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**DRAFT**  
ENVIRONMENTAL IMPACT STATEMENT  
TRIBAL ENVIRONMENTAL IMPACT REPORT

**LOS COYOTES BAND OF  
CAHUILLA AND CUPEÑO INDIANS**

FEE-TO-TRUST AND CASINO-HOTEL PROJECT



**MARCH 2011**

**EIS Lead Agency:**

U.S. Department of Interior, Bureau of Indian Affairs  
Pacific Region, 2800 Cottage Way, Room W-2820  
Sacramento, CA 95825-1846



**TEIR Lead Agency:**

Los Coyotes Band of Cahuilla and Cupeño Indians  
P.O. Box 189  
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# ***EXECUTIVE SUMMARY***

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# EXECUTIVE SUMMARY

## LOS COYOTES CASINO-HOTEL PROJECT DRAFT EIS/TEIR

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### ES.1 INTRODUCTION

#### EIS PROCESS

This Environmental Impact Statement/Tribal Environmental Impact Report (EIS/TEIR) has been prepared to assess the environmental effects of several gaming and non-gaming alternatives, including taking 23.1± acres in Barstow, CA, into federal trust for the Los Coyotes Band of Cahuilla and Cupeño Indians (herein after Tribe) for the development of Class III gaming facility and hotel (Proposed Action). The Bureau of Indian Affairs (BIA) is the federal agency that is charged with reviewing and approving tribal application pursuant to 25 CFR Part 151 to take land into federal trust status. Since the Tribe is seeking to acquire off-reservation land in trust for gaming purposes, compliance with Section 20 of the Indian Gaming Regulatory Act (IGRA) is being considered along with the BIA Part 151 fee-to trust application. In this case, acquisition of approximately 23.1 acres in trust for gaming would require that the Secretary of the Interior make a “two-part determination,” under Section 20(b)(1)(A), that gaming on the newly acquired lands would be in the best interest of the Tribe and not detrimental to the surrounding community (25 U.S.C. § 2719(b)(1)(A)). A Secretarial two-part determination may only be made after consultation with the Tribe and appropriate state and local officials, including officials of other nearby tribes. In addition, California’s Governor must concur in the determination before gaming could occur on the Barstow property.

For the purpose of this EIS/TEIR, the BIA serves as the Lead Agency for compliance with the National Environmental Policy Act (NEPA). Cooperating agencies for the EIS/TEIR are the Tribe, the Environmental Protection Agency (EPA), the National Indian Gaming Commission (NIGC), and the City of Barstow.

#### TEIR PROCESS

The Tribe expects to negotiate a Class III gaming compact with the State of California. The gaming compact will mandate the location within the Tribe’s reservation at which the Tribe may operate a Class III gaming facility and will set forth an off-reservation environmental review process. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal/State Compact will require the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of their hotel and casino complex. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint “Draft EIS/TEIR.” The Tribe serves as the Lead Agency for compliance with TEIR requirements.

## ES.2 PURPOSE AND NEED

The purpose of the Proposed Action is to help provide for the economic development of the Tribe, and for the stability and self-sufficiency of the Tribal government, resulting in economic, social, and other benefits for the Tribe. Implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing a revenue source that would be used to: strengthen the tribal government; fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of tribal members; and provide capital for other economic development and investment opportunities.
- Provide employment opportunities for the tribal and non-tribal community, including the creation of on-reservation job opportunities.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Establish economic self-sufficiency and achieve tribal self-determination.

## ES.3 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

The Proposed Action analyzed in this EIS/TEIR is the fee-to-trust acquisition of 23.1± acres in the City of Barstow, California for the Tribe and potential approval of a gaming management contract by the NIGC. The foreseeable consequence of this action would be the development of a hotel and casino complex with associated support facilities on the subject property. The alternatives addressed in this study, including the No-Action Alternative, are summarized below. The potential adverse environmental effects and applicable mitigation measures relevant to each alternative are presented in **Table ES-1**.

### ALTERNATIVE A – BARSTOW CASINO-HOTEL COMPLEX

Alternative A consists of the development of a casino with approximately 88,500 square feet of gaming floor. Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include two full service restaurants, a “Drive-in” restaurant, a buffet, a coffee shop, three service bars, and a lounge bar. Food and beverage facilities would include a food court and full service restaurants, a coffee shop, and four bars. The hotel tower would have approximately 160 rooms and a full service restaurant. Both the may also be required gaming facility and the hotel would be open 24 hours a day, seven days a week, while the “Drive-in” restaurant would be open from 10:30 a.m. to 10:30 p.m. A total of 1,892 parking spaces would be provided.

### ALTERNATIVE B – BARSTOW REDUCED CASINO- HOTEL COMPLEX (PROPOSED PROJECT)

Alternative B consists of the development of a casino with approximately 57,070 square feet of gaming floor, a 100-room hotel, and associated facilities. Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities

would include two full service restaurants, a “Drive-in” restaurant, a buffet, a coffee shop, three service bars, and a lounge bar. The hotel tower would have approximately 100 rooms and a full service restaurant. Both the gaming facility and the hotel would be open 24 hours a day, seven days a week, while the “Drive-in” restaurant would be open from 10:30 a.m. to 10:30 p.m. Alternative B would provide up to 1,405 surface-level parking spaces and 10 surface-level motorcycle spaces to serve the patrons and employees of the casino complex.

### **ALTERNATIVE C – LOS COYOTES RESERVATION CASINO**

Alternative C consists of the development of a casino of approximately 25,000 square feet on the Los Coyotes Reservation. Associated facilities would include a restaurant, a lounge, a snack shop, and a gift shop. A total of 450 parking spaces would be provided.

### **ALTERNATIVE D – LOS COYOTES RESERVATION CAMPGROUND**

Alternative D consists of the development of a campground of approximately 350,000 square feet on the Los Coyotes Reservation. Associated facilities would include restrooms, an office, a sports field, and a playground. Approximately 213 campsites would be developed.

### **ALTERNATIVE E – NO ACTION**

Alternative E is the No Action Alternative. Under this alternative, there would be no fee-to-trust transfer of land, and no new development would occur on any of the above-mentioned sites.

## **ES.4 AREAS OF CONTROVERSY**

The BIA published the NOI for this proposed action in the *Federal Register* on April 19, 2006, with the public scoping comment period beginning on April 19, 2006 and ending on May 19, 2006. The BIA held a scoping meeting on May 4, 2006, at the Barstow Community College Gymnasium. The results of the scoping period were made available in a Scoping Report issued in September 2006. The BIA did not approve the original fee-to-trust application, and on May 19, 2008, (73 FR 28841) published a Notice of Cancellation of work. Subsequently, on June 6, 2008, the BIA published a notice advising the public that the BIA, as lead agency, with the National Indian Gaming Commission (NIGC) and the Tribe as cooperating agencies, intended to gather information to prepare an EIS for the Tribe’s renewed application for a proposed fee-to-trust transfer and casino and hotel project in Barstow, California (73 FR 32354). After the Tribe resubmitted its application, the June 6, 2008 notice for the renewed application effectively resumed BIA’s work on the EIS, such that public scoping for the issues and alternatives to be analyzed in the EIS had already been done. Therefore, no further public scoping meetings were necessary. A Notice of Correction (NOC) was published in the *Federal Register* on March 27, 2009 to correct several errors in the BIA’s June 6, 2008, NOI. The revised notice provided the public an additional 30-day comment period to submit comments on the scope of the EIS and to identify issues of concern. Issues raised during scoping generally fell into the following categories.

- Aesthetics and Visual Resources
- Agriculture
- Public Health and Safety
- Public Services



- Air Quality
- Biological Resources
- Community Character
- Cultural Resources
- Emergency Response
- Energy Issues
- Environmental Justice
- Hazards and Hazardous Materials
- Land Use Planning
- Noise
- Socioeconomic Conditions
- Soils and Geology
- Traffic and Transportation
- Tribal Issues
- Wastewater Disposal
- Water Drainage
- Water Resources
- Cumulative Impacts
- NEPA Process

To the extent required by NEPA, this EIS/TEIR has incorporated the issues and concerns identified during the scoping process.

## ES.5 SUMMARY MATRIX

The potential adverse and beneficial effects, as well as mitigation measures, relevant to each alternative are presented in **Table ES-1**. For a detailed discussion of environmental consequences and mitigation measures see **Chapters 4.0** and **5.0**.

**TABLE ES-1**  
SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
<b>LAND RESOURCES</b>					
Topography	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Soils	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Seismicity	NE	NE	Development of Alternative C would have minimal direct adverse effects related to seismic activity.	NE	NE
Mitigation	NA	NA	NA	NA	NA
Mineral Resources	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
<b>WATER RESOURCES</b>					
Drainage	NE	NE	Development of Alternative C will have minimal direct adverse effects to off-site and on-site drainages.	Development of Alternative D will have minimal direct adverse effects to off-site and on-site drainages.	NE
Mitigation	NA	NA.	NA	NA	NA
Flooding	NE	NE	Development of Alternative C will have minimal direct adverse effects on flooding.	Development of Alternative D will have minimal direct adverse effects on flooding.	NE
Mitigation	NA	NA	NA	NA	NA
Surface Water Quality	Development of Alternative A will have minimal direct adverse effects on surface water quality.	Development of Alternative B will have minimal direct adverse effects on surface water quality.	Development of Alternative C will have minimal direct adverse effects on surface water quality.	Development of Alternative D will have minimal direct adverse effects on surface water quality.	NE
Mitigation	Major grading activities will be scheduled during the dry season.	Major grading activities will be scheduled during the dry season.	Major grading activities will be scheduled during the dry season.	Major grading activities will be scheduled during the dry season.	NA

Note: **NE** = No Direct Adverse Effect      **NA** = Not Applicable

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>Erosion control blankets or jute netting will be placed in rough graded ditches and then hydroseeded.</p> <p>Fiber rolls and straw wattles will be installed through the construction site around the down-slope perimeter of the construction site.</p> <p>Hay or straw mulch and tackifier will be used as temporary measure for stabilizing disturbed areas.</p> <p>Landscaping will be managed to minimize erosion and sedimentation according to the following practices:</p> <ul style="list-style-type: none"> <li>-Rock filter berms will be placed across roadways.</li> <li>-Sediment basins will be installed throughout the project site and will be removed during the final phase of construction.</li> <li>-Silt fencing will be placed down-slope of exposed soil areas and around temporary soil stockpiles.</li> <li>-Sacked rock filters will be placed around new curbs and drainage inlets around the project site until the soils are stabilized with permanent landscaping.</li> </ul>	<p>Erosion control blankets or jute netting will be placed in rough graded ditches and then hydroseeded.</p> <p>Fiber rolls and straw wattles will be installed through the construction site around the down-slope perimeter of the construction site.</p> <p>Hay or straw mulch and tackifier will be used as temporary measure for stabilizing disturbed areas.</p> <p>Landscaping will be managed to minimize erosion and sedimentation according to the following practices:</p> <ul style="list-style-type: none"> <li>-Rock filter berms will be placed across roadways.</li> <li>-Sediment basins will be installed throughout the project site and will be removed during the final phase of construction.</li> <li>-Silt fencing will be placed down-slope of exposed soil areas and around temporary soil stockpiles.</li> <li>-Sacked rock filters will be placed around new curbs and drainage inlets around the project site until the soils are stabilized with permanent landscaping.</li> </ul>	<p>Erosion control blankets or jute netting will be placed in rough graded ditches and then hydroseeded.</p> <p>Fiber rolls and straw wattles will be installed through the construction site around the down-slope perimeter of the construction site.</p> <p>Hay or straw mulch and tackifier will be used as temporary measure for stabilizing disturbed areas.</p> <p>Landscaping will be managed to minimize erosion and sedimentation according to the following practices:</p> <ul style="list-style-type: none"> <li>-Rock filter berms will be placed across roadways.</li> <li>-Sediment basins will be installed throughout the project site and will be removed during the final phase of construction.</li> <li>-Silt fencing will be placed down-slope of exposed soil areas and around temporary soil stockpiles.</li> <li>-Sacked rock filters will be placed around new curbs and drainage inlets around the project site until the soils are stabilized with permanent landscaping.</li> </ul>	<p>Erosion control blankets or jute netting will be placed in rough graded ditches and then hydroseeded.</p> <p>Fiber rolls and straw wattles will be installed through the construction site around the down-slope perimeter of the construction site.</p> <p>Hay or straw mulch and tackifier will be used as temporary measure for stabilizing disturbed areas.</p> <p>Landscaping will be managed to minimize erosion and sedimentation according to the following practices:</p> <ul style="list-style-type: none"> <li>-Rock filter berms will be placed across roadways.</li> <li>-Sediment basins will be installed throughout the project site and will be removed during the final phase of construction.</li> <li>-Silt fencing will be placed down-slope of exposed soil areas and around temporary soil stockpiles.</li> <li>-Sacked rock filters will be placed around new curbs and drainage inlets around the project site until the soils are stabilized with permanent landscaping.</li> </ul>	

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
 208530

**NA** = Not Applicable

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>Catch basins, junction boxes, culverts and outfall structures/energy dissipaters will be used throughout the grading plan.</p> <p>Detention basins will be constructed to provide for sediment settling.</p> <p>Ingress/egress points to the project site will be stabilized and graded.</p> <p>A wash station will be erected at the egress point of the project site if dirt and mud tracking from the site is anticipated.</p> <p>Cleaning, fueling, maintenance, and repair of construction vehicles and equipment will be performed off-site whenever possible.</p> <p>The Contractor shall be responsible for all maintenance, inspection, and repair to all erosion and sediment control measures throughout the construction period, and will ensure that all other protective devices are maintained and repaired in</p>	<p>Catch basins, junction boxes, culverts and outfall structures/energy dissipaters will be used throughout the grading plan.</p> <p>Detention basins will be constructed to provide for sediment settling.</p> <p>Ingress/egress points to the project site will be stabilized and graded.</p> <p>A wash station will be erected at the egress point of the project site if dirt and mud tracking from the site is anticipated.</p> <p>Cleaning, fueling, maintenance, and repair of construction vehicles and equipment will be performed off-site whenever possible.</p> <p>The Contractor shall be responsible for all maintenance, inspection, and repair to all erosion and sediment control measures throughout the construction period, and will ensure that all other protective devices are maintained and repaired in good and effective condition.</p>	<p>Catch basins, junction boxes, culverts and outfall structures/energy dissipaters will be used throughout the grading plan.</p> <p>Detention basins will be constructed to provide for sediment settling.</p> <p>Ingress/egress points to the project site will be stabilized and graded.</p> <p>A wash station will be erected at the egress point of the project site if dirt and mud tracking from the site is anticipated.</p> <p>Cleaning, fueling, maintenance, and repair of construction vehicles and equipment will be performed off-site whenever possible.</p> <p>The Contractor shall be responsible for all maintenance, inspection, and repair to all erosion and sediment control measures throughout the construction period, and will ensure that all other protective devices are maintained and repaired in</p>	<p>Catch basins, junction boxes, culverts and outfall structures/energy dissipaters will be used throughout the grading plan.</p> <p>Detention basins will be constructed to provide for sediment settling.</p> <p>Ingress/egress points to the project site will be stabilized and graded.</p> <p>A wash station will be erected at the egress point of the project site if dirt and mud tracking from the site is anticipated.</p> <p>Cleaning, fueling, maintenance, and repair of construction vehicles and equipment will be performed off-site whenever possible.</p> <p>The Contractor shall be responsible for all maintenance, inspection, and repair to all erosion and sediment control measures throughout the construction period, and will ensure that all other protective devices are maintained and repaired in</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	good and effective condition.		good and effective condition.	good and effective condition.	
Groundwater Supply	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Groundwater Quality	Implementation of Alternative A will have minimal direct adverse effects to groundwater quality.	Implementation of Alternative B will have minimal direct adverse effects to groundwater quality.	Implementation of Alternative C will have minimal direct adverse effects to groundwater quality.	Implementation of Alternative D will have minimal direct adverse effects to groundwater quality.	NE
Mitigation	Mitigation listed above in the <b>Surface Water Quality</b> section also applies to groundwater quality.	Mitigation listed above in the <b>Surface Water Quality</b> section also applies to groundwater quality.	Mitigation listed above in the <b>Surface Water Quality</b> section also applies to groundwater quality.	Mitigation listed above in the <b>Surface Water Quality</b> section also applies to groundwater quality.	NA
<b>AIR QUALITY</b>					
Construction-Related Emissions	Construction of Alternative A will have minimal adverse effects on local and regional air quality.	Construction of Alternative B will have minimal adverse effects on local and regional air quality.	Construction of Alternative C will have minimal adverse effects on local and regional air quality.	Construction of Alternative D will have minimal adverse effects on local and regional air quality.	NE
Mitigation	Water all active construction areas at least twice daily.  Cover all trucks hauling soil and other loose materials or require all trucks to maintain at least 2 feet of freeboard.  Pave, apply water two times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.  Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction	Water all active construction areas at least twice daily.  Cover all trucks hauling soil and other loose materials or require all trucks to maintain at least 2 feet of freeboard.  Pave, apply water two times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.  Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction	Water all active construction areas at least twice daily.  Cover all trucks hauling soil and other loose materials or require all trucks to maintain at least 2 feet of freeboard.  Pave, apply water two times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.  Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction	Water all active construction areas at least twice daily.  Cover all trucks hauling soil and other loose materials or require all trucks to maintain at least 2 feet of freeboard.  Pave, apply water two times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.  Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction	NA

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
 208530

**NA** = Not Applicable

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.</p> <p>Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways.</p> <p>Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.</p> <p>The Tribe shall control emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), and carbon monoxide (CO) whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimizing idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would</p>	<p>sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.</p> <p>Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways.</p> <p>Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.</p> <p>The Tribe shall control emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), and carbon monoxide (CO) whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimizing idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would</p>	<p>sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.</p> <p>Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways.</p> <p>Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.</p> <p>The Tribe shall control emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), and carbon monoxide (CO) whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimizing idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would</p>	<p>sites.</p> <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.</p> <p>Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways.</p> <p>Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.</p> <p>The Tribe shall control emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), and carbon monoxide (CO) whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimizing idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions.</p> <p>The Tribe shall use diesel particulate filters, and low sulfur diesel fuel on all diesel equipment.</p> <p>Prohibit engine tampering to increase horsepower, except when meeting manufacturer's specifications.</p> <p>Locate diesel engines, motors, and equipment, staging areas as far as possible from sensitive receptors.</p> <p>Reduce construction-related trips of workers and equipment and material delivery by encouraging worker car pools and flex scheduling. The construction contractor should develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.</p> <p>Utilize USEPA tier II or III equipment (2004 or newer model), using a minimum of 75</p>	<p>be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions.</p> <p>The Tribe shall use diesel particulate filters, and low sulfur diesel fuel on all diesel equipment.</p> <p>Prohibit engine tampering to increase horsepower, except when meeting manufacturer's specifications.</p> <p>Locate diesel engines, motors, and equipment, staging areas as far as possible from sensitive receptors.</p> <p>Reduce construction-related trips of workers and equipment and material delivery by encouraging worker car pools and flex scheduling. The construction contractor should develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.</p> <p>Utilize USEPA tier II or III equipment (2004 or newer model), using a minimum of 75</p>	<p>be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions.</p> <p>The Tribe shall use diesel particulate filters, and low sulfur diesel fuel on all diesel equipment.</p> <p>Prohibit engine tampering to increase horsepower, except when meeting manufacturer's specifications.</p> <p>Locate diesel engines, motors, and equipment, staging areas as far as possible from sensitive receptors.</p> <p>Reduce construction-related trips of workers and equipment and material delivery by encouraging worker car pools and flex scheduling. The construction contractor should develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.</p> <p>Utilize USEPA tier II or III equipment (2004 or newer model), using a minimum of 75</p>	<p>be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions.</p> <p>The Tribe shall use diesel particulate filters, and low sulfur diesel fuel on all diesel equipment.</p> <p>Prohibit engine tampering to increase horsepower, except when meeting manufacturer's specifications.</p> <p>Locate diesel engines, motors, and equipment, staging areas as far as possible from sensitive receptors.</p> <p>Reduce construction-related trips of workers and equipment and material delivery by encouraging worker car pools and flex scheduling. The construction contractor should develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.</p> <p>Utilize USEPA tier II or III equipment (2004 or newer model), using a minimum of 75</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	percent of the equipment's total horsepower. Implementation would reduce construction-related emissions by using equipment, which emits fewer pollutants.	percent of the equipment's total horsepower. Implementation would reduce construction-related emissions by using equipment, which emits fewer pollutants.	percent of the equipment's total horsepower. Implementation would reduce construction-related emissions by using equipment, which emits fewer pollutants.	percent of the equipment's total horsepower. Implementation would reduce construction-related emissions by using equipment, which emits fewer pollutants.	
	Buildings shall be oriented to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial).	Buildings shall be oriented to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial).	Buildings shall be oriented to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial).	Buildings shall be oriented to take advantage of solar heating and natural cooling, and use passive solar designs (residential, commercial, and industrial).	
	Use architectural coatings with low VOC content.	Use architectural coatings with low VOC content.	Use architectural coatings with low VOC content.	Use architectural coatings with low VOC content.	
	Solar, low-emission, central, or tankless water heaters (residential and commercial), and increase wall and attic insulation that meets or exceeds Title 24 requirements (commercial).	Solar, low-emission, central, or tankless water heaters (residential and commercial), and increase wall and attic insulation that meets or exceeds Title 24 requirements (commercial).	Solar, low-emission, central, or tankless water heaters (residential and commercial), and increase wall and attic insulation that meets or exceeds Title 24 requirements (commercial).	Solar, low-emission, central, or tankless water heaters (residential and commercial), and increase wall and attic insulation that meets or exceeds Title 24 requirements (commercial).	
	Use light-colored roofing materials in construction to deflect heat away from buildings.	Use light-colored roofing materials in construction to deflect heat away from buildings.	Use light-colored roofing materials in construction to deflect heat away from buildings.	Use light-colored roofing materials in construction to deflect heat away from buildings.	
	Use double-paned windows to reduce thermal loss in buildings.	Use double-paned windows to reduce thermal loss in buildings.	Use double-paned windows to reduce thermal loss in buildings.	Use double-paned windows to reduce thermal loss in buildings.	
	Install automatic lighting on/off controls and energy-efficient	Install automatic lighting on/off controls and energy-efficient	Install automatic lighting on/off controls and energy-efficient	Install automatic lighting on/off controls and energy-efficient	



**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	lighting.  Use only natural gas or propane fired “fireplace” appliances.	lighting.  Use only natural gas or propane fired “fireplace” appliances.	lighting.  Use only natural gas or propane fired “fireplace” appliances.	lighting.  Use only natural gas or propane fired “fireplace” appliances.	
Operational Emissions	Operation of Alternative A will have a potentially adverse effect on local and regional air quality.	Operation of Alternative B will have a potentially adverse effect on local and regional air quality.	Operation of Alternative C will have minimal adverse effect on local and regional air quality.	Operation of Alternative D will have minimal adverse effect on local and regional air quality.	NE
Mitigation	<p>The Tribe shall provide on-site pedestrian facility enhancements such as walkways, benches, proper lighting, and building access, which are physically separated from parking lot traffic.</p> <p>The Tribe shall provide adequate ingress and egress at entrances to the casino to minimize vehicle idling and traffic congestion.</p> <p>Design the project site to maximize bicycle access and provide secure bicycle parking/lockers in public parking facilities. Provide Locker room/showers to employees who bicycle.</p> <p>Use bicycles and/or low emission vehicles for security patrols and other facility vehicle needs.</p>	<p>The Tribe shall provide on-site pedestrian facility enhancements such as walkways, benches, proper lighting, and building access, which are physically separated from parking lot traffic.</p> <p>The Tribe shall provide adequate ingress and egress at entrances to the casino to minimize vehicle idling and traffic congestion.</p> <p>Design the project site to maximize bicycle access and provide secure bicycle parking/lockers in public parking facilities. Provide Locker room/showers to employees who bicycle.</p> <p>Use bicycles and/or low emission vehicles for security patrols and other facility vehicle needs.</p>	NA	NA	NA

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>Buses shall comply with the California Air Resource Board's Wirborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Cote of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485) which requires that the driver of any diesel bus shall not idle for more than 5 minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. Furthermore the Tribe shall provide a "Drivers Lounge" for bus and truck drivers to discourage idling.</p> <p>Implement a carpool/vanpool program e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</p> <p>Electric landscaping equipment shall be used for commercial and educational facilities.</p> <p>The Tribe shall purchase emission credits prior to the beginning of construction of the Proposed Project in the amount of 43 tons per year of nitrogen oxide and 28 tons per year of reactive organic gas emissions credits, for Alternatives A and</p>	<p>Buses shall comply with the California Air Resource Board's Wirborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Cote of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485) which requires that the driver of any diesel bus shall not idle for more than 5 minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. Furthermore the Tribe shall provide a "Drivers Lounge" for bus and truck drivers to discourage idling.</p> <p>Implement a carpool/vanpool program e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.</p> <p>Electric landscaping equipment shall be used for commercial and educational facilities.</p> <p>The Tribe shall purchase emission credits prior to the beginning of construction of the Proposed Project in the amount of 43 tons per year of nitrogen oxide and 28 tons per year of reactive organic gas emissions credits, for</p>			

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	32 ton per year of nitrogen oxide emissions credits for Alternative B. Purchase of emission credits would offset estimated operational emissions such that no net increase in NOx or Rog would occur. This would result in the Proposed Project being in conformity with the applicable State Implementation Plan and therefore, result in a minimal adverse effect on regional air quality	Alternatives A and 32 ton per year of nitrogen oxide emissions credits for Alternative B. Purchase of emission credits would offset estimated operational emissions such that no net increase in NOx or Rog would occur. This would result in the Proposed Project being in conformity with the applicable State Implementation Plan and therefore, result in a minimal adverse effect on regional air quality.			
<b>BIOLOGICAL RESOURCES</b>					
Habitats	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Waters of the U.S.	NE	NE	Alternative C will have minimal direct adverse effects to Waters of the U.S. Alternative C may have moderate direct adverse effects on the wetland feature.	Alternative D will have minimal direct adverse effects to Waters of the U.S. Alternative D may have moderate direct adverse effects on the wetland feature.	NE
Mitigation	NA	NA	The project design shall be reconfigured in order to completely avoid any potentially jurisdictional wetland or other waters of the U.S.  If potentially jurisdictional wetlands or other waters of the U.S. cannot be avoided, the following mitigation measures shall be implemented: - A formal wetland delineation	The project design shall be reconfigured in order to completely avoid any potentially jurisdictional wetland or other waters of the U.S.  If potentially jurisdictional wetlands or other waters of the U.S. cannot be avoided, the following mitigation measures shall be implemented: - A formal wetland delineation shall be conducted within the	NA

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
			<p>shall be conducted within the project site and submitted to the USACE for verification of jurisdictional wetlands and/or other waters of the U.S.</p> <p>- Prior to the onset of construction activities, the Tribe shall obtain the following permits: The appropriate Section 404 CWA Nationwide Permit from the USACE, which permits activities that involve the discharge of dredged and/or fill materials into jurisdictional wetlands and/or other waters of the U.S. Typical 404-permit mitigation occurs at a ratio of 1:1 acres created versus impacted and 2:1 acres restored versus impacted, though individual permit conditions may vary; and Section 401 CWA water quality certification through the Regional Water Quality Control Board.</p> <p>- If permits are required, a detailed mitigation and monitoring plan shall be designed for the proposed project that includes all the necessary details regarding the size, location, and whether or not aquatic features shall be created or restored. The mitigation and monitoring plan shall include specific information regarding on-site aquatic feature preservation, monitoring stipulations, reporting requirements, responsibilities of the</p>	<p>project site and submitted to the USACE for verification of jurisdictional wetlands and/or other waters of the U.S.</p> <p>- Prior to the onset of construction activities, the Tribe shall obtain the following permits: The appropriate Section 404 CWA Nationwide Permit from the USACE, which permits activities that involve the discharge of dredged and/or fill materials into jurisdictional wetlands and/or other waters of the U.S. Typical 404-permit mitigation occurs at a ratio of 1:1 acres created versus impacted and 2:1 acres restored versus impacted, though individual permit conditions may vary; and Section 401 CWA water quality certification through the Regional Water Quality Control Board.</p> <p>- If permits are required, a detailed mitigation and monitoring plan shall be designed for the proposed project that includes all the necessary details regarding the size, location, and whether or not aquatic features shall be created or restored. The mitigation and monitoring plan shall include specific information regarding on-site aquatic feature preservation, monitoring stipulations, reporting requirements, responsibilities of the Applicant, and performance success</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
			Applicant, and performance success criteria. The mitigation and monitoring plan shall meet the specified requirements of and be written in accordance with the 401, 404, and 1600 permits, if applicable.	criteria. The mitigation and monitoring plan shall meet the specified requirements of and be written in accordance with the 401, 404, and 1600 permits, if applicable.	
State-Listed Species	Development of Alternative A will have minimal direct adverse effects on burrowing owl, Le Conte’s thrasher, and Mojave ground squirrel.	Development of Alternative B will have minimal direct adverse effects on burrowing owl, Le Conte’s thrasher, and Mojave ground squirrel.	Off reservation impacts to state listed species would likely not occur.	Off reservation impacts to state listed species would likely not occur.	NE
Mitigation	Mitigation listed below in the <b>Migratory Birds</b> section also applies to the western burrowing owl and Le Conte’s thrasher.	Mitigation listed below in the <b>Migratory Birds</b> section also applies to the western burrowing owl and Le Conte’s thrasher.	NA	NA	NA
Federally Listed Species	Development of Alternative A may have minimal adverse effects to desert tortoise. With the incorporation the recommended mitigation measures, Alternative B may affect, but is not likely to adversely affect, the desert tortoise.	Development of Alternative B may have minimal adverse effects to desert tortoise. With the incorporation the recommended mitigation measures, Alternative B may affect, but is not likely to adversely affect, the desert tortoise.	Alternative C may have moderate direct adverse effects the arroyo toad or Stephen’s kangaroo rat.	Alternative D may have moderate direct adverse effects the arroyo toad or Stephen’s kangaroo rat.	NE
Mitigation	The Tribe shall designate a “biological representative” (BR) for the proposed project. This individual will administer and manage the Tribe’s compliance with the conservation measures and any other required terms and/or conditions resulting from Section 7 consultation with USFWS regarding desert tortoise. The Tribe shall provide USFWS with the name(s) and qualifications of	The Tribe shall designate a “biological representative” (BR) for the proposed project. This individual will administer and manage the Tribe’s compliance with the conservation measures and any other required terms and/or conditions resulting from Section 7 consultation with USFWS regarding desert tortoise. The Tribe shall provide USFWS with the name(s) and qualifications of	Mitigation listed above in the <b>Surface Water Quality and Waters of the U.S.</b> sections also applies to the arroyo toad.  Prior to the onset of construction activities, the Tribe shall complete Section 7 Consultation with the USFWS regarding the Stephen’s kangaroo rat. If the USFWS determines that the Stephen’s	Mitigation listed above in the <b>Surface Water Quality and Waters of the U.S.</b> sections also applies to the arroyo toad.  Prior to the onset of construction activities, the Tribe shall complete Section 7 Consultation with the USFWS regarding the Stephen’s kangaroo rat. If the USFWS determines that the Stephen’s	NA

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**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>the chosen BR(s) for review/approval.</p> <p>Prior to the onset of construction activities, USFWS-approved desert tortoise exclusionary fencing (USFWS 2005; <b>Appendix M</b>) shall be installed around the perimeter of the entire project site. The BR or another USFWS-authorized desert tortoise biological monitor shall supervise installation of the exclusionary fencing in order to ensure proper installation and adequacy. The exclusionary fencing must remain intact and must surround the entire project site until all construction activities are completed.</p> <p>After installation of the exclusionary fence and prior to the onset of construction activities, a qualified biologist shall conduct a pre-construction desert tortoise clearance survey within the project site. This survey shall be conducted in accordance with the 2010 USFWS protocol, which updates previously accepted versions of the survey protocol (such as the 1992 USFWS protocol, included for reference purposes in <b>Appendix M</b>) in order to locate any desert tortoise and/or occupied burrows within the project site. Any required excavation of</p>	<p>the chosen BR(s) for review/approval.</p> <p>Prior to the onset of construction activities, USFWS-approved desert tortoise exclusionary fencing (USFWS 2005; <b>Appendix M</b>) shall be installed around the perimeter of the entire project site. The BR or another USFWS-authorized desert tortoise biological monitor shall supervise installation of the exclusionary fencing in order to ensure proper installation and adequacy. The exclusionary fencing must remain intact and must surround the entire project site until all construction activities are completed.</p> <p>After installation of the exclusionary fence and prior to the onset of construction activities, a qualified biologist shall conduct a pre-construction desert tortoise clearance survey within the project site. This survey shall be conducted in accordance with the 2010 USFWS protocol, which updates previously accepted versions of the survey protocol (such as the 1992 USFWS protocol, included for reference purposes in <b>Appendix M</b>) in order to locate any desert tortoise and/or occupied burrows within the project site. Any required excavation of</p>	<p>kangaroo rat may occur on-site, determinant-level surveys shall be conducted and appropriate mitigation and avoidance measures recommended by the USFWS shall be implemented prior to and during construction and operation activities.</p>	<p>kangaroo rat may occur on-site, determinant-level surveys shall be conducted and appropriate mitigation and avoidance measures recommended by the USFWS shall be implemented prior to and during construction and operation activities.</p>	

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>desert tortoise burrows shall be done with hand tools, either by or under the direction of the BR or another USFWS authorized biologist. Any potential desert tortoise burrow sites that are confirmed unoccupied that are within the project site shall be collapsed or otherwise blocked following the 2010 USFWS protocol to prevent future occupancy. Any and all activities that directly involve desert tortoise (i.e., handling of desert tortoise and/or its eggs and excavation of burrows) shall be conducted by the BR or another USFWS-authorized biologist in accordance with the recommended protocol (Desert Tortoise Council 1999; <b>Appendix M</b>). Any desert tortoise or desert tortoise eggs observed within the project site during the pre-construction survey shall be relocated by the BR or another USFWS authorized biologist to BLM property, which is immediately adjacent to the project site. The BLM has agreed to receive a small number of tortoises, if necessary for relocation purposes.</p> <p>The BR or another USFWS authorized biological monitor shall be present at least once a week to maintain the desert tortoise exclusionary fence and to provide all construction personnel with a desert tortoise</p>	<p>desert tortoise burrows shall be done with hand tools, either by or under the direction of the BR or another USFWS authorized biologist. Any potential desert tortoise burrow sites that are confirmed unoccupied that are within the project site shall be collapsed or otherwise blocked following the 2010 USFWS protocol to prevent future occupancy. Any and all activities that directly involve desert tortoise (i.e., handling of desert tortoise and/or its eggs and excavation of burrows) shall be conducted by the BR or another USFWS-authorized biologist in accordance with the recommended protocol (Desert Tortoise Council 1999; <b>Appendix M</b>). Any desert tortoise or desert tortoise eggs observed within the project site during the pre-construction survey shall be relocated by the BR or another USFWS authorized biologist to BLM property, which is immediately adjacent to the project site. The BLM has agreed to receive a small number of tortoises, if necessary for relocation purposes.</p> <p>The BR or another USFWS authorized biological monitor shall be present at least once a week to maintain the desert tortoise exclusionary fence and to provide all construction personnel with a desert tortoise</p>			

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>awareness briefing. Educational printed materials that summarize the desert tortoise awareness information shall be provided to all personnel and shall be present on-site during all construction activities. The desert tortoise awareness briefing shall include, but is not be limited to the following:</p> <ul style="list-style-type: none"> <li>- Construction personnel shall be informed about the federal and state threatened status of the desert tortoise, shall be shown what this species and its eggs look like, and shall be educated about the protection measures designed to reduce potential project-related effects on this species. Construction personnel shall be provided with instruction regarding what to do if they encounter a desert tortoise and/or its eggs within the project site during construction activities.</li> <li>- Construction personnel shall be advised that handling, harming, or harassment of desert tortoise is illegal and a violation of the ESA. Construction personnel shall be advised that penalties of up to \$25,000 and six months imprisonment are the consequences for unauthorized handling of a listed species. Construction personnel shall sign a document, which indicates that they have received the desert tortoise</li> </ul>	<p>awareness briefing. Educational printed materials that summarize the desert tortoise awareness information shall be provided to all personnel and shall be present on-site during all construction activities. The desert tortoise awareness briefing shall include, but is not be limited to the following:</p> <ul style="list-style-type: none"> <li>- Construction personnel shall be informed about the federal and state threatened status of the desert tortoise, shall be shown what this species and its eggs look like, and shall be educated about the protection measures designed to reduce potential project-related effects on this species. Construction personnel shall be provided with instruction regarding what to do if they encounter a desert tortoise and/or its eggs within the project site during construction activities.</li> <li>- Construction personnel shall be advised that handling, harming, or harassment of desert tortoise is illegal and a violation of the ESA. Construction personnel shall be advised that penalties of up to \$25,000 and six months imprisonment are the consequences for unauthorized handling of a listed species. Construction personnel shall sign a document, which indicates that they have received the desert tortoise</li> </ul>			



Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>briefing and that they understand its contents.</p> <p>Any desert tortoises encountered on-site during construction activities shall be reported to the construction supervisor and the BR immediately.</p> <p>The Tribe or the BR shall contact the USFWS immediately if it becomes aware that a desert tortoise has been killed or injured by project activities. At that time, the USFWS and the Tribe shall review the circumstances surrounding the incident to determine whether additional protective measures are required. Project activities may continue pending the outcome of the review, provided that the Tribe's proposed protective measures and any appropriate terms and/or conditions of a Biological Opinion issued by the USFWS have been and continue to be fully implemented.</p> <p>Trash bins and cans shall be covered so that trash within the containers shall not be accessible to ravens. Trash shall be picked up and removed daily from parking lots and other outdoor areas. Outdoor ponds and/or</p>	<p>briefing and that they understand its contents.</p> <p>Any desert tortoises encountered on-site during construction activities shall be reported to the construction supervisor and the BR immediately.</p> <p>The Tribe or the BR shall contact the USFWS immediately if it becomes aware that a desert tortoise has been killed or injured by project activities. At that time, the USFWS and the Tribe shall review the circumstances surrounding the incident to determine whether additional protective measures are required. Project activities may continue pending the outcome of the review, provided that the Tribe's proposed protective measures and any appropriate terms and/or conditions of a Biological Opinion issued by the USFWS have been and continue to be fully implemented.</p> <p>Trash bins and cans shall be covered so that trash within the containers shall not be accessible to ravens. Trash shall be picked up and removed daily from parking lots and other outdoor areas. Outdoor ponds and/or</p>			

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	fountains shall be monitored on a weekly basis for a period of not less than three months to determine whether these features attract ravens. If monitoring concludes that the ponds and/or fountains attract ravens, USFWS shall be consulted to develop a plan for controlling raven use of these features.	fountains shall be monitored on a weekly basis for a period of not less than three months to determine whether these features attract ravens. If monitoring concludes that the ponds and/or fountains attract ravens, USFWS shall be consulted to develop a plan for controlling raven use of these features.			
Migratory Birds	Development of Alternative A may have moderate direct adverse effects on nesting migratory birds.	Development of Alternative B may have moderate direct adverse effects on nesting migratory birds.	Development of Alternative C may have moderate direct adverse effects on nesting migratory birds.	Development of Alternative D may have moderate direct adverse effects on nesting migratory birds.	NE
Mitigation	If any construction activities are scheduled to occur during the nesting season (approximately March through September), pre-construction bird surveys shall be conducted. Pre-construction surveys for nesting migratory bird species shall be conducted by a biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction activities. If construction is delayed or halted for more than 14 days, another pre-construction survey for nesting bird species shall be conducted. If no nesting birds are detected during the pre-construction surveys no additional surveys or mitigation measures are	If any construction activities are scheduled to occur during the nesting season (approximately March through September), pre-construction bird surveys shall be conducted. Pre-construction surveys for nesting migratory bird species shall be conducted by a biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction activities. If construction is delayed or halted for more than 14 days, another pre-construction survey for nesting bird species shall be conducted. If no nesting birds are detected during the pre-construction surveys no additional surveys or mitigation measures are	If any construction activities are scheduled to occur during the nesting season (approximately March through September), pre-construction bird surveys shall be conducted. Pre-construction surveys for nesting migratory bird species shall be conducted by a biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction activities. If construction is delayed or halted for more than 14 days, another pre-construction survey for nesting bird species shall be conducted. If no nesting birds are detected during the pre-construction surveys no additional surveys or mitigation measures are	If any construction activities are scheduled to occur during the nesting season (approximately March through September), pre-construction bird surveys shall be conducted. Pre-construction surveys for nesting migratory bird species shall be conducted by a biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction activities. If construction is delayed or halted for more than 14 days, another pre-construction survey for nesting bird species shall be conducted. If no nesting birds are detected during the pre-construction surveys no additional surveys or mitigation measures are	NA

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Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>required.</p> <p>If special-status nesting bird species (e.g., burrowing owl or Le Conte’s thrasher) are observed within 500 feet of the construction area during the surveys, USFWS and/or CDFG shall be contacted. Through consultation with USFWS and/or CDFG, an appropriate course of action, acceptable setbacks, and a suitable monitoring plan shall be determined. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all young have fledged.</p> <p>If migratory nesting bird species (i.e., non-special-status birds) are observed within 500 feet of the construction area during the surveys, appropriate avoidance setbacks shall be established by a qualified biologist. The size and scale of nesting bird avoidance setbacks is dependent upon the species of nesting bird observed and the habitat that</p>	<p>required.</p> <p>If special-status nesting bird species (e.g., burrowing owl or Le Conte’s thrasher) are observed within 500 feet of the construction area during the surveys, USFWS and/or CDFG shall be contacted. Through consultation with USFWS and/or CDFG, an appropriate course of action, acceptable setbacks, and a suitable monitoring plan shall be determined. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all young have fledged.</p> <p>If migratory nesting bird species (i.e., non-special-status birds) are observed within 500 feet of the construction area during the surveys, appropriate avoidance setbacks shall be established by a qualified biologist. The size and scale of nesting bird avoidance setbacks is dependent upon the species of nesting bird observed and the</p>	<p>required.</p> <p>If special-status nesting bird species (e.g., burrowing owl, Le Conte’s thrasher) are observed within 500 feet of the construction area during the surveys, USFWS and/or CDFG shall be contacted. Through consultation with USFWS and/or CDFG, an appropriate course of action, acceptable setbacks, and a suitable monitoring plan shall be determined. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all young have fledged.</p> <p>If migratory nesting bird species (i.e., non-special-status birds) are observed within 500 feet of the construction area during the surveys, appropriate avoidance setbacks shall be established by a qualified biologist. The size and scale of nesting bird avoidance setbacks is dependent upon the species of nesting bird observed and the</p>	<p>required.</p> <p>If special-status nesting bird species (e.g., burrowing owl, Le Conte’s thrasher) are observed within 500 feet of the construction area during the surveys, USFWS and/or CDFG shall be contacted. Through consultation with USFWS and/or CDFG, an appropriate course of action, acceptable setbacks, and a suitable monitoring plan shall be determined. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all young have fledged.</p> <p>If migratory nesting bird species (i.e., non-special-status birds) are observed within 500 feet of the construction area during the surveys, appropriate avoidance setbacks shall be established by a qualified biologist. The size and scale of nesting bird avoidance setbacks is dependent upon the species of nesting bird observed and the habitat that</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>the nest occurs in. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The qualified biologist shall also determine an appropriate monitoring plan and will decide if construction monitoring is necessary during the duration of construction activities. Again, monitoring requirements are dependent upon the species of nesting bird observed, the habitat the nests are contained in, and the number of nests observed. The setback fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all fledglings have left.</p> <p>If impacts (i.e., take) to special-status or migratory nesting bird species are unavoidable, consultation with USFWS and/or CDFG shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.</p>	<p>habitat that the nest occurs in. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The qualified biologist shall also determine an appropriate monitoring plan and will decide if construction monitoring is necessary during the duration of construction activities. Again, monitoring requirements are dependent upon the species of nesting bird observed, the habitat the nests are contained in, and the number of nests observed. The setback fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all fledglings have left.</p> <p>If impacts (i.e., take) to special-status or migratory nesting bird species are unavoidable, consultation with USFWS and/or CDFG shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.</p>	<p>habitat that the nest occurs in. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The qualified biologist shall also determine an appropriate monitoring plan and will decide if construction monitoring is necessary during the duration of construction activities. Again, monitoring requirements are dependent upon the species of nesting bird observed, the habitat the nests are contained in, and the number of nests observed. The setback fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all fledglings have left.</p> <p>If impacts (i.e., take) to special-status or migratory nesting bird species are unavoidable, consultation with USFWS and/or CDFG shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.</p>	<p>the nest occurs in. Avoidance setbacks shall be established around all active nest locations via stakes and high visibility fencing. The nesting bird setbacks shall be completely avoided during the duration of construction activities and the fencing must remain intact. The qualified biologist shall also determine an appropriate monitoring plan and will decide if construction monitoring is necessary during the duration of construction activities. Again, monitoring requirements are dependent upon the species of nesting bird observed, the habitat the nests are contained in, and the number of nests observed. The setback fencing may be removed when a qualified biologist confirms that the nest(s) is no longer occupied and all fledglings have left.</p> <p>If impacts (i.e., take) to special-status or migratory nesting bird species are unavoidable, consultation with USFWS and/or CDFG shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.</p>	

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>					
Cultural Resources	Development of Alternative A has the potential to cause direct adverse effects to unidentified subsurface archaeological resources.	Development of Alternative B has the potential to cause direct adverse effects to unidentified subsurface archaeological resources.	Development of Alternative C has the potential to cause direct adverse effects to unidentified subsurface archaeological resources.	Development of Alternative D has the potential to cause direct adverse effects to unidentified subsurface archaeological resources.	NE
Mitigation	All work within 50 feet of the potential archaeological find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find.  If any archaeological find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary.  All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.  If human remains are discovered during ground-	All work within 50 feet of the potential archaeological find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find.  If any archaeological find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary.  All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.  If human remains are discovered during ground-	All work within 50 feet of the potential archaeological find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find.  If any archaeological find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary.  All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.  If human remains are discovered during ground-	All work within 50 feet of the potential archaeological find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find.  If any archaeological find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a Treatment Plan, if necessary.  All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.  If human remains are discovered during ground-	NA

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	disturbing activities on Tribal lands, pursuant to NAGPRA, the Tribal Official and BIA representative shall be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.	disturbing activities on Tribal lands, pursuant to NAGPRA, the Tribal Official and BIA representative will be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative will notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.	disturbing activities on Tribal lands, pursuant to NAGPRA, the Tribal Official and BIA representative will be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative will notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.	disturbing activities on Tribal lands, pursuant to NAGPRA, the Tribal Official and BIA representative will be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative will notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.	
Paleontological Resources	Development of Alternative A has the potential to cause direct adverse effects to unidentified subsurface fossil resources.	Development of Alternative B has the potential to cause direct adverse effects to unidentified subsurface fossil resources.	Development of Alternative C has the potential to cause direct adverse effects to unidentified subsurface fossil resources.	Development of Alternative D has the potential to cause direct adverse effects to unidentified subsurface fossil resources.	NE
Mitigation	Measures listed under <b>Cultural Resources</b> also apply to Paleontological Resources.	Measures listed under <b>Cultural Resources</b> also apply to Paleontological Resources.	Measures listed under <b>Cultural Resources</b> also apply to Paleontological Resources.	Measures listed under <b>Cultural Resources</b> also apply to Paleontological Resources.	NA
<b>SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE</b>					
Economic Output	Development of Alternative A would have a substantial beneficial impact on local and regional economies through the generation of direct, indirect, and induced output.	Development of Alternative B would have a beneficial impact on local and regional economies through the generation of direct, indirect, and induced output.	Development of Alternative C would have a moderate beneficial impact on local and regional economies through the generation of direct, indirect, and induced output.	Development of Alternative D would have a minor beneficial impact on local and regional economies through the generation of direct, indirect, and induced output.	NE
Mitigation	NA	NA	NA	NA	NA
Employment	Development of Alternative A would have a substantial beneficial impact on employment.	Development of Alternative B would have a beneficial impact on employment.	Development of Alternative C would have a moderate beneficial impact on employment.	Development of Alternative D would have a minimal beneficial impact on employment.	NE

Note: **NE** = No Direct Adverse Effect

**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	In accordance with Section 10 of the MSA, subject to tribal employment preferences, the Tribe shall work in good faith with the City to employ qualified City residents at the Tribe's resort facilities to the extent permitted by applicable law. The Tribe shall offer training programs to assist City residents in becoming qualified for positions at the Resort to the extent permitted by applicable law.	In accordance with Section 10 of the MSA, subject to tribal employment preferences, the Tribe shall work in good faith with the City to employ qualified City residents at the Tribe's resort facilities to the extent permitted by applicable law. The Tribe shall offer training programs to assist City residents in becoming qualified for positions at the Resort to the extent permitted by applicable law.	NA	NA	NA
Housing	Development of Alternative A would have a minimal impact on housing.	Development of Alternative B would have a minimal impact on housing.	Development of Alternative C would have a minimal impact on housing.	Development of Alternative D would have a minimal impact on housing.	NE
Mitigation	NA	NA	NA	NA	NA
Problem Gambling	Development of Alternative A has the potential to increase problem gambling.	Development of Alternative B has the potential to increase problem gambling.	Development of Alternative C has the potential to increase problem gambling.	NE	NE
Mitigation	In accordance with Section 12 of the MSA, the Tribe shall, upon the City's approval of the Tribe's construction plans and the City's completion of all building plan checks, make a one-time payment to the City of \$40,000 for the establishment of a Problem Gambling Fund. Thereafter, the Tribe shall make annual contributions to the City in the amount of \$40,000 to help fund local problem gaming diversion/assistance/counseling programs.	In accordance with Section 12 of the MSA, the Tribe shall, upon the City's approval of the Tribe's construction plans and the City's completion of all building plan checks, make a one-time payment to the City of \$40,000 for the establishment of a Problem Gambling Fund. Thereafter, the Tribe shall make annual contributions to the City in the amount of \$40,000 to help fund local problem gaming diversion/assistance/counseling programs.	NA	NA	NA
Property Taxes	Development of Alternative A would reduce property taxes and fees currently paid to the	Development of Alternative B would reduce property taxes and fees currently paid to the	NE	NE	NE

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**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	City. In accordance with Section 5(A) of MSA, the Tribe agrees to pay the City amounts equal to the service, development, and impact fees which, if the parcels were not in trust status, would be charged by the City and other local agencies at the time of any and all project development(s) on trust lands (including payments to the City and the Barstow Fire Protection District). The Tribe shall also make payments to the Barstow Unified School District equal to the service, development, and impact fees which the District would receive if the parcels were not taken into trust.	City. In accordance with Section 5(A) of MSA, the Tribe agrees to pay the City amounts equal to the service, development, and impact fees which, if the parcels were not in trust status, would be charged by the City and other local agencies at the time of any and all project development(s) on trust lands (including payments to the City and the Barstow Fire Protection District). The Tribe shall also make payments to the Barstow Unified School District equal to the service, development, and impact fees which the District would receive if the parcels were not taken into trust.	NA	NA	NA
Community Impacts	Development of Alternative A would create new demands on community services.	Development of Alternative B would create new demands on community services.	Development of Alternative C would create minimal new demands on community services.	Development of Alternative D would create minimal new demands on community services.	NE
Mitigation	In accordance with Section 13 of MSA, the Tribe shall compensate the City by making gaming revenue payments of 4.3 percent of "Net Win" on Class II and Class III games of chance, as identified in IGRA.	In accordance with Section 13 of MSA, the Tribe shall compensate the City by making gaming revenue payments of 4.3 percent of "Net Win" on Class II and Class III games of chance, as identified in IGRA.	NA	NA	NA
<b>TRANSPORTATION/CIRCULATION</b>					
Construction-related Traffic	Construction of Alternative A will have minimal direct adverse effects on traffic operations.	Construction of Alternative B will have minimal direct adverse effects on traffic operations.	Construction of Alternative C will have minimal direct adverse effects on traffic operations.	Construction of Alternative D will have minimal direct adverse effects on traffic operations.	NE
Mitigation	NA	NA	NA	NA	NA
Operational	Development of Alternative A	Development of Alternative B	Development of Alternative C	Development of Alternative D	NE

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Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
Traffic	will have direct adverse effects on traffic and circulation.	will have direct adverse effects on traffic and circulation.	will have a minimal adverse effect on traffic and circulation.	will have a minimal adverse effect on traffic and circulation.	
Mitigation	<p>In accordance with Section 6 of the MSA, the Tribe has agreed to pay all required traffic mitigation fees consistent with the City's fee programs and ordinances and pay for all road improvements that are reasonable and necessary.</p> <p>The Tribe has also agreed that if an increase in traffic is caused by the Tribe's undertaking of other development projects on Trust Lands and additional road improvements or expansions are required, the Tribe shall grant suitable rights-of-way to the City in order to accommodate the necessary road improvements or expansions and make the necessary improvements.</p> <p>The following mitigation measures should be implemented in the opening year to reduce potential adverse effects to the area transportation and circulation network:</p> <ul style="list-style-type: none"> <li>- Signalize intersection when signal warrants are met. Signal timing at the driveway shall be developed to minimize southbound left-turn queuing into the site.</li> </ul>	<p>In accordance with Section 6 of the MSA, the Tribe has agreed to pay all required traffic mitigation fees consistent with the City's fee programs and ordinances and pay for all road improvements that are reasonable and necessary.</p> <p>The Tribe has also agreed that if an increase in traffic is caused by the Tribe's undertaking of other development projects on Trust Lands and additional road improvements or expansions are required, the Tribe shall grant suitable rights-of-way to the City in order to accommodate the necessary road improvements or expansions and make the necessary improvements.</p> <p>The following mitigation measures should be implemented in the opening year to reduce potential adverse effects to the area transportation and circulation network:</p> <ul style="list-style-type: none"> <li>- Signalize intersection when signal warrants are met. Signal timing at the driveway shall be developed to minimize southbound left-turn queuing into the site.</li> </ul>	NA	NA	NA

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	- Reconfigure lane geometry at the Lenwood Road/project access intersection as follows: (1) northbound on Lenwood Road: one dedicated right-turn lane, and one thru-land; (2) southbound: two dedicated left-turn lanes, one thru-lane. Southbound left-turn pockets shall be sized appropriately to accommodate peak demand to the site; and (3) westbound on project access: one dedicated left-turn lane, and two dedicated right-turn lanes.	- Reconfigure lane geometry at the Lenwood Road/project access intersection as follows: (1) northbound on Lenwood Road: one dedicated right-turn lane, and one thru-land; (2) southbound: two dedicated left-turn lanes, one thru-lane. Southbound left-turn pockets shall be sized appropriately to accommodate peak demand to the site; and (3) westbound on project access: one dedicated left-turn lane, and two dedicated right-turn lanes.			
Transit, Bicycle, and Pedestrian Facilities	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
<b>LAND USE</b>					
Land Use Plans	Development of Alternative A would be compatible with local land use plans.	Development of Alternative B would be compatible with local land use plans.	The Tribal Council of the Los Coyotes Band of Cahuilla and Cupeño Indians has jurisdictional authority over land use matters on the Reservation.	The Tribal Council of the Los Coyotes Band of Cahuilla and Cupeño Indians has jurisdictional authority over land use matters on the Reservation.	NE
Mitigation	NA	NA	NA	NA	NA
Existing Land Uses	Development of Alternative A would have minimal direct adverse effects on existing land uses.	Development of Alternative B would have minimal direct adverse effects on existing land uses.	Development of Alternative C would have minimal direct adverse effects on existing land uses.	Development of Alternative D would have minimal direct adverse effects on existing land uses.	NE
Mitigation	NA	NA	NA	NA	NA
Agriculture	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
<b>PUBLIC SERVICES</b>					
Water Supply	Alternative A would not result in adverse effects on municipal	Alternative B would not result in adverse effects on municipal	NE	NE	NE

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**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	water systems. In accordance with Section 8 of MSA, the Tribe would obtain their potable supply from Golden State Water Company.	water systems. In accordance with Section 8 of MSA, the Tribe would obtain their potable supply from Golden State Water Company.	NA	NA	NA
Wastewater Service	Alternative A will have minimal direct adverse effects on municipal wastewater services.	Alternative B will have minimal direct adverse effects on municipal wastewater services.	NE	NE	NE
Mitigation	In accordance with Section 7 of the MSA, the Tribe shall connect to the City's existing sewer collection system. The Tribe shall pay sewer connection fees and monthly sewer service charges, obtain required easements for sewer infrastructure if needed, construct to City sewer infrastructure standards, and pay all costs of constructing sewer infrastructure (even if located outside of the Trust Lands) until sewer service is completed and inspected..	In accordance with Section 7 of the MSA, the Tribe shall connect to the City's existing sewer collection system. The Tribe shall pay sewer connection fees and monthly sewer service charges, obtain required easements for sewer infrastructure if needed, construct to City sewer infrastructure standards, and pay all costs of constructing sewer infrastructure (even if located outside of the Trust Lands) until sewer service is completed and inspected..	NA	NA	NA
Solid Waste Service	Alternative A will have minimal direct adverse effects on solid waste service.	Alternative B will have minimal direct adverse effects on solid waste service.	Alternative C will have minimal direct adverse effects on solid waste service.	Alternative D will have minimal direct adverse effects on solid waste service.	NE
Mitigation	In accordance with Section 9 of the MSA, the Tribe shall utilize the City's contracted solid waste disposal company for all solid waste and recycled materials generated and pay all associated fees for these services.	In accordance with Section 9 of the MSA, the Tribe shall utilize the City's contracted solid waste disposal company for all solid waste and recycled materials generated and pay all associated fees for these services.	NA	NA	NA
Energy	Alternative A will have minimal direct adverse effects on energy.	Alternative B will have minimal direct adverse effects on energy.	Alternative C will have minimal direct adverse effects on energy.	Alternative D will have minimal direct adverse effects on energy.	NE

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**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	NA	NA	NA	NA	NA
Law Enforcement Services	Alternative A will have minimal direct adverse effects on law enforcement services.	Alternative B will have minimal direct adverse effects on law enforcement services.	Alternative C will have minimal direct adverse effects on law enforcement services.	Alternative D will have minimal direct adverse effects on law enforcement services.	NE
Mitigation	<p>In accordance with Section 4 of the MSA, the City agrees to provide police services including but not limited to 24-hour patrol, response to emergency 911 calls, and general investigation for major crimes. The police department would have the authority to enforce all non-gaming State criminal laws on the proposed trust lands pursuant to Public Law 280 and Section 4 of the MSA. Additionally, the Tribe would employ security personnel and provide surveillance throughout the proposed facilities. Security personnel would work cooperatively with the City Police Department.</p> <p>In accordance with Section 4(A) of the MSA, the Tribe shall utilize its best efforts to reach a contract directly with San Bernardino County for prosecutorial and defense services (i.e., District Attorney/Public Defender), and costs for such services shall be paid by the Tribe directly to the County. If the Tribe is unable to reach terms with the County for prosecution and defense services, then the Parties shall conduct further negotiations</p>	<p>In accordance with Section 4 of the MSA, the City agrees to provide police services including but not limited to 24-hour patrol, response to emergency 911 calls, and general investigation for major crimes. The police department would have the authority to enforce all non-gaming State criminal laws on the proposed trust lands pursuant to Public Law 280 and Section 4 of the MSA. Additionally, the Tribe would employ security personnel and provide surveillance throughout the proposed facilities. Security personnel would work cooperatively with the City Police Department.</p> <p>In accordance with Section 4(A) of the MSA, the Tribe shall utilize its best efforts to reach a contract directly with San Bernardino County for prosecutorial and defense services (i.e., District Attorney/Public Defender), and costs for such services shall be paid by the Tribe directly to the County. If the Tribe is unable to reach terms with the County for prosecution and defense services, then the Parties shall conduct further negotiations</p>	NA	NA	NA

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>regarding the provision of such services to the Tribe.</p> <p>In accordance with Section 5(B) of the MSA, if the City determines that it is necessary to contract outside of the City for approvals or inspections related to the proposed development, the Tribe would be required to pay the City on a monthly basis for the actual costs of the subcontracted services. These payments are not to be a condition of the commencement of the work and shall be made within 30 days of billing.</p>	<p>regarding the provision of such services to the Tribe.</p> <p>In accordance with Section 5(B) of the MSA, if the City determines that it is necessary to contract outside of the City for approvals or inspections related to the proposed development, the Tribe would be required to pay the City on a monthly basis for the actual costs of the subcontracted services. These payments are not to be a condition of the commencement of the work and shall be made within 30 days of billing.</p>			
Fire Protection and Emergency Medical Services	Alternative A will have minimal direct adverse effects on fire protection and emergency medical services.	Alternative B will have moderate direct adverse effects on fire protection and emergency medical services.	Alternative C will have minimal direct adverse effects on fire protection and emergency medical services.	Alternative D will have minimal direct adverse effects on fire protection and emergency medical services.	NE
Mitigation	<p>Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation and other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p> <p>Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.</p>	<p>Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation and other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p> <p>Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.</p>	<p>Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation and other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p> <p>Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.</p>	<p>Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation and other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p> <p>Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.</p>	NA

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>In accordance with Section 4(B)(1) of the MSA, the Tribe would compensate the City for the purchase of a fully equipped Emergency Medical Services Response Vehicle which shall be housed at Station 363 located at 2600 West Main Street, Barstow, CA for the first two years of resort operations.</p> <p>In accordance with Section 4(B)(2) of the MSA, to respond more effectively to high-rise emergencies at any structure on trust lands between one and four stories, the Barstow Fire Protection District has agreed to relocate its ladder fire truck from Station 361 located at 861 Barstow Road, Barstow, CA to Station 363 located at 2600 West Main Street, Barstow, CA for the first two years of resort operation.</p> <p>As stated in Section 4(B)(3) of the MSA, the Barstow Fire Protection District and the City have advised that a ladder truck is no typically used to fight fires on buildings more than four stories in height and that buildings over four stories in height require entry by Fire Department personnel and personal action at the burning site. If a structure exceeding</p>	<p>In accordance with Section 4(B)(1) of the MSA, the Tribe would compensate the City for the purchase of a fully equipped Emergency Medical Services Response Vehicle which shall be housed at Station 363 located at 2600 West Main Street, Barstow, CA for the first two years of resort operations.</p> <p>In accordance with Section 4(B)(2) of the MSA, to respond more effectively to high-rise emergencies at any structure on trust lands between one and four stories, the Barstow Fire Protection District has agreed to relocate its ladder fire truck from Station 361 located at 861 Barstow Road, Barstow, CA to Station 363 located at 2600 West Main Street, Barstow, CA for the first two years of resort operation.</p> <p>As stated in Section 4(B)(3) of the MSA, the Barstow Fire Protection District and the City have advised that a ladder truck is no typically used to fight fires on buildings more than four stories in height and that buildings over four stories in height require entry by Fire Department personnel and personal action at the burning site. If a structure exceeding</p>	<p>The Tribe shall negotiate appropriate compensation to California Department of Forestry and Fire Protection (CDF) for services provided to the casino development.</p>		

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>four stories in height is constructed by the Tribe on trust lands, the Tribe shall pay one half of the actual costs of training fire personnel.</p> <p>In Section 4(C) of the MSA, within the first two years of resort operation the Tribe when requested by the City, shall dedicate or arrange for the dedication of two-acres of non-federal land near the project site owned or controlled by the Tribe or Barwest, LLC for fire or police station use. This dedicated land will be used by the City to construct new fire and police stations when, and if, deemed necessary by the City in its sole discretion.</p>	<p>four stories in height is constructed by the Tribe on trust lands, the Tribe shall pay one half of the actual costs of training fire personnel.</p> <p>In Section 4(C) of the MSA, within the first two years of resort operation the Tribe when requested by the City, shall dedicate or arrange for the dedication of two-acres of non-federal land near the project site owned or controlled by the Tribe or Barwest, LLC for fire or police station use. This dedicated land will be used by the City to construct new fire and police stations when, and if, deemed necessary by the City in its sole discretion.</p>			
<b>NOISE</b>					
Construction Noise	Construction of Alternative A would have minimal direct adverse effects on ambient noise levels.	Construction of Alternative B would have minimal direct adverse effects on ambient noise levels.	Construction of Alternative C would have minimal direct adverse effects on ambient noise levels.	NE	NE
Mitigation	<p>Engine-powered construction equipment shall be fitted with adequate mufflers and enclosures as supplied by the manufacturer, maintained in good condition.</p> <p>All powered equipment will comply with applicable local, State, and Federal regulations, and all such equipment shall be fitted with adequate mufflers according to the manufacturer's</p>	<p>Engine-powered construction equipment shall be fitted with adequate mufflers and enclosures as supplied by the manufacturer, maintained in good condition.</p> <p>All powered equipment will comply with applicable local, State, and Federal regulations, and all such equipment shall be fitted with adequate mufflers according to the</p>	<p>Engine-powered construction equipment shall be fitted with adequate mufflers and enclosures as supplied by the manufacturer, maintained in good condition.</p> <p>All powered equipment will comply with applicable local, State, and Federal regulations, and all such equipment shall be fitted with adequate mufflers according to the</p>	NA	NA

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>specifications to minimize construction noise effects.</p> <p>To the extent feasible, pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.</p>	<p>manufacturer’s specifications to minimize construction noise effects.</p> <p>To the extent feasible, pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.</p>	<p>manufacturer’s specifications to minimize construction noise effects.</p> <p>To the extent feasible, pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.</p>		
Operational Noise	Operation of Alternative A would have minimal direct adverse effects on ambient noise levels.	Operation of Alternative B would have minimal direct adverse effects on ambient noise levels.	Operation of Alternative C would have minimal direct adverse effects on ambient noise levels.	NE	NE
Mitigation	<p>Potential noise impacts from loading dock operations will be mitigated by requiring that loading dock use be limited to daytime hours (7 AM to 7 AM).</p> <p>HVAC equipment shall be shielded to reduce noise.</p>	<p>Potential noise impacts from loading dock operations will be mitigated by requiring that loading dock use be limited to daytime hours (7 AM to 7 AM).</p> <p>HVAC equipment shall be shielded to reduce noise.</p>	<p>Potential noise impacts from loading dock operations will be mitigated by requiring that loading dock use be limited to daytime hours (7 AM to 7 AM).</p> <p>HVAC equipment shall be shielded to reduce noise.</p>	NA	NA
<b>HAZARDOUS MATERIALS</b>					
Construction	There is a potential risk of inadvertent release of hazardous materials during the construction of Alternative A.	There is a potential risk of inadvertent release of hazardous materials during the construction of Alternative B.	There is a potential risk of inadvertent release of hazardous materials during the construction of Alternative C.	There is a potential risk of inadvertent release of hazardous materials during the construction of Alternative D.	NE
Mitigation	<p>To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site.</p> <p>Catch-pans shall be placed under equipment to catch potential spills during servicing.</p>	<p>To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site.</p> <p>Catch-pans shall be placed under equipment to catch potential spills during servicing.</p>	<p>To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site.</p> <p>Catch-pans shall be placed under equipment to catch potential spills during servicing.</p>	<p>To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not be stored on site.</p> <p>Catch-pans shall be placed under equipment to catch potential spills during servicing.</p>	NA



**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	Refueling shall be conducted only with approved pumps, hoses, and nozzles.	Refueling shall be conducted only with approved pumps, hoses, and nozzles.	Refueling shall be conducted only with approved pumps, hoses, and nozzles.	Refueling shall be conducted only with approved pumps, hoses, and nozzles.	
	All disconnected hoses shall be placed in containers to collect residual fuel from the hose.	All disconnected hoses shall be placed in containers to collect residual fuel from the hose.	All disconnected hoses shall be placed in containers to collect residual fuel from the hose.	All disconnected hoses shall be placed in containers to collect residual fuel from the hose.	
	Vehicle engines shall be shut down during refueling.	Vehicle engines shall be shut down during refueling.	Vehicle engines shall be shut down during refueling.	Vehicle engines shall be shut down during refueling.	
	No smoking, open flames, or welding shall be allowed in refueling or service areas.	No smoking, open flames, or welding shall be allowed in refueling or service areas.	No smoking, open flames, or welding shall be allowed in refueling or service areas.	No smoking, open flames, or welding shall be allowed in refueling or service areas.	
	Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.	Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.	Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.	Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.	
	Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.	Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.	Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.	Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.	
	Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.	Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.	Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.	Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.	
	All containers used to store	All containers used to store	All containers used to store	All containers used to store	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly.</p> <p>Results of inspections shall be recorded in a logbook that shall be maintained on site.</p> <p>The amount of hazardous materials used in project construction and operation shall be kept at the lowest volumes needed.</p> <p>The least toxic material capable of achieving the intended result shall be used to the extent practicable.</p> <p>In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving 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, representatives of the Tribe shall consult with the U.S. Environmental Protection Agency to determine the appropriate course of</p>	<p>hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly.</p> <p>Results of inspections shall be recorded in a logbook that shall be maintained on site.</p> <p>The amount of hazardous materials used in project construction and operation shall be kept at the lowest volumes needed.</p> <p>The least toxic material capable of achieving the intended result shall be used to the extent practicable.</p> <p>In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving 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, representatives of the Tribe shall consult with the U.S. Environmental Protection Agency to determine the appropriate course of</p>	<p>hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly.</p> <p>Results of inspections shall be recorded in a logbook that shall be maintained on site.</p> <p>The amount of hazardous materials used in project construction and operation shall be kept at the lowest volumes needed.</p> <p>The least toxic material capable of achieving the intended result shall be used to the extent practicable.</p> <p>In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving 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, representatives of the Tribe shall consult with the U.S. Environmental Protection Agency to determine the appropriate course of</p>	<p>hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance, refueling, and storage areas shall be inspected monthly.</p> <p>Results of inspections shall be recorded in a logbook that shall be maintained on site.</p> <p>The amount of hazardous materials used in project construction and operation shall be kept at the lowest volumes needed.</p> <p>The least toxic material capable of achieving the intended result shall be used to the extent practicable.</p> <p>In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving 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, representatives of the Tribe shall consult with the U.S. Environmental Protection Agency to determine the appropriate course of</p>	

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>action, including development of a Sampling and Remediation Plan if necessary.</p> <p>A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.</p> <p>Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.</p>	<p>action, including development of a Sampling and Remediation Plan if necessary.</p> <p>A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.</p> <p>Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.</p>	<p>action, including development of a Sampling and Remediation Plan if necessary.</p> <p>A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.</p> <p>Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.</p>	<p>action, including development of a Sampling and Remediation Plan if necessary.</p> <p>A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.</p> <p>Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.</p>	
Operation	There is a potential risk of inadvertent release of hazardous materials.	There is a potential risk of inadvertent release of hazardous materials.	There is a potential risk of inadvertent release of hazardous materials.	There is a potential risk of inadvertent release of hazardous materials.	NE
Mitigation	Many of the measures listed under Construction also apply to Operation.	Many of the measures listed under Construction also apply to Operation.	Many of the measures listed under Construction also apply to Operation.	Many of the measures listed under Construction also apply to Operation.	NA
<b>AESTHETICS</b>					
Local Plans and Ordinances	Development of Alternative A would be generally consistent with Local Plans and Ordinances.	Development of Alternative B would be generally consistent with Local Plans and Ordinances.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Visual Resources	Development of Alternative A would have a minimal effect on visual resources.	Development of Alternative B would have a minimal effect on visual resources.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Shadow, Light, and Glare	Alternative A would have minimal direct adverse effects on shadow, light, and glare.	Alternative B would have minimal direct adverse effects on shadow, light, and glare.	Alternative C would add a new source of light to the area, constituting a moderate direct adverse effect on shadow, light, and glare.	Alternative D would have minimal direct adverse effects on shadow, light, and glare.	NE
Mitigation	Placement of floodlights on buildings shall be designed so as not to cast light or glare offsite.  Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.  Timers shall be utilized so as to limit lighting to necessary times.	Placement of floodlights on buildings shall be designed so as not to cast light or glare offsite.  Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.  Timers shall be utilized so as to limit lighting to necessary times.	Placement of floodlights on buildings shall be designed so as not to cast light or glare offsite.  Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.  Timers shall be utilized so as to limit lighting to necessary times.	Placement of floodlights on buildings shall be designed so as not to cast light or glare offsite.  Shielding, such as with a horizontal shroud, shall be used for all outdoor lighting so as to ensure it is downcast.  Timers shall be utilized so as to limit lighting to necessary times.	NA
<b>CUMULATIVE EFFECTS</b>					
Land Resources	Alternative A would have minimal adverse cumulative effects to land resources.	Alternative B would result in minimal adverse cumulative effects to land resources	Alternative C would result in minimal adverse cumulative effects to land resources	Alternative D would result in minimal adverse cumulative effects to land resources	NE
Mitigation	NA	NA	NA	NA	NA
Water Resources					
Surface Water and Flooding	Alternative A would have minimal adverse cumulative effects to surface water features and flood plain management	Alternative B would have minimal adverse cumulative effects to surface water features and flood plain management	Alternative C would have minimal adverse cumulative effects to surface water features and would have no adverse cumulative effects to flood plain management.	Alternative D would have minimal adverse cumulative effects to surface water features and would have no adverse cumulative effects to flood plain management.	NE

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	NA	NA	NA	NA	NA
Groundwater	Alternative A would result in minimal adverse cumulative effects on groundwater resources.	Alternative B would result in minimal adverse cumulative effects on groundwater resources.	Alternative C would result in minimal adverse cumulative effects on groundwater resources.	Alternative D would result in minimal adverse cumulative effects on groundwater resources.	NE
Mitigation	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on groundwater resources.	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on groundwater resources.	NA	NA	NA
Water Quality	Alternative A would result in minimal adverse cumulative effects on water quality resources.	Alternative B would result in minimal adverse cumulative effects on water quality resources.	Alternative C would result in minimal adverse cumulative effects on water quality resources.	Alternative D would result in minimal adverse cumulative effects on water quality resources.	NE
Mitigation	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on water quality.	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on water quality.	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on water quality.	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to cumulative effects on water quality.	NA
Air Quality	Implementation of Alternative A would result in minimal adverse cumulative effects to air quality.	Implementation of Alternative B would result in minimal adverse cumulative effects to air quality.	Implementation of Alternative C would result in minimal adverse cumulative effects to air quality.	Implementation of Alternative D would result in minimal adverse cumulative effects to air quality.	NE
Mitigation	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on air quality.	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on air quality.	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on air quality.	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on air quality.	NA
Climate Change	Alternative A would increase greenhouse gas emissions which could result in significant adverse cumulative effects associated with climate change.	Alternative B would increase greenhouse gas emissions, which could result in significant adverse cumulative effects associated with climate change, although to a lower extent than Alternative A,	Alternative C would result in a minimal adverse cumulative impact on climate change.	Implementation of Alternative D would result in minimal adverse cumulative effects to climate change.	NE
Mitigation	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on climate	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on climate	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on climate	Implementation of measures identified in the <b>Air Quality</b> section, above, also apply to cumulative effects on climate	NA

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	<p>change.</p> <p>A Solid Waste Management Plan (SWMP) shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have at least a 50 percent diversion goal, which includes reduction, recycling, and reuse measures.</p> <p>The Tribe shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable. The project proponent shall use drought resistant landscaping where practicable and provide “Save Water” signs near water faucets throughout the development.</p> <p>The Tribe shall plant trees and other carbon-sequestering vegetation on-site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO2) because plants use CO2 for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the buildings, reducing heat absorption and the need for air conditioning.</p>	<p>change.</p> <p>A Solid Waste Management Plan (SWMP) shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have at least a 50 percent diversion goal, which includes reduction, recycling, and reuse measures.</p> <p>The Tribe shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable. The project proponent shall use drought resistant landscaping where practicable and provide “Save Water” signs near water faucets throughout the development.</p> <p>The Tribe shall plant trees and other carbon-sequestering vegetation on-site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO2) because plants use CO2 for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the buildings, reducing heat absorption and the need for air conditioning.</p>	<p>change.</p> <p>A Solid Waste Management Plan (SWMP) shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have at least a 50 percent diversion goal, which includes reduction, recycling, and reuse measures.</p> <p>The Tribe shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable. The project proponent shall use drought resistant landscaping where practicable and provide “Save Water” signs near water faucets throughout the development.</p> <p>The Tribe shall plant trees and other carbon-sequestering vegetation on-site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO2) because plants use CO2 for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the buildings, reducing heat absorption and the need for air conditioning.</p>	<p>change.</p> <p>A Solid Waste Management Plan (SWMP) shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have at least a 50 percent diversion goal, which includes reduction, recycling, and reuse measures.</p> <p>The Tribe shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable. The project proponent shall use drought resistant landscaping where practicable and provide “Save Water” signs near water faucets throughout the development.</p> <p>The Tribe shall plant trees and other carbon-sequestering vegetation on-site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO2) because plants use CO2 for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the buildings, reducing heat absorption and the need for air conditioning.</p>	

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	The Tribe shall use environmentally preferable materials to the extent practical for construction of facilities.	The Tribe shall use environmentally preferable materials to the extent practical for construction of facilities.	The Tribe shall use environmentally preferable materials to the extent practical for construction of facilities.	The Tribe shall use environmentally preferable materials to the extent practical for construction of facilities.	
	The Tribe shall require the use of energy efficient lighting, which would reduce indirect GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions.	The Tribe shall require the use of energy efficient lighting, which would reduce indirect GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions.	The Tribe shall require the use of energy efficient lighting, which would reduce indirect GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions.	The Tribe shall require the use of energy efficient lighting, which would reduce indirect GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions.	
	The Tribe shall provide recycling bins in accessible areas on the project site. Recycling reduces GHG emissions from indirect energy use, landfills, and manufacturing of raw materials.	The Tribe shall provide recycling bins in accessible areas on the project site. Recycling reduces GHG emissions from indirect energy use, landfills, and manufacturing of raw materials.	The Tribe shall provide recycling bins in accessible areas on the project site. Recycling reduces GHG emissions from indirect energy use, landfills, and manufacturing of raw materials.	The Tribe shall provide recycling bins in accessible areas on the project site. Recycling reduces GHG emissions from indirect energy use, landfills, and manufacturing of raw materials.	
	The Tribe shall make use of on-site renewable energy and co-generation, where appropriate. Generation of renewable energy and co-generation would reduce indirect GHG emissions.	The Tribe shall make use of on-site renewable energy and co-generation, where appropriate. Generation of renewable energy and co-generation would reduce indirect GHG emissions.	The Tribe shall make use of on-site renewable energy and co-generation, where appropriate. Generation of renewable energy and co-generation would reduce indirect GHG emissions.	The Tribe shall make use of on-site renewable energy and co-generation, where appropriate. Generation of renewable energy and co-generation would reduce indirect GHG emissions.	
	The Tribe shall incorporate advanced lighting design and include daylighting, where appropriate. Advanced lighting design and day lighting would reduce project related GHG emissions by reducing	The Tribe shall incorporate advanced lighting design and include daylighting, where appropriate. Advanced lighting design and day lighting would reduce project related GHG emissions by reducing	The Tribe shall incorporate advanced lighting design and include daylighting, where appropriate. Advanced lighting design and day lighting would reduce project related GHG emissions by reducing	The Tribe shall incorporate advanced lighting design and include daylighting, where appropriate. Advanced lighting design and day lighting would reduce project related GHG emissions by reducing	

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
 208530

**NA** = Not Applicable

**Executive Summary Table**

Resource	Alternative A	Alternative B	Alternative C	Alternative D	No Action
	electrical energy usage.  The Tribe shall use solar hot water heaters where appropriate. The use of solar hot water heaters would reduce project related GHG emissions by reducing electrical energy usage.	electrical energy usage.  The Tribe shall use solar hot water heaters where appropriate. The use of solar hot water heaters would reduce project related GHG emissions by reducing electrical energy usage.	electrical energy usage.  The Tribe shall use solar hot water heaters where appropriate. The use of solar hot water heaters would reduce project related GHG emissions by reducing electrical energy usage.	electrical energy usage.  The Tribe shall use solar hot water heaters where appropriate. The use of solar hot water heaters would reduce project related GHG emissions by reducing electrical energy usage.	
Biological Resources					
Wildlife and Habitats	Implementation of Alternative A would result in minimal adverse cumulative effects to biological resources	Implementation of Alternative B would result in minimal adverse cumulative effects to biological resources	Implementation of Alternative C would result in minimal adverse cumulative effects to biological resources	Implementation of Alternative D would result in minimal adverse cumulative effects to biological resources	NE
Mitigation	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on wildlife and habitats.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on wildlife and habitats.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on wildlife and habitats.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on wildlife and habitats.	NA
Waters of the US	Implementation of Alternative A would result in minimal adverse cumulative effects to waters of the US.	Implementation of Alternative B would result in minimal adverse cumulative effects to waters of the US.	Implementation of Alternative C would result in minimal adverse cumulative effects to waters of the US.	Implementation of Alternative D would result in minimal adverse cumulative effects to waters of the US.	NE
Mitigation	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on waters of the US.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on waters of the US.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on waters of the US.	Implementation of measures identified in the <b>Biological Resources</b> section, above, also apply to cumulative effects on waters of the US.	NA
Cultural Resources	Implementation of Alternative A would result in minimal adverse cumulative effects to cultural resources.	Implementation of Alternative B would result in minimal adverse cumulative effects to cultural resources.	Implementation of Alternative C would result in minimal adverse cumulative effects to cultural resources.	Implementation of Alternative D would result in minimal adverse cumulative effects to cultural resources.	NE
Mitigation	Implementation of measures identified in the <b>Cultural</b>	Implementation of measures identified in the <b>Cultural</b>	Implementation of measures identified in the <b>Cultural</b>	Implementation of measures identified in the <b>Cultural</b>	NA

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**Analytical Environmental Services**  
 208530

**NA** = Not Applicable



**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	<b>Resources</b> section, above, also apply to cumulative effects on cultural resources.	<b>Resources</b> section, above, also apply to cumulative effects on cultural resources.	<b>Resources</b> section, above, also apply to cumulative effects on cultural resources.	<b>Resources</b> section, above, also apply to cumulative effects on cultural resources.	
Socioeconomic Conditions	Implementation of Alternative A would result in minimal adverse cumulative effects to socioeconomic conditions.	Implementation of Alternative B would result in minimal adverse cumulative effects to socioeconomic conditions.	Implementation of Alternative C would result in a moderate beneficial cumulative effect on socioeconomic conditions.	Implementation of Alternative D would result in a minimal beneficial cumulative effect on socioeconomic conditions.	NE
Mitigation	Implementation of measures identified in the <b>Socioeconomic Conditions</b> section, above, also apply to cumulative effects on socioeconomic conditions.	Implementation of measures identified in the <b>Socioeconomic Conditions</b> section, above, also apply to cumulative effects on socioeconomic conditions.	NA	NA	NA
Transportation	Implementation of Alternative A would result in direct adverse effects on transportation and circulation.	Implementation of Alternative B would result in direct adverse effects on transportation and circulation.	Implementation of Alternative C would result in minimal adverse cumulative effects to transportation.	Implementation of Alternative D would result in minimal adverse cumulative effects to transportation.	NE
Mitigation	Implementation of measures identified in the <b>Transportation/Circulation</b> section, above, also apply to cumulative effects on transportation and circulation.	Implementation of measures identified in the <b>Transportation/Circulation</b> section, above, also apply to cumulative effects on transportation and circulation.	NA	NA	NA
Land Use	NE	NE	Implementation of Alternative C would result in minimal adverse cumulative effects to land use management.	Implementation of Alternative D would result in minimal adverse cumulative effects to land use management.	NE
Mitigation	NA	NA	NA	NA	NA
Agriculture	NE	NE	Implementation of Alternative C would result in minimal adverse cumulative effects to agriculture.	Implementation of Alternative D would result in minimal adverse cumulative effects to agriculture.	NE
Mitigation	NA	NA	NA	NA	NA
Public Services					
Water Supply	Implementation of Alternative A would result in minimal adverse cumulative effects to water	Implementation of Alternative B would result in minimal adverse cumulative effects to water	Implementation of Alternative C would result in minimal adverse cumulative effects to water	Implementation of Alternative D would result in minimal adverse cumulative effects to water	NE

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
208530

**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	supply services.	supply services.	supply services.	supply services.	
Mitigation	NA	NA	NA	NA	NA
Wastewater Service	Implementation of Alternative A would result in minimal adverse cumulative effects to wastewater services.	Implementation of Alternative B would result in minimal adverse cumulative effects to wastewater services.	Implementation of Alternative C would result in minimal adverse cumulative effects to wastewater services.	Implementation of Alternative D would result in minimal adverse cumulative effects to wastewater services.	NE
Mitigation	NA	NA	NA	NA	NA
Solid Waste	Implementation of Alternative A would result in minimal adverse cumulative effects to solid waste services.	Implementation of Alternative B would result in minimal adverse cumulative effects to solid waste services.	Implementation of Alternative C would result in minimal adverse cumulative effects to solid waste services.	Implementation of Alternative D would result in minimal adverse cumulative effects to solid waste services.	NE
Mitigation	NA	NA	NA	NA	NA
Energy	Implementation of Alternative A would result in minimal adverse cumulative effects to energy services.	Implementation of Alternative B would result in minimal adverse cumulative effects to energy services.	Implementation of Alternative C would result in minimal adverse cumulative effects to energy services.	Implementation of Alternative D would result in minimal adverse cumulative effects to energy services.	NE
Mitigation	NA	NA	NA	NA	NA
Law Enforcement Services	Implementation of Alternative A would result in minimal adverse cumulative effects to law enforcement services.	Implementation of Alternative B would result in minimal adverse cumulative effects to law enforcement services.	Implementation of Alternative C would result in minimal adverse cumulative effects to law enforcement services.	Implementation of Alternative D would result in minimal adverse cumulative effects to law enforcement services.	NE
Mitigation	NA	NA	NA	NA	NA
Fire Protection and Emergency Medical Services	Implementation of Alternative A would result in minimal adverse cumulative effects to fire protection and emergency services.	Implementation of Alternative B would result in minimal adverse cumulative effects to fire protection and emergency services.	Implementation of Alternative C would result in minimal adverse cumulative effects to fire protection and emergency services.	Implementation of Alternative D would result in minimal adverse cumulative effects to fire protection and emergency services.	NE
Mitigation	NA	NA	NA	NA	NA
Noise	Implementation of Alternative A would result in minimal adverse cumulative effects associated with noise.	Implementation of Alternative B would result in minimal adverse cumulative effects associated with noise.	Implementation of Alternative C would result in minimal adverse cumulative effects associated with noise.	Implementation of Alternative D would result in minimal adverse cumulative effects associated with noise.	NE
Mitigation	Implementation of measures identified in the <b>Noise</b> section, above, also apply to cumulative	Implementation of measures identified in the <b>Noise</b> section, above, also apply to cumulative	Implementation of measures identified in the <b>Noise</b> section, above, also apply to cumulative	NA	NA

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	effects on Noise.	effects on Noise.	effects on Noise.		
Hazardous Materials	Implementation of Alternative A would result in minimal adverse cumulative effects to hazardous materials.	Implementation of Alternative B would result in minimal adverse cumulative effects to hazardous materials.	Implementation of Alternative C would result in minimal adverse cumulative effects to hazardous materials.	Implementation of Alternative D would result in minimal adverse cumulative effects to hazardous materials.	NE
Mitigation	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to cumulative effects on hazardous materials.	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to cumulative effects on hazardous materials.	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to cumulative effects on hazardous materials.	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to cumulative effects on hazardous materials.	NA
Aesthetics	Implementation of Alternative A would result in minimal adverse cumulative effects to aesthetics.	Implementation of Alternative B would result in minimal adverse cumulative effects to aesthetics.	Implementation of Alternative C would result in minimal adverse cumulative effects to aesthetics.	Implementation of Alternative D would result in minimal adverse cumulative effects to aesthetics.	NE
Mitigation	Implementation of measures identified in the <b>Aesthetics</b> section, above, also apply to cumulative effects on aesthetics.	Implementation of measures identified in the <b>Aesthetics</b> section, above, also apply to cumulative effects on aesthetics.	Implementation of measures identified in the <b>Aesthetics</b> section, above, also apply to cumulative effects on aesthetics.	Implementation of measures identified in the <b>Aesthetics</b> section, above, also apply to cumulative effects on aesthetics.	NA
<b>INDIRECT EFFECTS</b>					
Land Resources	Implementation of Alternative A would result in minimal adverse indirect effects regarding land resource.	Implementation of Alternative B would result in minimal adverse indirect effects regarding land resources.	NE	NE	NE
Mitigation	Compliance with legal requirements and industry standards	Compliance with legal requirements and industry standards	NA	NA	NA
Water Resources	Implementation of Alternative A would result in minimal adverse indirect effects regarding water resources.	Implementation of Alternative B would result in minimal adverse indirect effects regarding water resources.	NE	NE	NE
Mitigation	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to indirect effects on water resources.	Implementation of measures identified in the <b>Water Resources</b> section, above, also apply to indirect effects on water resources.	NA	NA	NA
Air Quality	Implementation of Alternative A	Implementation of Alternative B	NE	NE	NE

Note: **NE** = No Direct Adverse Effect

**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	would result in minimal adverse indirect effects regarding air quality.	would result in minimal adverse indirect effects regarding air quality.			
Mitigation	Compliance with the Federal Clean Air Act and California Clean Air Act.	Compliance with the Federal Clean Air Act and California Clean Air Act.	NA	NA	NA
Biological Resources	Implementation of Alternative A would result in minimal adverse indirect effects regarding biological resources.	Implementation of Alternative B would result in minimal adverse indirect effects regarding biological resources.	NE	NE	NE
Mitigation	Compliance with Section 7 of the Endangered Species Act.	Compliance with Section 7 of the Endangered Species Act.	NA	NA	NA
Cultural Resources	Implementation of Alternative A would result in minimal adverse indirect effects regarding cultural resources.	Implementation of Alternative B would result in minimal adverse indirect effects regarding cultural resources.	NE	NE	NE
Mitigation	Compliance with Section 106 of the National Historic Preservation Act would minimal indirect effects.	Compliance with Section 106 of the National Historic Preservation Act would minimal indirect effects.	NA	NA	NA
Socioeconomic Conditions	Implementation of Alternative A would result in minimal adverse indirect effects regarding socioeconomic conditions.	Implementation of Alternative B would result in minimal adverse indirect effects regarding socioeconomic conditions.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Land Use	Implementation of Alternative A would result in minimal adverse indirect effects regarding land use.	Implementation of Alternative B would result in minimal adverse indirect effects regarding land use.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Public Services					
Water Supply	Implementation of Alternative A would result in minimal adverse indirect effects regarding water supply.	Implementation of Alternative B would result in minimal adverse indirect effects regarding water supply.	NE	NE	NE

Note: **NE** = No Direct Adverse Effect

**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
Mitigation	NA	NA	NA	NA	NA
Wastewater Service	Implementation of Alternative A would result in minimal adverse indirect effects regarding wastewater service.	Implementation of Alternative B would result in minimal adverse indirect effects regarding wastewater service.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Solid Waste	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Energy	Implementation of Alternative A would result in minimal adverse indirect effects regarding energy.	Implementation of Alternative B would result in minimal adverse indirect effects regarding energy.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Law Enforcement Services	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Fire Protection and Emergency Medical Services	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Noise	Implementation of Alternative A would result in minimal adverse indirect effects regarding noise.	Implementation of Alternative B would result in minimal adverse indirect effects regarding noise.	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
Hazardous Materials	Implementation of Alternative A would result in minimal adverse indirect effects regarding hazardous materials.	Implementation of Alternative B would result in minimal adverse indirect effects regarding hazardous materials.	NE	NE	NE
Mitigation	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to indirect effects on	Implementation of measures identified in the <b>Hazardous Materials</b> section, above, also apply to indirect effects on	NA	NA	NA

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
 208530

**NA** = Not Applicable

**Executive Summary Table**

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>No Action</b>
	hazardous materials.	hazardous materials.			
Aesthetics	NE	NE	NE	NE	NE
Mitigation	NA	NA	NA	NA	NA
<b>GROWTH-INDUCING EFFECTS</b>					
Growth-Inducing Effects	The potential growth inducement of Alternative A would result in a less than significant impact.	The potential growth inducement of Alternative B would result in a less than significant impact.	The potential growth inducement of Alternative C would result in a less than significant impact.	The potential growth inducement of Alternative D would result in a less than significant impact.	NE
Mitigation	NA	NA	NA	NA	NA

Note: **NE** = No Direct Adverse Effect  
**Analytical Environmental Services**  
 208530

**NA** = Not Applicable

# ***SECTION 1.0***

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***INTRODUCTION***

# CHAPTER 1.0 INTRODUCTION

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## 1.1 SUMMARY OF THE PROPOSED ACTION AND EIS PROCESS

Pursuant to the National Environmental Policy Act (NEPA), this Environmental Impact Statement/Tribal Environmental Impact Report (EIS/TEIR) has been prepared by the Bureau of Indian Affairs (BIA) to assess the environmental impacts of proposed Federal actions intended to improve the long-term economic vitality and self-governance of the Los Coyotes Band of Cahuilla and Cupeño Indians (Tribe) by taking approximately 23.1± acres in the City Barstow, California, into Federal trust status for the Tribe for the development of a Class III gaming facility and hotel (Proposed Action). Approval of the Tribe's gaming development and management contract by the National Indian Gaming Commission (NIGC), a federal agency, may also be required under the Proposed Action.

Pursuant to 25 CFR Part 151, the BIA, as an agency under the authority of the Secretary of the Interior, is charged with reviewing and approving tribal applications to take land into Federal trust status. Since the Tribe is seeking to acquire off-reservation land in trust for gaming purposes, compliance with Section 20 of the Indian Gaming Regulatory Act (IGRA) is being considered along with the BIA Part 151 fee-to trust application. In this case, acquisition of approximately 23.1 acres in trust for gaming would require that the Secretary of the Interior make a "two-part determination," under Section 20(b)(1)(A), that gaming on the newly acquired lands would be in the best interest of the Tribe and not detrimental to the surrounding community (25 U.S.C. § 2719(b)(1)(A)). A Secretarial two-part determination may only be made after consultation with the Tribe and appropriate state and local officials, including officials of other nearby tribes. In addition, California's Governor must concur in the determination before gaming could occur on the Barstow property.

The NIGC is charged with regulating gaming on "Indian lands" as mandated by IGRA. As part of its regulatory authority under IGRA, the NIGC reviews and approves all gaming development and management contracts between Native American tribal governments and outside management companies.

For the purpose of this EIS/TEIR, the BIA serves as the Lead Agency for compliance with NEPA, with the NIGC serving as a Cooperating Agency. The BIA also invited several federal, state, and local agencies to act as cooperating agencies for purposes of NEPA. These agencies included the United States Environmental Protection Agency (USEPA) Region 9, the California Department of Transportation (Caltrans), the County of San Bernardino, and the City of Barstow (See **Appendix A**). The BIA also has asked the Tribe, as the applicant, to participate as a cooperating agency, because the Tribe has special expertise and will have jurisdiction with respect to a number of environmental impacts, and because the environmental impacts would affect the Tribe and/or its reservation, pursuant to 40 CFR 1508.5. Cooperating agencies for the EIS are the Tribe, the USEPA, the NIGC, and the City of Barstow. San Bernardino County and Caltrans declined the offer to be cooperating agencies.

This EIS/TEIR has been completed in accordance with the applicable requirements of NEPA and its implementing regulations and guidance. NEPA requires the BIA and NIGC to review and analyze the



environmental impacts associated with the Proposed Action. This document provides a detailed description of the development alternatives and an analysis of the potential consequences associated with the developments that may result from the Proposed Action. The No Action alternative is also addressed as required under NEPA. This document includes a discussion of alternatives, avoidance of effects, and mitigation measures.

### **1.1.1 TEIR PROCESS**

The Tribe expects to negotiate a Class III gaming compact with the State of California. The gaming compact will mandate the location within the Tribe's reservation at which the Tribe may operate a Class III gaming facility and will set forth an off-reservation environmental review process. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal/State Compact will require the Tribe to prepare a TEIR assessing the off-reservation environmental impacts of the proposed hotel and casino complex. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR. The Tribe serves as the Lead Agency for compliance with TEIR requirements.

## **1.2 PURPOSE AND NEED**

The purpose of the Proposed Action is to help provide for the economic development of the Tribe and stability and self-sufficiency of the Tribal government, resulting in economic, social, and other benefits for the Tribe. Implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing a reliable, significant revenue source that would be used to: strengthen the Tribal government; fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members; and provide capital for other economic development and investment opportunities.
- Provide employment opportunities for the Tribal and non-tribal community, including the creation of on-reservation job opportunities.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Establish economic self-sufficiency and achieve Tribal self-determination.

Economic development opportunities for the Tribe have been limited due to a lack of funds for project development and operation, as well as the fact that the Tribe's existing reservation lands are remote, composed almost entirely of steep, rugged terrain, environmentally sensitive, and difficult to access, being surrounded by various state and federal forest, park and public domain lands. As a consequence, the reservation has limited infrastructure and the Tribe has no sustained revenue stream that could be used to fund programs and provide assistance to Tribal members. Section 5 of the Indian Reorganization Act

(IRA) contains the BIA’s general authority to acquire land in trust for Indians. Case law and the IRA’s legislative history make clear that Congress intended the IRA to provide BIA with a vehicle to promote tribal economic development and self-sufficiency, in response to the destructive effects of the federal government’s prior Indian allotment policy. Congress believed that additional land was essential for the economic advancement and self-support of Indian communities. The overlapping purposes of the IRA and the IGRA confirm that Congress intended the BIA to foster tribal self-government and self-determination, through acquisition of land in trust for gaming.

The Tribe’s need for an economic base represents one of the primary purposes behind IGRA. IGRA states that Congress finds “a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government” (25 U.S.C. § 2701). IGRA also states that one of the purposes of the act is “to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments” (25 U.S.C. § 2702).

To ensure that revenues raised from gaming are used to “promote tribal economic development, tribal self sufficiency, and strong tribal government,” IGRA (25 U.S.C. § 2710[b][2][A]) limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs.
- Providing for the general welfare of the Indian tribe and its members.
- Promoting tribal economic development.
- Making donations to charitable organizations.
- Funding operations of local government agencies.

The Proposed Action would provide the Tribe with a long-term, viable, and sustainable revenue base. Revenues from the operation of the casino and hotel would be used (at a minimum) for the following purposes:

- Funding governmental programs and services, including housing, education and career training, infrastructure expansion and improvement, environmental, cultural, health and welfare, and safety programs and services.
- Hiring additional tribal government staff, upgrading equipment and facilities, and generally improving tribal governmental operations.
- Decreasing the Tribe’s and Tribal member’s dependence on federal and state grants and assistance programs.
- Making donations to charitable organizations and governmental operations, including local educational institutions.
- Funding local governmental agencies, programs, and services.
- Providing revenue sharing and trust fund payments.

- Providing capital for other economic development and investment opportunities and allowing the Tribe to diversify its holdings over time, so that it is no longer dependent upon the federal or state government or even upon gaming to survive and prosper.

Each of these purposes is consistent with the allowable uses for gaming revenues set out in IGRA. The hotel and casino complex would also provide employment opportunities for Tribal members, a large number of whom live within commuting distance of Barstow, as well as local non-tribal residents. Operation of the casino, hotel, and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy.

## 1.3 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

As mentioned in **Section 1.1**, above, this document has been prepared to meet NEPA, Tribal, and state compact environmental review requirements. A brief overview of both processes is provided below.

### 1.3.1 NATIONAL ENVIRONMENTAL POLICY ACT

NEPA generally requires that an EIS be prepared for major federal actions that may significantly affect the quality of the human environment (42 U.S.C. § 4332). This document has been completed in accordance with the requirements set forth in NEPA (42 U.S.C. § 4321 *et seq.*); the Department of the Interior's Regulations for Implementing NEPA (43 CFR Part 46), the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 C.F.R. Parts 1500-1508); and the BIA NEPA Handbook (59 IAM 3).

This EIS/TEIR has been prepared to analyze and document the environmental consequences associated with the approval of the fee-to-trust acquisition and resulting development of a hotel and casino complex. Additionally, the EIS/TEIR analyzes a reasonable range of alternatives, including four development alternatives and a no-action alternative. This document also includes a discussion of avoidance and mitigation measures to reduce potential environmental effects.

### Notice of Intent and Scoping

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The purpose of an NOI is to inform the public that the lead agency intends to prepare and consider an EIS for a proposed action. The NOI also includes a description of the proposed action and possible alternatives, a description of the proposed scoping process, including whether, when, and where any scoping meeting will be held, and the name and address of the lead agency contact for the public (40 C.F.R. § 1508.22).

The CEQ regulations for implementing NEPA require a process, referred to as "scoping," for determining the range of issues to be addressed during the environmental review of a proposed action (40 C.F.R. § 1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations, and individuals.

The BIA published the original NOI in the *Federal Register* (71 FR 20126) on April 19, 2006, with the initial public scoping comment period beginning on April 19, 2006 and ending on May 19, 2006 (**Appendix B**). The NOI was published in the *Barstow Desert Dispatch* on April 20, 2006, and in the *Victorville Daily Press* on April 23, 2006.

The April 19, 2006, NOI served to announce the public scoping meeting, which was held by the BIA on May 4, 2006, at the Barstow Community College Gymnasium, 2700 Barstow Road, Barstow, California. The scoping meeting provided a forum for the public to personally address representatives of the BIA regarding the scope of the EIS and to identify issues of concern.

In September 2006, the BIA published a Scoping Report, which summarized the comments received during the scoping period and outlined the expected scope of the EIS. To the extent required by NEPA, this EIS/TEIR has incorporated the issues and concerns identified within the Scoping Report.

The BIA did not approve the original fee-to-trust application, and on May 19, 2008, (73 CFR 28841) published a Notice of Cancellation of work. Subsequently, on June 6, 2008, the BIA published a notice advising the public that the BIA, as lead agency, with the National Indian Gaming Commission (NIGC), City of Barstow and the Tribe as cooperating agencies, intended to gather information to prepare an EIS for the Tribe's renewed application for a proposed fee-to-trust transfer and casino and hotel project in Barstow, California. (73 CFR 32354). After the Tribe resubmitted its application, the June 6, 2008, notice for the renewed application effectively resumed BIA's work on the EIS, such that public scoping for the issues and alternatives to be analyzed in the EIS had already been done. Therefore, no further public scoping meetings were necessary.

A Notice of Correction (NOC) was published in the *Federal Register* on March 27, 2009 to correct several errors in the BIA's June 6, 2008, NOI. The revised notice provided the public an additional 30-day comment period to submit comments on the scope of the EIS and to identify issues of concern. A republication and correction of the NOC was published in the *Federal Register* on April 10, 2009 to correct an error regarding the date when the comment period ended. The revised notice provided the public with the correct date on which the 30-day comment period ended.

## **Draft EIS**

This Draft EIS (DEIS) will be distributed to the public as well as federal, tribal, state, and local agencies and other interested parties for a 75-day review and comment period. The BIA will publish a Notice of Availability (NOA) that provides the time and location of public hearing(s) on the DEIS. Responses will be provided for all substantive comments received during the comment period, including those submitted or recorded at public hearing(s).

## **Final EIS**

The Final Environmental Impact Statement (FEIS) will respond to all relevant issues and concerns identified during the DEIS public comment period. The BIA and the USEPA will publish an NOA for the FEIS; the NOA initiates a 30-day waiting period, during which the BIA must consider impacts analyzed in the FEIS and any further comments prior to making a decision on the Proposed Action.

## Record of Decision

The BIA and the NIGC will consider any comments received within the 30-day waiting period before issuing their respective Record of Decisions (RODs) on the FEIS.

### 1.3.2 TRIBAL ENVIRONMENTAL IMPACT REPORT

This Draft TEIR was prepared pursuant to the Tribe's Environmental Ordinance and anticipated requirements of the Tribal-State Gaming Compact to be negotiated between the Tribe and the State of California. The evaluation of environmental impacts checklist used in this TEIR is included as **Appendix C**.

### Notice of Preparation

A Notice of Preparation (NOP) of a TEIR was submitted to the State Clearinghouse on April 25, 2006, initiating a comment period that ended May 25, 2006 (**Appendix B**). The NOP was circulated to local, state, and federal agencies, and to other interested parties to solicit comments on the Proposed Project and suggestions for issues to be evaluated in the TEIR. Concerns raised in response to the NOP, which were summarized in a Scoping Report, were considered during preparation of the Draft TEIR.

### Draft TEIR

This Draft TEIR will be sent to local, state, and federal agencies and to interested organizations and individuals who may wish to review and comment on the report. Publication of this Draft TEIR marks the beginning of a 60-day public review period.

### Final TEIR

The Final TEIR will be reviewed to determine if the environmental review process has been carried out consistent with the requirements of the Tribal-State Gaming Compact. The Tribe will be responsible for certifying the Final TEIR in accordance with its Environmental Ordinance.

## 1.4 REGULATORY PERMITS AND APPROVALS THAT MAY BE REQUIRED

It is anticipated that implementation of the Proposed Action would require Tribal, federal, and state permits and approvals. **Table 1-1** identifies each responsible agency and the potential permit or approval required.

**TABLE 1-1**  
**POTENTIAL PERMITS AND APPROVALS REQUIRED**

<b>Agency</b>	<b>Permit or Approval</b>	<b>Alternative</b>	<b>Applicant</b>
Los Coyotes Band of Cahuilla and Cupeño Indians	Compliance with Tribal/State Compact and Tribal Environmental Ordinance.	A, B, C	N/A
National Indian Gaming Commission	Approval of tribal gaming ordinances	A, B, C	Los Coyotes Band of Cahuilla and Cupeño Indians
National Indian Gaming Commission	Approval of management contract and related collateral agreements	A, B, C	Los Coyotes Band of Cahuilla and Cupeño Indians
National Indian Gaming Commission	Indian lands determination	A, B	Los Coyotes Band of Cahuilla and Cupeño Indians
Secretary of the Interior – Bureau of Indian Affairs	Fee-to-trust transfer	A, B	Los Coyotes Band of Cahuilla and Cupeño Indians
Secretary of the Interior	Two part determination to allow gaming on tribal lands, acquired after 1988.	A, B	Los Coyotes Band of Cahuilla and Cupeño Indians
U.S. Army Corps of Engineers	Approval of permit(s) for the filling of jurisdictional wetlands/waters (if applicable), as required by the Clean Water Act	C, D	Los Coyotes Band of Cahuilla and Cupeño Indians
U.S. Environmental Protection Agency	Water quality certification (or waiver) as required by the Clean Water Act	C, D	Los Coyotes Band of Cahuilla and Cupeño Indians
U.S. Environmental Protection Agency	Issuance of National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from construction activities as required by the Clean Water Act	A, B, C, D	Los Coyotes Band of Cahuilla and Cupeño Indians
U.S. Fish and Wildlife Service	Section 7 Consultation under the Federal Endangered Species Act if endangered species may be affected	A, B, C, D	Bureau of Indian Affairs
California State Historic Preservation Office	Consultation under Section 106 of the National Historic Preservation Act	A, B, C, D	Bureau of Indian Affairs
City of Barstow	Approval of encroachment permit for project access on Lenwood Road.	A, B	Los Coyotes Band of Cahuilla and Cupeño Indians
Source: AES, 2010.			