal government relinquished all special criminal jurisdictions over Indian offenders and victims in these states. However, Public Law 280 does not grant states any civil-regulatory authority over lands held in federal trust for tribes.

3.10.2 Environmental Setting

Law Enforcement

The San Diego County Sheriff's Department (Sheriff Department) is the chief law enforcement agency in the County. The Sheriff's Department is comprised of approximately 4,161 employees, which 2,486 are sworn officers. The Sheriff's Department provides general law enforcement and jail functions in a service area of approximately 4,200 square miles. In addition, the Sheriff's Department provides specialized regional services to the entire County, whether they are needed in incorporated cities within the County or in the unincorporated areas not serviced by a city law enforcement agency. In 2021, the Sheriff's Department responded to 223,532 calls for service (San Diego County Sheriff's Department, 2022a). The 2016 Intergovernmental Agreement (IGA) between the County and the Tribe provides payments and standards for law enforcement at the project site (Jamul Indian Village and the County of San Diego, 2016b).

Pursuant to the 2016 IGA between the County and the Tribe, the Tribe currently funds a full-time deputy dedicated to serving the Reservation, a proportional share of the cost of a Sheriff Sergeant, a County vehicle, and overhead and program costs for services at the project site. As noted in **Table 3-18**, according to data collected by the Sheriff's Department, between July 2021 and June 2022, the Sheriff Department responded to approximately 379 calls for service at the Jamul Casino (an average of 32 calls per month). Approximately 36% of these incidents resulted in arrests (136 arrests) (San Diego County Sheriff's Department, 2022b).

Table 3-18: San Diego Sheriff's Department Calls for Service Logs (July 2021 – June 2022)

Timeframe	Calls for Service to Jamul Casino	Arrests
July 2021	39	9
August 2021	36	8
September 2021	19	9
October 2021	35	14
November 2021	36	16
December 2021	31	12
January 2022	33	10
February 2022	29	12
March 2022	40	18
April 2022	18	8
May 2022	30	13
June 2022	33	7
Total	**379**	**136**

Source: San Diego County Sheriff's Department, 2022b

The California Highway Patrol (CHP) is the chief law enforcement agency for traffic related issues on public highways and roads in the vicinity of the project site. The nearest station that services the project site is located to the north in the City of El Cajon. The El Cajon CHP Station serves an extensive region of San Diego County that covers nearly 3,000 square miles. Due to the large and varied geographic nature of the area served, there are 96 uniformed officers deployed at any given time (CHP, 2022).

The Casino currently employs 72 security staff, including management, which act as first responders to law enforcement issues at the Jamul Casino. All of the Tribe's security personnel are trained in cardiopulmonary resuscitation (CPR), first aid, and stop-the-bleed. Security personnel carry two-way radios for a quick response time to onsite incidents and emergency-related calls. The Casino's security measures include closed-circuit television surveillance of the entire Casino, alarm monitoring, and well-lit facilities.

Fire Protection and Emergency Medical Services

The San Diego County Fire (SDCF) and the California Department of Forestry and Fire Protection (CAL FIRE) provide primary fire protection and emergency medical services to the Reservation and surrounding vicinity. Through the FSA and subsequent 2019 Amended Agreement between the Tribe and County (refer to **Section 1.4**), the Tribe purchased a Type I Fire Engine and Quint Aerial Fire Apparatus (combination fire engine and ladder truck) for SDCF. Additionally, the Tribes provides annual funding for a minimum of three firefighters, one captain, and one engineer/operator, with at least one of those personnel trained to the paramedic level, to provide fire protection and emergency medical services to the Reservation 24 hours a day, 7 days a week, out of the SDCF Jamul Station #36. This fully staffed station is located at 14024 Peaceful Valley Ranch Road across SR 94 from of the project site (Jamul Indian Village and County of San Diego, 2019).

As noted in **Table 3-19**:, according to the Fire Services Report prepared by the San Diego County Fire Strategic Planning and Data Unit, from July 2020 to June 2021 there were 187 calls for service (average of 15.6 calls per month) from the Casino with an average response time of 5 minutes and 2 seconds (San Diego County Fire, 2021). Between January and February 2022, the Casino has averaged 12.3 calls a month for fire services and emergency medical services (EMS) (Smith, 2022).

Table 3-19: Fire/Emergency Incidents Dispatched to the Casino July 2020 – June 2021

Type	Calls For Service
Medical Emergency	161
Fire, Wildland	1
Fire, Vehicle	0
Fire, Structure	0
Fire, False Alarm	2
Traffic Collision	2
Public Service Assist	2
Other	19
TOTAL	**187**
Average Monthly Calls	**15.6**

Source: San Diego County Fire, 2021

The SDCF service area covers the County and delivers fire protection and emergency medical services to 42 communities through 35 fire stations (17 County-funded stations) and over 500 first responders (San Diego County Fire, 2020). California Department of Forestry and Fire Protection (CAL FIRE) provides additional wildland fire protection in the County. The nearest CAL FIRE stations to the Reservation are located in Dulzura (Station 30) and El Cajon (Station 20). CAL FIRE has identified the project site as located in a Very High Fire Hazard Severity Zone (CAL FIRE, 2022).

Several hospitals within San Diego County provide emergency medical services. The nearest hospitals to the site that provide trauma care are Sharp Grossmont Hospital in La Mesa, Scripps Mercy Hospital in San Diego, University of California San Diego Medical Center in San Diego, and Sharp Memorial Hospital in San Diego. People requiring emergency medical attention have the option to be transported to any of these hospitals within the confines of the County's triage system, through which patients are directed to the most appropriate facility based on illness or injury. The ambulance service provided in the vicinity of the project site is a joint venture between the SDCF and American Medical Response. Mercy Air provides emergency air transportation. Under the 2019 Fire Services Agreement, emergency transportation shall be available to the project site on the same terms and conditions as provided to adjacent properties in the County (Jamul Indian Village and County of San Diego, 2019).

Schools

The nearest off-Reservation public schools to the project site are in the Jamul-Dulzura Union School District with the Oak Grove Middle School located approximately 2.6 miles northeast of the project site. Jamul-Dulzura Union School District consists of Jamul Elementary School, Oak Grove Middle School, and

Greater San Diego Charter School. The nearest high school to the project site is the Greater San Diego Charter School (K-12) and Steel Canyon High School in Spring Valley.

Parks and Public Facilities

No community or regional parks are located within the Jamul area. The area surrounding the project site 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 four miles south of the Reservation. The area is also home to a number of reserves, preserves and reservoirs: Rancho Jamul Ecological Reserve, Otay Mountain Ecological Reserve, Sycuan Peak Ecological Reserve, McGinty Mountain Ecological Reserve, Otay Reservoir, Sweetwater Reservoir, as well as others. These provide recreational opportunities to area residents and visitors.

3.10.3 Impact Analysis

Methodology

The following impact analysis identifies off-Reservation public services and public facilities (e.g., schools, parks) that would potentially be affected by construction and operation of the Project. The analysis also identifies whether the Project would create a need for new off-Reservation facilities, the construction of which could cause significant environmental effects. The impact analysis compares existing conditions to foreseeable changes to these off-Reservation facilities that would likely result from implementation of the Project.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation public services. The Project would result in a significant impact if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation 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 off-Reservation public services:
    i. Fire protection
    ii. Police Protection
    iii. Schools
    iv. Parks
    v. Other public facilities
- Increase the use of existing off-Reservation neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impacts

3.10-1 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation 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 off-Reservation fire protection and emergency medical services?

Under the Project, structural fire protection and emergency medical services would continue to be provided to the Reservation and Casino by the SDCF. SDCF Station 36, which is funded by the Tribe through the 2019 FSA, is located adjacent to the Reservation across SR 94 and would provide first level fire protection service to the Project.

Construction

As discussed under **Impact 3.7-4**, construction of the Project would introduce additional potential sources of fire to the project site and 4-acre site that could result in the need for additional firefighting services. However, the project site has very sparse vegetation onsite to serve as fuel for a wildfire and the implementation of BMPs in **Table 2-2** would reduce the probability of igniting a fire. Therefore, construction activities associated with the Project are unlikely to generate calls to off-Reservation fire protection services or require the provision of new or physically altered off-Reservation fire protection facilities.

Operations

Operations of the proposed a hotel and event center could increase the risk of fire, the frequency of fire protection and emergency medical calls for service, and the complexity of fire protection responses at the project site. As described above, through the FSA the Tribe contracts with SDCF for fire protection and emergency response services to the project site. Additionally, the Project would adhere to the existing Fire Protection Plan, which complies with the 2011 San Diego County Consolidated Fire Code and the 2013 California Fire Code. The FPP is being updated to the 2020 San Diego County Consolidated Fire Code, currently adopted by San Diego County. Applicable fire protection and fire suppression features would be incorporated into the design of the Project (refer to **Section 3.7** for additional discussion regarding potential impacts associated with wildfire risks).

Based on existing traffic counts conducted at the entrance to the Casino (**Table 3-20**) and estimations of Project-related increases in traffic (**Table 3-21**), visitation to the Casino, hotel, and event center facilities is estimated to increase by approximately 12% when compared to existing conditions. This 12% increase in visitation is expected to correlate to a similar increase in calls for fire protection and EMS at the project site. Using the total annual calls for service number from 2020/2021 as a baseline (187), a 12% increase in in calls per service would equal approximately 22 more calls for service annually to the project site. Through the 2016 Fire Service Agreement and subsequent 2019 Amended Agreement between the Tribe and County, the Tribe purchased a Type I Fire Engine and Quint Aerial Fire Apparatus (combination fire engine and ladder truck) for SDCF and provides annual funding for a minimum of three firefighters on duty at all times at the SDCF Jamul Station #36. The level of fire protection currently being funded by the Tribe should be more than sufficient to offset the 22 additional calls per year expected to be generated by the Project. Therefore, the Project would not require the construction of new or altered off-site fire protection and emergency medical services facilities. Impacts would be less than significant.

3.10-2 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation 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 off-Reservation police protection?

Based on existing traffic counts conducted at the entrance to the Casino (**Table 3-20**) and estimations of Project-related increases in traffic (**Table 3-21**), visitation to the Casino, hotel and event center facilities is estimated to increase by approximately 12% when compared to existing conditions. This 12% increase in visitation is expected to correlate to a similar increase in calls for law enforcement and police protection services at the project site, as well as traffic violations involving CHP response. Using the total annual calls for service number from 2020/2021 as a baseline (379), a 12% increase in calls for law enforcement service would equal approximately 46 more calls for service annually to the project site. Under the Project, the Tribe would continue to employ full-time trained security personnel on the project site to deter criminal activities and train security personnel in detaining individuals subject to arrest. Furthermore, as described in **Section 2.3.8**, the Tribe proposes to establish a federalized Tribal Police Department that would be the primary responder for minor offenses within the Reservation, including the Casino and Project facilities. While the Sheriff Department would continue to be the primary responder for major offenses under Public Law 280, minor offenses constitute the majority of law enforcement incidents currently at the Casino. This increased level of police protection to be provided by the Tribal Police Department is likely to more than offset the increase in calls to the Sheriff's Department for police protection services generated by the Project. The future Tribal Police Department would replace the current tribal security department and operate out of the same tribal security building that is being relocated to the 4-acre parcel (it should be noted that the Casino security department is separate from the tribal security department, and would continue to operate out of offices within the Casino). The indirect effects of operations of the tribal securing building on the 4-acre parcel are described in **Section 4.5** of this TEIR; however, the construction related effects of physically relocating the security building to the 4-acre parcels are addressed throughout **Section 3** of this TEIR. As stated therein, the 4-acre parcel is heavily disturbed, and the security building would be located on a paved building pad that housed a former fire department building. Therefore, physical environmental effects associated with the provision of off-Reservation law enforcement and police protection facilities would be less than significant.

3.10-3 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for off-Reservation schools?

As noted in the discussion in **Section 3.1**, the additional 125 jobs generated by the Project are not expected to induce population growth in the area. Therefore, the Project would not result in an increase in demands for off-Reservation public school services that would require the construction of new schools or the alteration of existing public school facilities. Because there would be no need to construct new or alter existing off-Reservation public school facilities as a result of the Project, there would be no potential physical impacts.

3.10-4 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for off-Reservation parks or other public facilities?

As noted in the discussion in **Section 3.1**, the additional 125 jobs generated by the Project are not expected to induce population growth in the area. Thus, the Project is not anticipated to increase demands on other off-Reservation parks or public facilities. Because there would be no need to construct new or alter existing other off-Reservation parks and public facilities as a result of the Project, there would be no potential physical impacts.

3.10-5 Would the Project increase the use of existing off-Reservation neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As noted in the discussion in **Section 3.1**, the additional 125 jobs generated by the Project are not expected to induce population growth in the area. Thus, the Project is not anticipated to increase the use of existing off-Reservation neighborhood and regional parks or other recreational facilities. Therefore, there would be no impact associated with Project-related deterioration of regional parks or other recreational facilities.

3.11 TRANSPORTATION AND TRAFFIC

3.11.1 Regulatory Setting

The Project is located on trust land and is therefore not subject to state or local guidelines, rules or controls concerning transportation and traffic. However, these do apply to off-Reservation land surrounding the project site.

California Department of Transportation

Caltrans is responsible for the design, construction, maintenance, and operation of the California State Highway System. This includes the construction and management of these systems in addition to the permitting and regulation of state roadways. The project site is located within, but not under the jurisdiction of, Caltrans District 11. Caltrans-managed roads in the vicinity of the project site include State Route (SR) 94. Caltrans requires permits for transportation of certain materials, off-Reservation transportation of oversized loads, and for construction-related traffic disturbances on such roadways.

San Diego County General Plan

The 2011 updated San Diego County General Plan (General Plan) is the long-term blueprint for the vision of the future for the County's unincorporated areas. While the General Plan is applicable to the areas surrounding the project site, it is not valid for the project site because it is located on trust land. Policies in the General Plan that are relevant to the off-Reservation transportation and traffic conditions in the vicinity of the Project are from the Mobility Element and include the following policies:

Policy M-2.1: Require development projects to provide associated road improvements necessary to achieve a level of service of "D" or higher on all Mobility Element roads except for those where a failing level of service has been accepted by the County pursuant to the criteria specifically identified in the accompanying text box (Criteria for Accepting a Road Classification with Level of Service E/F). When development is proposed on roads where a failing level of service has been accepted, require feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program, consistent with the Mobility Element road network

Policy M-3.2: Require development to contribute its fair share toward financing transportation facilities, including mitigating the associated direct and cumulative traffic impacts caused by their project on both the local and regional road networks. Transportation facilities include road networks and related transit, pedestrian and bicycle facilities, and equestrian.

Policy M-3.3: Require development to provide multiple ingress/egress routes in conformance with State law and local regulations.

Policy M-8.5: Require development projects, when appropriate, to improve existing nearby transit and/or park and ride facilities, including the provision of bicycle and pedestrian facilities, provisions for bus transit in coordination with North County Transit District (NCTD) and San Diego Metropolitan Transit System (MTS) as appropriate including, but not limited to, shelters, benches, boarding pads, and/or trash cans, and to provide safe, convenient, and attractive pedestrian connections.

Policy M-9.2: Require large commercial and office development to use TDM programs to reduce single-occupant vehicle traffic generation, particularly during peak periods to maximize the capacity of existing or improved road facilities.

Policy M-9.4: Require developers of large projects to provide, or to contribute to, park-and-ride facilities near freeway interchanges and other appropriate locations that provide convenient access to congested regional arterials. Require park-and-ride facilities that are accessible to pedestrians and bicyclists, and include bicycle lockers and transit stops whenever feasible.

Policy M-10.1: Require new development to:

- Provide sufficient parking capacity for motor vehicles consistent with the project's location, use, and intensity
- Provide parking facilities for motorcycles and bicycles
- Provide staging areas for regional and community trails

San Diego County Public Works Department

Public Works Department is responsible for maintaining nearly 2,000 miles of County roads and associated infrastructure (e.g., bridges), and provides inspection of County permitted private development in the unincorporated areas of County in addition to permitted utility improvements within the County Maintained Rights-of-Way. Private Development Construction Inspection ensures projects and work are completed in accordance with approved plans, and State and County requirements to assure safe, environmentally sound, and livable communities with full operational roads.

County of San Diego Active Transportation Plan

The 2018 County of San Diego Active Transportation Plan (ATP) is a multi-objective plan that balances environmental, economic, and community interests; aligns with multiple County initiatives; and implements the County's General Plan. The ATP identifies actions, goals, and objectives related to improving safety through reducing auto collisions with cyclists and pedestrians and public health through encouraging walking and biking. It also strives to increase accessibility and connectivity with an active transportation network.

3.11.2 Environmental Setting

Evacuation Routes

In a 2012 Evacuation Route Study commissioned by the County for the Jamul/Dulzura Planning Area, the project site and the immediate surrounding area are identified as developed areas with multiple points of access. This is indicative that firefighters have flexibility to cope with changing dynamics in wildfires and other emergencies, and that residents have reliable, secure, and known evacuation alternatives during emergencies. In general, the project site and immediate surrounding area were not identified as a community with issues/needs in terms of adequate access and connectivity according to a stakeholder review committee (Fehr and Peers, 2012).

Established County evacuation routes are intended to transport people from areas impacted by hazardous events to areas of safety and include major roadways and thoroughfares. These routes include major freeways (I-5, I- 15, I-8, I-805) and major State Routes (52, 54, 56, 67, 75, 76, 78, 94, 125, 163, and 905). Many of these roadways are under the jurisdiction of Caltrans, which requires coordination and participation in the Caltrans District 11 Wildfire Resiliency Working Group. The nearest evacuation route to the project site is SR 94 (San Diego County, 2021). Although not an official evacuation site, at the request of the Sheriff Department, the Jamul Tribe hosted an evacuation center at the 4-acre site during the 2022 Border 32 Fire (San Diego County, 2022).

As described in **Section 3.7.2**, a Fire and Emergency Plan for the Jamul Casino was prepared by Rohde and Associates per the 2019 FSA. This Plan provides details on onsite systems and procedures to be used in multiple emergency scenarios (**Appendix F**). For example, during a mandatory fire evacuation, patrons and employees will be provided information regarding the location and direction of the wildfire in addition to the safest route for them to leave the property as dictated by the Fire Department in charge (SDCF).

Roads

SR 94

SR 94 begins near the downtown area of the City of San Diego as an eight-lane, access-controlled freeway. As it proceeds to the east, it narrows to a four-lane facility and then, in the vicinity of the project site, to a two-lane that is undivided. It appears as a conventional highway that is also known as Campo Road.

Daisy Drive

Daisy Drive is a paved four-lane roadway within the right-of-way of SR 94 that provides primary access to the project site and Reservation.

Reservation Road

Reservation Road was formerly used as the primary access to the Reservation. The roadway was constructed as a 2-lane road, but currently exists only as a utility corridor and emergency access and is not used as a roadway.

Peaceful Valley Ranch Road

Peaceful Valley Ranch Road is a private two-lane roadway across from Daisy Drive on SR 94.

Traffic Conditions

Kimley-Horn collected driveway inbound/outbound vehicle counts at the main access driveway (eastbound and westbound Daisy Drive) for the following dates in 2022 in order to quantify the actual traffic being generated by the existing onsite Casino:

- Saturday, April 16
- Tuesday, April 19 through Saturday, April 23
- Tuesday, April 26 through Saturday, April 30

Table 3-20 summarizes the vehicular counts for the average weekday (Tuesday – Thursday), Friday, and Saturday. Live entertainment (e.g., band and/or disc jockey) occurred on Thursday, Friday, and Saturday throughout the duration of the data collection period (**Appendix K**). In addition, the table includes the trip

generation assumptions that were estimated in the traffic impact study (TIS) included as Appendix 10 of the January 2013 Final Tribal Environmental Evaluation (Approved TIS) for comparison.

Table 3-20: Current Casino Trip Generation Comparison

Scenario		Daily Trips	AM Peak Hour[2]			PM Peak Hour[2]		
			Total	In	Out	Total	In	Out
Weekend	Estimated (2013 TIS)	9,000	599	420	179	1,005	533	472
	Actual (2022)	9,885	263	176	87	640	365	275
	Δ[1]	885	-336	-244	-92	-365	-168	-197
	%[3]	10%	-56%	-58%	-51%	-36%	-32%	-42%
Friday	Estimated (2013 TIS)	9,000	–	–	–	1,401	645	756
	Actual (2022)	10,811	–	–	–	663	392	271
	Δ[1]	1,811	–	–	–	-738	-253	-485
	%[3]	20%	–	–	–	-53%	-39%	-64%
Saturday	Estimated (2013 TIS)	9,000	–	–	–	1,401	645	756
	Actual (2022)	13,039	–		–	825	435	390
	Δ[1]	4,039	–		–	-576	-210	-366
	%[3]	45%	–		–	-41%	-33%	-48%

Source: **Appendix K**

1. Actual minus estimated;
2. Used the following peak hours of the Casino: Weekday AM: 8:00 a.m. – 9:00 a.m., Weekday PM: 5:00 p.m. – 6:00 p.m., Friday p.m.: 5:00 p.m. – 6:00 p.m., and Saturday pm: 7:15 p.m. – 8:15 p.m.
3. Percent difference calculation

Based on the data collected, the Jamul Casino generated the following:

- Weekday: Average of 9,885 daily trips with 263 (176 in, 87 out) trips during the AM peak hour and 640 (365 in, 275 out) during the PM peak hour. Volumes collected were 885 daily trips higher than what was analyzed in the Approved TIS. However, AM and PM peak hour volumes were 56 and 36% lower than what was previously assumed in the Approved TIS, respectively.
- Friday: Average of 10,811 daily trips, with 663 (392 in, 271 out) trips during the PM peak hour. Volumes collected were 1,811 daily trips higher than what was analyzed in the Approved TIS. However, PM peak hour volumes were 53% lower than what was previously assumed in the Approved TIS.
- Saturday: Average of 13,039 daily trips, with 825 (435 in, 390 out) trips during the PM peak hour. Volumes collected were 4,039 daily trips higher than what was analyzed in the Approved TIS.

However, PM peak hour volumes were 41% lower than what was previously assumed in the Approved TIS.

Attachment A of **Appendix K** contains additional information concerning the traffic volume data.

Pedestrian, Transit, and Bike Facilities

Pedestrian

Paved pedestrian walkways do not exist along SR 94 with the exception of the sidewalk to and from the bus stop directly northeast of the project site. Pedestrian activity, to the extent undertaken in the area, utilizes road shoulders or adjacent dirt trails as there are no dedicated sidewalks. There are sidewalks along Daisy Drive to the project site from SR 94.

Transit

The San Diego MTS provides transit service to the Jamul-Dulzura community. MTS Route 894 (Morena/Campo – El Cajon) provides bus service to the Reservation via SR 94 Monday through Friday. MTS Route 894 does not provide service on Saturday, Sunday, or Holidays. Route 894 stops range from Arnele Avenue in El Cajon to Oka Shores Malt Shore in Morena Village. There is a stop specifically for the Reservation.

Shuttle

The Jamul Casino offers complimentary shuttle service for certain patrons and with limitations. This shuttle service has four different routes with several pickup locations in each route with the exception of El Cajon, which only has one pickup location. As of the writing of this TEIR, the shuttle service is temporarily suspended.

Bike Lanes

SR 94 is classified as a Class II bike lane in the vicinity of the project site, which means there are striped areas on the road for bicycle travel, but no dedicated bike lanes.

3.11.3 Impact Setting

Methodology

A traffic memorandum was prepared by Kimley-Horn to assess the existing conditions and estimate the new trip generations along with VMT for the Project (attached as **Appendix K**). Based on existing traffic volume information and expected trip generation, it was determined that the Friday and Saturday PM peak periods represent the worst-case periods during which to evaluate the Project. It is during these periods that the combination of background traffic and Casino traffic are anticipated to be at the highest levels. However, the weekday AM and PM peak hours were also included for comparison to the Approved TIS.

Projected Trip Generation

Trip generation for the proposed hotel, multi-purpose/bingo hall, and event center was determined using multiple sources based on availability and applicability of data (**Appendix K**). To account for patrons visiting these facilities in conjunction with the Casino, a reduction of 70% was applied to the trip

generation rates for the event center and multi-purpose/bingo hall. Because casino hotels primarily accommodate casino patrons, they are not considered to generate a significant number of new vehicle trips. A reduced trip generation rate of 3 vehicular trips per room was used to account for the interaction between the hotel and Casino, consistent with other traffic impact studies for casino-hotel facilities in San Diego County. **Table 3-21** summarizes the trip generation potential of the proposed development.

Table 3-21: Project Trip Generation

Land Use	Density	Unit	Daily	Weekday						Friday			Saturday		
				AM Peak Hour			PM Peak Hour			PM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out
Hotel[1,2]	255	Acres	675	34	20	14	47	19	28	47	19	28	47	19	28
Multi-Purpose/ Bingo Hall[3,4,6]	465	Seats	279	21	20	1	67	5	62	67	5	62	67	5	62
Event Center[5,6,7]	25,500	Square Feet	306	See note 7			See note 7			31	29	2	31	29	2
New Site Trips			***1,260***	***55***	***40***	***15***	***114***	***24***	***90***	***145***	***53***	***92***	***145***	***53***	***92***

1. Used San Diego Association of Governments (SANDAG) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, dated April 2002
2. No Saturday trip generation information provided. Used Weekday PM Peak Hour for Saturday PM Peak Hour.
3. Used Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition
4. No daily trip generation information provided, only peak hour of the generator available, and used PM peak hour of the generator for Saturday PM Peak Hour
5. Used Jamul Indian Village Gaming Project Traffic Impact Study, dated November 2012
6. Trip generation rates reduced by 70% to account for internal capture to/from Casino based on Cache Creek Hotel Expansion Traffic Impact Study, dated July 2016
7. Land use is not anticipated to generate peak hour trips during a weekday

Source: **Appendix K**

Project Trip Generation Comparison with Previous Estimated Casino Trip Generation

Table 3-22 provides a comparison between the previously estimated Casino trip generation in the Approved TIS (2013) versus the sum of the actual Casino trips (2022 traffic counts) with the estimated traffic generation from the Project.

Vehicle Miles Traveled

Section 11 of the Compact and the Environmental Impact Checklist (Appendix A), do not require an analysis of vehicles miles traveled (VMT). The effects associated with VMT as they related to air quality and climate change are addressed in **Section 3.3** of this TEIR. However, in general, the Project is not anticipated to increase VMT due to its location and characteristics. The Jamul Casino is the nearest casino within the County to the region's largest population center, located approximately 20 miles to the west. Therefore, any new vehicular trips to the project site would result in a VMT decrease as the new trips would be shorter than traveling to any other casino option within the Region. The Project also includes the development of a hotel that is anticipated to decrease VMT as it allows patrons to stay overnight at the hotel versus making multiple trips to the Casino. Therefore, the Project is not anticipated to increase VMT within the region (**Appendix K**).

Table 3-22: Project Trip Generation Comparison

Scenario		AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out
Weekday	Estimated (2013 TIS)	599	420	179	1,005	533	472
	Actual (2022) + Project	318	216	102	754	389	365
	Δ[1]	-281	-204	-77	-251	-144	-107
Friday	Estimated (2013 TIS)	–	–	–	1,401	645	756
	Actual (2022) + Project	–	–	–	808	445	363
	Δ[1]	–	–	–	-593	-200	-393
Saturday	Estimated (2013 TIS)	–	–	–	1,401	645	756
	Actual (2022) + Project	–	–	–	970	488	482
	Δ[1]	–	–	–	-437	-157	-274

[1] Difference is calculated as (actual plus proposed) minus estimated.
Source: **Appendix K**

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential environmental impacts of the Project on off-Reservation transportation and traffic. The Project would result in a significant impact if it would:

- Cause an increase in off-Reservation traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections);
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated off-Reservation roads or highways;
- Substantially increase hazards to an off-Reservation design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access for off-Reservation responders.

Potential off-Reservation impacts of the Project were determined by comparing conditions with the Project to those without the Project. A significant impact would occur if the trip generation added to the existing daily trips are higher than those projected in the Approved TIS.

Impacts

3.11-1 Would the project cause an increase in off-Reservation traffic that would be substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

Construction

During construction of the Project, additional temporary trips would be generated. The weekday construction work for the Project would usually take place between the hours of 7:00 a.m. and 5:00 p.m. with the worker arrival peak between 6:00 a.m. and 7:00 a.m. and the departure peak between 3:30 p.m. and 4:30 p.m. In general, these peaks would occur before the commute peaks for the surrounding area, which are between 7:30 a.m. and 8:30 a.m. and between 5:00 p.m. and 6:00 p.m. Because the construction worker commute peak and the typical commute peak would not overlap, the commuting construction work trips would have a less-than-significant impact on the surrounding roadways. In addition to the workers commuting to the project site, delivery and removal of heavy equipment would be required, construction waste/excess would be exported, and construction materials would be imported, such as raw material and concrete. However, these would primarily occur outside of the peak commute hours for the surrounding roadway network, and equipment would be moved on and off the project site on different days. The periodic delivery and removal of such equipment during mostly off-peak hours would constitute a minimal disruption of off-Reservation traffic on the study area roadway network. The relatively small number of trips required to make such deliveries and removals would not impact the existing traffic load or capacity of the off-Reservation surrounding roadway network. Therefore, construction of the Project would overall have a less-than-significant impact on existing traffic in the surrounding area.

Operation

As shown in **Table 3-20**, the actual total daily trips to and from the Casino are higher than those calculated in the Approved TIS, but the AM and PM peak trips are significantly lower than the previous trip generation estimates. Furthermore, the data collected in 2022 is consistent with the observation that trip generation for tribal gaming facilities generally peaks on Saturday evenings, during which time background traffic on adjacent streets is typically lower than during peak weekday periods. As a result, the overall number of vehicles on the road during the Casino peak traffic periods is typically no worse than the traditional weekday peak-hour conditions. In addition, because casino facilities are typically open 24 hours per day, 7 days per week, they do not experience pronounced peak periods like other uses. Instead, casino traffic follows a smoother daily traffic profile that builds steadily from early morning until approximately 7:00 p.m. (19:00), after which traffic levels slowly decline. These trends can be seen in Figure 1, Figure 2, and Figure 3 of **Appendix K**.

As shown in **Table 3-21**, in total, operation of the Project is anticipated to generate a total of 1,260 daily trips with 55 trips during the weekday AM peak hour, 114 trips during the weekday PM peak hour, 145 trips during the Friday PM peak hour, and 145 trips during the Saturday PM peak hour. As shown in **Table 3-22**, during the peak-hour operations, the sum of the actual trip generation from the existing Casino with the estimated trips from the Project would be significantly less than the previously estimated trip generation for the Jamul Casino as analyzed in the Approved TIS. Therefore, the Project would not cause an exceedance of what was originally projected for peak-hours for the Jamul Casino in the Approved TIS. Consequently, the mitigation identified in the Approved TIS for the peak-hour times would be sufficient and adequate to mitigate the potential transportation related impacts associated with the additional

traffic from the Project. The status of the previously adopted mitigation measures is summarized in **Table 3-23**. As shown, the Tribe has already paid its fair share of the traffic improvements and the agreed upon fees stated in the Intergovernmental Agreement between the County of San Diego and Tribe, dated May 16, 2016, for the Approved TIS 2035 planning horizon and 2015 near term. In addition to the payments, the SR 94 mitigation measures are either complete, in the planning and right-of-way acquisition process, or they will begin construction in the near future. Therefore, because the Tribe has paid all appropriate traffic impact fees and previously identified mitigation measures have been constructed, are in progress, or are in the planning process, the Project trip generation would have a less-than-significant impact on existing traffic levels in the surrounding area, and no additional mitigation is required.

3.11-2 Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated off-Reservation roads or highways?

As discussed above, the Project trip generation in combination with the existing actual traffic generated by the Casino is significantly lower than the level of traffic that was assumed to have been generated by the Casino in the Approved TIS, including for the 2035 planning horizon. Since the Project would not be adding additional trips beyond what was projected and mitigated for in the Approved TIS, no additional impacts are anticipated to the level of service levels for nearby intersections and roadways. Furthermore, as described under **Impact 3.10-1** and seen in **Table 3-23**, the Tribe has already paid its fair share cost toward traffic improvements identified as part of the Approved TIS and the agreed upon fees stated in the Intergovernmental Agreement with the County. The remaining mitigation measures aside from this have already been completed, are in the planning and right-of-way acquisition process, or the JIVDC is processing the permit for construction. Therefore, this impact is less than significant.

3.11-3 Would the project substantially increase hazards to an off-Reservation design feature (e.g., sharp curves or dangerous intersections) or create an incompatible use (e.g., farm equipment)?

The Project would not modify the design of existing roadways, nor would it include operational features that would impact traffic or increase hazards. Furthermore, the proposed expansion under the Project would result in similar uses currently experienced onsite and would therefore not introduce new uses or equipment at the project site that would be incompatible with the off-Reservation area. Because of these factors, this impact would be less than significant.

3.10-4 Would the project result in inadequate emergency access for off-Reservation responders?

The Project does not involve any off-Reservation design changes to the current project access driveway, or other off-Reservation traffic facilities. As stated in **Section 2.5.1**, the Project would comply with the Tribal Building Ordinance, which meets or exceeds the requirements of the California Building Code (CBC) and the California Public Safety Code applicable to the County, as set forth in Titles 19 and 24 of the California Code of Regulations (CCR), including, but not limited to, codes for fire and safety. The Public Safety Code requires inspections to ensure adequate emergency lighting, fire equipment, means of egress, and other safety measures. Although not required, the JIVDC will coordinate design review with the San Diego County Fire Department to review site access, staging locations and hydrant placement, as well as fire prevention technology.

In addition, the Project would not introduce factors that would generate new or unanticipated long-term changes in traffic and the trip generation beyond what was examined and mitigated for in the Approved

TIS. Construction impacts to traffic are negligible and temporary, and construction staging would occur primarily on-Reservation or with the 4-acre site directly adjacent to the project site. As noted above, implementation of the Project would not result in unacceptable operations for intersections and roadway segments surrounding the project site. Further, the JIVDC is working with the County on updating the Casino Fire and Emergency Plan that will consider the addition of the Project. Therefore, implementation of the Project would not significantly impact emergency response or evacuation routes in the vicinity of the project site. This impact would be less than significant.

Table 3-23: 2013 Final Tribal Environmental Evaluation Mitigations and Status

Facility	Description of Improvement	Status
Existing Plus Project		
SR 94 (Campo Rd) & Jamacha Blvd (intersection)	Restripe NB thru shared left-turn lane to a NB thru shared right-turn lane (Including required traffic signal modifications).	JIV is processing permit for construction
SR 94 (Campo Rd) & Jamacha Rd (intersection)	Add second EB right-turn lane. Extend NB left turn lane pocket.	JIV is processing permit for construction
SR 94 (Campo Rd) & Steele Canyon Rd (intersection)	Add a second EB and WB thru lane.	JIV is in the planning and right-of-way acquisition process
SR 94 (Campo Rd) & Lyons Valley Rd (intersection)	Install Traffic Signal	Completed
SR 94 (Campo Rd) & Melody Rd (intersection)	Install Traffic Signal	JIV is in the planning and right-of-way acquisition process
	Restripe NB shared left/through/right-turn lane to a NB thru shared right-turn lane and add a NB left-turn lane. Restripe SB shared left/through/right-turn lane to a SB thru shared right-turn lane and add a NB left-turn lane.	JIV is in the planning and right-of-way acquisition process
SR 94 (Campo Rd) & Daisy Drive (intersection)	Construct a new access point for the Project	Completed
SR 94 (Campo Rd) & Maxfield Rd (intersection)	Restripe NB and SB approaches along SR 94 to include a two-way left-turn acceleration lane	JIV is processing permit for construction
Near Term (2015) Plus Project		
The Tribe shall pay its fair share of the traffic improvements identified as part of the Approved TIS and the agreed upon fees stated in the Intergovernmental Agreement between the County of San Diego and JIV, dated May 16, 2016		Completed
Horizon Term (2035) Plus Project		
The Tribe shall pay its fair share of the traffic improvements identified as part of the Approved TIS and the agreed upon fees stated in the Intergovernmental Agreement between the County of San Diego and JIV, dated May 16, 2016		Completed

Note: JIV = Jamul Indian Village; NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound
Source: **Appendix K**

3.12 UTILITIES AND SERVICE SYSTEMS

3.12.1 Regulatory Setting

San Diego County General Plan

The San Diego County General Plan applies to the unincorporated area of the County and is the County's long-term blueprint for the vision of the future. The primary focus of the Conservation and Open Space Element is to provide direction to future growth and development in the County of San Diego with respect to the conservation, management, and utilization of natural and cultural resources; the protection and preservation of open space; and the provision of park and recreation resources. The project site does not have a General Plan land use designation. The following specific objectives and policies are relevant to the assessment of utility concerns:

GOAL COS-4: A balanced and regionally integrated water management approach to achieve the long-term viability of the County's water quality and supply.

Policy COS-4.1: Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.

Policy COS-4.3: Maximize stormwater filtration and/or infiltration in areas that are not subject to high groundwater by maximizing the natural drainage patterns and the retention of natural vegetation and other pervious surfaces. This policy shall not apply in areas with high groundwater, where raising the water table could cause septic system failures, moisture damage to building slabs, and/or other problems.

Policy COS-4.5: Promote the use of recycled water and gray water systems where feasible.

The Land Use Element provides a framework to accommodate future development in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable and sensitive natural resources. The project site does not have a General Plan land use designation. The following specific objectives and policies are relevant to the assessment of utility concerns:

Goal LU-14: Adequate wastewater disposal that addresses potential hazards to human health and the environment.

Policy LU-14.3: Require wastewater treatment facilities serving more than one private property owner to be operated and maintained by a public agency. Coordinate the planning and design of such facilities with the appropriate agency to be consistent with applicable sewer master plans.

3.12.2 Environmental Setting

Water Supply

The existing Casino receives its water supply from the Otay Water District (OWD), which is a publicly owned retail water and sewer agency serving a 125.5-square-mile portion of southern San Diego County

(**Appendix C**). OWD's boundaries encompass a large portion of eastern Chula Vista, a portion of the City of San Diego on Otay Mesa, and various unincorporated areas, including Rancho San Diego, Jamul, Spring Valley, Bonita, Otay Mesa, and areas adjacent to El Cajon and La Mesa. The OWD provides water service to almost all of the area within its boundaries, encompassing approximately 200,000 residents and making the OWD the second largest water purveyor by population in San Diego County. The existing service for the Casino is provided from a 12-inch potable water main along SR 94 via a 12-inch lateral and 4-inch potable water meter on the Reservation (**Appendix C**).

As described in the OWD 2020 Urban Water Management Plan, OWD currently meets all its potable demands with imported treated water from the San Diego Water Authority, and back-up purchases from the City of San Diego's Otay Water Treatment Plant on an as-needed and as-available basis (OWD, 2020). OWD does not utilize groundwater to fulfill its potable water demand (OWD, 2020). Instead, the water supplies utilized by OWD include the following:

- **San Diego County Water Authority:** OWD receives potable water from the San Diego County Water Authority via Pipeline Number 4 of the Second San Diego Aqueduct, and from the Helix Flume Connection Pipeline. Both conveyance facilities are owned and operated by the San Diego County Water Authority. Pipeline Number 4 delivers potable water treated at one of three facilities: the Metropolitan Skinner Water Treatment Plant located in Riverside County, the Water Authority's Twin Oaks Valley Water Treatment Plant in San Marcos, and the San Diego County Water Authority's Carlsbad Seawater Desalination Facility. The Helix Flume Connection Pipeline receives water treated at the Helix WD's Levy Filtration Plant. The San Diego County Water Authority does not have contractual agreements with its member agencies to guarantee flow rates or hydraulic gradients at its various flow control facility connections. Generally, if the San Diego County Water Authority cannot obtain sufficient treated and/or raw water or has delivery limitations for the water requests of its member agencies, the San Diego County Water Authority will attempt to allocate the water delivery shortfall to its member agencies on a proportional basis (OWD, 2020).

- **City of San Diego:** Through a 1999 agreement with the City of San Diego, OWD may obtain up to 10 million gallons per day (mgd) of supply from the City of San Diego's Otay Water Treatment Plant. The Otay Water Treatment Plant was originally constructed in 1940 and has a current rated capacity of 34.4 mgd. The City of San Diego's typical demand for treated water from the Otay Water Treatment Plant is less than 20 mgd. Under the terms of the agreement, the City of San Diego's obligation to supply treated water to OWD is contingent upon it having surplus capacity available, beyond what the City of San Diego needs for its own area system. The agreement also provides OWD with the option of funding an expansion of the Otay Water Treatment Plant in return for additional capacity rights. Although in the past the City has planned for expansion of the plant to a capacity of 60 mgd, the City currently has no committed plans or budget for expansion of the plant. OWD does not currently have permanent facilities in place to take delivery of water from the Otay Water Treatment Plant; instead, a temporary "Lower Otay Pump Station" conveys flows from an OWD Interconnect. OWD has completed the design of a permanent Lower Otay Pump Station but has deferred construction of the facility. OWD considers the supply of water from the Otay Water Treatment Plant to be an alternative source for use in the South District area system when the San Diego County Water Authority Pipeline Number 4 is out of service.

- **Emergency Supplies:** OWD has established a goal to sustain a ten-day outage of supply from the San Diego County Water Authority Pipeline Number 4 at any time of the year without a reduction in service level. OWD seeks to obtain this level of supply reliability through the development of alternative water supplies, through agreements with neighboring water districts, and through treated water storage. For emergency events longer than the ten-day aqueduct shutdowns noted previously, OWD will utilize emergency supplies developed by the San Diego County Water Authority's Emergency Storage Project. The Emergency Storage Project is designed to provide treated water service to all San Diego County Water Authority member agencies during a two-month interruption in service of imported water deliveries into San Diego County. The Emergency Storage Project is sized to deliver up to 75% of each agency's peak two-month summer demand.

The OWD 2020 Urban Water Management Plan includes a Water Service Reliability and Drought Risk Assessment. The assessment compares total projected water supply and demands over the next 25 years in 5-year increments for a normal year, a single dry water year and multiple dry water years and concludes that OWD will have sufficient water resources to meet OWD demands. This forecast considers increases in population and development within OWD's service area. Additionally, the OWD 2020 Urban Water Management Plan describes a Water Shortage Contingency Plan which analyzes the likelihood of a water shortage occurring as well as response actions.

Water Usage

The potable water usage for the Jamul Casino for 2021 and 2022 has been tabulated and is summarized in Table 11 of **Appendix C**. As described therein, the average water usage for the period is 30,383 gpd with a minimum usage of 22,576 in January 2022 and a maximum usage of 43,197 in August 2021.

The existing Casino uses recycled water at the project site for irrigation purposes, toilet flushing, and cooling system process water. The recycled water is supplied from the onsite WWTP. When the treated effluent generated by the WWTP is insufficient to meet the demands for irrigation, toilets, and cooling system process water, potable water from OWD is used to supplement. Table 9 of **Appendix C** displays the recycled water utilized historically at the project site and the contribution of WWTP treated effluent and potable water utilized to meet the demand. As described therein, the average daily volume of recycled water supplied to the existing Casino between May 2021 and April 2022 ranged from 51,372 gpd to 83,834 gpd with the higher demand in the summer months and lower demands in the winter months. During this period (May 2021 – April 2022), potable water was used to supplement recycled water to meet demands. Potable water use to meet these demands ranged from 217 gpd to 22,413 gpd with the higher demand in the summer months and lower demands in the winter months.

Wastewater Treatment

The existing WWTP located on the project site west of the Casino building is owned by the Tribe and is operated by the Tribe's contract operator Water Quality Specialists. The WWTP receives wastewater flows from the nearby community center, the administration building, the Casino, and the Casino's cooling tower (**Appendix C**).

The onsite WWTP was designed to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water, so that the Casino can reuse the recycled water for irrigation purposes, toilet flushing, and as a water source for the cooling tower. Design flows for the WWTP are 68,000 gpd average, 98,000 gpd daily maximum, and 128 gpd hourly peak (**Appendix C**).

Daily influent wastewater flow data from 2017 through 2022 to the WWTP was evaluated and is summarized in Section 2.2.1 of **Appendix C**. As described therein, wastewater treatment demands at the existing Casino increased consistently at approximately 8,000 gallons per year, decreased during the COVID-19 lockdown (March through May 2020), and then returned to pre-Covid trends. Maximum monthly flow was about 80,000 gpd in October 2021. Additionally, the summer and early fall (warmer months) have higher flows than the winter (cooler) months.

Currently, excess wastewater that cannot be reused or treated on-site, waste activated sludge, and brine waste (from Casino water softener and wastewater treatment processes) is trucked to the City of San Diego Pump Station 1, for further treatment and disposal at the Point Loma WWTP. Pump Station 1 conveyed approximately 18,740 million gallons of wastewater in 2017, averaging approximately 51 mgd (City of San Diego, 2017). The Point Loma WWTP has a rated capacity of 240 mgd and operates at an average daily flow rate of 175 mgd (City of San Diego, 2022).

Water trucking to City of San Diego Pump Station 1 is regulated under the City's Trucked Waste Requirements and Procedures. The Tribe currently holds the following permits, which are reviewed and renewed annually: Industrial Waste Hauler Permit, Domestic Waste Hauler Permit, Brine Waste Generator, Activated Sludge Waste Generator, and Plant Effluent Generator. Daily Trucking Off-site data from 2017 through 2022 from the WWTP was evaluated and tabulated in Table 6 of **Appendix C**. As described therein, the total volume of waste trucked off-site for disposal increased consistently, decreased during the COVID-19 lockdown (March through May 2020), and then returned to pre-Covid trends. In 2021 a total of 831 loads of brine waste, activated sludge, domestic waste, and treated effluent were trucked off-site.

Additionally, the Tribe has a NPDES discharge permit (Permit Number CA0084284) for direct discharge of up to 68,000 gpd of tertiary treated wastewater to either an outfall to Willow Creek or sub-surface infiltration basins within the Reservation (**Appendix C**). There has been no discharge of treated effluent to Willow Creek or sub-surface infiltration basins from the WWTP. Thus, the NPDES discharge permit for the WWTP has not been utilized; to date, all treated effluent not reused has been trucked off-site for disposal. Refer to **Section 3.13.2** for a discussion of the effluent limits and monitoring requirements included in the NPDES discharge permit.

Stormwater Drainage

The drainage patterns on the project site generally consist of the front (eastern) section of the project site draining towards SR 94 and the remaining area draining towards Willow Creek. Stormwater drainage facilities on the project site currently include a series of inlets, storm drain, storage facilities, biofiltration treatment basins, and rip rap energy dissipating devices (**Appendix D**). Under current conditions, stormwater treatment within the site is being accomplished with detention and treatment BMPs situated throughout to meet County drainage and water quality standard requirements. Refer to **Section 3.13.2** for a description of the on-Reservation stormwater drainage facilities.

3.12.3 Impact Analysis

Methodology

The following impact analysis identifies off-Reservation utilities and services systems that would potentially be affected or created by construction and operation of the Project. The impact analysis

compares existing conditions to foreseeable changes to these off-Reservation conditions that would likely result from implementation of the Project.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on off-Reservation utilities and service systems. The Project would result in a significant impact if it would:

- Exceed off-Reservation wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- 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 off-Reservation environmental effects;
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant off-Reservation environmental effects; or
- Result in a determination by an off-Reservation wastewater treatment provider (if applicable) that serves or may serve the project that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Impacts

3.12-1 Would the Project exceed off-Reservation wastewater treatment requirements of the applicable Regional Water Quality Control Board?

On-Reservation WWTP

As described in **Section 2.3.5**, wastewater generated by the Project would be treated at the Tribe's wastewater treatment plant located on the project site, which would be expanded to accommodate the flows of the Project. The upgraded WWTP will increase the design average daily flow from 68,000 gpd to 150,000 gpd and will be designed to treat the wastewater to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and to meet the Tribe's NPDES permit requirement and associated waste discharge requirements. The existing NPDES discharge permit would be updated to reflect the increased design capacity of the WWTP; however, it is not expected that the discharge capacity of 68,000 gpd would change. The tertiary treated recycled water would be used for irrigation, toilets, and cooling system process water. Excess wastewater that cannot be reused onsite be discharged to an outfall to Willow Creek within the project site pursuant to the Tribe's NPDES permit for direct discharge. In accordance with the NPDES permit, a discharge monitoring plan would be implemented to ensure the ongoing preservation of water quality in compliance with the effluent discharge limitations established by the USEPA. Discharge monitoring reports will be provided to the USEPA as required by the CWA NPDES Discharge Permit. Therefore, the Project would not exceed wastewater treatment requirements and the impact would be less than significant.

City of San Diego Point Loma WWTP

As described in **Section 2.3.5**, the increase in wastewater generated by the Project would result in a proportional increase in the brine waste, activated sludge, and untreated wastewater from plant maintenance activities (e.g., lift station cleaning, sewer line cleaning etc.). Consistent with current operations of the WWTP, these wastes would be temporarily stored in onsite tanks before being trucked

to the City of San Diego Pump Station 1 for further treatment and disposal at a Point Loma WWTP. Water trucking to City of San Diego Pump Station 1 is regulated under the City's Trucked Waste Requirements and Procedures, which would be followed by the contracted waste hauler from the project site. The Point Loma WWTP produces treated wastewater that exceeds the requirements of the USEPA and the Regional Water Quality Control Board (RWQCB; City of San Diego, 2022). As shown in Table 10 of **Appendix C**, the Project is estimated to result in an annual increase of 562 truckloads of brine waste, 151 truckloads of activated sludge, and 14 loads of untreated wastewater from plant maintenance activities (e.g., lift station cleaning, sewer line cleaning etc.). Additionally, treated effluent would no longer be trucked to the City of San Diego Pump Station 1 for disposal, the Project would result in an annual reduction of 73 truckloads of treated effluent currently being trucked to the City. Therefore, the Project will result in an annual net increase of 654 truckloads to the City of San Diego Pump Station 1. This equates to approximately 2,747,000 gallons per year or an average of 7,526 gpd. As discussed above, the Point Loma WWTP has a rated capacity of 240 mgd and operates at an average daily flow rate of 175 mgd, resulting in 65 mgd of available capacity. The amount of additional wastewater that would be treated at the Point Loma WWTP as a result of the Project (7,526 gpd) would be approximately 0.012% of the 65 mgd of available capacity. With continued compliance with the City's Trucked Waste Requirements and Procedures, the Project would not cause the Point Loma WWTP to exceed wastewater treatment requirements and off-Reservation impacts would be less than significant.

3.12-2 Would the Project 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 off-Reservation environmental effects?

Wastewater Treatment

As described in **Section 2.3.5**, wastewater generated by the Project would be treated at the Tribe's WWTP located on the project site, which would be expanded to accommodate the flows of the Project. This project component would be located fully within the Reservation. As described throughout this TEIR, all impacts associated with development of the Project would be reduced to a less-than-significant level with the implementation of the BMPs included in **Table 2-2** and mitigation measures in **Section 5**.

As described under **Impact 3.12-1**, the amount of additional wastewater that would be treated at the Point Loma WWTP as a result of the Project (7,526 gpd) would be approximately 0.012% of the 65 mgd of available capacity. Further, the amount of additional wastewater that would be trucked to City of San Diego Pump Station 1 as a result of the Project (7,526 gpd) would be approximately 0.15% of the amount of water conveyed by Pump Station 1 in 2017. As the City's wastewater treatment facilities have the capacity to accept the wastewater generated by the Project, the Project would not require or result in the expansion of existing off-Reservation wastewater treatment facilities; therefore, no significant off-Reservation environmental effects would occur.

Potable Water

As described in **Section 2.3.5**, the Project would have an estimated average daily water demand of 57,690 gpd or 68,940 gpd if a cooling tower is utilized at the proposed hotel. Approximately, 7,086 gpd (18,336 gpd with cooling tower) of that demand can be met with recycled water from the onsite WWTP being used for toilet flushing and cooling system process water. Additionally, the Project would result in an increase in the amount of recycled water available for reuse at the Jamul Casino. This increase in recycled water use would eliminate the need for potable water to be used for toilet flushing and the cooling system at the existing facilities, which makes up an average of 10,086 gpd of the current potable water demand.

Therefore, the net average increase in potable water demand from OWD would be 40,518 gpd with or without the use of the cooling tower.

The potable water supply for the new Hotel is planned to be from OWD's existing 12-inch lateral and existing 4-inch water meter that is used to supply potable water to the Jamul Casino (as identified above).

As described in **Appendix C**, a request to OWD was submitted to determine their ability to supply projected water demands of the Project. The request was submitted with conservative preliminary water demand estimates (180,000 gpd) which are significantly higher than the current projected net increase in water demand (40,518 gpd). The OWD identified in their response (see Appendix A of **Appendix C**) that they have no objection to serving the project site with the requested volume of water. They also stated that the Project can be served by the existing 12-inch potable water main on SR 94 that extends through a 12-inch lateral onto the Reservation.

Fire service water would also be provided from the existing 12-inch lateral. However, it is possible that a second point of connection would be required from the existing 12-inch potable water main along the north side of SR 94 to create a "loop" system within the Reservation. If required, the second lateral is expected to be located west of Daisy Drive and a pipeline extended across the 4-acre parcel to the Reservation. This second service connection would be connected to the existing water lines on the Reservation to provide a looped fire service line. The environmental consequences of installation of the second lateral and fire service water connection line have been addressed throughout Section 3 of this TEIR. All construction would occur within Caltrans' existing right-of-way and the 4-acre parcel. Near the project site, the SR 94 right-of-way consists primarily of the paved roadway and shoulder. Barren rocky ground and degraded ruderal vegetation existing along the margin of the roadway and is interspersed with drainage and utility infrastructure. The SR 94 right-of-way in this area does not have known significant cultural resources nor does it provide suitable habitat or foraging areas for special-status species. The areas to the west of Daisy Drive currently consist of barren compacted dirt and a remnant concrete pad from the former fire station on the site, and have been heavily disturbed. Upon completion of the pipeline installation, the existing grades and drainage features would be restored. With BMPs, off-Reservation physical environmental effects from the potential fire line connection would be less than significant.

3.12-3 Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant off-Reservation environmental effects?

As described in **Section 2.3.6**, a Preliminary Drainage Analysis and Conceptual Stormwater Treatment Assessment have been completed for the Project and are provided in **Appendix D** and **Appendix E**, respectively. The assessments recommend modifications and retrofits to the existing stormwater facilities to achieve compliance with County requirements. The existing cistern and biobasin on the southeast corner of the Casino building will continue to be used with minor revisions to the outlet structure of the cistern. The storm drain which is currently collecting a small portion of the loop road along the southern property boundary and disposing directly into Willow Creek will be tied to the existing piping flowing to the cistern detention and water quality treatment facilities on the southeast corner of the Casino building. The existing biobasin and associated pipelines and outlet structure on the northwest side of Willow Creek will be retrofitted to achieve detention for peak flows and hydromodification-level flows. Stormwater treatment of runoff for the areas west of Willow Creek will be accomplished by routing treatment flows through a new modular proprietary biofiltration unit immediately upstream of the detention facility. Pipe

discharge velocities will be decreased to nonerosive levels by use of energy dissipating devices such as rip rap, check dams, or permanent turf reinforcement matting. These project components would be located fully within the Reservation. As described throughout this TEIR, all off-Reservation impacts associated with development of the Project would be reduced to a less-than-significant level with the implementation of the BMPs included in **Table 2-2** and mitigation measures in **Section 5**.

3.12-4 Would the Project result in a determination by an off-Reservation wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As described under **Impact 3.12-1** and **Impact 3.12-2**, the amount of additional wastewater that would be treated at the Point Loma WWTP as a result of the Project (7,526 gpd) would be approximately 0.012% of the 65 mgd of available capacity. Further, the amount of additional wastewater that would be trucked to City of San Diego Pump Station 1 as a result of the Project (7,526 gpd) would be approximately 0.15% of the amount of water conveyed by Pump Station 1 in 2017. Water trucking to City of San Diego Pump Station 1 is regulated under the City's Trucked Waste Requirements and Procedures, which would be followed by the contracted waste hauler from the project site. With continued compliance with the City's Trucked Waste Requirements and Procedures, the Project would not cause the Point Loma WWTP or Pump Station 1 to exceed their capacity and off-Reservation impacts would be less than significant.

3.13 WATER RESOURCES

3.13.1 Regulatory Setting

Federal

Clean Water Act

The federal Clean Water Act (CWA) (33 USC § 1251-1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Important sections of the Act are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 (Water Quality Certification) requires an applicant for any federal permit that proposes an activity, which may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the Act.
- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program also extends to non-point source discharges, including storm water discharges from certain sites.
- Section 404 establishes a permit program for the discharge of dredged or fill material into waters of the United States. This permit program is jointly administered by the USACE and the USEPA.

NPDES Waste Discharge Regulations

The federal CWA established the NPDES program to protect the water quality of receiving waters. Under the CWA, the USEPA is required to establish technology-based effluent limitations for point sources that are to be incorporated into NPDES permits. In addition, NPDES permits must be consistent with applicable state water quality standards. Under the CWA, Section 402, discharging pollutants to receiving waters is prohibited unless the discharge is in compliance with an NPDES permit. In California, USEPA's Pacific Southwest (Region 9) issues all NPDES permits on tribal lands and for any discharges into federal waters.

NPDES Construction General Permit

Construction projects disturbing one or more acres of soil must be covered under the NPDES general permitting process. For tribal projects on trust land, the contractor proposing the project must apply for coverage under the USEPA's Construction General Permit. The USEPA's Construction General Permit also requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must list BMPs that address stormwater runoff rates and quality.

National Flood Insurance Program

In response to increasing costs of disaster relief, Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The purpose of these acts was to reduce the need for large, publicly funded flood control structures and disaster relief by restricting development on floodplains. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA issues flood insurance rate maps (FIRMs) for communities participating

in the NFIP. A FIRM is the official map of a community prepared by FEMA to delineate both the special flood hazard areas and the flood risk premium zones applicable to the community.

Executive Order 11988

Executive Order (EO) 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Specifically, EO 11988 states that agencies shall first determine whether the proposed action will occur in a floodplain. EO 11988 defines a floodplain as an area that has a 1% or greater chance of flooding in any given year. Second, if an agency proposes to allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the only practicable alternative action requires siting in a floodplain, the agency shall minimize potential harm to or within the floodplain.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act provides the basis for surface water and groundwater quality regulation within California. The act established the authority of the State Water Resources Control Board (SWRCB) and the nine RWQCB. The act requires the State, through the SWRCB and the RWQCBs, to designate beneficial uses of surface waters and groundwater and specify water quality objectives designed to protect those uses. These water quality objectives are presented in the Regional Water Quality Control Plans. The surface water quality standards for State of California include both narrative and numerical water quality objectives to keep California's waters swimmable, fishable, drinkable, and suitable for use by industry, agriculture, and the citizens of the state.

Sustainable Groundwater Management Act

The intent of the California Sustainable Groundwater Management Act (SGMA; Water Code § 10720 et seq.) is to "enhance local management of groundwater consistent with rights to use or store groundwater… [and] to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater." The SGMA states that "any local agency or combination of local agencies overlying a groundwater basin may elect to be a groundwater sustainability agency for that basin" (Water Code § 10723). A groundwater sustainability agency will be formed within each groundwater basin to prepare and implement a plan for long-term groundwater sustainability.

In San Diego County, the State has designated three of the county's basins as medium- or high-priority and subject to SGMA: Borrego Valley (Borrego Springs Subbasin), San Luis Rey Valley (Upper San Luis Rey Valley Subbasin), and San Pasqual Valley (San Diego County, 2022). None of which are in the vicinity of the project site.

Title 22 California Code of Regulations

Title 22 CCR Division 4, Chapter 3 regulates the sources, uses, and quality standards of recycled water in the State. Article 3, Section 60304(a) requires that any recycled water used for the irrigation of food crops, parks and playgrounds, and residential landscaping shall be a disinfected tertiary recycled water. Article

1, Section 60301.230 defines disinfected tertiary recycled water as a wastewater that has been filtered and disinfected, and which meets the following criteria:

A. The filtered wastewater has been disinfected by either: (1) A chlorine disinfection process following filtration that provides a CT (the product of total chlorine residual and modal contact time measured at the same point) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; OR (2) A disinfection process that, when combined with the filtration process, has been demonstrated to inactivate and/or remove 99.999% of the plaque forming units of F-specific bacteriophage MS2, or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.
B. The median concentration of total coliform bacteria measured in the disinfected effluent does not exceed a most probable number (MPN) of 2.2 per 100 mL using the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 mL in more than one sample in a 30-day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 mL.

Local

San Diego County Grading Ordinance

The San Diego County Grading Ordinance (Title 8, Division 7 of the County Code) establishes provisions for public safety and environmental protection associated with grading, clearing, and watercourses.

San Diego County Hydraulic Design Manual

The San Diego County Hydraulic Design Manual (2014) establishes design standards and procedures for stormwater drainage and flood management facilities in San Diego County, California. These design standards and procedures provide guidance to local jurisdictions, design engineers, developers, contractors, and others in the selection, design, construction, and maintenance of stormwater drainage and flood management facilities.

3.13.2 Environmental Setting

Surface Water

Regional Hydrology

The project site is located within the Otay Watershed and more specifically within the Jamul Hydrologic Sub-Area (Hydrologic Unit Basin [HUB] Number 910.33) which is within the Dulzura Hydrologic area (**Appendix D**). The Otay River is the second largest river draining into San Diego Bay. Damming in the early part of the century created the Otay Reservoirs, which provide drinking water for southern San Diego County. Major tributaries of the Otay River include Jamul Creek, Dulzura Creek, and Poggi Creek (SDRWQCB, 2007). The general direction of surface runoff in the vicinity of the project site is to the south via Willow Creek, a drainage tributary to Jamul Creek, which is tributary to Dulzura Creek, which terminates in the Lower Otay Reservoir. The Lower Otay Reservoir is the terminus of the second San Diego Aqueduct (SDRWQCB, 2021). As shown in **Figure 2-4**, Willow Creek bisects the Reservation immediately west of the existing Casino.

The surface water quality standards for the State of California include both narrative and numerical water quality objectives to keep California's waters swimmable, fishable, drinkable, and suitable for use by industry, agriculture, and the citizens of the State. The Water Quality Control Plan for the San Diego Basin (Basin Plan) identifies the following beneficial uses for Jamul Creek: Municipal and Domestic Supply, Agricultural Supply, Industrial Service Supply, Industrial Process Supply, Contact Water Recreation, Non-Contact Water Recreation, Preservation of Biological Habitats of Special Significance, Warm Freshwater Habitat, and Wildlife Habitat (SDRWQCB, 2021).

Under CWA Section 303(d) states are required to submit to USEPA a list identifying waterbodies not meeting water quality standards and the associated pollutants impairing beneficial uses of the waterbodies. States are also required to establish a priority ranking of these impaired waters for purposes of developing plans that include Total Maximum Daily Load (TMDL) plans. These plans describe how an impaired water body would meet water quality standards through the use of TMDLs. The nearest water bodies downstream of the project site and listed on the California State 303(d) list of impaired waters are Jamul Creek and the Lower Otay Reservoir. Jamul Creek is listed as impaired for Warm Freshwater Habitat Beneficial Use due to toxicity (USEPA, 2022b). Lower Otay Reservoir is listed as impaired for Cold Freshwater Habitat, Commercial and Sports Fishing, Municipal and Domestic Eater Supply, and Warm Freshwater Habitat due to the following parameters: pH, mercury, ammonia, color, iron, manganese, nitrogen, and phosphorus (USEPA, 2022c). TMDLs have not been established for either Jamul Creek or Lower Otay Reservoir.

The County has a wide array of information on stormwater quantity and quality mitigation measures such as post-construction treatment control Best Management Practices (BMPs), Low Impact Development, Source Control BMPs, hydromodification management practices, and construction BMPs. The County, in partnership with the cities of Chula Vista, Coronado, Imperial Beach, La Mesa, Lemon Grove, National City, and San Diego, the San Diego County Regional Airport Authority, and the San Diego Unified Port District, have also developed a Water Quality Improvement Plan (WQIP) for the watershed. The WQIP consists of a framework of strategies to address impairments in the watershed. For the Otay HUB, the Focus Priority Conditions identified in the WQIP were swimmable waters in the Coronado hydrologic area (910.1) and physical aesthetics (trash) in the Otay Valley hydrologic area (910.2) (San Diego Bay Responsible Parties, 2016).

NPDES Discharge Permit

The existing WWTP has a National Pollution Discharge System (NPDES) permit (No. CA0084284) for direct discharge of up to 68,000 gallons per day of tertiary treated wastewater to either an outfall to Willow Creek or sub-surface infiltration basins within the Reservation; however, to date, no effluent has ever been discharged from the WWTP to Willow Creek as, under current conditions, excess treated wastewater that is not reused onsite is trucked to San Diego Pump Station 1 for disposal at the City's regional WWTP. The NPDES discharge permit includes the effluent limits and monitoring requirements listed in **Table 3-24**:, which were established to protect the beneficial uses of the region's surface and groundwaters and preserve the water quality objectives established in the Basin Plan**.**

Table 3-24: Current NPDES Effluent Limits and Monitoring Requirements

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements [2]	
	Concentration and Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Flow rate	(1)	–	0.068[3]	MGD	Continuous	Metered
Temperature, water deg. Centigrade	(1)	–	(1)	^{0}C	Continuous	Metered
Ammonia (as N) [5]	(1)	–	(1)	mg/L	Quarterly	Composite
Ammonia Impact Ratio	1.0[5]	–	–	Ratio	Quarterly	Calculated
Biochemical Oxygen Demand (5-day)[4]	30	45	–	mg/L	Weekly	Composite
	85% monthly removal [4]			%		
Total Suspended Solids[3]	30	45	–	mg/L	Weekly	Composite
	85% monthly removal [4]			%		
Total Dissolved Solids	(1)	–	500	mg/L	Monthly	Composite
Dissolved Oxygen	(1)	–	5.0 [6]	mg/L	Monthly	Discrete
Total Coliform	–	2.2	–	MPN/ 100 mL	Monthly	Discrete
Nitrate (as NO_3)	(1)	–	45	mg/L	Quarterly	Composite
Oil and grease, total recoverable	10	–	15	mg/L	Monthly	Discrete
pH	6.5 – 8.5 at all times			S.U.	Weekly	Discrete
Phosphorus, total	(1)	–	(1)	mg/L	Quarterly	Composite
Nitrogen, total	(1)	–	(1)	mg/L	Quarterly	Composite
Total Residual Chlorine	11	–	19	mg/L	Weekly[7]	Discrete
Turbidity	–	–	2	NTU	Weekly	Composite
Chronic Toxicity	Pass [8]			Pass/Fail	Quarterly	Composite
Priority Pollutant Scan[9]	–	–	(1)	mg/L	Annual	Composite

(1) No effluent limits are set at this time, but monitoring and reporting is required.
(2) At minimum, at least one sample per year must be taken concurrent with annual whole effluent toxicity monitoring. Monitoring must include a sufficiently sensitive analytical method. See section I.F of NPDES Permit No. CA0084284 for specific requirements.
(3) The flow limit applies to the sum of the flow through Outfall 001 and Outfall 002 if both outfalls are utilized.
(4) Both the influent and effluent shall be monitored. The average monthly effluent concentration of Biochemical Oxygen Demand (5-day) and Total Suspended Solids shall not exceed 15% of the average monthly influent concentration collected at the same time.

(5) The Ammonia Impact Ration (AIR) is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standard based on the Final Aquatic Life Ambient Water Quality Criteria for Ammonia. See Attachment E of the NPDES permit for a sample log to help calculate and record the AIR values and Attachment F of the NPDES permit for pH-dependent and temperature dependent water quality objectives. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia, pH, and temperature values. Monitoring for pH and ammonia must be conducted concurrently in order for the AIR to be calculated properly.
(6) Dissolved oxygen limitations set as minimum values.
(7) Total residual chlorine monitoring is only required during monitoring periods in which chloring is used for disinfection.
(8) All chronic whole effluent toxicity (WET) tests must be ”Pass,” and no test may be “Fail”. “Pass” constitutes a rejection of the null hypothesis. See section III.D of the NPDES permit for specific requirements.
(9) The list of priority pollutants can be found in 40 CFR Part 423, Appendix A. This annual monitoring must be done concurrently with the whole effluent toxicity testing done in the first calendar quarter of each year.

Source: USEPA NPDES Permit No. CA0084284

Stormwater Drainage

The drainage patterns on the project site generally consist of the front (eastern) section of the project site draining towards SR 94 and the remaining area draining towards Willow Creek. Stormwater drainage facilities on the project site currently include a series of inlets, storm drain, storage facilities, biofiltration treatment basins, and rip rap energy dissipating devices (**Appendix D**). Under current conditions, stormwater treatment within the site is being accomplished with detention and treatment BMPs situated throughout to meet County drainage and water quality standard requirements.

The Casino roof drainage system collects runoff and directs it west towards a cistern located at the lower southwest corner of the Casino building. The outlet from this riser discharges into a bioretention basin located immediately outside the southern wall of the cistern identified as ‘IMP A’ in **Appendix E**. The low treatment flowrates percolate through the media and exit the basin via a 6’ perforated underdrain. Higher flowrates overtop a catch basin outlet structure and exit the basin through a 24” outfall pipe. This outfall pipe discharges directly into Willow Creek (**Appendix E**).

Drainage from the area on the west side of Willow Creek discharges into Willow Creek at three locations. The tributary area to the northernmost discharge location includes much of the looped road (west of Willow Creek), the community center, church, tribal offices, and cemetery. Runoff is routed through the subarea to a bioretention facility (identified as ‘IMP B’ in **Appendix E**). Runoff from the center discharge location along the west side of Willow Creek comes from the WWTP subarea. The driveway to the WWTP is constructed with permeable pavement. Surface runoff for this area initially filters through the paver section for treatment. Higher flows from this area are collected by a curb inlet and then discharged into Willow Creek. The southernmost discharge location along the west side of Willow Creek discharges runoff from a small portion of the site consisting of the looped road and a small bioretention area (identified as ‘IMP C’ in **Appendix E**) which treats the respective subarea. A 6” perforated pipe within the gravel section collects and conveys the runoff to a catch basin. At the surface, this catch basin serves as a riser and helps in metering outflows before discharging its runoff to Willow Creek (**Appendix E**).

Flooding

As described in **Appendix D**, the project site is within an area identified by FEMA as Zone D, which is defined as areas where flood hazards are undetermined, but possible. Willow Creek, which bisects the project site, conveys a 100-year storm event flow of 392 cubic feet per second (**Appendix D**). None of the existing stormwater drainage facilities are located in the floodplain.

Groundwater

The Basin Plan notes that only a small portion of the Region is underlain by permeable geologic formations that can accept, transmit and yield appreciable quantities of ground water. The principal ground water basins in the San Diego Region are small and shallow. In many parts of the Region, usable ground water occurs outside of the principal ground water basins. There are ground water bearing geologic formations in the Region that do not meet the definition of an aquifer. Accordingly, the term "ground water" for basin planning and regulatory purposes, includes all subsurface waters that occur in fully saturated zones within soils, and other geologic formations. Subsurface waters are considered ground water even if the waters do not occur in an aquifer or an identified ground water basin. Nearly all of the ground water development in the County has been for the purpose of municipal and agricultural supply. Ground water uses in some hydrologic units have been expanded to include industrial uses, especially gravel and sand washing. Most of the ground waters in the region have been extensively developed; the availability of potential future uses of ground water resources is limited. Further development of ground water resources would probably necessitate ground water recharge programs to maintain adequate ground water table elevations (SDRWQCB, 2021).

The Basin Plan assigns the following beneficial uses to groundwaters in the vicinity of the project site: Municipal and Domestic Supply, Agricultural Supply, and Industrial Service Supply (SDRWQCB, 2021). The groundwater in the vicinity of the project site flows through the geologic substrata such as alluvium, residuum (unconsolidated, weathered or partly weathered mineral material that accumulated as consolidated rock disintegrated in place), and crystalline bedrock. The effective porosity in crystalline bedrock and residuum is poor; consequently, groundwater occurs predominantly in alluvium. County well data indicates that in the low areas (inter-mountain basins) such as the area in the vicinity of the project site, average depth to water is about 40 feet, but can vary widely from 7 to 250 feet; in higher areas (such as mountain erosional plains), depth to water is about 93 feet, with a range of 11 feet to 263 feet (Jamul Indian Village, 2013).

Groundwater was not encountered in the borings advanced for the WWTP geotechnical investigation. The borings were advanced to a maximum explored depth of approximately 20.5 feet below ground surface (bgs). Groundwater was not encountered in the borings done during the geotechnical exploration for the Project; however, standing water and wet soil conditions were observed in the area of Willow Creek (**Appendix I**).

3.13.3 Impact Analysis

Methodology

The following impact analysis identifies off-Reservation surface water, groundwater, water quality, and flooding issues that would potentially be affected or created by construction and operation of the Project. Off-Reservation water quality impacts were assessed by comparing projected quality of discharges from the implementation of the Project to the existing water quality of both off-Reservation surface water and groundwater resources.

Significance Criteria

The following criteria are established by the Environmental Impact Analysis Checklist (**Appendix A**) and are used in this section to evaluate the potential off-Reservation environmental impacts of the Project on

off-Reservation hydrological resources and water quality. The Project would result in a significant impact if it would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete off-Reservation groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level that would not support existing land uses or planned uses for which permits have been granted);
- 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 that would result in substantial erosion of siltation off-Reservation;
- 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 that would result in flooding off-Reservation;
- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff off-Reservation;
- Place within a 100-year flood hazard area structures that would impede or redirect off-Reservation flood flows; or
- Expose off-Reservation 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.

Impacts

3.13-1 Would the Project violate any water quality standards or waste discharge requirements?

Construction

Grading, excavation, and other construction-related activities could cause soil erosion at an accelerated rate during storm events. Off-Reservation surface runoff/erosion would not result from the installation of the long soil nails as there is no off-Reservation surface land disturbance proposed. Although the proposed facilities and staging areas, including the 4-acre site, would be on existing disturbed land, construction of the Project has the potential to result in runoff which could violate water quality standards or waste discharge requirements, and this is a potentially significant impact. The Project would comply with the NPDES General Construction Permit and implement stormwater discharge management controls that effectively reduce or prevent the discharge of pollutants into receiving waters during construction in accordance with the CWA. In accordance with NPDES General Construction Permit requirements, a SWPPP would be prepared prior to construction. **Table 2-2** includes BMPs which would be included in the SWPPP to minimize storm water effects to water quality during construction. Additionally, **Table 2-2** includes BMPs to ensure sediment does not enter Willow Creek during the construction of retaining walls. Another potential source of water quality degradation during construction activities is heavy machinery and other construction equipment. Construction equipment spills could result in the release of polluting constituents, such as heavy metals, oil, grease, and other petroleum hydrocarbons, to onsite channels. However, all potentially hazardous materials used during construction would be contained, stored, used and handled in compliance with applicable federal, state, and local standards and regulations, as well as a spill prevention and countermeasure plan described in **Table 2-2**. With implementation of BMPs listed in **Table 2-2**, potential water quality impacts during construction would be less than significant.

Operation

Wastewater Treatment

As described in **Section 2.3.5**, wastewater generated by the Project would be treated at the Tribe's wastewater treatment plant located on the project site, which would be expanded to accommodate the flows of the Project. The upgraded WWTP will increase the design average daily flow from 68,000 gpd to 150,000 gpd and will be designed to treat the wastewater to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and to meet the Tribe's NPDES permit requirement and associated waste discharge requirements established to protect the beneficial uses of the region's surface and ground waters and preserve the water quality objectives established in the Basin Plan. The existing NPDES discharge permit would be updated to reflect the increased design capacity of the WWTP; however, it is not expected that the discharge capacity of 68,000 gpd would change. The tertiary treated recycled water would be used for irrigation, toilets, and cooling system process water. Excess wastewater that cannot be reused onsite would be discharged to an outfall to Willow Creek within the project site pursuant to the Tribe's NPDES permit for direct discharge. **Table 2-2** includes the preparation of a discharge monitoring plan that would be implemented to ensure the ongoing preservation of water quality to the regional groundwater basin and adjacent potable water supply wells. Discharge monitoring reports will be provided to the USEPA as required by the CWA NPDES Discharge Permit and waste discharge requirements. As effluent would meet Title 22 standards, no significant reduction in the quality of surface or groundwater is anticipated. The NPDES permit through flow limitation, water quality testing, and other measures, would ensure that effluent disposal does not cause additional impairment of downstream waterbodies and that the beneficial uses of downstream waterbodies are maintained. For these reasons, potential impacts to surface water and groundwater resources from wastewater treatment and disposal activities associated with the Project would be less than significant.

Soil Nails

The placement of the long soil nails below the surface of land would not impede water infiltration or surface water flow. 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.

Stormwater

As described in **Section 2.3.6** and **Appendix D**, the proposed drainage and stormwater facilities were designed to comply with County requirements, including the County of San Diego Hydrology Manual and the San Diego County Hydraulic Design Manual. As discussed in detail in **Appendix E**, the proposed modifications to the cistern and bioretention basin (IMP A) located at the southeast corner of the Casino building would ensure that water quality and detention objectives could be accomplished. That is, the impact of the proposed improvements to the Casino consisting of replacing the green roof with impervious roof could be offset with minor adjustments to the existing facilities. Also, the existing storm drain which collects loop road runoff along the Casino's south side would be re-routed to empty into the cistern instead of directly discharging to the Willow Creek. The proposed modifications to the existing stormwater facilities on the west side of Willow Creek, including installation of a flow-based modular biofiltration treatment device, would ensure that water quality and detention objectives could be accomplished. Therefore, use of the proposed storm drains and treatment facilities detailed in **Appendix E** would ensure that the Project would not violate water quality standards or waste discharge requirements. Impacts would be less than significant.

3.13-2 Would the Project 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The construction staging area placed on the off-Reservation 4-acre parcel will be temporary and would not interfere substantially with groundwater recharge as no additional areas would be paved.

OWD would provide potable water to the Project. Because OWD does not currently obtain any of its supply from groundwater sources, the Project would not increase the use of groundwater supplies.

The diameter of the long soil nails and the distance between the long soil nails (see **Figure 2-5**and **Figure 2-6**) will not impede the movement of ground water in any direction. 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.

As described in **Section 2.3.6**, the net increase of impervious surface area due to the Project is anticipated to be approximately 61,000 sf, which includes the elimination of the existing 'green roof' of the Casino. The introduction of impervious surfaces can reduce groundwater recharge in areas where surface percolation accounts for a large percentage of natural recharge. The Project would make modifications to the existing onsite storm drain and treatment facilities as necessary to adequately percolate through the bioretention basins or be discharged into Willow Creek at predevelopment rates which would also allow for groundwater recharge. Additionally, excess treated wastewater that cannot be reused onsite would be discharged to an outfall to Willow Creek within the project site pursuant to the Tribe's NPDES permit increasing local groundwater recharge compared to existing conditions. Impacts to off-Reservation groundwater supplies would be less than significant.

3.13-3 Would the Project 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?

Construction

As described above for **Impact 3.13-1**, grading, excavation, and other construction-related activities could cause soil erosion at an accelerated rate during storm events. Off-Reservation surface runoff/erosion would not result from the placement of the long soil nails as there is no off-Reservation surface land disturbance proposed. Although the proposed facilities and staging areas would be on existing disturbed land, construction of the Project has the potential to result in runoff which could violate water quality standards or waste discharge requirements, and this is a potentially significant impact. The Project would comply with the NPDES General Construction Permit and implement stormwater discharge management controls that effectively reduce or prevent the discharge of pollutants into receiving waters during construction in accordance with the CWA. In accordance with NPDES General Construction Permit requirements, a SWPPP would be prepared prior to construction. **Table 2-2** includes BMPs which would be included in the SWPPP to minimize storm water effects to water quality during construction. Additionally, **Table 2-2** includes BMPs to ensure sediment does not enter Willow Creek during the

construction of retaining walls. With implementation of BMPs listed in **Table 2-2**, potential water quality impacts associated with erosion during construction would be less than significant.

Operation

The Project would be developed within previously disturbed areas, and the onsite creek and its flood plain would be avoided. As described in discussed in detail in **Appendix D**, the Project will not alter existing drainage patterns of the site area in a manner that would result in substantial erosion or sedimentation. With the modifications to the existing stormwater drains and treatment systems, flows may be concentrated at certain locations, including storm drain outfalls; however, all proposed outfalls will be outfitted with energy dissipation devices. The upper long soil nails would be placed beginning approximately 7 feet below land surface and would, therefore, not impede water infiltration or surface water flow. Therefore, the Project would not significantly alter the existing drainage pattern of the site or alter the course of a stream or river, and impacts would be less than significant.

3.13-4 Would the Project 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?

The project does not propose any development within the 100-year floodplain or other Special Flood Hazard Area designated by FEMA or the County. As described in discussed in detail in **Appendix D**, the Project will not alter existing drainage patterns of the site area in a manner that would result in substantial erosion or sedimentation, nor will the Project alter the course of a stream or river. As shown on Table 3-2 of **Appendix D**, the Project will not increase the 100-year peak storm discharge, as compared with existing conditions. Impacts associated with flooding would be less than significant.

3.13-5 Would the Project 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 runoff off-Reservation?

Construction

As described above for **Impact 3.13-1**, grading, excavation, and other construction-related activities could cause soil erosion at an accelerated rate during storm events. Off-Reservation surface runoff/erosion would not result from the placement of the long soil nails as there is no off-Reservation surface land disturbance proposed. Although the proposed facilities and staging areas would be on existing disturbed land, construction of the Project has the potential to result in runoff which could violate water quality standards or waste discharge requirements, and this is a potentially significant impact. The Project would comply with the NPDES General Construction Permit and implement stormwater discharge management controls that effectively reduce or prevent the discharge of pollutants into receiving waters during construction in accordance with the CWA. In accordance with NPDES General Construction Permit requirements, a SWPPP would be prepared prior to construction. **Table 2-2** includes BMPs which would be included in the SWPPP to minimize storm water effects to water quality during construction. Additionally, **Table 2-2** includes BMPs to ensure sediment does not enter Willow Creek during the construction of retaining walls. With implementation of BMPs listed in **Table 2-2**, potential water quality impacts associated with erosion during construction would be less than significant.

Operation

The Project would be developed within previously disturbed areas, and the onsite creek and its flood plain would be avoided. All operational stormwater would be directed to onsite storm drain and treatment facilities. The Project will replace existing onsite storm drain and treatment facilities as necessary to adequately convey any generated peak flows through the project site without causing flooding or off-site runoff. Therefore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provided substantial sources of polluted runoff off-Reservation. Off-Reservation impacts would be less than significant.

3.13-6 Would the Project place within a 100-year flood hazard area structures, which would impede or redirect off-Reservation flood flows?

The project does not propose any development within the 100-year floodplain or other Special Flood Hazard Area designated by FEMA or the County. Therefore, flood flows would not be impeded or redirected as a result of implementation of the Project. No impact would occur.

3.13-7 Would the Project expose off-Reservation 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?

The Project would not result in any development within a FEMA-defined 100-year floodplain. No flood control dams or levees are located within the vicinity of the project site. Therefore, the Project would not result in any disturbance or other changes to a dam or levee. The Project would not result in substantial additions of surface water to the watershed that would potentially affect downstream levees or other flood control devices. Therefore, the Project would not result in or contribute to increased risk of flooding, including flooding as a result of failure of a dam or levee. Off-Reservation impacts would be less than significant.

Section 4 | Other Considerations

4.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED

A significant effect which cannot be avoided is one that would cause a substantial adverse effect on the environment and for which no mitigation is available to reduce the impact to a less-than-significant level. The off-Reservation impacts of the Project are summarized in **Table ES-1**, within the Executive Summary of this TEIR. **Table ES-1** identifies the impacts and any mitigation measures required to reduce or avoid significant impacts. All but one of the impacts of the Project would be less than significant or would be mitigated to a less-than-significant level. As described in **Section 3.2.3**, whereas the existing Casino generally matches the elevation of the surrounding topography to blend with natural setting, the maximum elevation of the proposed hotel tower would exceed the elevation of nearby hillsides, and as a result would be a more prominent and dominating visual feature that would influence the viewer experience of the natural landscape. Thus, the Project would have a significant impact on a scenic vista.

4.2 IRRIVERSIBLE SIGNIFICANT EFFECTS

An irreversible significant effect is one that would cause a substantial adverse effect on the environment through the use of nonrenewable resources; changes in land uses that commit future generations to similar uses; or irreversible damage from environmental accidents, pollution, or other impacts. This evaluation considers the irretrievable commitment of resources through the construction and operation of the proposed facilities.

The Project would expand the existing Jamul Casino by adding a hotel, event center, and additional parking. The Project would not result in the conversion of existing land uses as the project site is already developed. No roads, utility or other infrastructure improvements would be developed that could lead to secondary resource impacts off-Reservation.

Construction of the Project would result in the use of non-renewable natural resources such as sand and gravel, asphalt, steel, copper, and other metals. Operation of the Project would require the use of electricity generated from renewable sources as well as from nuclear, hydro, and natural gas. As discussed in **Section 2.4**, the Project would be designed and constructed to comply with the CBC, including the California Green Building Standards (CALGreen). CALGreen specifies energy, water, and resource efficiency requirements for new buildings. As a result, the nonrenewable resources consumed for the Project would be comparable to the use of resources for other commercial projects within California.

4.3 GROWTH-INDUCING EFFECTS

A growth-inducing effect may occur when a project fosters economic or population growth, removes obstacles to growth (through the extension of infrastructure to a previously unserved area), or facilitates other activities that could significantly affect the environment. This analysis considers whether the Project would directly or indirectly induce growth in the surrounding area.

4.3.1 Economic and Population Growth

An objective of the Project is to expand and diversify the economic base for the Tribe. The Project would achieve this by adding a hotel and event center to the existing Jamul Casino. However, the Project is not expected to significantly induce economic growth in the surrounding area, which is primarily rural residential. It is expected that businesses currently serving the Jamul Casino (e.g., restaurant suppliers, linen services) would have some growth in service demand. Affected businesses are located throughout the region and such growth is not expected to result in additional economic or population development beyond that assumed in regional land use and transportation plans.

The Project does not include the direct development of housing. Nor would the Project induce significant indirect housing growth. As described in **Section 3.1**, within the context of the regional labor force, the additional jobs created by the Project are not expected to induce population growth in the area. The increase in jobs is expected to be filled by the existing labor force. The Project would result in a less-than-significant growth-inducing impact.

4.3.2 Removal of an Obstacle to Growth

The Project would expand the existing Jamul Casino by adding a hotel, event center, and additional parking. The Project would not directly result in the conversion of existing land uses as the project site is already developed. The Project does not include roadway, utility, or other infrastructure improvements that would facilitate development in the surrounding area. As such, the Project would not remove an obstacle to growth in the surrounding area. The Project would result in a less-than-significant growth-inducing impact.

4.3.3 Other Potential Growth

The Project does not represent a precedent-setting action such as changing an existing land use or requiring amendment of land use plans. The Project would not induce unanticipated growth beyond that identified in the San Diego County General Plan. The Project would result in a less-than-significant growth-inducing impact.

4.4 CUMULATIVE IMPACTS

Cumulative impacts refer to the effects of a project that are individually limited but cumulatively considerable off-Reservation. “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past, current, or probable future projects.

4.4.1 Cumulative Setting

The assessment of impacts takes into account the “cumulative environment” which is defined by other projects that may contribute to the Project’s environmental impacts within the same geographic area. The geographic boundaries of the cumulative effects zone have been determined by the nature of the resources affected and the distance that effects may travel. As an example, increased sedimentation of waterways that result from a project are limited to the watershed in which they occur. As a result, it is only necessary to examine incremental effects within that watershed. Air quality emissions from a project, however, travel over far greater distances and therefore necessitate analysis on the air basin. For this

analysis, the geographic boundaries of the cumulative effects zone are generally that of San Diego County, although for some resources (water, biological etc.) smaller natural or cultural boundaries are used.

The means of establishing projects that may contribute to environmental conditions in the region is the growth assumptions of the San Diego County General Plan and Jamul/Dulzura Subregional Plan. The County estimates that the current remaining development potential within the Jamul/Dulzura Planning area is 2,762 dwelling units (San Diego County, 2021b). However, growth in this area of the County has been slow, and current SANDAG population estimate of 9,533 for the Jamul/Dulzura Planning Area (SANDAG, 2021) is significantly lower than the County's General Plan EIR growth projections of 13,416 (San Diego County, 2011).

While the County General Plan EIR reviewed a planning horizon year of 2030, the general time frame of the cumulative effects analysis in this TEIR extends to 2035. Beyond 2035, information on growth patterns and future activities becomes scarce and uncertainties increase, limiting the usefulness of such analysis.

In addition to the general growth addressed in the General Plan, the cumulative analysis also considered the potential for significant development projects within a 5-mile radius of the project site. The County's list of large-scale development projects was reviewed (available at https://www.sandiegocounty.gov/content/sdc/pds/Current_Projects.html), and only the following projects were identified within a 5-mile radius of the project site:

- Otay Ranch Village 13 Master Planned Community Resort Village: This project is located approximately 4 miles southwest of the project site, approximately one mile east along Otay Lakes Road from urban development in the City of Chula Vista. This project is a mixed-use development of an undeveloped 1,869-acre site on the southern portion of an area within the 23,000-acre Otay Ranch and is identified as the Proctor Valley Parcel. The land uses proposed by the project include: 1,881 single-family residences on approximately 525 acres, an approximately 14-acre mixed use site that includes 57 multi-family residences and approximately 20,000 square feet of commercial use, approximately 28 acres of park land, an approximately 17-acre resort site with 200 guest rooms and up to 20,000 square feet of commercial office uses, an approximately 2-acre public safety site for a fire station, a 10-acre elementary school site, 144 acres of manufactured open space, 1,089 acres of preserve open space, and 39 acres for roadway.
- Otay Ranch Village 14 and Planning Areas 16 & 19. This project is located approximately 3 miles south and west of the project site, along Proctor Valley Road. The project proposes to develop approximately 1,200 homes on approximately 1,284 total acres within an approximately 860-acre development footprint that lies within Otay Ranch Village 14 and Planning Areas 16 & 19 (PAs 16 & 19). Approximately 994 of the homes will be located in Village 14, set in three district neighborhoods (referred to herein as the South, Central, and North Villages). Homes will be single-family detached homes. Within Village 14 there are 878 homes located within gated neighborhood enclaves and 116 non-gated homes located in the South Village area. In addition, there are 13 one-acre estates in PA 19 and 112 Ranchettes located in PA 16. The Village core will comprise a 9.7-acre elementary school, a 2.3-acre public safety site with a fire station, a 7.2-acre Village Green, and a 1.7-acre mixed use site with 10,000 square feet of neighborhood commercial uses. The project's recreational opportunities will include three public parks and three swim clubs, as well as trails and other recreational facilities situated throughout the South, Central, and North Villages. Public parks would include a 7.2-acre Village Green in the Village Core area, a 3.8-acre scenic park in the Central Village, and a 2.9-acre park in the South Village. In addition, smaller pocket parks will be situated throughout Village 14. The project also includes approximately 4.5

miles of Community Pathway that is along Proctor Valley Road between Chula Vista and Jamul and an internal neighborhood pedestrian network. It should be noted that in an October 2021 court ruling, the Environmental Impact Report prepared by the County for this project was found to be invalid, and the County was ordered to vacate its approvals of the project. Thus, it is unclear if this project should be considered reasonably foreseeable in terms of cumulative effects.

4.4.2 Cumulative Impacts

Aesthetics

The transformation of the Jamul Valley began when San Diego County approved residential subdivisions and commercial development. Since then, a wide-scale transformation of the northern portion of the Jamul valley has occurred on both sides of SR 94, including the development of the existing Casino. The development of the various cumulative projects identified in **Section 4.4.1** would continue this urbanization trend. Future development under the County's General Plan would also contribute to this continuing transformation of the valley and surrounding area.

The County is attempting to temper cumulative visual impacts by allowing for the transfer of densities thereby preserving large areas of open space that are situated in sensitive areas. The State also assists in the preservation of the visual character of the Jamul valley by preserving land within the adjacent wildlife refuge. The largest tract of this refuge immediately borders the project site and encompasses thousands of acres south of the project site. However, the continuing visual transformation of the valley would continue into the future. Based on the goals and policies of the County's Jamul/Dulzura Community Plan, the County seeks to minimize: (1) visual effects on recognized scenic vistas, (2) new sources of substantial light and glare, which would adversely affect day or nighttime view of listed historic buildings or recognized views in the area, and (3) damage to recognized scenic resources including trees, rock outcroppings and historic buildings within a state scenic highway. The development on the Project would contribute to the visual transformation of the Jamul Valley that was begun by the County and is expected to continue with buildout under the Jamul/Dulzura Community Plan. The surrounding areas would remain open as is the case with refuge land immediately adjacent to the project site.

Measured against the significance criteria and goals/policies stated in the County's Jamul/Dulzura Community Plan, and the fact that future County development is supported by a public review process to ensure, among other things, that the growth proposal would be consistent with the stated policies within this area of the County, cumulative growth is not expected to significantly impact (1) recognized scenic vistas, (2) provide a new source of substantial light and glare, which would adversely affect day or nighttime views of listed historic buildings or recognized views in the area, or (3) damage recognized scenic resources. The development of the Project would not result in building development beyond the boundaries of the project site. Therefore, while the Project would contribute to the visual transformation for this portion of the County, the Project would not result in a significant cumulative impact related to scenic vistas, increased light and glare, or scenic resources.

Air Quality and Greenhouse Gas Emissions

By their very nature, air pollution and climate change are largely cumulative impacts. **Section 3.3** addresses the potential air quality and GHG emission impacts of the Project. The analysis in **Section 3.3** specifically addresses potential cumulative emissions of criteria pollutants and greenhouse gas emissions.

With implementation of **Mitigations Measures 3.3-1**, **3.3-2**, and **3.3-3**, the Project would not result in a significant contribution to off-Reservation cumulative air quality or GHG impacts.

Biological Resources

The geographic boundaries of the cumulative effects zone for biological resources are defined as the Jamul/Dulzura community. When other projects are considered, continuing development increases urbanization, which can result in impacts to natural communities in the region. The County Multiple Species Conservation Program is designed to address the cumulative impacts from urban growth in the region. The Project would not result in habitat loss in an identified MSCP preserve area and involves construction in areas which have previously been disturbed or developed. Further the Project would not block migratory routes or wildlife corridors or impact waters of the U.S. For these reasons, the Project would not significantly contribute to a cumulative biological resources impact.

Cultural Resources

Cumulative effects to resources can occur when sites that contain cultural features or artifacts or paleontological resources are disturbed by development. As these resources are destroyed or displaced, important information is lost and connections to past events, people and culture is diminished. As discussed in **Section 3.5.3**, no known cultural or paleontological resources would be impacted by the Project. If any resources are uncovered during construction of the Project and the cumulative developments described in **Section 4.4.1**, impacts to these resources would be potentially significant; significant cumulative impacts to cultural or paleontological resources could occur if sites continued to be lost, damaged, or destroyed without appropriate treatment. However, cumulative projects would be required to follow federal, state, and local regulations regarding cultural and paleontological resources and inadvertent discoveries of these resources, requiring mitigation or avoidance. Therefore, with the implementation of BMPs specified in **Table 2-2**, construction of the Project would not contribute to significant adverse cumulative effects to cultural resources.

Geology and Soils

Cumulative development in the Jamul/Dulzura community would include land and roadway development consistent with the County's General Plan. Such development will increase the potential for seismic hazards, erosion, and topsoil loss. The Project would not result in significant off-Reservation contributions to these potential impacts. Construction of the Project would be restricted to the existing project site and the project site is not in an Alquist-Priolo Earthquake Fault Zone or other mapped seismic hazard. As identified above, construction of the Project would comply with the CBC. Compliance with the CBC would ensure that the proposed structures would be constructed to withstand seismic ground shaking. Stormwater runoff from the Project would be conveyed to an existing subsurface drainage system on the project site. This system would reduce storm flows to pre-development levels and would therefore not result in the scouring of drainages or erosion of topsoil off the project site. Cumulative impacts to geology and soils are therefore considered to be less than significant.

Hazards and Hazardous Materials

There are no existing hazardous materials cases on the project site or in the surrounding area. The accidental release of hazardous materials used during grading and construction activities could pose a hazard to construction employees and the environment. Additionally, equipment and materials used

during construction activities could ignite dry grasses and weeds in construction areas. However, these hazards, which are common to construction activities, would be minimized with adherence to the BMPs in **Table 2-2**, such as measures to prevent accidental spills. Furthermore, as described in **Section 3.7**, the project site has a low fire ignition probability due to the lack of onsite fuels, and the Project has incorporated building features that would reduce off-Reservation fire risks. In addition, there are fire safety and evacuation plans in place at the existing facilities that would be expanded to the new facilities, with the Tribe currently coordinating with the County to update the Casino Fire and Emergency Plan to address the addition of the Project. As for hazardous materials used during operation, they would only be incrementally increased and the current procedures for storing and using these hazardous materials according to federal regulations and manufacture guidelines would remain unchanged . Therefore, the Project would not contribute to significant cumulative impacts associated with hazards and hazardous materials. This impact is less than significant.

Land Use

The San Diego County General Plan and Jamul/Dulzura Community Plan guide land uses within the unincorporated portion of the county where the project site is located. San Diego County estimates that available housing capacity in the Jamul/Dulzura area is 2,762 dwelling units at buildout (San Diego County, 2021b). Growth is managed within this area of the County by implementation of Goal 1 of the Jamul/Dulzura Community Plan, which states that "Development of the land in such a manner as to retain the rural densities and land uses of the community."

Cumulative land use effects that may occur in the Jamul/Dulzura community as a result of expected growth and development include the following:

- Conflicts with existing land uses, and
- Disruption of access to existing or planned land uses.

The anticipated future growth in the Jamul/Dulzura community would be subject to the policies of the General Plan and Jamul/Dulzura Community Plan, which both were the result of public processes to determine the pattern of land use that would facilitate implementation of both plans. Enforcement of stated goals and policies through review and approval of land use development plan, ensures orderly development within the County. The stated goal above is expected to minimize land use conflicts as growth occurs within this area over the next 20+ years. The Project would not change the current land use of the Reservation, which is currently developed with the Jamul Casino. Therefore, no cumulative land use effects would result from the Project.

Noise

Cumulative noise impacts would be primarily associated with traffic noise as there are no other reasonably foreseeable projects in the vicinity that would impact the ambient noise environment. The cumulative noise setting and Project contribution was estimated utilizing the same methodology described in **Section 3.9.3**. The projected ambient cumulative traffic noise levels along SR 94 are displayed in **Table 4-1**. As shown in **Table 4-1,** existing receptors located along SR 94 are predicted to be exposed to exterior noise levels of 67.2 dBA under cumulative conditions without the Project. With the Project, exterior noise exposure would increase to 67.5 dBA under cumulative conditions with the Project. Therefore, the nearest receptors located along SR 94 will remain exposed to exterior noise levels exceeding the County's 60 dBA CNEL noise standard with and without the project. The Project's contribution to increased noise levels is

only 0.3 dBA, which does not exceed the 3 dBA test of significance described in **Section 3.9.3**. Therefore, this off-Reservation cumulative noise impact is less than significant.

Table 4-1: Predicted Cumulative Exterior Noise Level (dBA CNEL/L_{dn}) at Closest Sensitive Receptors

Condition	SR 94
Cumulative*	67.2 dBA
Cumulative + Project	67.5 dBA
Change	**+0.3 dBA**

*Cumulative average daily traffic was identified from the Cumulative project average daily traffic was identified from Section 8 of the Otay Ranch Resort Village Project (Village 13) Traffic Impact Analysis, March 2015 . For these traffic numbers and more information, see **Table 4-2** and the traffic cumulative discussion.

Source: **Appendix J**

Public Services

As development occurs in the region, demands for public services will increase. The expansion of public services may result in environmental impacts associated with the construction of new or expanded public service facilities. As addressed in **Section 3.10**, no additional police protection, fire protection, emergency medical services facilities would be required to serve the Project. As discussed in **Section 4.3.1**, the Project is not anticipated to induce population growth; thus, the Project is not anticipated to increase demands on off-Reservation school facilities, parks, or other public facilities. The Project's contribution to cumulative public service impacts is considered to be less than significant.

Transportation and Traffic

Under cumulative conditions, traffic is expected to increase along SR 94 as growth in the region continues in compliance with the County's General Plan. Existing traffic counts (2022) and the estimates for cumulative growth and the Project can be seen in **Table 4-2**. The cumulative growth was determined in consultation with the County and includes 40 projects identified in the 2015 Otay Ranch Resort Village Project (Village 13) Traffic Impact Analysis, specifically Table 7.1 of the Traffic Impact Analysis (Chen Ryan Associates, 2015). As can be seen in this **Table 4-2**, the average daily traffic in the cumulative year without the project is expected to be 17,135. With the Project, the average daily traffic would increase to 18,395, or an approximately 6.8% increase. While this would constitute an increase in traffic, the traffic projected to be generated as part of the Project would still be under the projected estimates in the Approved TIS (for additional details, see **Section 3.11**). In the cumulative analysis of transportation impacts included in the Approved TIS, the study found that operation of the Jamul Casino would contribute to unacceptable levels of service at several study area intersections and roadway segments under 2035 cumulative conditions. Accordingly, mitigation measures were recommended for the impacted roadway segments and intersections, which would reduce the impacts to a less-than-significant level. As seen in **Table 3-23**, the Tribe has already completed the mitigation and IGA payments required for the 2035 Horizon Term. Given that the total trips generated by the existing facilities and the Project would remain under the trip threshold evaluated in the Approved TIS, it is assumed that no additional off-Reservation transportation impacts would occur because of the Project and no additional mitigation is required. Cumulative traffic impacts from the Project would be less than significant with the continued implementation of previously adopted mitigation measures.

Table 4-2: SR 94 Average Daily Traffic for Cumulative

Scenario	Average Daily Traffic
Existing (2022)[1]	9,200
Project	1,260
Existing + Project	10,460
Cumulative Increase[2]	7,935
Existing + Cumulative	17,135
Existing + Cumulative + Project	18,395

[1] Identified from Caltrans AADT Data

[2] Cumulative project average daily traffic was identified from Section 8 of the Otay Ranch Resort Village Project (Village 13) Traffic Impact Analysis (Chen Ryan Associates, 2015)

Source: Kimley-Horn, 2022

Utilities and Service Systems

Water Supply

Cumulative growth in the Jamul/Dulzura community would result in increased water demands. Cumulative development within the Jamul/Dulzura community could result in cumulatively considerable effects if off-site water demands from future development result in exceeding available water supplies or requiring major improvements to existing water systems.

The San Diego County Water Authority and the City of San Diego, along with other urban water suppliers, are required by the state to prepare urban water management plans and update them every five years. The OWD 2020 Urban Water Management Plan includes a Water Service Reliability and Drought Risk Assessment. The assessment compares total projected water supply and demands over the next 25 years in 5-year increments for a normal year, a single dry water year and multiple dry water years and concludes that OWD will have sufficient water resources to meet OWD demands. This forecast considers increases in population and development within OWD's service area. Additionally, the OWD 2020 Urban Water Management Plan describes a Water Shortage Contingency Plan which analyzes the likelihood of a water shortage occurring as well as response actions.

As described in **Appendix C**, A request to OWD was submitted to determine their ability to supply projected water demands of the Project. The request was submitted with conservative preliminary water demand estimates (180,000 gpd) which are higher than the current projected net increase in water demand (40,518 gpd). The OWD identified in their response (see Appendix A of **Appendix C**) that they have no objection to serving the project site with the requested volume of water. They also stated that the Project can be served by the existing 12-inch potable water main on SR 94 that extends through a 12-inch lateral onto the Reservation. Thus, water supply demands and related infrastructure required to construct and operate the Project, as well as Alternative 1 or Alternative 2 would have a less-than-significant cumulative impact upon regional water supply

Wastewater Treatment

Cumulative growth in the Jamul/Dulzura community would result in increased wastewater generation. Cumulative development within the Jamul/Dulzura community could result in cumulatively considerable effects if off-site wastewater generated from future development results in exceeding available wastewater treatment capacity requiring major improvements to existing wastewater systems or exceeding the ability to meet NPDES discharge permit requirements.

The City of San Diego's Metropolitan Wastewater System treats the wastewater from the City and 15 other cities and districts (including the Otay Water District's service area). The Point Loma WWTP has a rated capacity of 240 mgd and operates at an average daily flow rate of 175 mgd (City of San Diego, 2022). The amount of additional wastewater that would be treated at the Point Loma WWTP as a result of the Project (7,526 gpd) would be approximately 0.012% of the 65 mgd of available capacity. As the City's wastewater treatment facilities have the capacity to accept the wastewater generated by the Project, the Project would not require or result in the expansion of existing off-Reservation wastewater treatment facilities. Therefore, the Project would not have significant cumulative effects on wastewater treatment facilities when it is combined with cumulative conditions in the vicinity of the project site.

Water Resources

Stormwater

Stormwater discharges from residential and roadway areas are a concern in managing water quality. Cumulative growth in the Jamul/Dulzura community would result in increased impervious surfaces, which would increase potential sedimentation, pollution, and stormwater flows in the area waterways. Cumulative development within the Jamul/Dulzura community could result in cumulatively considerable effects if off-site flows from future development result in an overload of the storm water facilities leading to adverse impacts to downstream water resources. However, cumulative development would be required to comply with County requirements for storm water detention/retention, which are similar to those measures identified for the Project. Compliance with County requirements would reduce the potential for adjacent cumulative development to result in adverse impacts on water resources from increased stormwater flows.

The amount of increased impervious surfaces due to onsite development would be limited to that area necessary to accommodate the Project. The Reservation would incorporate onsite detention/retention facilities and sediment filtering devices to ensure that cumulative contributions to off-site water resource effects are less than significant. Therefore, the Project's contribution to cumulative effects on water quality from stormwater would be less than significant.

Wastewater

Wastewater generated by the cumulative growth in the Jamul/Dulzura community would increase the amount of treated effluent discharged to surface waters and/or percolated into the groundwater. Cumulative development within the Jamul/Dulzura community could result in cumulatively considerable effects if the wastewater generated results in overload of the wastewater treatment facilities leading to adverse impacts to downstream water resources and/or groundwater. However, cumulative development would be required to comply with RWQCB requirements for wastewater treatment and disposal, which are similar to those measures identified for the Project by USEPA. Compliance with State and County requirements would reduce potential adverse cumulative impacts to water resources from off-Reservation wastewater treatment facilities.

As described in **Section 2.3.5**, wastewater generated by the Project would be treated at the Tribe's wastewater treatment plant located on the Reservation, which would be expanded to accommodate the flows of the Project. The upgraded WWTP will increase the design average daily flow from 68,000 gpd to 150,000 gpd and will treat the wastewater to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and the Tribe's NPDES permit requirements established to protect the beneficial uses of the region's surface and ground waters and preserve the water quality objectives established in the Basin Plan. Therefore, the Project would not have significant cumulative effects on water quality from treated wastewater when combined with cumulative conditions in the vicinity of the project site.

4.5 INDIRECT IMPACTS

Indirect impacts are those that are caused by the project and are later in time or farther removed in distance but are still reasonably foreseeable. The potential indirect off-Reservation effects from operation of the tribal security department or police station on the 4-acre parcel east of Daisy Drive, and from off-site utility relocations to the Church Property located west of the Casino are discussed in **Section 4.5.1** and **4.5.2**, respectively. Project design and best management practices presented in **Table 2-2** of the Project Description in this TEIR would ensure potential off-Reservation effects are minimized. In addition, off-site improvements may require obtaining approvals and permits from jurisdictional agencies, which may include standard environmental measures as conditions of approval.

4.5.1 Operation of the Security Building on the 4-Acre Parcel

As identified in **Section 2.3.3**, the current tribal administration building within the western portion of the project site may be relocated to an existing concrete pad associated with a former fire department building on the 4-acre parcel north of the Reservation and utilized for the tribal security department. The establishment of the security office within the 4-acre site is a separate project subject to permitting and approvals by the County of San Diego. Although not directly related to the expansion project, the indirect operational impacts of relocating the security office to the 4-acre parcel are addressed in this section. It should be noted that because the 4-acre site will be utilized as a construction staging area, the construction related effects of relocating the approximately 2,200-sf tribal administration building to the 4-acre parcel are addressed throughout **Section 3** of this TEIR. Thus, the indirect effects discussion focuses on the operational effects of the security office on the 4-acre parcel.

Aesthetics

The relocation would not involve any remodeling, so the appearance of the modular building would remain unchanged. The modular building would be moved only approximately 600 feet to the northeast, from the Reservation to the 4-acre parcel. Due to the relatively small size of the building in relation to the Casino, relocating this facility to the 4-acre site would not significantly alter existing viewsheds. Indirect impacts would be less than significant.

Air Quality and Greenhouse Gas Emissions

Operation of the tribal security office on the 4-acre parcel would create few if any additional mobile emissions compared to what is currently generated at the existing tribal security office on the Reservation because no new uses or addition development would be introduced. The additional future staffing levels

that may occur when the tribal police department is established could result in additional commuter trips to the site and associated mobile emissions of criteria air pollutants and GHGs. As required by **Mitigation Measure 3.3-2**, the JIVDC will develop a transportation demand management plan to reduce commuter trip and associated emissions to the project site by 15%. With adherence to this plan, impacts to air quality and greenhouse gas from operation of the tribal police office would be less than significant.

Biological Resources

The operation of the tribal security office on the 4-acre parcel would not directly impact special status species or sensitive habitat as the office would be located on a developed/disturbed portion of the 4-acre parcel. Consistent with BMPs in **Table 2-2**, nighttime lighting of the security office will be downcast, directed towards the 4-acre parcel, and limited to the extent necessary for public safety. This would reduce potential indirect impacts to off-Reservation biological resources to a less-than-significant level.

Cultural Resources

The operation of the tribal security office on the 4-acre parcel would have no impact to cultural resources. The potential for effects to cultural resources from construction related activities associated with relocating the building to the 4-acre site are addressed in **Section 3.5.3**.

Geology and Soils

Operation of the proposed tribal security office would not involve alteration of geology or soils. Modular buildings are designed for shipping and movement and thus do not generally present a significant risk from seismic ground shaking. No grading or soil disturbance would be required to prepare the site, as it would be placed on an existing concrete pad. Thus, the indirect effects of operation of the security building with respect to geology and soils would be less than significant.

Hazards and Hazardous Materials

Operation of the proposed security office on the 4-acre site would not pose any unusual hazardous material risks, and the limited quantity of hazardous materials onsite would be common to office buildings, such as cleaning chemicals. These chemicals would be handled and stored according to manufacturer guidelines, and federal, state, and local regulations would be adhered to with regards to management, storage, usage, transportation, and disposal. Therefore, this indirect impact would be less than significant.

Land Use

As described in **Section 3.8.1**, the 4-acre parcel is zoned Agricultural, which is intended to create and preserve areas intended primarily for agricultural crop production, but allows for limited non-agricultural uses, including law enforcement services. The use of the 4-acre parcel for tribal security would be compatible with the County Fire Station directly north of SR 94 and would not result in conflicts with adjacent off-Reservation open space uses. Indirect impacts would be less than significant.

Noise

Operation of the tribal security office on the 4-acre site would be subject to local, state, and federal noise regulations, policies, and guidelines with regards to noise generation and permitted levels (refer to **Section 3.9.1**).

Operation of the security office or police department would not generate substantial new noise, and would be similar to what is generated currently at the current building location within the Reservation, which is negligible due to the nature of office buildings. It should be noted that it is not anticipated the future tribal police department vehicles would require frequent use of sirens, as they would primarily be responding to calls at the adjacent Casino. Thus, the relocation of the tribal security building from the Reservation to the 4-acre parcel would have a less than significant operational impact to noise.

Public Services

Operation of the tribal security office on the 4-acre parcel would not increase demands for public services, including fire protection, over existing conditions, which include operation of the tribal security office within the Reservation. Indirect impacts to public services would be less than significant.

Transportation and Traffic

Operation of the tribal security office on the 4-acre parcel would create few if any additional trips compared to what is currently generated at the existing tribal security office on the Reservation because no new uses or addition development would be introduced. The additional future staffing levels that may occur when the tribal police department is established could result in additional commuter trips to the site, but these would not considerably alter peak hour trips. Indirect impacts to traffic would be less than significant.

Utilities and Service Systems

The tribal security office would be served by the same utilities as the existing Casino, as it does under current conditions. Water demands and wastewater generation from the tribal security office would be minimal and would not cause significant expansions to off-Reservation utilities that would result in significant environmental effects. Therefore, indirect impacts would be less than significant.

Water Resources

Since the tribal security office will be placed on an existing concrete pad, no change to the impervious surfaces would result; therefore, drainage, water quality, and groundwater percolation would remain similar to existing conditions. The 4-acre parcel is located outside of the 100-year floodplain of Willow Creek and would not obstruct existing waterways or be susceptible to flooding. Therefore, indirect impacts would be less than significant.

4.5.2 Church Utility Relocation

The Project would result in the relocation and realignment of utilities that extend through the Reservation to connect to the Church. The relocated utilities would occur within previously disturbed, paved parking areas and associated engineered fill. The project description for this TEIR includes implementation of best

management practices in **Table 2-2**, including those 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 or human remains to ensure the protections of these features. With implementation of these BMPs, off-Reservation environmental impacts, including effects to cultural resources, would be less than significant.

Section 5 | Alternatives

5.1 OVERVIEW

The intent of alternatives analysis is to identify alternatives to the project that meet project objectives while reducing or avoiding the significant off-Reservation impacts of the project. Section 11 of the Compact requires that:

> *The TEIR shall also describe a range of reasonable alternatives to the Project or to the location of the Project, that would feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the Significant Effects on the Environment, and evaluate the comparative merits of the alternatives; provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this Compact on its Indian lands. The TEIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison.*

The range of alternatives in this TEIR takes into account the project objectives stated in **Section 2.2**, Project Objectives. In summary, the project objectives include providing overnight accommodations for Casino patrons to reduce vehicle trips and allow for an extended and enhanced visitor experience, providing additional amenities related to entertainment that are in demand from existing patrons and that are not currently available in the area, offering new amenities that would enable the facility to remain competitive as a premier casino resort, and expanding the economic base for the Tribe to support programs benefitting the health and welfare of Tribal members and the surrounding community.

Equally important to attaining the project objectives is the reduction of significant impacts of the Project, particularly those that could not be mitigated to a less-than-significant level. As described in **Section 4.1**, all impacts of the Project would be less than significant or would be mitigated to a less-than-significant level, with the exception of visual impacts to a scenic vista. This section provides an analysis of the Hotel-Only Alternative and Reduced-Hotel Alternative along with the No-Project Alternative. The following analysis of alternatives focuses on significant impacts, both those that can be mitigated to a less-than-significant level and those that would remain significant even if mitigation is implemented or for which no feasible mitigation is available.

5.2 ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION IN THE TEIR

Event-Center Only (No Hotel) Alternative

While this alternative would avoid the significant visual effects of the proposed hotel tower with respect to scenic vistas, it would not accomplish the basic project objectives listed in **Section 2.2**. Therefore, it was eliminated from detailed consideration.

Alternative Sites

The Tribe considered a number of alternative locations for development of the proposed hotel component of the Project. Specifically, the Tribe reviewed the following additional location alternatives:

- Location A – Adjacent 4-acre Lot. Because this alternative would be located on privately owned land not held in trust for the Tribe, it would inherently have more "off-Reservation" impacts when compared to the Project. Therefore, this alternative was eliminated from detailed review as it would not lessen or avoid the off-Reservation impacts of the Project.
- Location B – Hotel above existing Casino. This alternative would involve more complicated and expensive construction techniques that could adversely affect the operations of the existing Casino. Further, it would significantly increase the height of the proposed hotel tower and increase the visual prominence by locating closer to SR 94. Therefore, this alternative was eliminated from detailed review as it would potentially increase the significant off-Reservation visual impacts of the Project.

5.3 DESCRIPTION OF ALTERNATIVES AND ENVIRONMENTAL ANALYSIS

5.3.1 Alternative A – Hotel-Only Alternative

Description of the Alternative

The Hotel Alternative would include the development of a hotel and associated parking garage as described in **Section 2.3.1**. However, under the Hotel Alternative, there would be no changes to the existing Casino and an expanded event center would not be provided. **Figure 5-1** illustrates views of Alternative B in comparison to the Proposed Project. All other aspects of the Hotel Alternative would be similar to the Project described in **Section 2**.

Environmental Analysis

Aesthetics: Alternative A would result in off-Reservation visual changes to the project site. Similar to the Project, scenic vistas would be impacted, and additional lighting would be provided related to the hotel and parking garage. While the event center would not be constructed, this component of the Project is generally the same height as the existing Casino structure and incorporates the same building materials and color; as a result, its elimination does not substantially reduce the aesthetics impacts of the Project, which are largely attributable to the hotel tower. Therefore, aesthetic impacts under Alternative A are considered similar to the Project.

Source: JCJArchitecture

FIGURE 5-1

COMPARISON OF PROJECT AND ALTERNATIVE A

Air Quality and Greenhouse Gas Emissions: Under Alternative A, construction emissions would be less than those that would occur under the Project due to the reduced amount of construction required as a result of elimination of the event center and associated expansion of the existing Casino facility. Operational emissions associated with stationary sources, including boilers and generators, would be similar under this alternative, but the number of daily vehicle trips from patrons would be reduced by approximately 585 trips (approximately 46%), and thus operational mobile source emissions would be less. Although the emissions resulting from Alternative A have not been quantified, it is expected that they would be less than the Project. Greenhouse gas emission impacts would be reduced, but would require the same mitigation to make less than significant. Therefore, Alternative A would have a lesser impact on air quality and climate change when compared to the Project.

Biological Resources: Alternative A would result in similar construction related temporary off-Reservation impacts to biological resources and nesting birds in comparison to the Project, although slightly reduced as result of the shorter construction duration. Alternative A would eliminate potential effects to wildlife within the adjacent open space areas and preserve as a result of the increase in special event noise and special event lighting resulting from the Project. Therefore, Alternative A would have a lesser impact on biological resources than the Project.

Cultural Resources: The construction footprint of Alternative A would be the same as the Project; therefore, the potential for impacts to cultural resources from inadvertent discovery of unknown resources would be similar to the Project.

Geology and Soils: Because the construction footprint of Alternative A would be the same as the Project, impacts associated with geology and soils would be similar to the Project.

Hazards and Hazardous Materials: Alternative A will be similar to the Project with respect to hazardous materials use, the creation of hazards, and wildfire risks. Alternative A would require usage of the same hazardous materials associated with expanded operations of the wastewater treatment plant and generators as under the Project, though to a slightly lesser extent due to the reduced capacity requirements from elimination of the event center. Construction of Alternative A would have a similar potential for accidental release of miscellaneous hazardous substances, risk associated with mismanage of the explosives, and disturbance of undocumented hazardous wastes as under the Project because it would have the same construction footprint. While the risk of wildfires under Alternative A would be similar to the Project, potential effects to evacuation timelines would be slightly reduced as the maximum number of potential persons on the site would be reduced from the elimination of the event center and associated special event related increases in visitation. Therefore, impacts associated with hazardous materials and hazards under Alternative A would be similar to, but less than those under the Project.

Land Use: Alternative A would result in similar inconsistencies with the County General Plan and Jamul/Dulzura Sub-regional plan. The potential for land use conflicts would be somewhat reduced by the elimination of the event center and associated potential for increased noise and lighting levels. Land use impacts would be similar but slightly less under Alternative A when compared to the Project.

Noise: Alternative A would have a similar construction footprint as the Project and would therefore have similar noise and vibration impacts requiring the same mitigation to make less than significant. During operation, Alternative A would have similar operational noise levels as the Project with the exception of the event center. Without the event center present, it would eliminate the increased off-Reservation noise levels from special events that would have required mitigation. Furthermore, it would slightly

reduce noise from vehicle traffic due to the small development size. The noise impacts of Alternative A would be less than the Project.

Public Services: Alternative A would result in a smaller increase in visitation to the project site, and therefore would be expected to result in slightly fewer calls for service from off-Reservation fire and police departments. However, as stated in **Section 3.10**, the Project would not require any off-Reservation improvements that would result in physical environmental effects as a result of increased demands for public services. Therefore, public service impacts under Alternative A would be similar to the Project.

Transportation and Traffic: Under Alternative A, the increase in daily vehicle trips from patrons would be reduced by approximately 585 trips (approximately 46%) when compared to the Project for a total of approximately 675 trips[2]. In addition, weekday, Friday, and Saturday peak hour traffic volumes generated as a result of the Project would be reduced as well. While this reduction in traffic would reduce delays, the traffic impacts of the Project were determined to be within the scope of the Approved TIS. Therefore, the mitigation measures for the existing Casino would effectively mitigate any of impacts associated with the Project and subsequently Alternative A. Thus, no new significant off-Reservation impacts would occur. Potential effects to evacuation timelines would be slightly reduced because patronage associated with the event center would be eliminated which would reduce the potential numbers of persons within the site during an emergency event. Therefore, impacts associated with transportation and traffic under Alternative A would be similar to, but less than those under the Project.

Utilities and Service Systems

Wastewater Treatment Utilities: As described in Table 12 of **Appendix C**, Alternative A would have an estimated average daily wastewater generation rate of 42,773 gpd or 48,398 gpd if a cooling tower is utilized at the proposed hotel; this represents an approximately 23% and 30% reduction in wastewater generation, respectively, compared to the Project. The increase in wastewater generated by Alternative A would result in a proportional increase in the brine waste, activated sludge, and untreated wastewater from plant maintenance activities (e.g., lift station cleaning, sewer line cleaning etc.). Consistent with current operations of the WWTP, these wastes would be temporarily stored in onsite tanks before being trucked to the City of San Diego Pump Station 1 for further treatment and disposal at the City of San Diego Point Loma WWTP. Water trucking to City of San Diego Pump Station 1 is regulated under the City's Trucked Waste Requirements and Procedures, which would be followed by the contracted waste hauler from the project site. Assuming the decrease in truck trips compared to the Project would be approximately proportional to the decrease in wastewater generated by Alternative A, Alternative A would result in an annual net increase of 504 truckloads to the City of San Diego Pump Station 1 (which is 150 trips fewer than would occur under the Project, conservatively assuming only a 23% reduction in wastewater generation). This equates to approximately 2,116,800 gallons per year or an average of 5,800 gpd. The Point Loma WWTP has a rated capacity of 240 mgd and operates at an average daily flow rate of 175 mgd, resulting in 65 mgd of available capacity. The amount of additional wastewater that would be treated at the Point Loma WWTP as a result of Alternative A (5,800 gpd) would be approximately 0.008% of the 65 mgd of available capacity. With continued compliance with the City's Trucked Waste

[2] Projected daily trip numbers for Project were used from **Appendix K** to estimate the trip generation for Alternative A: multi-purpose/bingo hall = 279; event center = 306; hotel = 675.

Requirements and Procedures, impacts associated with wastewater treatment utilities under Alternative A would be similar to, but less than those under the Project.

Water Supply Utilities: As described in Table 12 of **Appendix C**, Alternative A would have an estimated average daily potable water demand of 43,991 gpd; this represents a 24% reduction in potable water demand compared to the Project assuming recycled water is used to meet the demands of the cooling tower. As with the Project, a portion of that demand can be met with recycled water from the onsite WWTP being used for toilet flushing. Additionally, similar to the Project, Alternative A would result in an increase in the amount of recycled water available for reuse at the Jamul Casino. This increase in recycled water use would eliminate the need for potable water to be used for toilet flushing and the cooling system at the existing facilities, which makes up an average of 10,086 gpd of the current potable water demand. Therefore, the net average increase in potable water demand from OWD under Alternative A would be approximately 33,905 gpd. As described under **Impact 3.12-2**, a request to OWD was submitted to determine their ability to supply projected water demands of the Project. The request was submitted with conservative preliminary water demand estimates (180,000 gpd) which are significantly higher than the current projected net increase in water demand from Alternative A (33,905 gpd). The OWD identified in their response (see Appendix A of **Appendix C**) that they have no objection to serving the project site with the requested volume of water. They also stated that at least 180,000 gpd can be served by the existing 12-inch potable water main on SR 94 that extends through a 12-inch lateral onto the Reservation. As the OWD has the capacity to supply water to meet the water demands of Alternative A, Alternative A would not require or result in the expansion of existing water facilities; therefore, off-Reservation impacts associated with water utilities under Alternative A would be similar to, but less than those under the Project.

Stormwater Utilities: As with the Project, modifications and retrofits to the existing stormwater facilities are needed to achieve compliance with County requirements; however, because the green roof would remain in place on the Casino, no revisions to the cistern or biobasin on the southeast corner of the Casino are needed. Similar to the Project, the existing biobasin and associated pipelines and outlet structure on the northwest side of Willow Creek will be retrofitted to achieve detention for peak flows and hydromodification-level flows. Stormwater treatment of runoff for the areas west of Willow Creek will be accomplished by routing treatment flows through a new modular proprietary biofiltration unit immediately upstream of the detention facility. Pipe discharge velocities will be decreased to nonerosive levels by use of energy dissipating device such as rip rap, check dams, or permanent turf reinforcement matting. Additionally, the storm drain which is currently collecting a small portion of the loop road along the southern property boundary and discharging directly into Willow Creek will be tied to the existing piping flowing to the cistern detention and water quality treatment facilities on the southeast corner of the Casino building. The stormwater facilities for Alternative A would be located fully within the Reservation. As described throughout this TEIR, all impacts associated with development of the stormwater system would be reduced to a less-than-significant level with the implementation of the BMPs included in **Table 2-2** and mitigation measures in **Section 5**. Therefore, off-Reservation impacts associated with stormwater under Alternative A would be similar to, but less than those under the Project.

Water Resources: Similar to the Project, Alternative A would increase water consumption, stormwater discharge, and effluent discharge at the project. However, as described above, these increases would be lower than those associated with the Project as Alternative A would eliminate the event center and Casino remodel. Under Alternative A, the existing WWTP would be expanded to accommodate the flows of Alternative A. The upgraded WWTP will be designed to treat the wastewater to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and to meet the Tribe's NPDES

permit requirement and associated waste discharge requirements. Further, stormwater drainage improvements will be implemented to comply with County requirements. Therefore, impacts to hydrology and water quality under Alternative A would be similar to, but less than those under the Project.

5.3.2 Alternative B – Reduced-Hotel Alternative

Description of the Alternative

The Reduced-Hotel Alternative would include the development of a smaller hotel with 157 rooms (68 fewer than the Project), and 12 floors (4 floors less than the Project), and a smaller 4 story parking garage. The height of the hotel tower would be at an elevation of approximately 1,060 feet above mean sea level (amsl), which is approximately 50 feet taller than the existing Casino building. The proposed event center and Casino remodeling described in **Section 2.3.2** would remain the same, and all other aspects of Alternative B would be similar to the Project described in **Section 2**.

Environmental Analysis

Aesthetics: Alternative B would reduce, but would not eliminate, the significant visual effects of the Project by constructing a reduced hotel tower height that would exceed the height of the existing Casino by approximately 50 feet (in comparison to 116 feet under the Project). Similar to the Project, Alternative B would substantially alter views of the site, and from certain perspectives along Melody Road would block distant views of the mountainous horizon as experienced by sensitive receptors along Melody Road and southbound travelers on SR 94. Lighting and glare effects under Alternative B would be reduced as a result of the slightly smaller parking garage and smaller hotel structure. Aesthetic impacts of Alternative B would be less than that which would occur under the Project but would still be considered significant.

Air Quality and Greenhouse Gas Emissions: Under Alternative B, construction emissions would be less than those that would occur under the Project due to the reduced amount of construction required. Operational emissions from stationary sources and mobile emissions would be slightly less. Although the emissions resulting from Alternative B have not been quantified, it is expected that they would be less than the Project, and also below County thresholds. Therefore, Alternative B would have a lesser impact on air quality and climate change when compared to the Project.

Biological Resources: Alternative B would have similar effects to biological resources during temporary construction activities. Because the proposed land uses and configurations are the same, the noise and lighting impacts of Alternative B to biological resources would be similar to the Project. Therefore, Alternative B would have a similar impact on biological resources as the Project.

Cultural Resources: The construction footprint of Alternative B would be the same as the Project; therefore, the potential for impacts to cultural resources from inadvertent discovery of unknown resources would be similar to the Project.

Geology and Soils: Because the construction footprint of Alternative B would be the same as the Project, impacts associated with geology and soils would be similar and less than significant.

Hazards and Hazardous Materials: Alternative B will be similar to the Project with respect to hazardous materials use, the creation of hazards, and exposure to wildfires. Alternative B would require usage of the same hazardous materials associated with expanded operations of the wastewater treatment plant and

generators as under the Project, though to a slightly lesser extent due to the reduced capacity requirements from fewer hotel rooms. Construction of Alternative B would have a similar potential for accidental release of miscellaneous hazardous substances and disturbance of undocumented hazardous wastes as under the Project, as it would involve the same construction footprint. While the risk of wildfires under Alternative B would be similar to the Project, potential effects to evacuation timelines could be slightly reduced as a result of fewer potential occupied hotel rooms during an emergency event. Therefore, impacts associated with hazardous materials and hazards under Alternative B would be similar to, but less than those under the Project.

Land Use: Alternative B would result in similar inconsistencies with the County General Plan and Jamul/Dulzura Sub-regional plan. The potential for land use conflicts would be somewhat reduced by the shorter height of the hotel tower. Land use impacts would be similar but slightly less under Alternative B when compared to the Project due to the reduced visual effect of the hotel.

Noise: Because the proposed land uses and configurations are the same, the noise impacts of Alternative B would be similar to the Project.

Public Services: Alternative B would result in a smaller increase in visitation to the project site, and therefore would be expected to result in slightly fewer calls for service from off-Reservation fire and police departments. However, as stated in **Section 3.10**, the Project would not require any off-Reservation improvements that would result in physical environmental effects as a result of increased demands for public services. Therefore, public service impacts under Alternative B would be similar to the Project.

Transportation and Traffic: Under Alternative B, the increase in daily vehicle trips from patrons would be reduced by approximately 200 trips (approximately 16%) when compared to the Project, and weekday, Friday and Saturday peak hour traffic volumes would slightly be reduced as well. While this reduction in traffic would nominally reduce delays, the traffic impacts of the Project were determined to be within the scope of previous traffic impact study and mitigation for the existing Casino, and thus no new significant off-Reservation impacts would occur. Potential effects to evacuation timelines could be slightly reduced as a result of fewer potential occupied hotel rooms during an emergency event. Therefore, impacts associated with transportation and traffic under Alternative B would be similar to, but less than those under the Project.

Utilities and Service Systems:

Wastewater Treatment Utilities: Using the methodology in Table 12 of **Appendix C**, the reduction of 68 rooms in the proposed hotel would result in an approximately 8,160 gpd reduction in the daily wastewater generation rate compared to the Project; this represents an approximately 13% reduction in wastewater generation compared to the Project assuming a cooling tower is utilized at the proposed hotel. The increase in wastewater generated by Alternative B would result in a proportional increase in the brine waste, activated sludge, and untreated wastewater from plant maintenance activities (e.g., lift station cleaning, sewer line cleaning etc.). Consistent with current operations of the WWTP, these wastes would be temporarily stored in onsite tanks before being trucked to the City of San Diego Pump Station 1 for further treatment and disposal at a Point Loma WWTP. Water trucking to City of San Diego Pump Station 1 is regulated under the City's Trucked Waste Requirements and Procedures, which would be followed by the contracted waste hauler from the project site. Assuming the decrease in truck trips compared to the Project would be approximately proportional to the decrease in wastewater generated by Alternative B, Alternative B would result in an annual net increase of 569 truckloads to the City of San Diego Pump

Station 1 (conservatively assuming only a 13% reduction in wastewater generation). This equates to approximately 2,389,800 gallons per year or an average of 6,547 gpd. The Point Loma WWTP has a rated capacity of 240 mgd and operates at an average daily flow rate of 175 mgd, resulting in 65 mgd of available capacity. The amount of additional wastewater that would be treated at the Point Loma WWTP as a result of Alternative B (6,547 gpd) would be approximately 0.01% of the 65 mgd of available capacity. With continued compliance with the City's Trucked Waste Requirements and Procedures, impacts associated with wastewater treatment utilities under Alternative B would be similar to, but less than those under the Project.

Water Supply Utilities: Using the methodology in Table 12 of **Appendix C**, the reduction of 68 rooms in the proposed hotel would result in an approximately 8,160 gpd reduction in the daily potable water demand compared to the Project; this represents an approximately 14% reduction in potable water demand compared to the Project assuming recycled water is used to meet the demands of the cooling tower. As with the Project, a portion of that demand can be met with recycled water from the onsite WWTP being used for toilet flushing. Additionally, similar to the Project, Alternative B would result in an increase in the amount of recycled water available for reuse at the Jamul Casino. This increase in recycled water use would eliminate the need for potable water to be used for toilet flushing and the cooling system at the existing facilities, which makes up an average of 10,086 gpd of the current potable water demand. Therefore, the net average increase in potable water demand from OWD under Alternative B would be approximately 39,444 gpd. As described under **Impact 3.12-2**, a request to OWD was submitted to determine their ability to supply projected water demands of the Project. The request was submitted with conservative preliminary water demand estimate (180,000 gpd) which is significantly higher than the current projected net increase in water demand from Alternative B (39,444 gpd). The OWD identified in their response (see Appendix A of **Appendix C**) that they have no objection to serving the project site with the requested volume of water. They also stated that at least 180,000 gpd can be served by the existing 12-inch potable water main on SR 94 that extends through a 12-inch lateral onto the Reservation. As the OWD has the capacity to supply water to meet the water demands of Alternative B, Alternative B would not require or result in the expansion of existing water facilities; therefore, off-Reservation impacts associated with water utilities under Alternative B would be similar to, but less than those under the Project.

Stormwater Utilities: As the amount of impervious surfaces and the extent of the building footprint under Alternative B is the same as the Project, the modifications and retrofits to the existing stormwater facilities needed to achieve compliance with County requirements are also the same. As with the Project, the stormwater facilities for Alternative B would be located fully within the Reservation. As described throughout this TEIR, all impacts associated with development of the stormwater system would be reduced to a less-than-significant level with the implementation of the BMPs included in **Table 2-2** and mitigation measures in **Section 5**. Therefore, off-Reservation impacts associated with stormwater under Alternative B would be similar to the Project.

Water Resources: Similar to the Project, Alternative B would increase water consumption and effluent discharge at the project. However, as described above, these increases would be lower than those associated with the Project as Alternative B would eliminate 68 hotel rooms. Under Alternative B, the existing WWTP would be expanded to accommodate the flows of Alternative B. The upgraded WWTP will be designed to treat the wastewater to meet the Department of Drinking Water Title 22 standards for disinfected tertiary recycled water and to meet the Tribe's NPDES permit requirement and associated waste discharge requirements. Further, stormwater drainage improvements will be implemented to

comply with County requirements. Therefore, impacts to hydrology and water quality under Alternative B would be similar to, but less than those under the Project.

5.3.3 No-Project Alternative

Under the No Project Alternative, the project site would remain as it currently is, with no further improvements to the site or its surroundings. This alternative would eliminate the construction and operational off-Reservation environmental impacts of the Project, including those associated with scenic vistas, lighting, air quality and greenhouse gas emissions, noise, traffic, biological resources, and water resources. However, the No Action Alternative would not accomplish any of the project objectives. This stagnancy could make it difficult for the Casino to continue to be competitive in the local market and could ultimately result in the deterioration of the facility and reduced revenue to support tribal governmental functions and community amenities.

5.4 COMPARISON OF ALTERNATIVES

This section identifies whether the alternatives described above would have greater, lesser, or similar impacts for each environmental topical area when compared with the Project. All impacts identified under the Project would be less than significant after mitigation, with the exception of visual effects to a scenic vista. Therefore “greater” and “lesser” impacts are generally referring to varying degrees of impacts below established significance thresholds. In summary, the environmentally superior alternative is the alternative that would cause the least impact to the biological and physical environment.

Table 5-1: provides a comparison of the level of impacts under the alternatives as compared to the Project. In many instances, the potential impacts would be similar, meaning that the overall outcome of implementing the Project compared to any one of the alternatives would generally result in a similar type and magnitude of effects on a specific resource.

As discussed above, under the No Action Alternative, the areas proposed for expansion under the Project would not be developed. The tribal administration and community building and associated surface parking areas in the western portion of the site would remain and continue to operate. Therefore, implementation of the No Action Alternative would result in fewer short term environmental impacts than would occur under the Project. Specifically, temporary construction impacts would be avoided, including increased noise, traffic, and air quality emissions. Additionally, operational effects associated with visual effects, air quality and greenhouse gas emissions, noise, water demand and wastewater generation, would also be avoided. In conclusion, the No Impact Alternative would have the lowest level of impacts, and, as a result, would be considered the environmentally superior alternative. However, the No Action Alternative would not achieve any of the project objectives listed in **Section 2.2**.

Table 5-1: Environmental Impact Comparison Between the Project and Alternatives

Issue Area	Alternative A – Hotel Only	Alternative B – Reduced Hotel	Alternative C – No Action
Aesthetics	**Similar**	**Less Than (still Significant)**	**Less Than**
Air Quality and Greenhouse Gasses	**Less Than**	**Less Than**	**Less Than**
Biological Resources	**Less Than**	**Similar**	**Less Than**
Cultural Resources	**Similar**	**Similar**	**Less Than**
Geology and Soils	**Similar**	**Similar**	**Less Than**
Hazards and Hazardous Materials	**Less Than**	**Less Than**	**Less Than**
Land Use	**Less Than**	**Less Than**	**Less Than**
Noise	**Less Than**	**Similar**	**Less Than**
Public Services	**Similar**	**Similar**	**Less Than**
Transportation and Circulation	**Less Than**	**Less Than**	**Less Than**
Utilities and Service Systems, Wastewater Treatment Utilities	**Less Than**	**Less Than**	**Less Than**
Utilities and Service Systems, Water Supply Utilities	**Less Than**	**Less Than**	**Less Than**
Utilities and Service Systems, Stormwater Utilities	**Less Than**	**Similar**	**Less Than**
Water Resources	**Similar**	**Similar**	**Less Than**

Section 6 | Agency and Public Comments

6.1 SUMMARY OF NOTICE OF PREPARATION COMMENTS

The Tribe filed a Notice of Preparation (NOP) of the Draft TEIR on May 20, 2022 in accordance with Section 11.2 of the Compact (**Appendix A**). Comments were accepted for a 30-day period ending on June 20, 2022. Comments received during that time are included in **Appendix B.**

6.1.1 Comments Applicable to the Scope of Environmental Review

The following is a summary of comments related to the scope and content of the TEIR that were received, acknowledged, and considered in the scope and content of the TEIR:

Traffic

- Comments raising concerns about the potential increase in traffic on SR 94 and County-maintained roads.
- Comment requesting vehicle miles traveled (VMT) based traffic impact study be prepared.
- Comment requesting an analysis of near-term and long-term safety or operational issues on or near State facilities.
- Comment requesting preparation of a Traffic Control Plan to address construction impacts to traffic.
- Comment requesting that bicycle, pedestrian, and public transit access be maintained during construction.
- Comment requesting the status of mitigation projects previously agreed to mitigate traffic impacts of the Jamul Casino.
- Comment identifying discretionary review and an encroachment permit will be required for any work within Caltrans' right-of-way.
- Comment requesting the analysis of traffic impacts to the San Diego County Fire Protection District Station 36.

Land Use

- Comment requesting coordination with Caltrans to implement "smart growth" improvements.

Hydrology and Drainage

- Comment requesting hydraulic, drainage and hydrology studies.
- Comment requesting off-Reservation impacts to water quality and water quantity be addressed.
- Comment offering assistance in planning stormwater best management practices.

Air Quality

- Comments advocating the use of local union labor to lower the trip length of construction traffic and thereby lower greenhouse gas emissions.
- Comment requesting a Health Risk Assessment to address potential impacts to public health.

Public Services

- Comment suggesting the Project may increase calls for law enforcement services, and additional traffic may increase response times of law enforcement responses in the area.

Lighting and Glare

- Comment requesting that lighting and glare impacts to motorists on SR 94 be addressed.

Compact Compliance

- Comment suggesting the Notice of Preparation failed to address COVID-19 impacts and mitigation and was not posted on the Tribe's website.

Project Description

- Comment suggesting the TEIR include an accurate project description and environmental baseline.

6.1.2 Comments Outside the Scope of Environmental Review

The following is a summary of comments that were received and acknowledged, but are considered outside of the scope and content of the TEIR:

- Comments that outlined the requirements of the California Environmental Quality Act (CEQA), Assembly Bill 52, and Senate Bill 18. These State laws are not applicable to the Project.
- Comments advocating the use of local union labor.
- Comment requesting a meeting with the Tribe.
- Comment requesting the opportunity to be a Responsible Agency under CEQA. CEQA is not applicable to the Project.
- Comment requesting notices and records under California codes.

Section 7 | List of Preparers

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EEC Environmental – Water Supply and Wastewater Report

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San Dieguito Engineering, Inc. – Drainage Study and Stormwater Treatment Assessment

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