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SCOPING REPORT
ENVIRONMENTAL IMPACT STATEMENT
TRIBAL ENVIRONMENTAL IMPACT REPORT

**BIG LAGOON RANCHERIA /
LOS COYOTES BAND OF
CAHUILLA AND CUPEÑO INDIANS**

FEE-TO-TRUST AND BARSTOW CASINOS PROJECT

SEPTEMBER 2006

EIS Lead Agency:

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

Cooperating Agencies:

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TEIR Lead Agencies:

Los Coyotes Band of Cahuilla and Cupeño Indians
Big Lagoon Rancheria

Prepared By:

Analytical Environmental Services
2021 "N" Street, Suite 200
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SECTION 1.0

INTRODUCTION

The Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria (hereinafter collectively referred to as “the Tribes”) propose to build two comparably designed casino/hotel facilities on adjacent parcels of land located within the incorporated boundaries of the City of Barstow, San Bernardino County, California. The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS), as part of the process of evaluating the Tribes’ respective requests for Fee-to-Trust transfers of 48± total acres, the respective requests for a “Two-Part Determination” relevant to their Fee-to-Trust applications, and the National Indian Gaming Commission’s eventual review and approval of the Tribes’ management contracts. All of these federal actions are collectively referred to as the “Proposed Action.” The Proposed Action is a prerequisite to the Tribes’ plans to use the 48± acres for the subsequent development of two casino/hotel resorts and other ancillary uses. Section 11 of the Tribal/State Compacts between the State of California and the Tribes requires the Tribes to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the casino/hotel facilities. To reduce paperwork and eliminate redundancy, the EIS and the TEIR will be prepared in coordination, resulting in a joint “Draft EIS/TEIR.”

This scoping report describes the EIS/TEIR scoping process, explains the purpose and need for the Proposed Action, describes the Proposed Project and alternatives, and summarizes the issues identified during the scoping process.

1.1 NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act (NEPA) provides a national policy to integrate environmental considerations into the planning process and decisions of Federal agencies. NEPA provides an interdisciplinary framework to ensure that Federal agency decision-makers consider environmental factors. The key requirement imposed by NEPA is the preparation of an EIS for any major Federal action that may significantly affect the quality of the environment. Public involvement, which is an important aspect of the NEPA process, is provided for at various steps in the development of an EIS. The first opportunity for public involvement is the EIS scoping process.

1.2 SCOPING PROCESS

The “scope” of an EIS means the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the public and other Federal, State, and local agencies to provide input that will help determine the scope of the EIS.

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The NOI describes the Proposed Action and the reasons why an EIS will be prepared. The BIA published the NOI for this Proposed Action in the *Federal Register* on April 19, 2006 with the comment period beginning on April 19, 2006 and ending on May 19, 2006 (**Appendix A**). The NOI was published in the *Barstow Desert Dispatch* on April 20, 2006 and in the *Victorville Daily Press* on April 23, 2006.

The BIA held a scoping meeting on May 4, 2006 at the Barstow Community College Gymnasium, Barstow, California. Larry Blevins and Patrick O’Mallan, Environmental Protection Specialists for the Pacific Regional Office of the BIA, conducted the scoping meeting. The scoping meeting provided a forum for the public to address the BIA regarding the scope of the EIS. A transcript of the scoping meeting is provided in **Appendix C**. Written comment cards received during the scoping meeting are reproduced in **Appendix D**.

Issues that were raised during the public scoping meeting have been summarized in **Section 3.2**. Comment letters received during the scoping process are included in **Appendix E**. The range of issues to be addressed in the Draft EIS/TEIR may be expanded based on comments received during the scoping process.

Although one commenter suggested that additional public participation in scoping be provided, because no email address for the BIA was given and because there were less than fifteen (15) days between publication of notice in the local newspaper and the scoping meeting, no further public comment periods are planned. The BIA currently does not have external email accounts, pursuant to a court order to disconnect from Internet access until security concerns in the *Cobell v. Norton* lawsuit are resolved. With respect to the public notice, BIA published its NOI announcing the scoping meeting in the federal register sixteen days (16) before the scoping meeting in accord with BIA’s NEPA Handbook requirement that the NOI be published at least fifteen (15) days in advance of the scoping meeting. BIA also published notice in the local newspapers of the scoping meeting was published in a local newspaper fifteen (15) days in advance of the scoping meeting. Publication of the NOI in the Federal Register is the formal notice required by the NEPA process; BIA provided additional notice in the local newspapers to increase public awareness that the process was underway.

1.3 TRIBAL ENVIRONMENTAL IMPACT REPORT

The Tribal/State Gaming Compacts entered into between the Tribes and the State of California require that upon commencing the preparation of the draft TEIR, a Notice of Preparation be sent to the State Clearinghouse in the State Office of Planning and Research (State Clearinghouse), the City of Barstow, and San Bernardino County for distribution to the public. On April 25, 2006, the Tribes issued a Notice of Preparation to the State Clearinghouse, the City of Barstow, San Bernardino County, San Diego County, and Humboldt County describing the Project and its potential significant effects on the environment so that interested persons would be able to make a meaningful response or comment. The Notice of Preparation (NOP) was submitted to the State Clearinghouse for distribution. Copies were also sent to the Barstow and Victorville branches of the San Bernardino County library. The comment period on the NOP began on April 25, 2006 and ended on May 25, 2006 (**Appendix B**).

1.4 COOPERATING AGENCIES

The lead NEPA agency (BIA) may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a “cooperating agency.” Cooperating agencies participate in the scoping process and, on the lead agency’s request, may develop information to be included in the EIS (40 CFR § 1501.6).

“Cooperating agency” is defined in the Council on Environmental Quality (CEQ) regulations as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” State and local agencies and Indian tribes may by agreement with the lead agency become cooperating agencies when they have similar expertise or jurisdiction (40 CFR § 1508.5).

The BIA has formally requested cooperating agency participation from the Environmental Protection Agency (EPA), California Department of Transportation (Caltrans), San Bernadino County, and the City of Barstow (**Appendix F**). The City of Barstow and the EPA have accepted the offer to participate as cooperating agencies; San Bernardino County declined the offer to participate. The Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria will also participate as cooperating agencies.

The National Indian Gaming Commission (NIGC) will be responsible for approval of the Tribes’ management contracts. It is anticipated that the NIGC will join as a cooperating agency as the process progresses.

1.5 EIS/TEIR SCHEDULE AND PUBLIC REVIEW

The current schedule anticipates that the Draft EIS/TEIR will be available for public review in late 2006. The public review period for the Draft EIS/TEIR will be 45 days. A public hearing on the Draft EIS/TEIR will be held during the review period. The Final EIS/TEIR is currently scheduled to be available in early 2007. A decision on the project may be made 30 days after the Final EIS is released.

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

2.1 PURPOSE AND NEED

The Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria have negotiated Class III gaming compacts with the State of California. The gaming compacts mandate the location at which the Tribes are allowed to operate Class III gaming facilities. In accord with the compact requirements both Tribes have filed applications for Fee-to-Trust transfers with the BIA for adjacent parcels in Barstow. Fee-to-Trust transfers are considered a major federal action requiring NEPA compliance.

The Tribes' respective requests for Fee-to-Trust transfers of 48± total acres, the respective requests for a "Two-Part Determination" relevant to their fee-to-trust applications, and the National Indian Gaming Commission's eventual review and approval of the Tribes' management contracts are collectively referred to as the "Proposed Action." The Proposed Action is a prerequisite to the Tribes' plans to use the 48± acres for Class III gaming.

Implementation of the Proposed Action would assist the Tribes in meeting the following objectives:

- Improve the socioeconomic status of the Tribes by providing a revenue source that could 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 to the tribal and non-tribal community.
- 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.

A lack of economic development opportunities exists for the Tribes primarily due to a lack of funds for project development and operation. The Tribes have no sustained revenue stream that could be used to fund programs and provide assistance to tribal members. In addition, the Big Lagoon Rancheria is precluded from pursuing economic development on its reservation, which is located in an environmentally sensitive area, as the result of a settlement agreement with the State of California. The settlement resolves litigation brought by the Tribe in response to the State's refusal, based on environmental concerns, to give the Tribe a compact for a casino on Big Lagoon's trust lands. The Tribe

agreed not to commercially develop its existing trust lands at Big Lagoon in exchange for a Class III gaming compact and the Governor's support for the alternative off-reservation location in Barstow.

The tribal governments' purpose for requesting approval of the proposed management contracts is so the Tribes can have an experienced partner develop and manage the Tribes' casino and hotel resort. Barwest L.L.C., a Michigan limited liability company, would be the manager for the Big Lagoon Rancheria. LCB Barwest, L.L.C., a Michigan limited liability company, would be the manager for the Los Coyotes Band Cahuilla and Cupeño Indians. The tribal governments need a manager because the Tribes alone cannot secure the necessary financing to develop this project and they lack the necessary expertise to manage a casino and hotel resort. Approval of management contracts is considered a major federal action requiring NEPA compliance.

The Tribes' need for an economic base represents one of the primary purposes behind the Indian Gaming Regulatory Act (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 Tribes with a long-term, viable, and sustainable revenue base. Class II and III gaming is potentially very profitable. Revenues from the operation of the casino and hotel would be used for at least the following purposes:

- Funding governmental programs and services, including housing, educational, environmental, health, and safety programs and services.
- Hiring additional staff, upgrading equipment and facilities, and generally improving governmental operations.
- Decreasing the Tribes' and tribal members' 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 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 limited allowable uses for gaming revenues, as required by IGRA. The casinos, hotels and related facilities would also provide employment opportunities for tribal members as well as local non-tribal residents. Operation of the casinos, hotels and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy.

2.1.1 PROJECT LOCATION

The 48-acre project site is located within the incorporated boundaries of the City of Barstow, San Bernadino County, California, just east of Interstate 15. State Highways 58 and 247 and Interstate 40 are located nearby. The site is bounded on the north by Mercantile Way; on the west by Lenwood Road and commercial/light industrial development; on the south by vacant Bureau of Land Management land; and on the east by vacant land. **Figure 2-1** shows the regional location of the project site. **Figure 2-2** shows the vicinity of the project site. **Figure 2-3** shows an aerial photo of the project site.

2.2 ALTERNATIVES TO BE ANALYZED WITHIN THE EIS

This section describes the four development alternatives and a no action alternative analyzed that will be within the DEIS/TEIR. A reasonable range of alternatives has been selected. Many aspects of the proposed alternatives presently are being studied, including wastewater, grading, and drainage. Consistent with CEQ Regulations (40 CFR § 1502.14), this section of the DEIS/TEIR will include a detailed discussion and comparison of the alternatives.

2.2.1 ALTERNATIVE A – TWO CASINOS IN BARSTOW

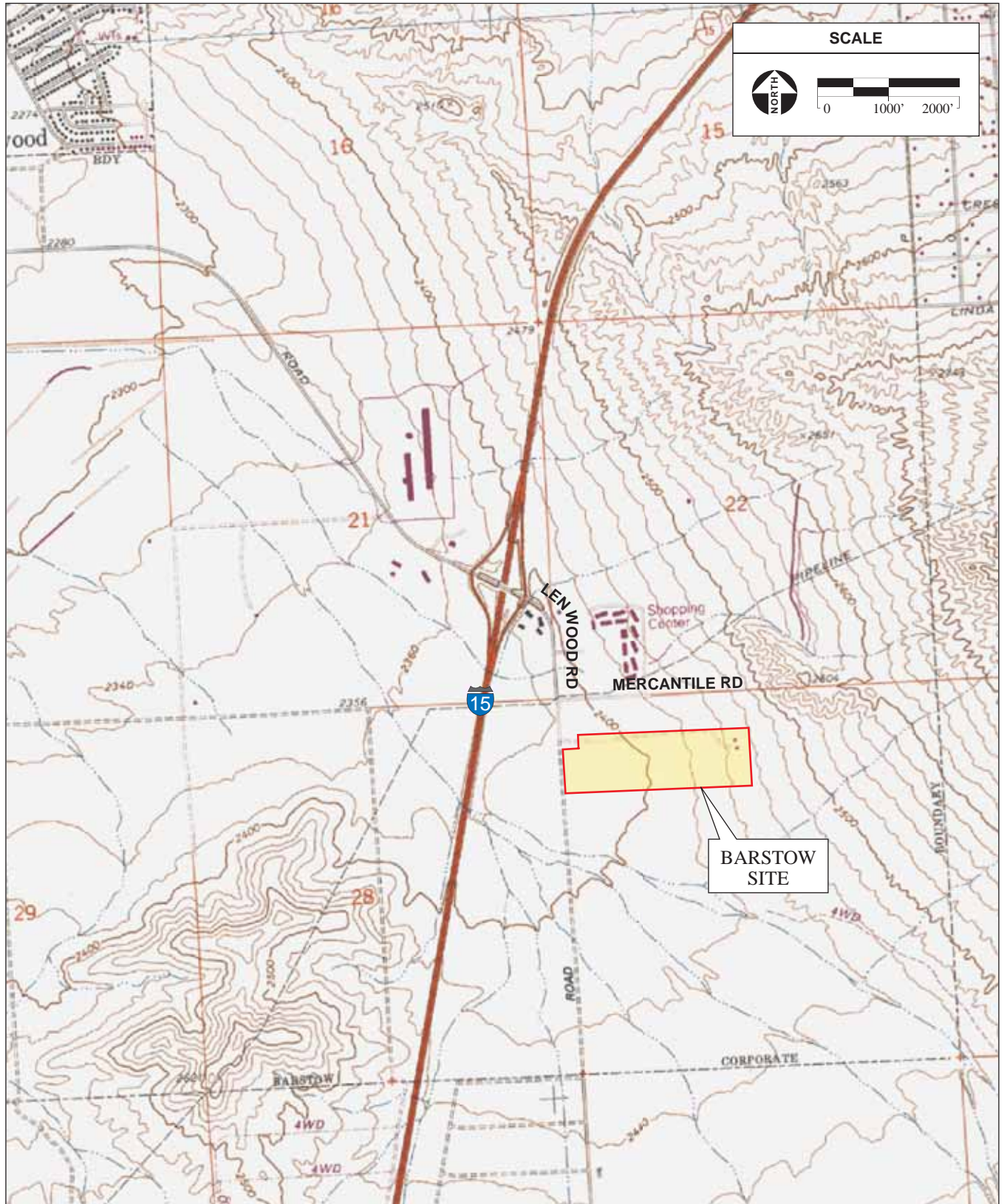
The Proposed Action to be analyzed within the DEIS/TEIR is the fee-to-trust acquisition of approximately 48± acres, the related issuance of a two-part secretarial determination pursuant to 25 USC § 2719 (b)(1)(A), and the subsequent approval of two gaming management contracts by the National Indian Gaming Commission (NIGC). The foreseeable consequence of the Proposed Action will be the development of two casinos and two hotels on the trust land (project site). **Figure 2-4** shows the proposed site plan for the proposed casinos/hotels, including supporting facilities. The casinos/hotels would be operated independently. Design features are similar for both facilities and square footages are consistent for most amenities. **Table 2-1** provides a breakdown of proposed uses with associated square footages for each of the proposed casinos and hotels.



SOURCE: ESRI Data, 2006; AES, 2006

Barstow Casinos Scoping Report / 205551 ■

Figure 2-1
Regional Location Map - Barstow Site



SOURCE: "Barstow, CA" USGS 7.5 Minute Topographic Quadrangle, Section 27, T9N, R2W, San Bernadino Baseline & Meridian; AES, 2006

Barstow Casinos Scoping Report / 205551 ■

Figure 2-2
Site and Vicinity Map - Barstow Site



The casinos/hotels would include a mixture of uses including main gaming halls, food and beverage services, retail space, banquet/meeting space, and administrative space. Each casino would have a steakhouse, a food court with four venues, a coffee house, a lounge bar and a service bar. The casino gaming floor of each casino would encompass an area of approximately 48,900 square feet. Banquet and meeting rooms would be located north of the casino gaming areas and would comprise about 8,550 square feet in each casino/hotel. An arcade/game room and a children's play area are also proposed.

The 110-room hotels would be located at the south corner of the casino gaming areas. The proposed plan includes a swimming pool and whirlpool in each hotel. A total of 4,000 parking spaces would be provided to serve the patrons and employees of the hotel/casino resorts and supporting facilities.

The remainder of the project site is expected to be used for stormwater detention facilities and open space. It is anticipated that the facility would be open 24 hours a day, 7 days a week, and the casinos/hotels would employ approximately 1,697 employees.

2.2.2 ALTERNATIVE B – REDUCED INTENSITY CASINO IN BARSTOW

Alternative B is a smaller scale version of Alternative A and consists of two smaller casinos and two hotels. Alternative B is approximately 50% of the total square footage of the Proposed Project described as Alternative A. The casino's general location would not differ from that of Alternative A; however, a smaller percentage of the property would be taken into trust and developed. As in Alternative A, land would be taken into trust and a management contracts would be approved for the Tribes. **Table 2-2** provides a breakdown of proposed uses with associated square footages for the proposed casino described as Alternative B. **Figure 2-5** shows the site plan for the Alternative B, including supporting facilities.

A total of 2,000 surface-level parking spaces would be provided to serve the patrons and employees of the casino/hotel resort. It is anticipated that the facility would be open 24 hours a day, 7 days a week, and that there would be 848 employees at the casino/hotel.

2.2.3 ALTERNATIVE C – BIG LAGOON RANCHERIA LOCATION

Alternative C consists of constructing a casino within the Big Lagoon Rancheria in Humboldt County, California. Big Lagoon Rancheria consists of approximately 20 acres of Tribal trust land located approximately one half mile inland of the Pacific coast on the southern shore of the Big Lagoon. It is about 30 miles north of the City of Eureka and eight miles north of the Town of Trinidad. U.S. Highway 101 is located ¼ mile east of the Rancheria. **Figure 2-6** provides a regional location of the Alternative C project site. **Figure 2-7** shows the vicinity of the Alternative C project site. **Figure 2-8** shows an aerial photo of the Alternative C project site.

**Table 2-1
ALTERNATIVE A – COMPONENTS CASINOS/HOTELS**

Area	Seats/Rooms Parking Spaces	Square Footage
Casino		
Casino Gaming		97,800
Casino Circulation and Elevators		5,400
Restrooms (2 sets)		7,200
Cashier's Cage and Count		7,200
Back of House		20,000
Retail		
Gift Shop		1800
Food and Beverage		
Lounge Bar	92	4,050
Service Bar		1,300
Coffee Shop	120	6,400
Steakhouse	80	4,800
Food Court (4 tenants)		12,000
Food and Beverage Offices		400
Kitchen		10,000
Entertainment /Amenities		
Banquet Room		10,800
Meeting Rooms		3,600
Pre-function		3,700
Arcade		10,000
Workout Area		3,600
Kids' Play Area		10,000
Hotel		
Lodging Area	220rooms	121,160
Lobby/Registration		3,600
Elevator Penthouse		1,200
Baggage		500
Pool		
Swimming Pool	2 @ 25' x 50'	
Whirlpool		
Pool Deck and Lounges	40,000	
Pool Equipment		500
Employee Areas		
Staff Dining		600
Staff Lounge		3,600
Dressing Room		200
Housekeeping and Porters		5,400
Uniform Issues + Change, Toilets		6,000
SUPPORT FACILITIES		
Central Plant		9,000
Warehouse		9,000
Loading Dock, Trash Dock		2,400
Engineering		7,200
Receiving + Purchasing		900
PARKING		
Surface Parking Spaces	4,000	
ALTERNATIVE A TOTAL SQUARE FOOTAGE		391,310

NOTE: All figures are approximate.

SOURCE: Group West Companies, 2006; AES, 2006.

TABLE 2-2
ALTERNATIVE B – REDUCED INTENSITY COMPONENTS

Area	Seats/Rooms Parking Spaces	Square Footage
Casino		
Casino Gaming		48,900
Casino Circulation and Elevators		2,700
Restrooms (2 sets)		3,600
Cashier's Cage and Count		3,600
Back of House		10,000
Retail		
Gift Shop		900
Food and Beverage		
Lounge Bar	92	2,025
Service Bar		650
Coffee Shop	120	3,200
Steakhouse	80	2,400
Food Court (4 tenants)		6,000
Food and Beverage Offices		200
Kitchen		5,000
Entertainment/Amenities		
Banquet Room		5,400
Meeting Rooms		1,800
Pre-function		1,350
Arcade		5,000
Workout Area		1,800
Kids' Play Area		5,000
Hotel		
Lodging Area	110 rooms	60,580
Lobby/Registration		1,800
Elevator Penthouse		600
Baggage		250
Pool		
Swimming Pool		
Whirlpool		
Pool Deck and Lounges	20,000	
Pool Equipment		250
Employee Areas		
Staff Dining		300
Staff Lounge		1,800
Dressing Room		100
Housekeeping and Porters		2,700
Uniform Issues + Change, Toilets		3,000
SUPPORT FACILITIES		
Central Plant		4,500
Warehouse		4,500
Loading Dock, Trash Dock		1,200
Engineering		3,600
Receiving + Purchasing		450
ALTERNATIVE A TOTAL SQUARE FOOTAGE		195,155
PARKING		
Surface Parking Spaces	2,000	
Alternative A Total Parking Spaces	2,000	

NOTE: All figures are approximate.

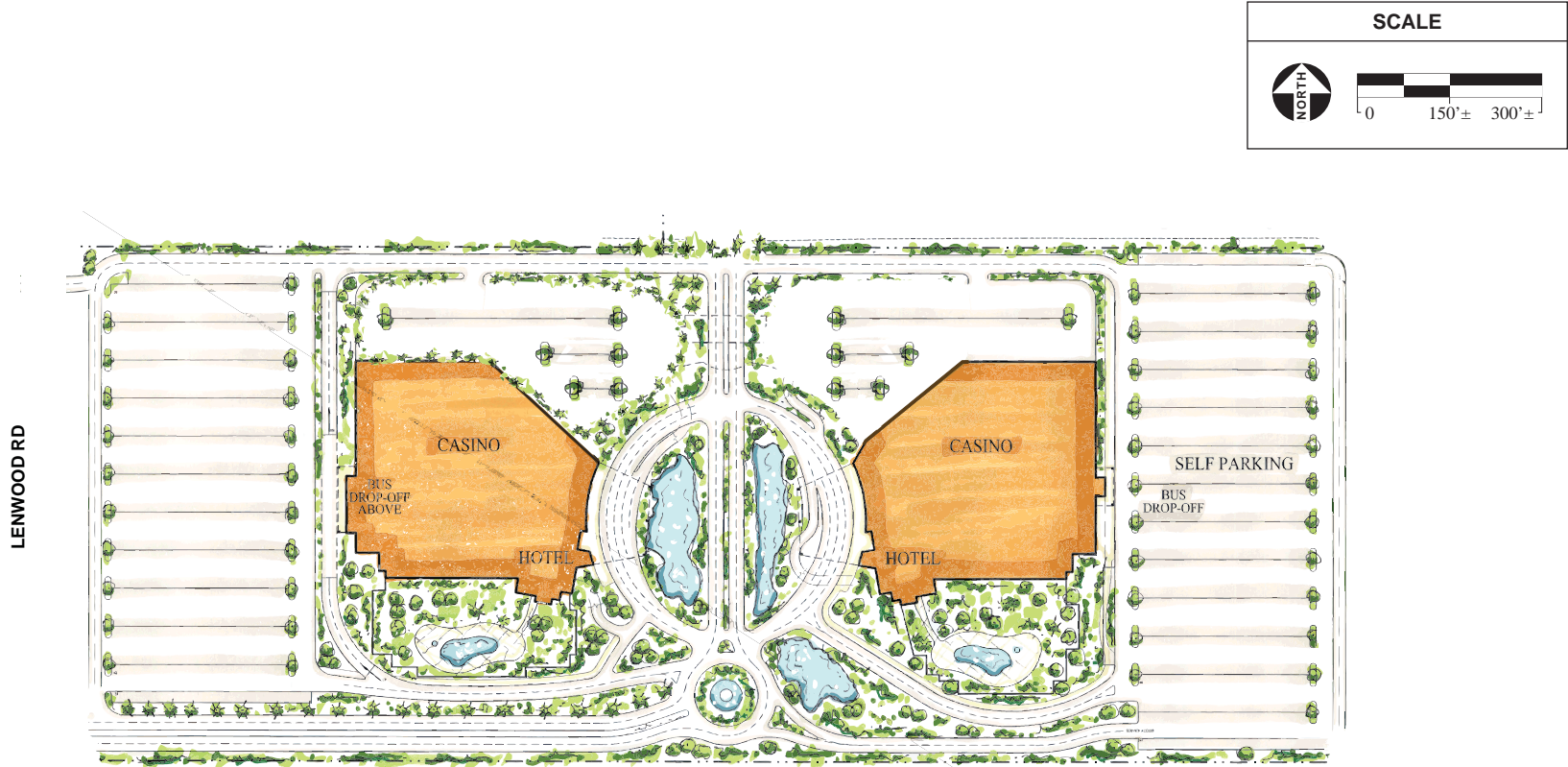


Figure 2-4
Alternative A Site Plan - Two Casinos in Barstow

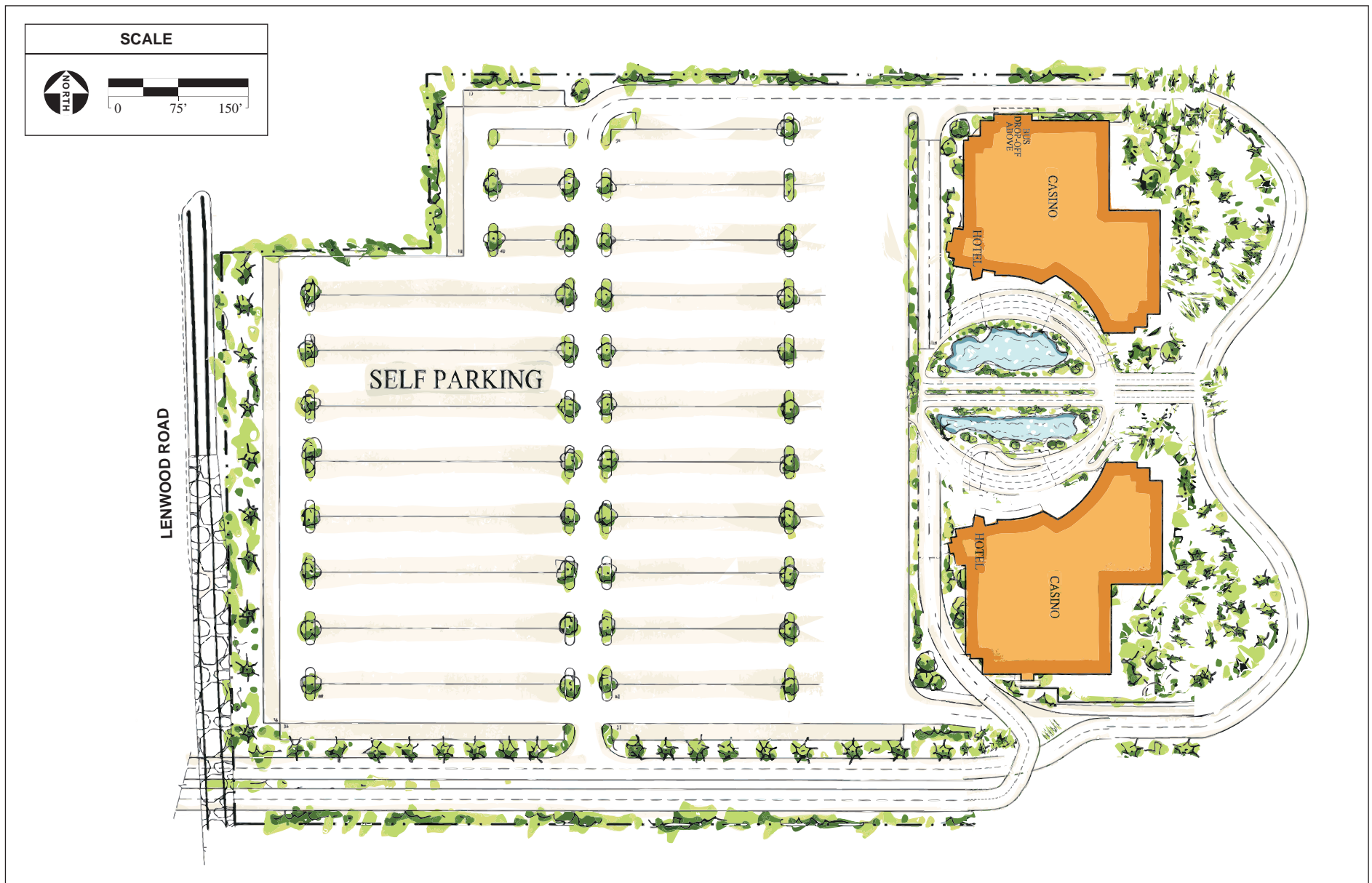


Figure 2-5
Reduced Intensity Alternative - 2 Smaller Casinos

Approximately eleven acres of Rancheria land would be utilized for development and operation of a 61,462-square-foot Class III gaming facility. It is anticipated that the facility would be open 24 hours a day, 7 days a week, and it would employ approximately 200 people. **Table 2-3** provides a breakdown of proposed uses with associated square footages for the Alternative C casino. **Figure 2-9** shows the site plan for the proposed casino, including supporting facilities.

Under Alternative C, the NIGC would be responsible for approving a management contract between the Big Lagoon Rancheria and Barwest L.L.C.; however, the land for the Proposed Project would not need to be taken into trust by the BIA, as it is already held in trust by the United States for the benefit of the Tribe.

TABLE 2-3
ALTERNATIVE C – ALTERNATIVE LOCATION - BIG LAGOON RANCHERIA COMPONENTS

Area	Seats/Rooms Parking Spaces	Square Footage
Main Floor		
Casino Gaming		39,300
Restaurant/Banquet Room/Entertainment Area	445	6,650
Mezzanine		
Offices, Back of House, Security, Employee Lounge		8,665
Basement		
Mechanical Equipment, Storage Space		6,850
Total Square Footage Alternative C		61,465
Parking		
Surface Parking Spaces	524	
Total Parking Spaces Alternative C	524	

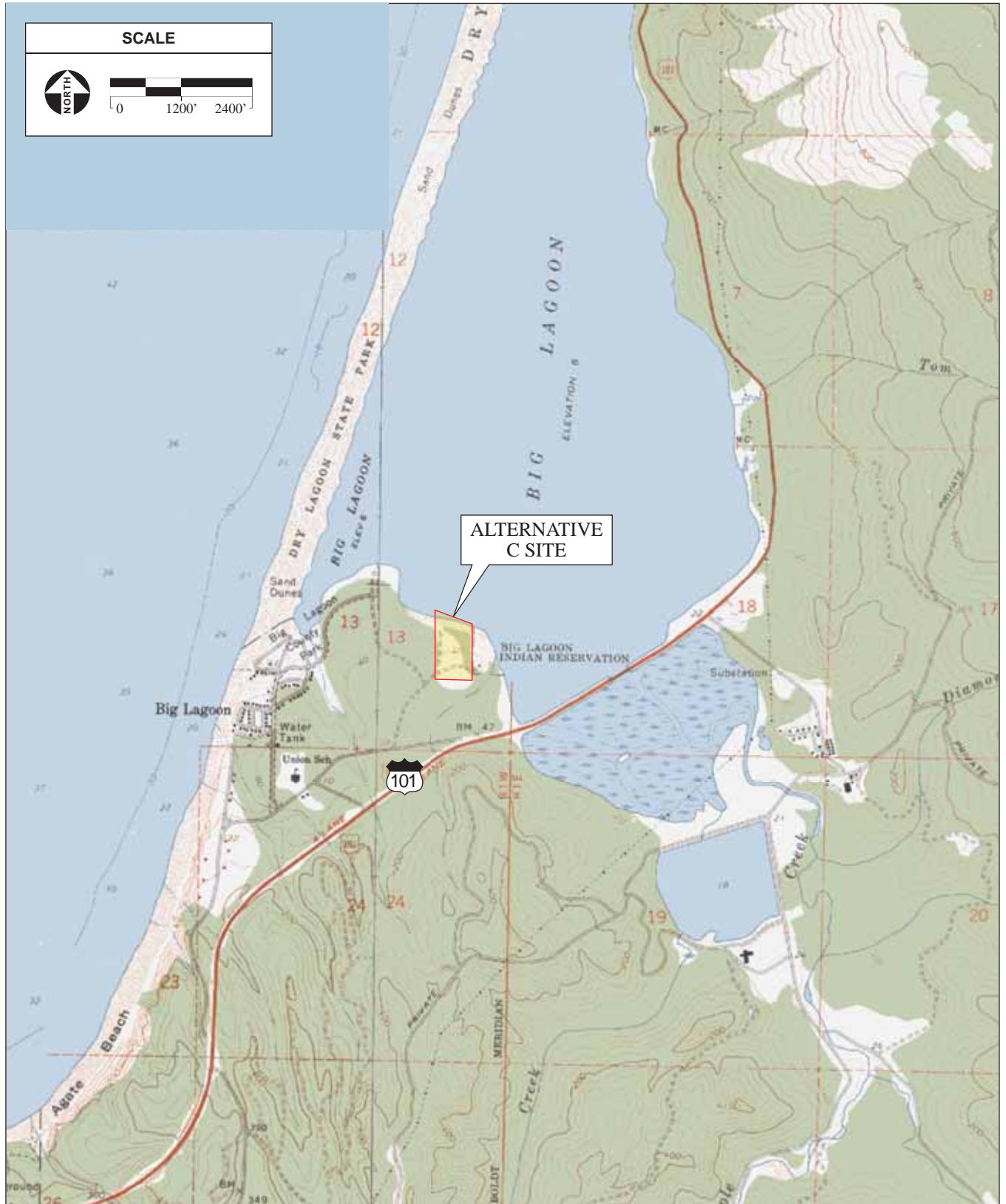
NOTE: All figures are approximate.
SOURCE: Bert Verrips, Environmental Consulting Services, 2001; AES, 2006.

2.2.4 ALTERNATIVE D – LOS COYOTES RESERVATION LOCATION

Alternative D consists of the development of a casino resort within the Los Coyotes Reservation in San Diego County, California. The Los Coyotes Reservation consists of approximately 25,050 acres of Tribal trust land located between the Cleveland National Forest and Anza-Borrego Desert State Park. It is about 70 miles northeast of the City of San Diego and 37 miles northeast of the City of Escondido. The closest community is the unincorporated town of Warner Springs, which is located to the immediate west of the Reservation. The reservation is extremely mountainous and therefore largely undeveloped; however a few houses, a trailer used for Tribal offices, and a former campground, currently in disrepair, are located on the property. Development is scattered in the southwest portion of the Reservation. Access to the Reservation is from State Highway 79. **Figure 2-10** shows the regional location of the Alternative D project site. **Figure 2-11** shows the vicinity of the Alternative D project site. **Figure 2-12** shows an aerial photo of the Alternative D project site.



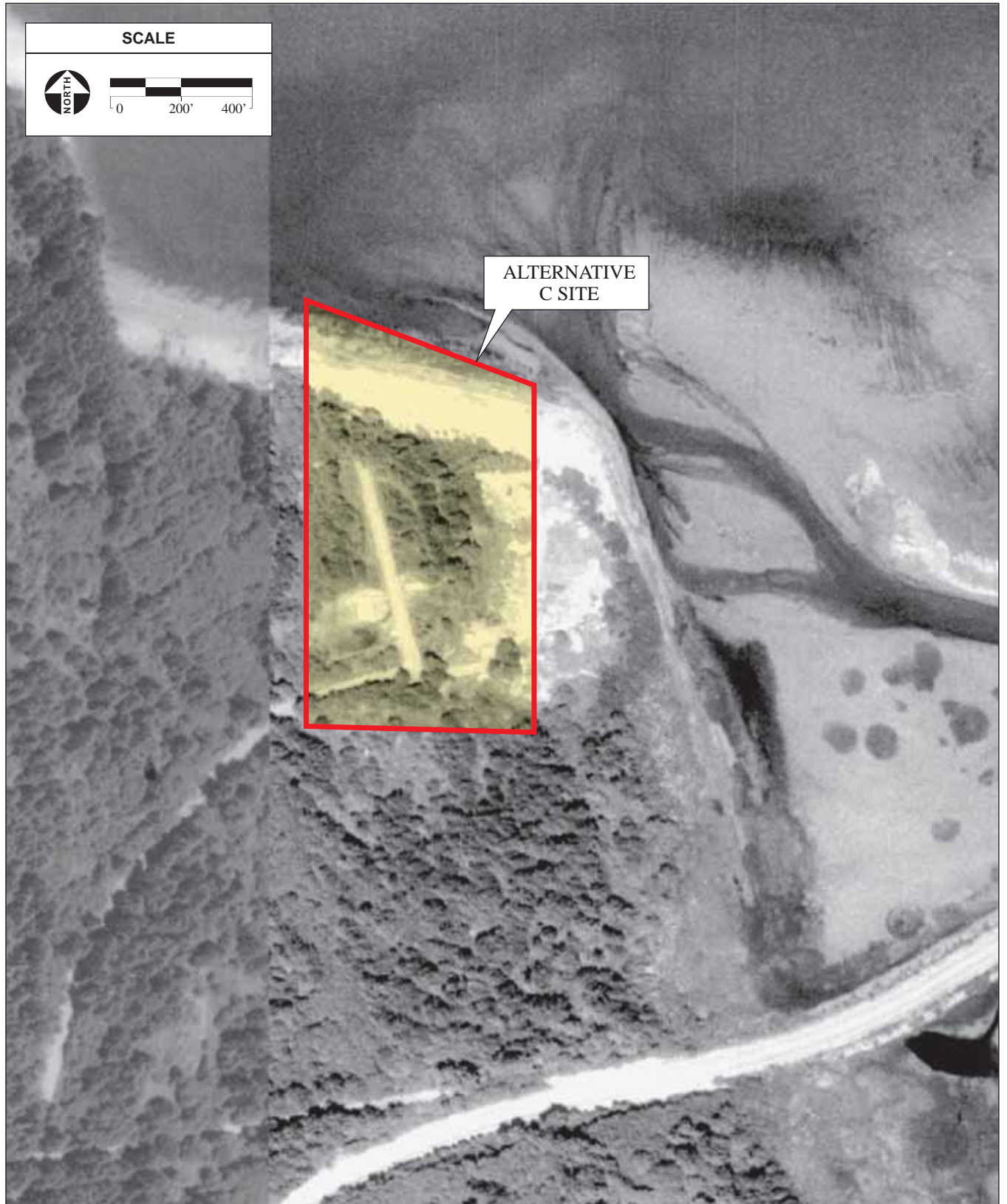
Figure 2-6
Regional Location Map - Alternative C



SOURCE: "Hot Springs Mt., CA" USGS 7.5 Minute Topographic Quadrangle, Section 26, T10S R4E, Humboldt Baseline & Meridian; AES, 2006

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Figure 2-7
Site and Vicinity Map - Alternative C



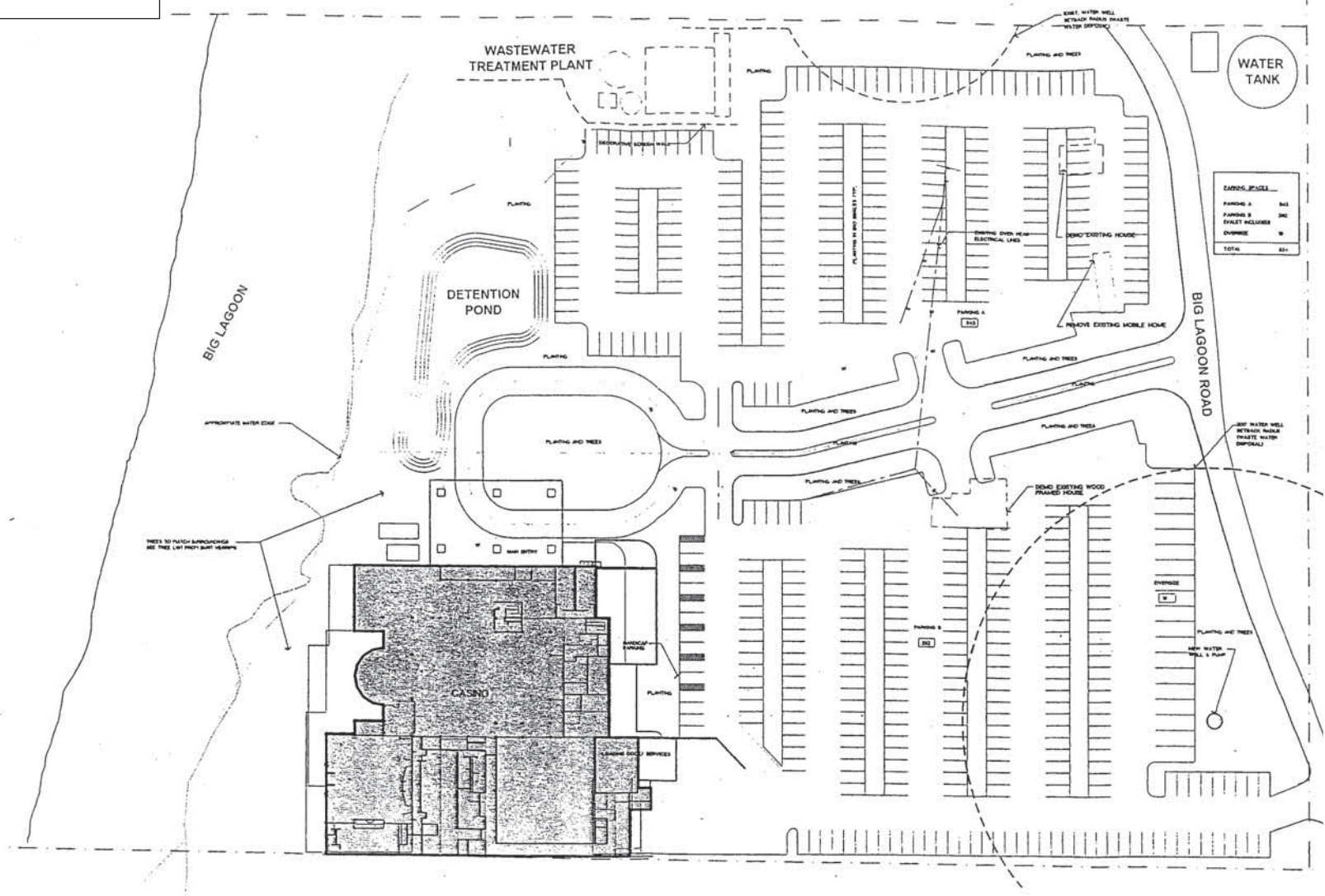
SOURCE: USGS Aerial Photograph, 6/12/1993; AES, 2006

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Figure 2-8
Aerial Site Map - Alternative C



NOT TO SCALE



PARKING SPACES	
PARKING A	84
PARKING B	24
OVERSIDE	1
TOTAL	109

Figure 2-9
Alternative C Site Plan - Big Lagoon Rancheria Location

Approximately nineteen acres of Reservation land would be utilized for development and operation of a 29,450-square-foot Class III gaming facility. It is anticipated that the facility would be open 24 hours a day, 7 days a week, and it would employ approximately 105 people. **Table 2-4** provides a breakdown of proposed uses with associated square footages for the Alternative D casino. **Figure 2-13** shows the site plan for the proposed casino, including supporting facilities.

Under Alternative D, the NIGC would be responsible for approving a management contract between the Los Coyotes Band and LCB Barwest L.L.C.; however, the land for the Proposed Project would not need to be taken into trust by the BIA, as it is already in trust.

TABLE 2-4
ALTERNATIVE D – ALTERNATE LOCATION - LOS COYOTES RESERVATION COMPONENTS

Area	Seats/Rooms Parking Spaces	Square Footage
Casino Gaming		16,000
Restaurants/Lounge /Snack Shop/Gift Shop		3,500
Offices, Back of House, Security, Employee Lounge		5,500
Total Square Footage Alternative D		25,000
Parking		
Surface Parking Spaces	450	
Total Parking Spaces Alternative D	450	

NOTE: All figures are approximate.

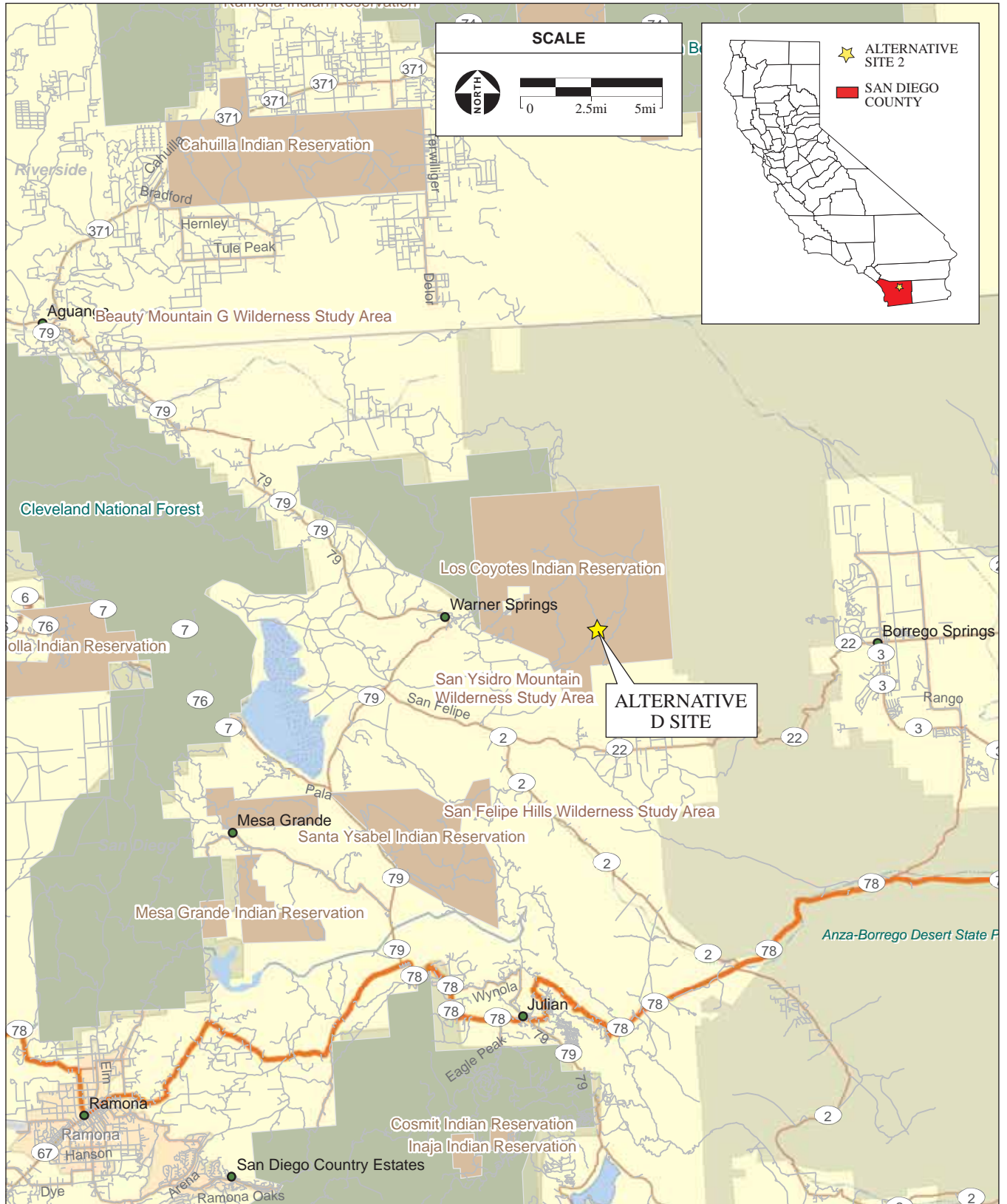
SOURCE: Michigan Consultants, 2003; AES, 2006.

2.2.5 ALTERNATIVE E – NO ACTION ALTERNATIVE

Under the No Action Alternative land would not be taken into Federal trust and the NIGC would not approve management contracts between the Tribes and their respective management companies. Land use jurisdiction of the project site in Alternative A would remain with the City of Barstow. The land is currently zoned as Specific Plan and is included in the Lenwood Specific Plan area. Designated uses for the approximately 2,280 acres covered by the Lenwood Specific Plan include industrial, highway commercial and related uses. Current land uses include outlet centers, freight distribution uses, visitor-serving restaurants, hotels, and truck stops.

The Alternative A project site has a designated use of Commercial –Recreational/Transition; it is in an area slated for growth and development by the City. However, the City of Barstow is having difficulty attracting new businesses to the area and is also experiencing an outflow of retailers. Barstow is one of only two cities in San Bernardino County that decreased in population between 1990 and 2000. The Barstow Outlet Mall, located north of Mercantile Way, contains space for approximately 100 businesses but is currently 60-65% vacant. The Tanger Outlet Mall, located west of Alternative A project site includes approximately 40 outlet stores and restaurants and is also experiencing a high rate of vacancy.

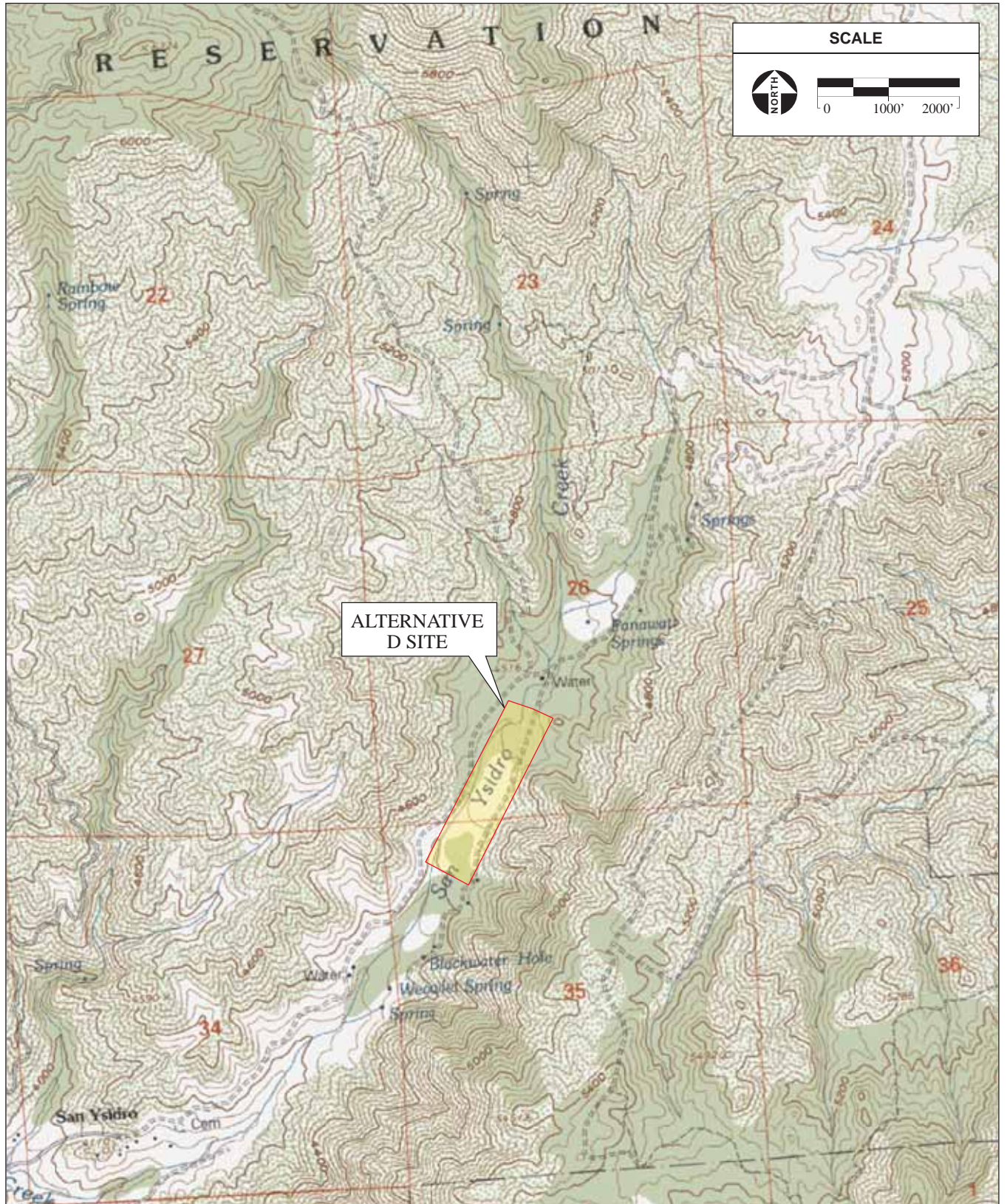
Given the negative trends affecting the economic health in the City of Barstow, for the purposes of the environmental analysis in the EIS/TEIR, it is assumed that the Barstow property would remain vacant if the development of Alternative A or B does not take place.



SOURCE: ESRI Data, 2004; AES, 2006

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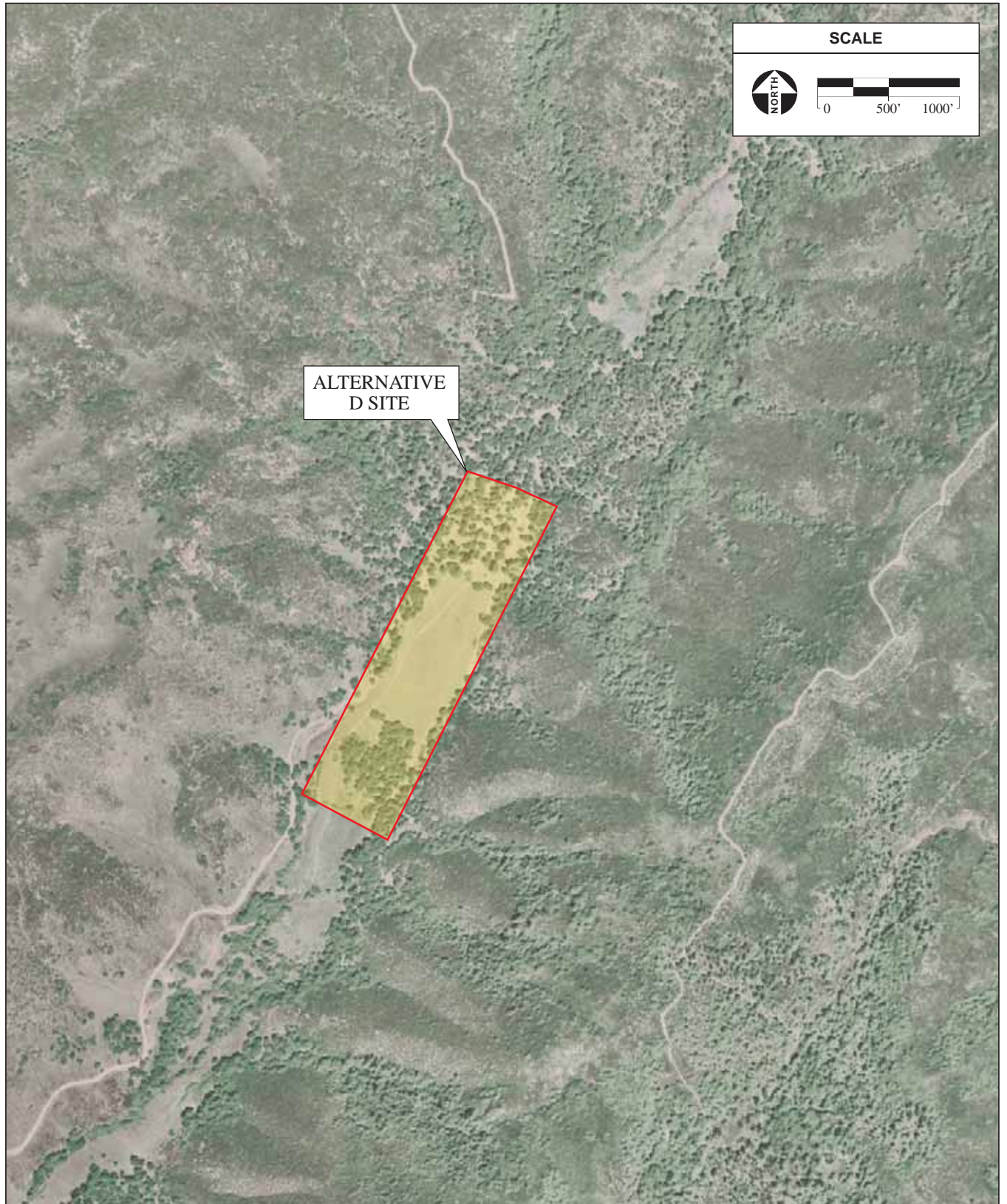
Figure 2-10
Regional Location Map - Alternative D



SOURCE: "Hot Springs Mt., CA" USGS 7.5 Minute Topographic Quadrangle, Section 26, T10S R4E, San Bernadino Baseline & Meridian; AES, 2006

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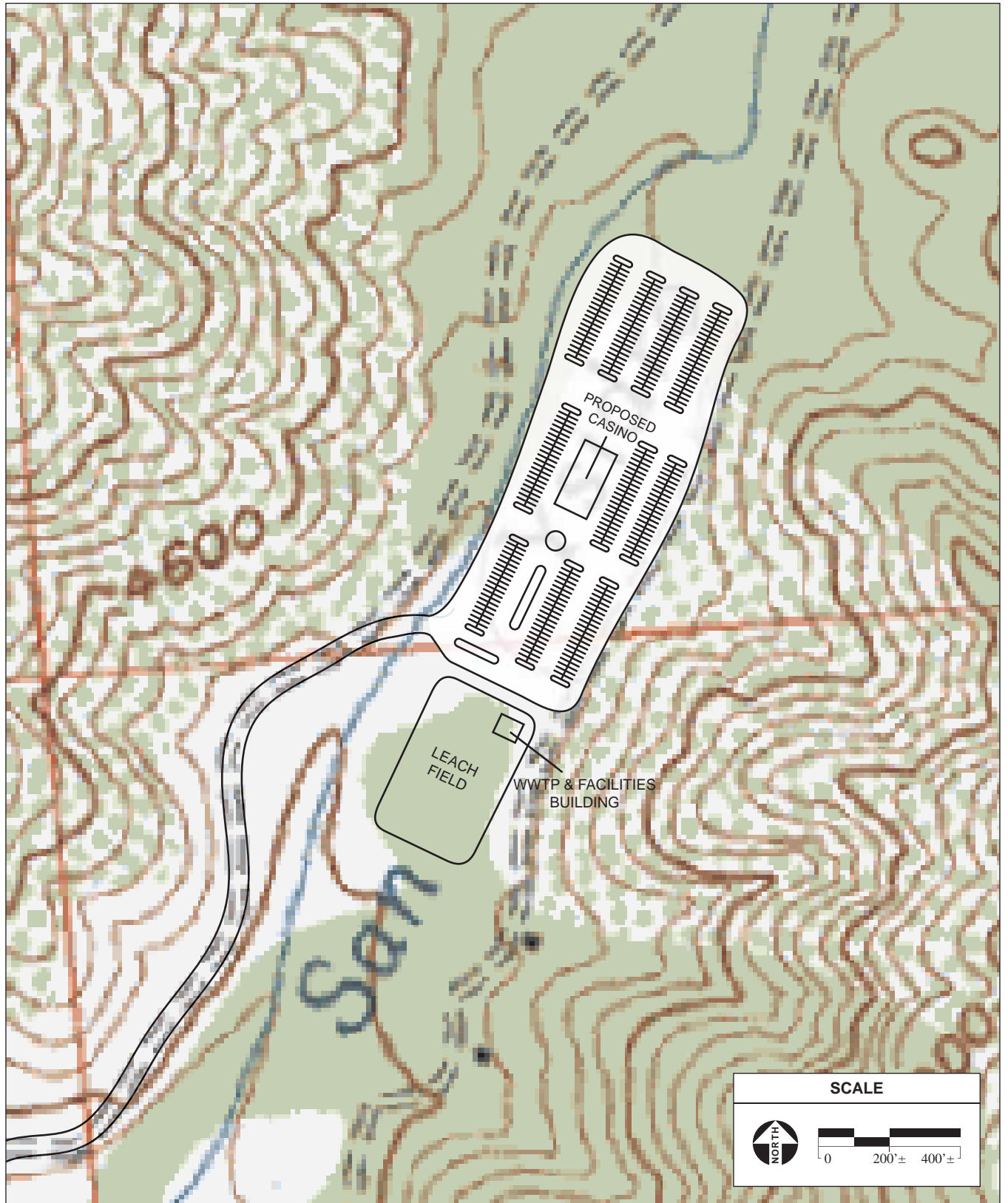
Figure 2-11
Site and Vicinity Map - Alternative D



SOURCE: USGS Aerial Photograph, 5/28/2002; AES, 2006

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Figure 2-12
Aerial Site Map - Alternative D



SOURCE: "Hot Springs Mt., CA" USGS 7.5 Minute Topographic Quadrangle, Section 26, T10S R4E, San Bernadino Baseline & Meridian; AES, 2006

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Figure 2-13
Alternative D Site Plan - Los Coyotes Reservation Location

SECTION 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 INTRODUCTION

The Council on Environmental Quality (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 (§1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The NOI comment period began on April 19, 2006 and closed on May 19, 2006 (**Appendix A**). A list of individuals who provided comment letters during the comment period and the letters are provided in **Appendix E**. This scoping report also incorporates the comments received during the public scoping meeting held in Barstow, California on May 4, 2006. A transcript of the public scoping meeting and a list of speakers are provided in **Appendix C**. The public comment cards received during the scoping meeting and a list of commenters can be found in **Appendix D**. The issues that were raised during the scoping comment period have been summarized in **Section 3.2** below.

3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of public comments received during the EIS/TEIR scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS/TEIR for each issue area category is also provided.

3.2.1 AESTHETICS/VISUAL RESOURCES

Comments

Specific aesthetic/visual resources issues and questions raised during scoping include:

- The EIS/TEIR should examine the development’s compliance with the design guidelines contained in the Lenwood Specific Plan.
- The EIS/TEIR should conduct a Visual Impact Assessment of the proposed project’s light and glare impacts to nearby roads, residences and wildlife.

Scope

The EIS/TEIR will identify if the alternatives would adversely affect visual resources. It will evaluate whether the Proposed Project and alternatives would create a new source of light or glare that would adversely affect day or nighttime off-reservation views. Mitigation measures will be identified if necessary.

3.2.2 AGRICULTURE

Comments

No specific comments were received or issues raised during scoping relating to noise.

Scope

The EIS/TEIR will describe existing land uses in the vicinity of the project alternatives and assess reasonably foreseeable impacts to agricultural resources within the region. Any necessary mitigation measures will be identified.

3.2.3 AIR QUALITY

Comments

Specific air quality issues and questions raised during scoping include:

- The EIS/TEIR should analyze construction impacts and provide a Construction Emissions Mitigation Plan for fugitive dust and diesel particulate matter.
- The EIS/TEIR should provide emissions estimates of criteria pollutants and diesel particulate matter (DPM).
- The EIS/TEIR should discuss ambient air conditions, National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the development and its construction.
- The EIS/TEIR should examine the development's compliance with the Air Quality Attainment Plan adopted by the Mohave Desert Air Quality Management District (MDAQMD).
- The EIS/TEIR should consider vehicle exhaust and other sources of air pollutants, as the proposed site is in a nonattainment zone for ozone and particulate matter.
- The EIS/TEIR should include information about the health risks associated with vehicle emissions and mobile source air toxics.
- The EIS/TEIR should consider mitigation to reduce air emissions, particularly PM₁₀ and PM_{2.5}, diesel particulate matter, ozone precursors, and volatile organic compounds.
- The EIS/TEIR should address the applicability of Clean Air Act, Section 176 and EPA's general conformity regulations.
- It is recommended that available information about the health risks associated with vehicle emissions and mobile source air toxics be disclosed in the EIS/TEIR.
- An increase in local traffic would cause more pollution emissions.

Scope

Existing ambient air quality conditions and toxic air emission sources in the vicinity of the project alternatives will be identified. To the extent required by NEPA and the Federal Clean Air Act, the

EIS/TEIR will assess potential impacts on air quality. Estimates of emissions generated by vehicular traffic will be developed for construction and operation activities related to the project alternatives. Off-reservation impacts will be assessed for conformance with applicable air quality plans and standards, for objectionable odors, and for whether sensitive receptors will be exposed to substantial pollutant concentrations. Health issues associated with air pollution will be discussed. Mitigation measures will be developed to reduce emissions from the Proposed Project.

3.2.4 BIOLOGICAL RESOURCES

Comments

Specific biological resources issues and questions raised during scoping include:

- The EIS/TEIR should identify all threatened and endangered species within the project area, and identify and quantify which species could be directly or indirectly affected by each project alternative, and a Biological Assessment is recommended if the endangered species may be impacted by the project.
- The EIS/TEIR should identify all critical areas in the project area and quantify which critical habitat could be directly or indirectly affected by each project alternative.
- The EIS/TEIR should include a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources with specific measures to offset such impacts.
- The EIS/TEIR should analyze a range of alternatives to the proposed project, including areas with lower resource sensitivity where appropriate.
- The EIS/TEIR should analyze potential impacts to off-site wildlife from new sources of light and glare.
- The EIS/TEIR should discuss potential impacts to flora and fauna from fugitive dust during construction.
- The EIS/TEIR should discuss potential impacts to desert tortoises from the likely increase in ravens and a raven management plan should be developed.
- The EIS/TEIR should discuss potential impacts of project-generated traffic on desert tortoise deaths along Outlet Center Drive. Mitigation measures should be identified.
- The EIS/TEIR should discuss potential impacts to nesting birds during construction. Mitigation should be proposed for any impacts identified.
- Executive Order 13112 on Invasive Species should be taken into consideration in landscaping plans for the project alternatives.
- A complete assessment of flora and fauna adjacent to the project area with particular emphasis upon endangered, threatened or sensitive species should be conducted.

Scope

The EIS/TEIR will include a review of aerial photographs and appropriate local, state and federal documents regarding biological resources in the area. Site visits and field reviews of existing natural resources will include identification of critical habitat areas and areas where special status species may be present. A Biological Assessment will be prepared and included as an appendix to the EIS/TEIR. Biological resources on the site will be mapped and documented. If any wetland areas and waters of the U.S. are located on the site, the approximate boundaries will be delineated. Applicable regulations and required permits regarding biological resources will be discussed. The Draft EIS/TEIR will assess reasonably foreseeable impacts of the project alternatives on vegetation, wildlife, and threatened/endangered species listed by the United States Fish and Wildlife Service (USFWS), including the Desert Tortoise. Mitigation will be included to reduce impacts to biological resources.

3.2.5 COMMUNITY CHARACTER

Comments

Specific community character issues and questions raised during scoping include:

- The proposed site would be a good location, due to its proximity to truck stops and the outlet mall, and a lack of environmental sensitivity.
- Big Lagoon Rancheria and Los Coyotes will be great partners for the City. Residents support the casino and look forward to the day we have it here.
- The EIS/TEIR should consider an alternate business.
- It is time for Barstow to grow; most opposition to casinos in Barstow is from out-of-town interests who do not want the competition.
- The casinos would spur economic growth, making Barstow a more attractive community to locate or relocate industry and small businesses.
- The increase in City revenues [will] allow for more fire personnel, police officers, better parks and roads and amenities necessary for a better quality of life.
- The casinos will make Barstow a destination point, not just a stop for gas and food.

Scope

The EIS/TEIR will evaluate whether the alternatives would impact the area's community character including quality of life issues. It will assess the potential impacts that the Proposed Project and alternatives would have on issues such as taxes, local economy, business revenue, employment and housing, property value, crime rates, and poverty. Any necessary mitigation measures will be identified.

3.2.6 CULTURAL RESOURCES

Comments

Specific cultural resources issues and questions raised during scoping include:

- Serrano Indians have historical and ancestral connections to lands where casinos would be developed in Barstow.

Scope

The EIS/TEIR will include information from site visits and field review of the project alternatives to identify potential cultural resources that may be present on the sites. The cultural resources analysis will also include an overview of the regional history and prehistory of the Proposed Project and alternative sites. The EIS/TEIR will contain an analysis of cultural resources that identifies and mitigates any reasonably foreseeable impacts to paleontological, historical, and archaeological resources located within the Proposed Project and alternative sites. Any newly discovered cultural resource sites will be appropriately documented and recorded. The Draft EIS/TEIR process will include a cultural records search and consultation with the Native American Heritage Commission and consultation under Section 106 of the National Historic Preservation Act (NHPA). The EIS/TEIR will include recommendations regarding avoiding impacts to cultural resources, if identified.

3.2.7 EMERGENCY RESPONSE

Comments

Specific emergency response issues and questions raised during scoping include:

- The Draft EIS/TEIR should analyze off-reservation impacts associated with the Proposed Action and cumulative development on the Barstow Fire District.
- The community would have a higher level of fire protection because the Proposed Project promises 12 new firefighters, land for a new fire station, a portion of construction cost for a new station, and a portion of cost for a new rescue vehicle.

Scope

The EIS/TEIR will describe current emergency services and facilities provided in the area. It will include information on municipal service agreements related to providing emergency medical service to the Proposed Project. The EIS/TEIR will assess the reasonably foreseeable impacts that the alternatives would have on emergency response times and emergency response providers. The EIS/TEIR will discuss the cost of fire protection services as well as design features to minimize the risk of fire. Mitigation measures to reduce any significant effect identified during the course of the environmental analysis will be identified.

3.2.8 ENERGY ISSUES

Comments

Specific energy issues raised during scoping include:

- The EIS/TEIR should propose improvements to natural gas lines.
- The project alternatives should utilize the Leadership in Energy and Environmental Design (LEED) standard for green building.

Scope

Current public services and facilities provided in the vicinity of the project alternatives, including gas and electricity, will be described. The LEED standard will be considered for incorporation into the building design. Environmental effects of the Proposed Project and alternatives will be assessed. Mitigation measures to reduce any significant effect identified during the course of the environmental analysis will be identified.

3.2.9 ENVIRONMENTAL JUSTICE

Comments

No specific comments were received or issues raised during scoping relating to environmental justice.

Scope

Economic and fiscal impacts will be defined and analyzed. The EIS/TEIR will assess the reasonably foreseeable and disproportionate impacts of the alternatives on minority and low-income populations, as required by Executive Order 12898. Other existing casinos likely to compete with the Proposed Project will be identified. Case studies of other areas with comparable casinos will be prepared. The extent to which the market area can support additional gaming facilities, and the extent to which the Proposed Project will affect the viability of other existing competitive Indian gaming facilities will be evaluated.

3.2.10 HAZARDS AND HAZARDOUS MATERIALS

Comments

Specific hazards issues and questions raised during scoping include:

- The EIS/TEIR should examine current and historic uses regarding release of hazardous substances, and consider the possibility that the proposed site is a “Border Zone Property.”
- The EIS/TEIR should identify known or potentially contaminated sites within the Proposed Project area, and evaluate threats to human health and environment.

- The EIS/TEIR should contain a study to determine if construction or demolition would release hazardous materials, particularly lead-based products and asbestos-containing materials, and should ensure that hazardous wastes be managed in accordance with the California Hazardous Waste Control Law and the Hazardous Waste Control Regulations.
- The EIS/TEIR should consider the possibility of horticulture- or agriculture-related waste on the proposed site.
- If contaminated soil or groundwater is found, the EIS/TEIR should describe the investigation and remediation measures to be taken to protect health and safety.

Scope

The EIS/TEIR will identify existing public health issues associated with the proposed facilities and the surrounding area. It will include Phase I environmental site assessments for the Proposed Project and alternative sites that will disclose past and current hazardous materials incidents and involvements, if any. These assessments will consist of field visits, and review of local, state, and federal documents and databases. The EIS/TEIR will also discuss construction and operational hazardous materials usage, if any, as it relates to the alternatives. The analysis will discuss spill containment and response planning and responsibility. Any necessary mitigation measures will be identified.

3.2.11 LAND USE PLANNING

Comments

Specific land use issues and questions raised during scoping include:

- The EIS/TEIR should discuss the development's compatibility with all applicable plans in the project area.
- The EIS/TEIR should quantify the potential demand for new housing for employees of the Proposed Project.
- The EIS/TEIR should consider an alternate location.
- The Proposed Project could lead to development of new homes.
- The proposed casino project could encourage development of vacant land in the Lenwood area, south of the project site.
- Proposition 1A intended that casinos be developed in non-urban areas.
- Development of casinos at the proposed site would not greatly impact residential areas.

Scope

The EIS will summarize existing land uses in the area and describe current planning and zoning designations. Project alternatives will include the analysis of a casino development in an alternate location. The EIS/TEIR will assess reasonably foreseeable impacts of the project alternatives on land use, including the potential for land use conflicts and potential off-reservation increase in housing demand.

Mitigation measures to reduce any significant effect identified during the course of the environmental analysis will be identified.

3.2.12 NOISE

Comments

No specific comments were received or issues raised during scoping relating to noise.

Scope

The existing ambient noise conditions in terms of noise levels and sources in the vicinity of the Proposed Project and alternative sites will be described. The terminology and methodology used to assess the noise effects associated with development projects will be defined. The EIS/TEIR will address issues related to construction noise and operational noise of each alternative. Based on trip generation data provided in the Transportation Network section, noise levels from vehicular traffic will be calculated and modeled. Feasible mitigation to reduce noise generation from the Proposed Project and alternatives will be developed.

3.2.13 PUBLIC HEALTH AND SAFETY

Comments

Specific public health and safety issues and questions raised during scoping include:

- The EIS/TEIR should address the potential impact of the Proposed Project and cumulative development on the Barstow Police Department and jail facilities.
- Additional City revenue could be used to provide for more police officers.
- Casinos in the area could lead to an increase in crime in the community.

Scope

Existing public health issues associated with the proposed facilities and the surrounding area will be identified. This will include field visits; review of local, state and federal documents and databases; and consultation with City and County staff. A literature review will be conducted to summarize the existing research on the correlation between casinos and crime. The EIS/TEIR will analyze impacts to response times and include information on agreements related to providing law enforcement service to the Proposed Project site. It will identify any reasonably foreseeable impacts to the police department, jail facilities, and crime rates. Mitigation will be proposed for significant impacts to public health and safety.

3.2.14 PUBLIC SERVICES

Comments

Specific public services issues and questions raised during scoping include:

- The EIS/TEIR should analyze off-reservation impacts, associated with the casinos and cumulative development, on the Barstow Unified School District and Barstow Parks and Recreation Department.
- The EIS/TEIR should analyze the impacts that project alternatives would have on existing infrastructure including water lines, potable water facilities, wastewater treatment and conveyance facilities, stormwater conveyance facilities, natural gas lines and pipelines.
- Increased City revenue could be used to improve schools, parks and roads.

Scope

The EIS/TEIR will describe the current public services and facilities provided in the vicinity of the project alternatives. The City, County and federal government will be consulted regarding municipal water sources and sewer service available to the sites. Water demands and wastewater flows for the Proposed Project and alternatives will be evaluated. Strategies for supplying water and for disposing of wastewater will be developed. The EIS/TEIR will assess the reasonably foreseeable impacts that the project alternatives would have on public services, including water supply, wastewater service, natural gas, electricity, law enforcement, fire protection, schools, parks and solid waste facilities. Impacts to existing utility infrastructure will be analyzed. Needed improvements will be identified and incorporated into the project or included as mitigation.

3.2.15 SOCIOECONOMIC CONDITIONS

Comments

Specific socioeconomic issues and questions raised during scoping include:

Local and Regional Economics

- The EIS/TEIR should discuss the projected benefits to the local economy from an increased number of Barstow visitors.
- The EIS/TEIR should discuss the potential impact the casinos could have on the retail industry, in general, and the outlet mall, in particular.
- The Proposed Project could increase revenue for local governments.
- The casinos would provide a much needed boost for the local economy and benefit local businesses in the Barstow community.
- The proposed casinos in Barstow could adversely affect preexisting casinos in the region.

- Community members feel that the Proposed Project could spur economic growth by drawing more industry to the Barstow area.
- The casino resort would go a long way towards providing meaningful and benefited employment in the Barstow area and benefited employment will help ensure the long-term survivability of the healthcare system in Barstow.
- The housing industry could benefit from more people coming to the Barstow area.
- The casinos will help Barstow's economic development.

Employment

- The EIS/TEIR should discuss the employment opportunities that could be provided by the Proposed Project.
- The EIS/TEIR should consider whether Barstow already has enough employment opportunities.
- The local economy needs the jobs that the casinos would bring to Barstow.
- There are better ways to bring jobs to Barstow; we do not want a casino.
- The development would not necessarily create jobs for tribal members, as they do not reside near the Proposed Project site.
- Retailers will return to the Outlet Mall and bring more jobs and money to Barstow.
- The casino would help a lot; if the Mall closes many people will be out of a job.

Social Issues

- The EIS/TEIR should consider that employment opportunities provided by the Proposed Project could play a role in preservation of the strained health care system.
- The proposed development could cause stabilization or increase in population level, which has been declining, and could decrease the percentage of Barstow's population receiving public assistance.
- The casinos would provide new entertainment opportunities and nice restaurants for the people of Barstow.
- The casinos could provide facilities capable of holding large parties and events for local residents and businesses, which otherwise have to leave town for such services.
- More local activity might attract more quality shopping opportunities.
- There could be an increase in pathological gambling, marital instability, child abandonment, and adverse impacts on local social programs.
- The Proposed Project could have a negative social and economic impact on the community. Studies show the number of problem gamblers increases greatly within a 50-mile radius of a casino.

Scope

The EIS/TEIR will include information on existing agreements for payments in lieu of taxes to local jurisdictions. Direct and indirect economic and fiscal impact to the surrounding community will be analyzed for both the construction and operation period. The socioeconomic analysis will take into

account substitution and recapture effects on both gaming and non-gaming businesses. The economic impact of the casinos on the Tribes will be analyzed. The EIS/TEIR will assess the reasonably foreseeable impacts that the project alternatives would have on socioeconomic issues such as employment, local business revenue, and issues associated with problem gambling. The creation of new jobs, both onsite and offsite, will be evaluated. Fiscal benefits, including tax revenues and incremental revenues from court fees, moving violations, and parking tickets, will be evaluated. The EIS/TEIR will address potential impacts to K-12 education, including the need for additional teachers or schools. Potential impacts to the local housing demand as a result of onsite job creation will also be analyzed. Mitigation will be proposed for potentially significant negative impacts to socioeconomic conditions.

3.2.16 SOILS AND GEOLOGY

Comments

Specific soils and geology issues and questions raised during scoping include:

- The EIS/TEIR should take into consideration impacts related to seismic shaking and related ground failure. Appropriate mitigation measures should be included.
- Casinos/hotels at the proposed site in Barstow would be located approximately 15 miles from an active fault (Helendale), and approximately 1 mile from a historically active fault (Lenwood).

Scope

Existing landform and soil conditions will be evaluated by site visits and review of local, state, and federal documents and literature regarding geologic and soil conditions in the area. The EIS/TEIR will evaluate soils on-site in terms of geotechnical suitability for construction, as well as for infiltration and runoff characteristics. Land resource constraints, such as sloped areas, high soil erosion potential areas, and faults, will be mapped and included as figures in the EIS/TEIR. A preliminary grading plan will be developed for each alternative, identifying the limits of grading, parking lot gradients, approximate building pad elevations, and estimated earthwork quantities. The EIS/TEIR will assess the reasonably foreseeable impacts related to geology, topography, seismic hazards, mineral resources, and soils. Mitigation will be proposed for significant impacts to soils and geology.

3.2.17 TRAFFIC/TRANSPORTATION NETWORK

Comments

Specific traffic and transportation network issues and questions raised during scoping include:

- The EIS/TEIR should provide a Traffic Impact Analysis consistent with the County Transportation Commission's Congestion Management Program requirements to quantify all off-

reservation traffic impacts to roads serving the Proposed Action and the cost to mitigate those impacts.

- The EIS/TEIR should consider the impact on High Desert residents who commute.
- The EIS/TEIR should consider revamping streets and freeways to accommodate increased traffic.
- The applicant should consult with San Bernardino County Association of Governments (SANBAG) and the California Department of Transportation regarding traffic analyses.
- The EIS/TEIR traffic study should be prepared consistent with the Caltrans Guide for the Preparation of Traffic Impact Studies.

Scope

The EIS/TEIR will describe the existing transportation system in the vicinity of the Proposed Project and alternatives. This will include information on key roadways, traffic volumes, transit service and pedestrian and bicycle facilities. An evaluation of existing conditions will be conducted to assess the current operating conditions for each location including volume/capacity ratios and level of service calculations. Any additional pertinent data will also be identified, collected, and reviewed; including previously conducted traffic studies and information regarding planned roadway improvements within the study areas.

The EIS/TEIR will include a Traffic Impact Analysis consistent with San Bernardino Associated Governments (SANBAG) Congestion Management Program requirements. It is expected that data from the City of Barstow and the County of San Bernardino, SANBAG and California Department of Transportation (CALTRANS) will be used to develop the distribution pattern for these casino-generated trips. City and County files will be researched to ascertain the availability of recent traffic counts for other study intersections. It has also been assumed that new traffic counts would be required for each of these locations. A Trip Generation estimate of the total daily trips and peak hour trips generated by the project alternatives will be provided. Peak hour levels of service will be quantified at the study intersections.

Reasonably foreseeable impacts to roadways and the intersections near the alternatives will be studied to assess traffic impacts related to the alternatives. Potential off-site traffic impacts at study intersections will be evaluated. Impacts to emergency access, transit service, pedestrian, and bicycle facilities will also be assessed. Mitigation will be proposed for significant impacts to traffic and transportation. The City of Barstow, SANDBAG, and CALTRANS will be consulted with during the preparation of the traffic analysis impacts. Mitigation measures will be examined to determine their physical feasibility and effectiveness, and a recommended plan will be developed for each. Any unavoidable impacts will be identified.

3.2.18 TRIBAL ISSUES

Comments

Specific tribal issues and questions raised during scoping include:

- The EIS/TEIR should seriously consider the possibility of the Tribes' building casinos on their respective reservations.
- The EIS/TEIR should consider the San Manuel Mission Indians for a consulting role.
- The proposed casino development would improve tribal economy for both Tribes.
- Indian gaming should only be authorized on ancestral lands.
- Los Coyotes Band of Indians and Big Lagoon Rancheria have no historic connection to land in the Proposed Project area in Barstow.
- The Proposed Action could influence the outcome of other applications for off-reservation gaming facilities, and set a precedent for tribes' building casinos on land that is not historically theirs.
- There is opposition to "reservation shopping" and off-reservation gaming.
- There is a claim that the developers planned the casinos, and then sought out tribes to support them.
- The process is being initiated by developers for their own economic advantage.
- There is concern regarding the exploitation of native heritage.

Scope

The EIS/TEIR will analyze the potential for development of a casino on the Tribes' respective reservations. Project alternatives in the EIS/TEIR will be assessed for their ability to fulfill the Purpose and Need. Other tribal issues will be addressed in the EIS/TEIR to the extent required under the NEPA process.

3.2.19 WASTEWATER DISPOSAL

Comments

Specific wastewater disposal issues and questions raised during scoping include:

- The EIS/TEIR should evaluate the capacity of the local wastewater treatment provider to determine its ability to serve the Proposed Action, in addition to existing commitments.
- The EIS/TEIR should consider construction or renovation of wastewater treatment facilities to meet increased demand.
- The EIS/TEIR should propose improvements to sewer lines.
- If the development includes a wastewater treatment plant, it should be analyzed in the EIS/TEIR.

- A wastewater discharge permit may need to be obtained from the Regional Water Quality Control Board.

Scope

The EIS/TEIR will identify wastewater treatment and disposal options for the project alternatives. Consultation regarding municipal sewer service available to the sites will be held with the City, County and/or the federal government. The EIS/TEIR will include a projection of average, seasonal and peak wastewater flows for the project alternatives. A preliminary wastewater characterization shall also be prepared. The EIS/TEIR will assess the reasonably foreseeable impacts of wastewater generated by the alternatives, and the impacts it may have on existing City facilities, water quality, and people. Applicable municipal service agreements and regulatory standards will be discussed. Improvements necessary to upgrade existing wastewater systems so they can adequately process wastewater from the facility will be identified as mitigation.

3.2.20 WATER DRAINAGE

Comments

Specific site drainage issues and questions raised during scoping include:

- The EIS/TEIR should discuss how the Proposed Project could alter drainage patterns in a manner that might cause erosion, siltation, or flooding.
- The EIS/TEIR should include a hydrology study to determine the infrastructure and facilities needed to minimize off-reservation impacts.
- The EIS/TEIR should identify ways to reduce impervious surfaces, including shared parking facilities and access roads between the two casinos.
- The EIS/TEIR should evaluate the benefits of using vegetated areas for stormwater management and on-site infiltration.
- The EIS/TEIR should consider the principles of Low Impact Development regarding stormwater management to reduce impacts to watersheds.
- The EIS/TEIR should address flooding and appropriate mitigation measures associated with development in the 100-year floodplain, given that a portion of Alternative A would be located in the 100-year floodplain.
- The EIS/TEIR should discuss hydrology and water quality as it relates to polluted runoff.
- Runoff should be diverted into stormwater treatment structures.

Scope

On-site and adjacent area drainage facilities and the potential for flooding will be evaluated. The EIS/TEIR will identify the existing floodplain location and impact of the Proposed Project and alternatives to the floodplain. Available hydrogeologic studies and other applicable information will be reviewed. The EIS/TEIR will evaluate issues related to site drainage, including stormwater runoff and

flooding. This evaluation will include consultation with City and/or County staff. Constraints associated with water resources and drainage will be mapped and documented. A storm drainage plan will be prepared that identifies stormwater drainage directions, detention facilities, discharges, erosion and sediment control, drainage structures, and pollution prevention. Pre-development and post-development run-off volumes and requirements for onsite detention, retention, and storage will be calculated. The EIS/TEIR will evaluate the effect of runoff from impervious surfaces for the project alternatives. Best management practices and other mitigation measures to reduce or eliminate pollutants in runoff will be included in the document.

3.2.21 WATER RESOURCES

Comments

Specific water resource issues and questions raised during scoping include:

- The EIS/TEIR should consider construction or renovation of potable water facilities to meet increased demand.
- The EIS/TEIR should include a Water Supply Assessment to ensure a reliable water source for the project and the cumulative development in the vicinity of the Proposed Action.
- The EIS/TEIR should evaluate the ability of alternate potable water sources to meet increased demand, as the underlying aquifer is in severe overdraft.
- The EIS/TEIR should discuss hydrology and water quality as they relate to groundwater recharge.
- The EIS/TEIR should consider the principles of Low Impact Development regarding groundwater recharge to reduce impacts to watersheds.
- The EIS/TEIR should describe and clearly identify all waters of the U.S. that could be affected by the development.
- The applicant should consult the U.S. Army Corps of Engineers to determine if a Section 404 (dredge discharge) permit is required under the Clean Water Act.
- The Proposed Action would require water quality certification from the EPA if the project requires a Section 404 permit.
- The EIS/TEIR should cite and discuss applicable portions of the Basin Plan adopted by the California Regional Water Quality Control Board.
- The development should not be sited in close proximity to the seasonal stream network near the southern boundary of the proposed site.

Scope

Existing surface and groundwater conditions in the vicinity of the project alternatives will be reviewed. This will include review of local and state documentation, aerial photographs, and a limited field review. The EIS/TEIR will map and document any onsite water resources, as well as constraints associated with water resources and drainage, as appropriate. The EIS/TEIR will describe and clearly identify all waters of the U.S. that could be affected by the project alternatives. A discussion of all local, state, and Federal

regulatory standards applicable to surface water quality and restoration issues will be included. A Water Supply feasibility study will be conducted; it will include estimated domestic water and emergency fire flow requirements, any preliminary well sites and pipeline alignments. Preliminary facility sizing will be performed and the preliminary facility layouts will be prepared.

The EIS/TEIR will address all of the regulatory and permit issues involved in the project alternatives. Applicable municipal agreements for water service will be discussed. Strategies for supplying water will be developed. The EIS/TEIR will include the projected average and peak water demand from the project alternatives and emergency fire flow requirements. The EIS/TEIR will address issues related to water resources from the project alternatives, including impacts to groundwater, surface water, and municipal supplies and impacts to the nearby community. Mitigation will be proposed for significant impacts to water resources.

3.2.22 CUMULATIVE IMPACTS

Comments

Specific cumulative impacts issues raised during scoping include:

- The EIS/TEIR should identify all other ongoing, planned, and reasonably foreseeable development in the area, including the casino project proposed by the Chemehuevi Indian Tribe.
- The EIS/TEIR should identify and explain which resources are analyzed for cumulative impacts and which ones are not.
- For each resource to be analyzed, the geographic boundary should be defined, and current health and historic context should be described.
- The Project Description should be specific and accurate, so that project-related impacts and cumulative impacts can be distinguished from unrelated cumulative development impacts

Scope

“Cumulative impacts” refer to the effects of two or more projects that, when combined, are considerable or compound other environmental effects. “Indirect impacts” are caused by the project and are later in time or farther removed in distance but are still reasonably foreseeable. “Growth-inducing impacts” are related to induced changes in the pattern of land use, population density or growth rate. The EIS/TEIR will address the indirect, growth-inducing, and reasonably foreseeable cumulative impacts of the project alternatives as required by NEPA. Mitigation measures will be proposed for significant cumulative impacts.

3.2.23 NEPA PROCESS

Comments

Specific questions and comments regarding the NEPA process raised during scoping include:

- The project description in the EIS/TEIR should be reconciled with the State gaming compact and the Federal land-to-trust application.
- The EIS/TEIR should include an alternate business other than a casino on the Barstow site that fulfills the purpose and need of the Proposed Project. An Indian Arts auction house and gallery for high-end tribal arts, an entertainment area, like Knotts Berry Farm with an Indian emphasis, and a business development park were suggested as potential alternative businesses.
- The EIS/TEIR should include an alternate location not in Barstow that fulfills the purpose and need of the Proposed Action. Locating to a site on Interstate I-15 in Mountain Pass, California was suggested as a potential alternative.
- The EIS/TEIR should contain specific, detailed mitigation measures for all identified impacts, including a description of the responsibilities of the Bureau of Indian Affairs (BIA), the Tribe, and other entities.
- The EIS/TEIR should provide an email address to contact the BIA.
- The public comment period for scoping should be extended to allow time for comments to be submitted to the BIA by email.
- A second public meeting needs to be held because there were less than 15 days between the publication in the local newspapers and the date of the scoping meeting.
- The EIS needs to be a joint NEPA/CEQA document because the Municipal Services Agreement required by the Proposed Project triggers the California Environmental Quality Act.

Scope

A Draft EIS will be prepared, as required by NEPA. A TEIR will be prepared in accordance with Section 11 of the Tribal/State Compacts between the State of California and the Tribes. The Draft EIS/TEIR will include at least one non-gaming alternative. Reasonable alternatives that fulfill the Purpose and Need will be considered for inclusion in the DEIS/TEIR. Opportunities for public participation will occur after the Draft EIS/TEIR has been published, as there will be a public comment period to solicit comments on the Draft EIS/TEIR. The Bureau of Indian Affairs (BIA) will consult with local tribes and governments, according to the requirements of NEPA. Issues relating specifically to IGRA or the Tribal/State compact will not be addressed in the EIS/TEIR, unless required by NEPA or the TEIR process.

3.2.24 OTHER ISSUES

Comments

Questions and comments regarding other issues raised during scoping include:

- A request for an advisory vote.
- A request for a referendum on the ballot regarding the proposal.
- Citizens of Barstow expressed concern that they could lose control over their government, if the Tribes' financial contribution allows them to participate in politics.
- A request for an Indian lands analysis to determine whether there has been a proper exercise of governmental power over the Barstow site by the Tribes.
- A request to have a ballot referendum to legalize California gaming that does not discriminate by ethnic group and to put gaming in Gaming Zones, like Barstow.

Scope

To the extent required by NEPA and the Tribal/State compact, additional issues will be addressed. Scoping comments will be taken into consideration when addressing issues in the EIS/TEIR. The Draft EIS/TEIR will be made available to the public for review and comment.

APPENDICES



APPENDIX A

Notice of Intent (NOI)

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria's Fee-to-Trust Transfer and Casino-Hotel Project, San Bernardino County, CA**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the National Indian Gaming Commission, Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria as cooperating agencies, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed 45 acre fee-to-trust transfer and casino and hotel project to be located in San Bernardino County, California. The purpose of the proposed action is to help improve the tribal economy of the Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria (hereinafter collectively referred to as the Tribes) and assist tribal members to attain economic self-sufficiency. This notice also announces a public scoping meeting to identify potential issues, concerns and alternatives to be considered in the EIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by May 19, 2006. The public scoping meeting will be held May 4, 2006, from 6 p.m. to 9 p.m. (local time), or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments to Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return caption, address and "DEIS Scoping Comments, Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, California," on the first page of your written comments.

The public scoping meeting will be held in the Barstow Community College Gymnasium, 2700 Barstow Road, Barstow, California 92311.

FOR FURTHER INFORMATION CONTACT: John Ryzdik, (916) 978-6042.

SUPPLEMENTARY INFORMATION: The Tribes propose that approximately 45 acres of

land be taken into trust and subsequently, two casinos, two hotels, parking and other facilities supporting the casinos be constructed on the proposed trust acquisition property. The subject property is located within the incorporated boundaries of the City of Barstow, San Bernardino County, California, just east of Interstate 15. State Highways 58 and 247 and Interstate 40 are located nearby.

The site is predominantly undeveloped, bounded on the north by Mercantile Way, on the west by Lenwood Road and commercial/light industrial development, on the south by vacant Bureau of Land Management land and on the east by vacant land. The proposed project is to develop two adjacent casinos of approximately 49,000 square feet each. Associated facilities which would be constructed include food and beverage services, retail space, banquet/meeting space and administration space. Food and beverage facilities would include two full service restaurants, two food courts of four venues each, two coffee shops and two lounge bars. Two five-story hotels, each having approximately 100 rooms, would also be constructed. Approximately 3,900 parking spaces would be provided, of which about one-fourth would be in two equally sized garages. Regional access to the project site is via Interstate 15 and State Highway 247. Lenwood Road and Mercantile Way would provide direct access to the proposed casino resort.

Areas of environmental concern to be addressed in the EIS include land resources, water resources, biological resources, cultural resources, traffic and transportation, noise, air quality, public health/environmental hazards, public services and utilities, hazardous waste and materials, socio-economics, environmental justice and visual resources/aesthetics. In addition to the proposed action, a reasonable range of alternatives, including the no-action alternative, will be analyzed in the EIS. Other possible alternatives currently under consideration are two reduced-intensity alternatives and two alternate sites. The range of issues and alternatives may be expanded based on comments received during the scoping process.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish

us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority

This notice is published in accordance with sections 1503.1 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary "Indian Affairs by 209 DM 8.1.

Dated: April 5, 2006.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 06-3779 Filed 4-18-06; 8:45 am]

BILLING CODE 4310-W7-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[NV-055-5853-EU]

Notice of Realty Action: Competitive Sale of Public Lands in Clark County, Nevada; Termination of Recreation and Public Purposes Classification and Segregation; Withdrawal of the Formerly Classified Lands by the Southern Nevada Public Land Management Act

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell by public auction 72 parcels of Federal public land, aggregating approximately 705.235 acres, more or less, in the Las Vegas Valley, Nevada. The sale will be under the authority of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343), as amended by Title IV of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 1994) (SNPLMA). The SNPLMA sale

APPENDIX B

Notice of Preparation (NOP)

NOTICE OF PREPARATION

DATE: April 25, 2006

TO: Interested Persons

FROM: Los Coyotes Band of Cahuilla and Cupeño Indians and
Big Lagoon Rancheria

SUBJECT: **NOTICE OF PREPARATION OF A DRAFT TRIBAL
ENVIRONMENTAL IMPACT REPORT**

PROJECT TITLE: **Barstow Casino**

PUBLIC REVIEW PERIOD: **April 25 – May 25, 2006**

The Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria (hereinafter collectively referred to as “the Tribes”) propose to build a new casino/hotel facility on land located within the incorporated boundaries of the City of Barstow, San Bernardino County, California. Section 11 of the Tribal/State Compacts between the State of California and the Tribes, requires the Tribes to prepare a Tribal Environmental Impact Report (TEIR) assessing the Off-Reservation environmental impacts of the proposed Barstow Casino Project (Proposed Project).

To reduce paperwork and eliminate redundancy, the TEIR will be prepared in coordination with the Environmental Impact Statement (EIS) that is being prepared for the project in compliance with the National Environmental Policy Act (NEPA), resulting in a joint “Draft EIS/TEIR.” Applications have been filed with the Bureau of Indian Affairs (BIA) to take approximately 45 acres of land into trust on behalf of the Tribes and both Tribes will seek approval of their management contracts by the National Indian Gaming Commission (NIGC). These federal actions trigger federal agency compliance with the National Environmental Policy Act (NEPA). Notice of the BIA and the NIGC’s initiation of the EIS was published in the Federal Register on April 19, 2006.

Project Location

The proposed site located in Barstow is just east of Interstate-15. State Highways 58 and 247 and Interstate-40 are located nearby (**Figure 1** and **Figure 2**). The site is bounded on the north by Mercantile Way, on the west by Lenwood Road and commercial/light industrial development; on the south by vacant Bureau of Land Management land; and on the east by vacant land (**Figure 3**).

Project Description

The Tribes propose that approximately 45 acres of land be taken into trust and that two casinos, two hotels, parking, and other facilities supporting the casinos be constructed on the trust acquisition property. The Proposed Project is to develop two adjacent casinos of approximately 49,000 square feet each. Associated facilities include food and beverage services, retail space, banquet/meeting

space, and administration space. Food and beverage facilities would include two full service restaurants, two food courts with four venues in each food court, two coffee shops, and two lounge bars. Two hotels each having approximately 100 rooms and five stories would be constructed. Approximately 3,900 parking spaces would be provided.

Project Objectives

The primary objectives of the Proposed Project are to assist in improving the long-term economic base of the Tribes by providing a sustainable revenue base, and to provide a way for tribal members to become more economically self-sufficient. The new revenues would be used to strengthen the tribal government and fund a variety of programs that would improve the long-term welfare and quality of life of the tribal members. These programs include cultural and historical preservation and education, improving tribal housing, providing new tribal housing, funding a variety of social, governmental, administrative, educational, health and welfare services to tribal members, and to provide capital for other economic development and investment opportunities.

Additionally, the proposed economic development would provide support for the City of Barstow, create long-term employment opportunities for non-tribal members and the opportunity to purchase support goods and services within the City and San Bernardino County.

Environmental Requirements of the Tribal-State Compact

Provisions in Section 11 of the Tribal-State Gaming Compacts entered into between the Tribes and the State of California requires that detailed information about the Significant Effect(s) on the Off-Reservation Environment, which the Project is likely to have be set forth and that ways in which Significant Effects on the Environment might be minimized be listed in an Tribal Environmental Impact Report.

Potential Off-Reservation Environmental Effects

The Draft EIS/TEIR will analyze potential Off-Reservation environmental impacts. Specific environmental issues that will be addressed in detail within the Draft EIS /TEIR include the following:

- *Land Use* – Analysis of the Proposed Project’s compatibility with surrounding land uses.
- *Soils and Geology* – Evaluation of the on-site topography, geologic setting, soils, seismicity, and mineral resources to determine the project’s effects on off-reservation lands.
- *Transportation and Circulation* – Assessment of the potential impacts to Off-Reservation roadways and transportation systems.
- *Noise* – Assessment of the potential noise generating impacts to Off-Reservation sensitive receptors surrounding the project site.
- *Air Quality* – Assessment of the project’s impact on regional air pollutants and their precursors as well as localized fugitive dust impacts utilizing the appropriate air quality

modeling tools. The analysis will address both indirect (long-term) and any construction level (short-term) impacts.

- *Biological Resources* – Analysis of the project’s short-term (construction) as well as long-term impacts on “waters of the U.S.” and other biological resources surrounding the project site.
- *Hazardous Materials* – Assessment of address potential off-reservation hazards and potential impacts resulting from the storage and use of hazardous materials on the project site during construction and operation of the project.
- *Hydrology, Drainage, and Water Quality* – Assessment of the project’s impacts to drainage patterns and water quality to surrounding water resources.
- *Public Services* – Analysis of the project’s short-term (construction) and long-term (indirect) impacts to existing sewage, collection and treatment facilities; water supply and distribution facilities; and police protection, fire protection, and emergency medical services.
- *Aesthetics* – Analysis of project-related visual impacts to the surrounding environment, including but not limited to visual resources along U.S. Highway 101.
- *Growth Inducing, Cumulative, and Direct and Indirect Effects* – Analysis of growth inducing and cumulative impacts on the surrounding environment. The Draft EIS/TEIR will also identify and describe direct and indirect significant effects on the off-reservation environment giving due consideration to both the short-term and long-term effects.

The *Off-Reservation Environmental Impact Analysis Checklist* for the Proposed Project is included as **Exhibit A** of this NOP.

Discussion of Alternatives

In addition to the analysis for the Proposed Project, the Draft EIS/TEIR will describe a range of reasonable alternatives for the Proposed Project. The alternatives will be described and contrasted with the project in terms of the extent to which they can achieve the project objectives, while minimizing the impacts of the Proposed Project.

Written Comments

Written comments on this NOP are due by 5 p.m. on May 25, 2006. Comments are to be sent to:

AES
Attn: Christine Nagle
2021 “N “ Street, Suite 200
Sacramento, CA 95814

Written comments should focus on potential off-reservation environmental issue(s) that the Commenter would like addressed in the Draft EIS/TIER.



EXHIBIT A

OFF-RESERVATION ENVIRONMENTAL IMPACT ANALYSIS CHECKLIST

I. AESTHETICS

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage off-reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create a new source of substantial light or glare, which would adversely affect day or nighttime views of historic buildings or views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURAL RESOURCES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
Would the project:				
a) Involve changes in the existing environment, which, due to their location or nature, could result in conversion of off-reservation farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose off-reservation sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people off-reservation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse impact, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any off-reservation riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected off-reservation wetlands as defined by Section 404 of the Clean Water Act?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of an off-reservation historical or archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Directly or indirectly destroy a unique off-reservation paleontological resource or site or unique off-reservation geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any off-reservation human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose off-reservation people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial off-reservation soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the off-reservation public or the off-reservation environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the off-reservation public or the off-reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed off-reservation school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose off-reservation people or structures to a significant risk of loss, injury or death involving wildland fires.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. WATER RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete off-reservation groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff off-reservation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Place within a 100-year flood hazard area structures, which would impede or redirect off-reservation flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose off-reservation people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. LAND USE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with any off-reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable habitat conservation plan or natural communities conservation plan covering off-reservation lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known off-reservation mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of an off-reservation locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exposure of off-reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of off-reservation persons to excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the off-reservation vicinity of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the off-reservation vicinity of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Induce substantial off-reservation population growth?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere off-reservation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered off-reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the off-reservation public services:				
Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XIV. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Increase the use of existing off-reservation neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. TRANSPORTATION / TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause an increase in off-reservation traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated off-reservation roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards to an off-reservation design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access for off-reservation responders?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exceed off-reservation wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant off-reservation environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant off-reservation environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a determination by an off-reservation wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVII. CUMULATIVE EFFECTS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have impacts that are individually limited, but cumulatively considerable off-reservation? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past, current, or probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX C

Public Meeting Transcripts

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CERTIFIED COPY

THE BARSTOW CASINOS AND RESORT PROJECT

PUBLIC SCOPING HEARING

BARSTOW COMMUNITY COLLEGE

BARSTOW, CALIFORNIA

THURSDAY, MAY 4, 2006, 6:05 P.M.

ATKINSON-BAKER, INC.
COURT REPORTERS
500 North Brand Boulevard, 3rd Floor
Glendale, California 91203
(818) 551-7300

REPORTED BY: DAWN M. DAVILA, CSR NO. 8383

FILE NO.: A003773

1 PACIFIC REGION BUREAU OF INDIAN AFFAIRS:

2 LARRY BLEVINS

3 PATRICK O'MALLAN

4
5 PUBLIC SPEAKERS:

6 VIRGIL MOOREHEAD

7 KEVIN SIVA

8 RANDALL HEMPLING

9 HECTOR RODRIGUEZ

10 TIM SILVA

11 DARRELL JAUSS

12 MICHAEL HENDRIX

13 REGINALD DILLINGHAM

14 HENRY DURO

15 PEGGI FRIES

16 TED BACA

17 PAUL VARELA

18 JACOB COIN

19 BETTE MOSES

20 CAROL RANDALL

21 BEA LINT

22 KATHERINE SAUBEL

23 GREGG LINT

24 JOHNATHAN GILMORE

25 JAYSEN KENT

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PUBLIC SPEAKERS (CONTINUED):

- JEAN NOFFSINGER
- MIKE HERNANDEZ
- RENITA WICKES
- MARTHA ROCHELLE
- KAREN HARMON

ALSO PRESENT:

CHRISTINE NAGLE
ANALYTICAL ENVIRONMENTAL SERVICES
2021 North Street
Sacramento, California 95814

1 BARSTOW, CALIFORNIA; THURSDAY, MAY 4, 2006

2 6:05 P.M.

3 - - -

4
5 MR. BLEVINS: Good evening and welcome. Please
6 be seated. It's a little after six, and I would like to
7 get started if we could.

8 Can you hear me all right?

9 UNIDENTIFIED SPEAKERS: No.

10 MR. BLEVINS: I would like to get started, if
11 we could, with this scoping hearing. First, I would
12 like to introduce myself. My name is Larry Blevins.
13 I'm an environmental protection specialist for the
14 Pacific Region Bureau of Indian Affairs in Sacramento.
15 At the table with me is Pat O'Mallan, and he's also an
16 environmental protection specialist with the Bureau of
17 Indian Affairs in Sacramento.

18 I would like to start by pointing out the rest
19 rooms. They're out in the main lobby to the right.

20 We're here tonight to conduct a public scoping
21 hearing and accept oral comments on preparing the Draft
22 Environmental Impact Statement, EIS, for the proposed
23 fee-to-trust land acquisition of approximately 45 acres
24 located in San Bernardino, California -- San Bernardino
25 County. Excuse me. And the subsequent development of

1 the proposed casino project by the Los Coyotes Band of
2 Cahuilla and Cupeno Indians and the Big Lagoon
3 Rancheria.

4 I would like to start with a couple procedural
5 matters, and then we'll move into the taking of
6 testimony. The purpose of the hearing tonight and of
7 scoping, in general, is to receive public input as to
8 what the public believes are the significant
9 environmental issues and what the reasonable
10 alternatives to be discussed should be so that we can
11 build that into our planning process and the proposed
12 EIS.

13 What we come out with from the scoping process
14 is a document which is called "Results of Scoping."
15 That document plays an integral part in the preparation
16 of the EIS. It lays out the significant issues,
17 cooperating agencies and alternatives to be discussed,
18 and the time frame for producing the EIS. With that in
19 mind, please be clear that the purpose of tonight's
20 hearing is not going to be a question-and-answer period,
21 nor a debate, nor will you get answers to your questions
22 immediately.

23 You will have the opportunity to inform us what
24 you think the environmental issues and concerns are that
25 need to be analyzed in the EIS. The results of the

1 scoping report will be mailed to everyone who is on the
2 mailing list. You can get on the mailing list by
3 signing up here, by sending us a letter about the
4 project saying you want to be on the list, or giving
5 testimony with your name and address.

6 Now, the next step after the "Results of
7 Scoping" report is the Draft EIS, which should address
8 the concerns raised in the scoping. The Draft EIS will
9 be available for public review and comment in about two
10 or three months after scoping. However, it may take
11 more time to fully address the concerns raised in
12 scoping. The public review period is expected to be at
13 least 45 days, which will include at least one public
14 hearing to accept any additional comments to the Draft
15 EIS.

16 At this point before we begin with our
17 speakers, I would like to recognize and introduce some
18 individuals here with us tonight. First, I would like
19 to introduce the chairperson of the Big Lagoon
20 Rancheria, Mr. Virgil Moorehead.

21 MR. MOOREHEAD: Good evening. I would just
22 like to say a couple words, and that is I thank the BIA
23 for conducting this scoping hearing for our project here
24 in Barstow. Second, the individuals or people I would
25 like to thank is the community for their support in this

1 project. The community in terms of the Barstow
2 community. Thirdly, I would like to thank the City
3 Council in supporting our project, in moving forward and
4 making sure this project is completed to fruition. And
5 thirdly (sic) and probably most importantly, I would
6 like to thank the cooperation between the Los Coyotes
7 and the Big Lagoon Rancheria. Thank you.

8 MR. BLEVINS: Thank you, Mr. Moorehead.

9 Next, I would like to introduce council member
10 for the Los Coyotes Reservation, Mr. Kevin Siva.

11 MR. SIVA: If you don't mind, I would like to
12 stay a couple of minutes as well. First off, I would
13 like to just say that I'm up here speaking on behalf of
14 the Los Coyotes Band of Indians, Cahuilla, and Cupeno
15 Indians. But our spokeswoman is here, Dr. Katherine
16 Saubel. She just asked me to say these words on her
17 behalf.

18 We want to thank the Bureau for conducting this
19 scoping hearing here. We would also like to thank the
20 citizens of Barstow for their participation in this and
21 the people that have supported us. This scoping hearing
22 is a very important aspect of the -- of what we're
23 trying to accomplish here between the Tribes,
24 Los Coyotes, Big Lagoon, and the people and citizens of
25 Barstow. So we really welcome this opportunity. We

1 want you to know that this is what's going to lead to
2 the development of economic opportunity, not only for
3 the people of Barstow, but also for the people of the
4 Los Coyotes Band of Indians.

5 Some of our members are here tonight, our
6 council members. And general council members are here
7 to show their support as well. We just, once again,
8 want to thank you people of Barstow for being able to
9 take your time to come out here. And we welcome this.
10 And we know that it's part of the process, and we expect
11 great things to come from it. So thank you, and thank
12 you.

13 MR. BLEVINS: Next, I would like to introduce
14 from the City of Barstow, the City Manager,
15 Hector Rodriguez.

16 Thank you.

17 MR. RODRIGUEZ: I'll give my comments to you
18 later.

19 MR. BLEVINS: Okay.

20 And last, I would like to introduce
21 Randall Hempling, CEO of Barstow Hospital.

22 MR. HEMPLING: I know we're speaking about the
23 environment tonight, and I'm just going to read this so
24 that you can have the notes and you don't have to take
25 any copious notes.

1 Barstow Community Hospital serves the
2 communities of Barstow, Hinkley, Newberry Springs,
3 Daggett, as well as the surrounding unincorporated
4 areas. This service area at present has a demographic
5 of over 35 percent of the populous on some form of
6 public support. The reason that we mention that is this
7 is an environmental hearing, and this is our human
8 environment that we're talking about. Our hospital is
9 the sole community hospital designated as a critical
10 access facility, and we're about to build a new facility
11 here. As soon as we know just exactly how many lives
12 are going to be involved in this project, we will know
13 just a little bit better our scope of our new hospital
14 project.

15 We do not deny care through our emergency room
16 to anyone based upon their ability to pay. The
17 statewide average for charity care and bad debt averages
18 less than 6 percent. In Barstow, it is averaging over
19 20 percent. The employment offered by a resort/casino
20 would go a long way in providing meaningful and
21 benefited employment. Benefited employment would help
22 ensure long-term survivability of the health care system
23 here in Barstow. Thank you.

24 MR. BLEVINS: Thank you, Mr. Hempling.

25 Now, I need to explain that we are going to

1 take speakers in the order that they were submitted.
2 I'm going to ask everyone to confine their remarks to
3 three minutes. And after all speakers have had an
4 opportunity to speak, we will then allow anyone who
5 feels that they were cut short or have additional issues
6 the opportunity to speak. If you have written comments,
7 we will accept them here tonight. Otherwise, please
8 mail them to the address in the notice so that they
9 arrive before May 19th, '06.

10 One final matter prior to our speakers. When
11 speakers are called, please restate your name. And if
12 there is any question on the spelling, that you spell it
13 so the recorder can get it correct. Thank you.

14 I will begin with our first speaker.

15 MR. RODRIGUEZ: May I? Thank you.

16 Good evening. My name is Hector Rodriguez.
17 I'm the Interim City Manager for the City of Barstow.
18 And I thank you for the opportunity to speak here on
19 behalf of the City Council. I appreciate the Bureau and
20 the City appreciates the Bureau of Indian Affairs giving
21 us this opportunity to provide input to the proposed
22 Los Coyotes and Big Lagoon Destination Resort and Casino
23 Project.

24 The location chosen by the project proponents
25 is one of the preferred sites identified by City Staff.

1 The site was recommended by Staff with hopes that it
2 would increase shopping activities in and around the
3 outlet mall area, and yet be far from existing
4 residential and other sensitive areas in the community.
5 It was also chosen to help accelerate the development of
6 vacant land to the south of the project.

7 The City of Barstow is supporting proposals by
8 Native American Tribes to construct a destination
9 resort/casino project in Barstow. We believe that a
10 destination resort/casino is supported by the great
11 majority of the Barstow community. A destination
12 resort/casino will include hotels, entertainment venues,
13 restaurants and RV park, and a Class 3 Indian gaming
14 casino, and will represent a capital investment of well
15 over \$150 million.

16 Approximately 35 percent of the City's
17 population receives public assistance of some kind.
18 Barstow is one of only two cities in the San Bernardino
19 County that lost population between 1990 and 2000. The
20 City of Barstow believes that a destination
21 resort/casino project will help reverse the negative
22 trends affecting the economic health of this city.

23 Thank you.

24 MR. BLEVINS: Thank you, Mr. Rodriguez.

25 We will begin with our speakers now.

1 Mr. Tim Silva.

2 MR. SILVA: Thank you for the opportunity to
3 speak here this evening. I'm Tim Silva, S-i-l-v-a.
4 Business address, 420 Barstow Road, Barstow,
5 California. I operate a mortgage banking business here
6 in Barstow. I'm also the president of the Barstow area
7 Chamber of Commerce. I'm here to let you know that the
8 Barstow businesses do support and have supported a
9 casino in Barstow -- (inaudible) -- the casino project
10 by the Big Lagoon and Los Coyotes since 2003. We've
11 continued to support it as it's evolved to today.

12 What I have to say, I received a letter from
13 one of our members that says it better, so I'm going to
14 read a letter. "We believe that the
15 Big Lagoon/Los Coyotes Casino Resort in Barstow,
16 California, will provide a boost to the economy and
17 vitality of our community at a time when Barstow needs
18 it. This project will have many benefits to the City of
19 Barstow. These include increased job opportunities, an
20 increase in visitors to the area, as well as increase in
21 sales to supporting businesses such as food services,
22 attraction, lodging, and retail. All of this means
23 increased revenue for the City of Barstow.

24 "A project of this size on Lenwood Road would
25 spur additional development of the currently undeveloped

1 parcels in the Lenwood area of Barstow. We support the
2 Los Coyotes/Big Lagoon Casino and Resort in Barstow, and
3 we look forward to seeing the Project and the City move
4 forward. Sincerely, Stanley K. Tanger, Founder and
5 Chairman and Chief Executive Officer, Tanger Outlet
6 Centers."

7 I would like to submit his letter. Thank you.

8 MR. BLEVINS: Thank you, Mr. Silva.

9 Our next speaker is Darrell Jauss.

10 MR. JAUSS: Thank you. My name is
11 Darrell Jauss. I'm the Fire Chief here in Barstow,
12 861 Barstow Road.

13 The Barstow Fire Protection District was
14 established May 24th, 1926. We've been providing
15 service to the community for almost 80 years. Since
16 1978, the District has struggled with our inability to
17 provide the level of service we think the community
18 should have. This is due to our inability to keep up --
19 keep the cost of providing fire protection from
20 outpacing minimal increases in tax apportionment.

21 The Fire District does not receive sales taxes
22 or City of Barstow general fund monies. Nobody wants to
23 see more fees or to see tax increases, yet somehow we're
24 challenged to meet increased demands for service with
25 very little increases in revenue. I believe this

1 project of the Los Coyotes/Big Lagoon Rancheria casino
2 will have a positive effect on fire protection in the
3 Barstow community.

4 Most developers provide minimal or no resources
5 to mitigate any negative impacts on fire protection.
6 This project will provide the community with 12
7 additional firefighters, which is a 76 percent increase
8 in our career fire fighting staff, donation of land to
9 build a new fire station, contribution of about 50
10 percent of the costs for the construction of the
11 station, plus a major portion of the cost of the new
12 rescue vehicle.

13 These resources will, of course, directly
14 benefit the project. More importantly, they will also
15 provide services currently needed in the Lenwood
16 Road/I-15 area. The businesses, tourists, and citizens
17 will better -- be better served in that area of the
18 community. The Tribes are ensuring that they are not
19 only addressing any impact that they will have on fire
20 protection, but they have provided a way to reassure us
21 that the current resources will not be taken away from
22 local businesses and citizens when providing service to
23 their project.

24 Additionally, they will be providing increased
25 resources that are available to others in the

1 community. The Los Coyotes/Big Lagoon Rancheria Casino
2 Project will most assuredly have a positive effect on
3 fire protection in the community of Barstow. Thank you.

4 MR. BLEVINS: Thank you, Mr. Jauss.

5 Our next speaker, Michael Hendrix.

6 MR. HENDRIX: Good afternoon. My name is
7 Michael Hendrix, and I live at 18227 Ranchero Road in
8 Hesperia, California. I've lived many years in Barstow
9 before moving to Hesperia and still have lots of family
10 here, so I have concerns about the casino that I would
11 like the BIA to listen to.

12 My concern of the impacts the casinos will have
13 is on the community and those physical changes that may
14 occur because of the impacts. It's not just gambling,
15 but the increase of crime as a secondary effect of the
16 project. The physical impact of an increase in crime
17 would be an increased need for police services and
18 additional jailing.

19 Another concern is that the project is yet
20 another strain on families. The project tempts parents
21 to separate themselves from their children in order to
22 enjoy the entertainment the casino has to offer. As an
23 example, cases of child abandonment in the parking lot
24 of a tribal casino in Connecticut became so common that
25 authorities asked the Tribe to post signs warning

1 parents not to leave their children unattended in cars.
2 I realize these are hard, intangible impacts to address
3 in an environmental impact statement, but I'm asking the
4 BIA to do what they can to address those community
5 changes that will occur.

6 Another concern I have is the loss of local
7 control that the City and citizens of Barstow will have
8 if tribal casinos come to Barstow. Tribal participation
9 in local politics will affect how the community
10 functions. Tribes will participate in the local
11 politics through political contributions and causes.
12 The Tribes will not act in the best interest of local
13 communities. Their focus will be preserving and
14 expanding their casinos in the community. As such, I
15 would like the BIA to look at, as an alternative,
16 another location that would not impact so directly the
17 people and families in the city. Thank you.

18 MR. BLEVINS: Thank you, Mr. Hendrix.

19 Our next speaker, Dillingham -- Reginald
20 Dillingham. Sorry.

21 MR. DILLINGHAM: My name is Reginald
22 Dillingham. 920 Linda Lane, Barstow, California. I've
23 lived in Barstow for many, many years. And I believe
24 that the location for the casino project is an ideal
25 location. There is nothing out there except truck

1 stops, fast foods, and the outlet malls. I can't think
2 of a better location for the casino project than that
3 location right out there, and I support the casino
4 project 100 percent. Thank you.

5 MR. BLEVINS: Thank you, Mr. Dillingham.

6 Our next speaker, Henry Duro.

7 MR. DURO: My name is Henry Duro. I'm from
8 San Manuel. Last name D-u-r-o. It's a little hard for
9 me to do this, because I haven't done it in a long time.
10 So please bear with me.

11 I would like to thank everybody here to be a
12 part of this. When you go home, you'll think about what
13 we've all talked about and what destiny lies for you.
14 And if you've survived this long in Barstow, I think
15 you're going to make it anyway.

16 Anyway, San Manuel has expressed great concerns
17 over the proposed project for a number of reasons. The
18 project represents the most outrageous example of
19 reservation shopping. When they came to our reservation
20 and asked if we wanted to do this, we said no. For one
21 reason. We don't want to jeopardize other tribes, where
22 they lie and offset. We are where we are, and that's
23 what we'll deal with.

24 Second, this project is a willful violation of
25 promises that were made through the voters by the Tribes

1 in Proposition 5 of '98 and 1A in 2000, that the Tribes
2 would conduct a limited scope of gaming on their lands.
3 No one else's. As a result of these promises, the
4 voters approved the measures by nearly a 65 percent
5 majority.

6 Number three, these lands-into-trust
7 applications are being made by Indian tribes who have
8 no ancestral or historical connections to the lands
9 being sought.

10 Fourthly, these projects are being driven by
11 out-of-state developers who have demonstrated that they
12 will go to any lengths to get their way here in
13 Barstow.

14 We have some photos here. And if my associate
15 will bring them up. It will demonstrate some of the
16 things that have happened between Point A and Point B.
17 The first one demonstrates when the sign that is there
18 originally was there, it had no mention of any Indian
19 tribe whatsoever. And as you see or you may have seen,
20 now there is. That is the sole intent of developers.
21 And I would like to present these to you.

22 And fifth, these projects involve encroachment
23 onto ancestral lands of the Serranos, which San Manuel
24 is one of several.

25 A recent national poll conducted by Peter D.

1 Hart Research and Public Opinion Strategies found that
2 55 percent believed it is bad when Indian tribes
3 establish lands far from their historical homelands,
4 because often these cases involve exploitation -- excuse
5 me. It hurts me to have to do this. I support all of
6 the tribes. But they're being exploited by developers
7 that want to build casinos where they would otherwise be
8 restricted. These are such projects, and we urge the
9 local communities, citizens like yourself, to oppose
10 it.

11 Seven, what we have here are two foreign Indian
12 tribes attempting to create new reservations on lands to
13 which they have no ancestral or historical connections.

14 San Manuel Indians would not oppose other
15 tribes or Chemehuevi, in particular, because they do
16 have ancestral rights.

17 There is a broad opposition to Big Lagoon and
18 Los Coyotes compacts in the state legislature as to what
19 is going on here. These reservation shopping activities
20 have broad impacts around the country, not just in
21 Barstow. And that's the one thing we all have a concern
22 about.

23 Ten, according to a list of off-reservation
24 gaming activity applications, there are 52 tribes
25 seeking off-reservations for gaming purposes.

1 Twenty-three are in California.

2 Finally, we ask that San Manuel and the Mission
3 Indians be treated as a nearby tribe for consideration
4 purposes on these projects. Here again, we have -- we
5 support all tribes. But sometimes we have to take a
6 step back and look at it. Is it the tribes or is it the
7 developer?

8 And you have to look -- I saw a logo, a little
9 sticker out there, that says "Go Barstow." It should be
10 "Know Barstow." And I don't mean "N-o," I mean know who
11 you're getting in bed with basically. Because
12 sometimes, in the past, we've had a lot of problems with
13 that type of situation. And this seems to be one of
14 those ideal situations. It is divide and conquer.

15 Thank you.

16 MR. BLEVINS: Thank you, Mr. Duro.

17 Our next speaker is Bill Johnson.

18 The next speaker, Peggi Fries.

19 MS. FRIES: Good evening. My name is
20 Peggi Fries. And it's F-r-i-e-s, so I know why you said
21 "Fries."

22 I thank you for being here and for allowing us
23 the opportunity to be here. I moved to Barstow in 1976,
24 so this is 30 years for me. My children were four and
25 seven. They don't want me to tell it, but they're 34

1 and 37 now and have given me seven beautiful
2 grandchildren. During those three decades, I've watched
3 various City Councils, City Fathers, City input restrict
4 this community from growth and even from stability. Our
5 current City Council or the City Council that was seated
6 approximately six years ago had the foresight to go out
7 and seek this project.

8 This project -- I'm not a gambler, but I do
9 like a nice restaurant. And I would like to see this
10 community grow. I need to state that I believe in this
11 project. I believe in what the Governor has assigned
12 and what our City Council negotiated almost six years
13 ago and our redevelopment agency. Thank you.

14 MR. BLEVINS: Thank you, Mrs. Fries.

15 Our next speaker, Ted Baca.

16 MR. BACA: Good evening, Mr. Chairman. Thank
17 you for the opportunity to make this presentation this
18 evening. I make this presentation on behalf of my
19 brother, Fernando Baca, who resides at 1216 Carson
20 Street in Barstow who could not be here this evening. I
21 would also like to state that as Ted Baca, 2028
22 Princeton Drive, the statement that I'm about to read
23 mirrors my opinion also.

24 "In my absence, I respectfully ask that my
25 comments be read into the record. As a resident of

1 Barstow for the last 45 years, a small business owner
2 for over 25 years, and an elected official for 10 years,
3 I feel a need to speak in favor of the
4 Los Coyotes/Big Lagoon Casino and Resort Project for the
5 following reasons.

6 "After listening to testimony by an
7 environmental group speaking at a Senate hearing, it was
8 stated that the ecological impact at the proposed
9 Barstow site would be minimal. This is important to all
10 of us, because we seek to preserve the ecology of our
11 great desert. The economic impact the project would
12 effect upon the Barstow area would be, in our opinion,
13 tremendous.

14 "I believe this project will spur economic
15 growth by making Barstow a more attractive community in
16 which to locate or relocate more industry and small
17 businesses, more jobs, equal more revenue for our cities
18 and schools. With more job opportunities, the
19 unemployment and public assistance numbers should
20 decrease.

21 "We hear about the increase in violence in our
22 area, and we know that only by increasing city revenues
23 can we afford more police officers, fire personnel,
24 better parks, roads and other amenities necessary for a
25 better quality of life. I feel it is incumbent upon

1 each of us to put aside political differences, personal
2 agendas, and stand side by side in a united effort to
3 better our community. Don't let the naysayer decide our
4 future. Now is the time for positive action. Thank
5 you."

6 MR. BLEVINS: Thank you, Mr. Baca.

7 Our next speaker is Paul Varela.

8 MR. VARELA: Hello. My name is Paul Varela,
9 P.O. Box 3101, Victorville, California. Excuse me. I
10 don't have much air. I've had poor health for a few
11 years. But I'm here to stop an injustice. I'm a lineal
12 descendant of the -- (inaudible) -- Serrano has spoke to
13 the Barstow City Council in December. And I think this
14 is an affront to all unrecognized tribes. The precedent
15 it will set will be incredible. Words can hardly come
16 out of my mouth fast enough to say what is happening
17 here is wrong. And there are lineal descendants of the
18 people that live here. No one has contacted -- I've
19 sent letters to these Tribes. Not even a "hello" in
20 response. I'm Serrano also. Our cousins are the
21 San Manuel. And I've sent letters and not got much
22 response from them either.

23 But all I see here -- all these other Indian
24 people are seeing green and money, and I see red, the
25 blood of my ancestors, saying this is wrong. And you

1 guys need to do something about it. The precedent it
2 can set, you could change the face of this country, you
3 know, by some tribes jumping around. Let's go to
4 Wyoming. You know, I've got no reservation. Poor me.
5 When is it going to end? Draw the line here and now and
6 save it. Thank you.

7 MR. BLEVINS: Thank you, Mr. Varela.

8 Our next speaker, Jacob Coin.

9 MR. COIN: Thank you very much. I wanted to
10 impress upon the Bureau and the good citizens of Barstow
11 a couple of things that my Chairman, the Honorable Henry
12 Duro, has already spoken to. One is the photos that he
13 shared with you clearly shows that -- the photo that he
14 showed up first was taken about a year ago in April of
15 2005. And at that time the photo clearly shows, again,
16 that this was a casino development effort on the part of
17 the developer, BarWest. And the sign says it was being
18 done in cooperation with the City of Barstow. Nowhere
19 on that sign does it say that it's a Tribal/Government
20 gaming project. And suddenly when it becomes a
21 front-page story in The Press Enterprise on April 17th,
22 a couple of weeks ago, there appears two tribal logos on
23 the empty space on that sign. Again, that was taken a
24 year ago.

25 I don't know how long it took for the developer

1 to suddenly realize that, you know what, this is
2 supposed to be a tribal project. We had better get some
3 Indians involved here. So that raises some suspicions
4 about what exactly is going on here. Again, as the
5 Chairman said, these developers -- in this case,
6 BarWest -- is willing to go to almost any length to try
7 to make this thing happen here in the City of Barstow,
8 even to the extent that they've attempted to quash the
9 right of the citizens of Barstow to have a say on this
10 matter here by way of a referendum in June of this
11 year. So we should have some great concerns about
12 exactly where that's going.

13 The other finding of this national poll that
14 the Chairman referenced was that 79 percent expressed
15 concerns that casino companies and developers are
16 exploiting the special historical status of Native
17 Americans. And again, this is a nationwide concern.
18 This effort here in Barstow just happens to be the
19 poster child, if you will, of reservation shopping at
20 its very worst.

21 And then, finally, one final thought. We
22 cannot underscore the significance of this effort, not
23 just simply being an effort to build a casino here in
24 Barstow, but it's creating new reservations by Indian
25 tribes who have no ancestral or historical connections

1 to this area. And you should think about that for just
2 a little bit. And the Bureau, I think it's especially
3 incumbent upon you to give that strong consideration,
4 creating brand-new reservations in areas for tribes that
5 have no historical or ancestral connections to this
6 area.

7 You know, we've heard the representatives from
8 the Tribe suggest that, well, we traded with the
9 Serrano, we intermarried with the Serrano, you know, we
10 traded cultures with the Serrano. Well, just because
11 you invite me to your home for dinner doesn't give me
12 ownership in your home. So, again, I ask you to
13 remember that. I ask you to consider that when you go
14 through your deliberations over these applications. And
15 I urge you to reject these proposals. Thank you.

16 MR. BLEVINS: Thank you, Mr. Coin.

17 Our next speaker is Bette Moses.

18 MS. MOSES: I don't have a prepared speech or
19 anything to give you, but my name is Bette Moses. I
20 live at 755 East Virginia Way, Barstow, California. I'm
21 a real estate broker. I've been one for over 50 years.
22 I've been around Indian tribes in Palm Springs since I
23 was a small child, and my children have Indian blood.

24 In my opinion, it's obvious that San Manuel
25 wants no competition. That's my opinion, but I believe

1 it's pretty obvious. The outlet mall is half empty.
2 The location is great. It's halfway to Las Vegas.
3 We've known Virgil and his family for over two years now
4 and sympathize with the Tribe's inability to build on
5 their own native land. But we understand
6 Governor Schwarzenegger's endorsement of the project
7 with the Los Coyotes to make that happen, because they
8 need to be somewhere.

9 The Chamber of Commerce, of which I'm
10 Membership Chairman, did a vote. Tim didn't tell you,
11 but we did a vote by every member of the Chamber of
12 Commerce whether to support it or not, and it was a huge
13 majority. I think it was probably 98 percent. It's
14 imperative that we have more housing, more money in this
15 community. This community is dying on the vine. We
16 need housing. We can't build housing if we don't have
17 people coming here. And we know we'll have a lot of
18 people coming. I appreciate your being here, and we
19 thank you for the opportunity to speak. Thank you.

20 MR. BLEVINS: Thank you, Miss Moses.

21 Our next speaker, Carol Randall.

22 MS. RANDALL: Good evening. My name is
23 Carol Randall. I would like to address you as a citizen
24 and an employer in the City of Barstow. As a citizen,
25 I've watched this little town grow and expand and

1 struggle like any other town coming to age. It's been
2 hard. We have a lot of unemployment. I think we have a
3 quote of 30 percent on welfare or some kind of
4 government assistance.

5 I see two tribes that need a home, and I see a
6 town that needs neighbors, good neighbors. I see people
7 that are on government assistance that cannot possibly
8 work at some of the jobs that are the good-paying jobs
9 that are here because they don't have the education
10 level. Were given a chance to work at meaningful
11 employment, cleaning rooms, I would do it in a
12 heartbeat. I did it when I was in college. That's
13 honest living. We need the jobs. We need them. They
14 need us.

15 Every single day, seven days a week, a bus that
16 is parked in the Wal-Mart parking center leaves here to
17 haul our citizens to San Manuel Casino. I think they
18 have a vested stake in whether or not we have one up
19 here. But this isn't just about the money. This is
20 about a mutual need for employment and growth and
21 development.

22 We're still like a large family, this town.
23 And like any large family, we have our disagreements.
24 And ultimately, we agree to disagree. When but we're
25 needed, we pull together. And though I cannot speak for

1 everyone in this audience, I can for myself when I say
2 to you that I totally resent San Manuel coming down
3 here, after having spent and expended the dollar figure
4 that they have spent on their casino. Why did they not
5 put the electricity on the other tribes' reservations?
6 Why did they build million-dollar casinos? Now they
7 want to stop another tribe from being able to grow as
8 they have grown over the last 10 years. Either be a
9 brother or get out of the way. But we need this
10 casino.

11 MR. BLEVINS: Thank you, Miss Randall.

12 I would like to call, again, Bill Johnson.

13 Our next speaker is Bay Lint (sic). That was
14 the last speaker. Or was that -- are you Bay?

15 MS. LINT: No, it's Bea. Short for Beatrice.

16 MR. BLEVINS: I'm sorry.

17 MS. LINT: Thank you. My name is Bea Lint,
18 831 South First Street, Barstow. I've lived in Barstow
19 since 1972. The United States was born on immigrants.
20 We own businesses throughout the United States. I don't
21 think anybody should have a right to one piece of land
22 or the use of one piece of land over anybody else.
23 We're the residents of this community, and I believe
24 that we should have the right to say whether or not we
25 want to welcome two tribes into our community on our own

1 free will. And that's exactly what the community of
2 Barstow has decided to do in inviting this project into
3 our community. So I, for one, welcome them
4 whole-heartedly. Thank you.

5 MR. BLEVINS: Thank you, Miss Lint.

6 I would like to call Kevin Siva up, please.

7 MR. SIVA: Do you mind if I let my aunt speak?

8 MR. BLEVINS: Sure. Katherine Siva Saubel.

9 MS. SAUBEL: You know, I've been listening to
10 all this group, especially San Manuel, saying that we
11 have no business here. We're all Indians. Our people
12 occupied this great nation. And I think they're just
13 fighting against us now because they get a lot of money
14 and we don't have a thing. I still need electricity to
15 my house. I still need running water to my house. I
16 haven't had any of those. I live on \$540 a month
17 compared to their 50,000 a month. And they don't want
18 us to do that. They're just being selfish. That's not
19 the Indian way.

20 We shared for a long time whatever we had as
21 Indian people. We were proud of who we were. When we
22 had more, we shared with our neighbors. We worshipped
23 them. We called them to join us. In fact, the Cahuilla
24 allowed the Serranos to come into our territory, for the
25 past Cahuillas. We accepted them, and now they're

1 fighting against us. And if they're fighting against
2 us, they might as well all move out and go back to
3 San Manuel, the ones that are in the Cahuilla territory,
4 if that's the way they feel about us. That's their
5 selfishness.

6 They have all the money they can use. They
7 don't want to share. And I'm getting old, and I want to
8 have a decent house, something decent to have before I
9 pass away. But it seems like it's not going to be that
10 way with their selfishness and things like that. They
11 don't know their cultural beginnings, their history.
12 And even the Chippewas -- my father was born in 1872.
13 He told me in 1862, they were the only tribe who came
14 into California from Arizona, and how they owned all
15 this place clear up to Tehachapi. That's not right. I
16 just wanted to bring that up so people would know how
17 selfish these people are that have these big casinos.
18 Thank you.

19 MR. BLEVINS: Thank you, Miss Saubel.

20 At this point I would like to thank everybody
21 for participating in our public scoping hearing.

22 MR. SIVA: May I?

23 MR. BLEVINS: One more speaker. Kevin Siva.

24 MR. SIVA: Thank you very much. That's a hard
25 act to follow right there.

1 I just wanted to reiterate, again, what I said
2 at the beginning. And that was to thank the people of
3 Barstow, to thank the Bureau of Indian Affairs. The
4 Bureau of Indian Affairs, the Los Coyotes Band of
5 Cahuilla and Cupeno Indians, and the Big Lagoon
6 Rancheria, as cooperating agencies, intends to gather
7 information for preparing this environmental impact
8 statement. And we want to thank the people that have
9 come out today to speak on behalf of the City of
10 Barstow, and also the people that have come out even to
11 speak against the project. Because we know that you
12 want to get as complete as information as you can.

13 As my aunt pointed out just a minute ago, a
14 living example, a living and existing example of tribes
15 sharing their land is happening right now on the
16 Morongo Indian Reservation, Twentynine Palms Reservation
17 in Cahuilla territory. One of the last speakers of the
18 Serrano language, Mrs. Dorothy Ramon, quoted in her own
19 book that when the Cahuilla people took my people in, we
20 decided that we would die here together because they had
21 been driven out from their own territory. So right now
22 we're a living example of two people that shared the
23 same space in an argument about another space. And it's
24 just not right.

25 What's going to happen here in this proposed --

1 the purpose of the proposed action here today is to help
2 improve the tribal economy of the Los Coyotes Band of
3 Cahuilla and Cupeno Indians and the Big Lagoon
4 Rancheria. We welcome the scoping meeting to identify
5 potential issues, concerns, and alternatives to be
6 considered in the environmental impact statement. The
7 unmet economic needs of the Tribes and their members are
8 evident when comparing the Tribes' socioeconomic
9 conditions with those of the surrounding communities,
10 especially in comparison to the large gaming tribes that
11 are out there now that earn the lion's share of the
12 gaming revenues generated in California by maybe five or
13 six tribes.

14 Our tribal economics lag behind the economy of
15 both communities in terms of employment rate, median
16 household incomes, home ownership. In addition to the
17 Tribes' depressed economic condition, a disproportionate
18 number of tribal members are faced with substantial
19 health problems. I go to dialysis three times a week
20 myself. The Tribe lacks economic development
21 opportunities due to geographic and State-imposed
22 environmental restrictions on development of their
23 respective reservations, which has severely limited
24 their ability to generate funds for project development
25 and operation.

1 As a result, the Tribes currently have no
2 sustained revenue stream that can be used to fund tribal
3 government services and provide assistance to our own
4 tribal members. The principal goal of the Federal
5 Indian Policy is to promote tribal economic development,
6 tribal self-sufficiency, and a strong tribal
7 government.

8 The proposed action today is just one step in
9 what is going to be and what has been a long and
10 difficult task. But it will create opportunities for
11 our people on our reservations, such as funding
12 governmental programs and services, including housing,
13 education, environmental health and safety programs and
14 services. To be able to hire additional staff and
15 upgrade equipment and facilities, and generally improve
16 the governmental operations of our tribe. It will also
17 help in the funding of this local government's agency
18 program and services.

19 And, finally, operation of the casino/hotel and
20 related facilities would require that we become that
21 good neighbor here in Barstow with the purchase of goods
22 and services, increasing the opportunities for local
23 business and helping to stimulate the local economy
24 here. In short, this is a project that we have agreed
25 upon. And as many of these citizens here stated

1 tonight, you know, we made that decision together.

2 There was no reservation shopping here. I
3 don't know why they keep holding these pictures up. All
4 that picture demonstrated was the developer's agreement
5 with the City of Barstow to acquire land by a certain
6 date. That's what that picture reflected. We were
7 invited by the City of Barstow. We were happy to be
8 here, and we continue to be happy to be here. And with
9 what my aunt said tonight, I think the truth is known.
10 Thank you.

11 MR. BLEVINS: Thank you, Mr. Siva.

12 Our next speaker is Gregg Lint.

13 MR. LINT: Good evening. My name is Greg Lint,
14 L-i-n-t. I thought there was going to be a lot more
15 people here. There is not enough people speaking, so I
16 wanted to stand up and say I represent over 300 people
17 in the City of Barstow that joined together that believe
18 that we need to have real economic development here in
19 town. This casino project will bring jobs. It will
20 bring development, residential and commercial, and it
21 will revitalize the malls. And it will help our town
22 and it will help the Indian tribes. And I think you
23 should help us approve it and help us get it. Thank
24 you.

25 MR. BLEVINS: Thank you, Mr. Lint.

1 Our next speaker is Johnathan Gilmore.

2 MR. GILMORE: Hi. Thank you for being here. I
3 will be brief. I just want to go on record to say that
4 myself -- and I'm speaking for myself. I'm completely
5 opposed to any casinos in Barstow. And I want to remind
6 you folks that our City has not been allowed -- or our
7 City has not given an advisory vote. The City Council
8 has denied to doing an advisory vote on this matter.
9 And I think to let it go forward without at least an
10 advisory vote of all the voting citizens of Barstow
11 would be a huge mistake to let that go forward.

12 I also want to remind you, today is National
13 Prayer Day. So if somebody hasn't brought it up
14 already, this event was scheduled the same day that
15 hundreds of citizens are meeting at a different location
16 to pray. So they, of course, are excluded from coming
17 here today. I think that's worth noting.

18 And I want to say I like living in Barstow. It
19 seems like some people, all they -- they have nothing
20 better to do but to talk bad about their own town. And
21 I want to go on record to say Barstow has lots of jobs,
22 lots of good jobs, civil service jobs, contractor jobs.
23 We have access to two or three or four bases, depending
24 on how you count them, with many jobs. Half of the
25 people in my apartments at my job (sic) commute from the

1 Victor Valley, because the people aren't -- you know,
2 unemployment is -- unemployment exists. And people
3 always talk about assistance and a high percentage of
4 Barstow is on assistance, but a high percentage of
5 Silver Lakes is on assistance, too, getting Social
6 Security. It's just -- it's not fair to say that
7 Barstow doesn't have jobs. We have lots of jobs. And I
8 guess -- I guess that's all I have to say. I just thank
9 you for your time, and thank you.

10 MR. BLEVINS: Thank you, Mr. Gilmore.

11 Our next speaker, Jaysen Kent.

12 MR. KENT: Hi. My name is Jaysen. Hi. I've
13 been in Barstow all of my life, and the thing that
14 really concerns me is that the City Council does not
15 listen to the people. And it just really bothers me
16 when I hear of the poll that so-called happened that the
17 Mayor did, and all of Barstow -- most of Barstow voted
18 for the casino. But I haven't been polled. I don't
19 know nothing about the poll for the casino. The City
20 Council is not listening to the people, and I've seen
21 that happen for many years. I've been going up and
22 watching the City Council meetings, hearing all the --
23 hearing from the people. They tell me the same stuff,
24 that the city government doesn't listen.

25 And if you guys want to talk about jobs, you

1 know, we have a very awesome college right here.
2 Barstow College is very nice. I go here. I've been
3 here for six years -- six to eight years. I'm going to
4 graduate. I'm not letting nothing get in my way, and I
5 don't think anybody should do that, have anything stop
6 them in the pathway to success in life. Having kids,
7 being pregnant, nothing should get in the way. I was in
8 a bad accident 15 years ago. I'm not letting nothing
9 get in my way to stop me.

10 So I just -- I ask you guys, would you guys do
11 the same thing? There is jobs here in Barstow, and you
12 can shop in Barstow, go to school, and you can better
13 yourself. You can do things for yourself, for your
14 kids, for your family. It's all right here, the
15 college. Many kids don't even know about this college,
16 but it's open to everybody. I had to fight to come to
17 college, to school. So I guess I don't have nothing
18 else to say, but have a nice evening, guys. Bye-bye.

19 MR. BLEVINS: Thank you, Mr. Kent.

20 MR. KENT: Oh, one more thing. Where is the
21 City Council and their Mayor? They should be here,
22 shouldn't they? Where are they at? Anyone here? No
23 one here. Okay.

24 MR. BLEVINS: Thank you again.

25 Our next speaker, Jean Noffsinger.

1 MS. NOFFSINGER: Good evening. My name is
2 Jean Noffsinger. I live at 36836 -- (inaudible) -- in
3 Barstow. I actually live just outside the city limits
4 of Barstow, but I've been here for 30-plus years. I've
5 seen Barstow not grow. I'm tired of the City Fathers
6 saying everything is going to come in here, we're going
7 to get this, that, and the other, and it's not
8 happening. It's time for them to shut up.

9 I think the casino -- I have good views and bad
10 views of it. I'm afraid of what it can bring, but I
11 also know -- the crimes that they can bring, I'm afraid
12 of that. But I also know we need the growth. We need
13 something for this community to start growing.

14 I'm a little upset that San Manuel is sitting
15 hear. I have supported their casino. They have nothing
16 to do with us. They need to go home. Get in their cars
17 and go home right now. This is our city. If you lived
18 in the city that's been stalemated for so many years,
19 your children have nothing to do, no place to go --
20 these people are promising us that they're going to make
21 changes in our community. Thank you. We need somebody
22 to help us, because our City Council has done nothing.

23 These people in this town want it to grow.
24 They want to see improvement. But they also have to
25 accept the knowledge that there are going to be

1 problems, and we're going to have to overcome those.
2 We've overcome a lot of different things, we can do this
3 too. I really believe that the city needs to have a
4 casino. I think the location is great. I want to see
5 the kids have something to do, someplace to go.
6 Hopefully, there will be a lot of family-orientated
7 things. My kids are grown and gone, but I have
8 grandchildren.

9 I don't want to see the city tore up. I want
10 to have the protection of the fire and the hospitals and
11 everything else that we're still going to need. I want
12 to see the streets get cleaned up. I want to see the
13 trash go away. I want to see the people take pride in
14 the city. We need more shopping, and I think they'll
15 bring that in. So, yes, I guess I am for it. Oops.
16 I'm watching the light. I am for the casino.

17 MR. BLEVINS: Thank you, Miss Noffsinger.

18 I would like to call, again, Bette Moses.

19 MS. MOSES: When I asked to come back, I wanted
20 to particularly refute the young man who was popping off
21 about a lot of stuff he doesn't know what he's talking
22 about, who said that we have jobs. We have jobs, basic
23 minimum wage. That's not enough to live on. There is
24 so much going on here. We need this casino to do so
25 many things. But I just -- it's been so long since he

1 talked, I forgot about all the things I wanted to say to
2 refute what he was saying.

3 The people need places to work. They don't
4 need hamburger places for jobs. They need to get
5 training. I'm on many, many committees and in many
6 activities, and they were working on things to make
7 things better for this town. But we need to have the
8 casino. The casino has some things that they had
9 mentioned, but we can overcome those. And we will
10 overcome them. We'll work together in this community,
11 and it will be a great thing. Thank you.

12 MR. BLEVINS: Thank you, Miss Moses.

13 Our next speaker, Mike Hernandez.

14 MR. HERNANDEZ: Mike Hernandez, 450 Delu Drive
15 (phonetic). I've been a resident of the community since
16 1965. I've seen it -- (inaudible) -- people lose jobs,
17 houses, come back. And yet to this date, which is 40
18 years after I arrived, the population hasn't increased
19 by very much. The business has actually declined,
20 because we have less small business people in Barstow.
21 I honestly believe that supporting this issue of
22 bringing the casino to Barstow helps not only the tribes
23 that are involved and the quality of life for those
24 people, but the people of this city, which is my first
25 goal.

1 I honestly believe this is a great place to
2 live. I've lived here for 40 years. I have fought many
3 issues with the City Council, and I have agreed with
4 them on very few. But I do resent when someone from out
5 of the community comes here and tells us what we should
6 do with our community. Because it's our community. We
7 are the residents. We are the people who have to deal
8 with these issues, and we're ready to deal with it. And
9 all I want to say is I do support the casino, and I
10 would hope that it would happen. Thank you.

11 MR. BLEVINS: Thank you, Mr. Hernandez.

12 Our next speaker, Renita Wickes.

13 MS. WICKES: Hi, my name is Renita Wickes. I
14 live at 751 Higgins Road. I've been a part of the
15 Barstow community since 1989, first as a soldier
16 stationed at Fort Irwin, and I've been living here for
17 10 years since '95 when I got out. I'm in support of
18 the casino. And I hear a lot of people from other
19 cities coming here saying what Barstow has, but they're
20 not living here. So if Barstow was so wonderful, they
21 wouldn't commute from Victorville to Fort Irwin for
22 jobs. They would be living in our community with us.

23 Every year I have to plan lots of events for
24 our company, and most of those events are not held in
25 Barstow because we don't have the large facilities. I

1 have to plan a party for 400 employees, and there is no
2 place in Barstow that holds a place for 400 employees to
3 have a Christmas party. We go to Big Bear, Stateline,
4 and all these other places, but we want to support the
5 community that we live in. There is lots of facilities
6 that could come to Barstow because of this casino if
7 we're in support of it. And I would like to keep all my
8 charity functions here and all of my money raised here
9 in Barstow where I live and see this community grow.

10 There is not a lot of jobs. And I hear them
11 saying crime. Well, if you read in the newspaper, there
12 is no casinos, and gangs are already in Barstow
13 shooting, houses are getting robbed, people are getting
14 shot standing waiting for carpool rides, and that has
15 nothing to do with casinos. So when you say "crime,"
16 look around and read the newspaper for a change, and
17 you'll see crime is here. And we don't have police
18 here. There is not enough to even come. I had my house
19 broken into. It took the police three hours to get
20 there, and all I could do was file an insurance claim
21 because we don't have enough police officers here.

22 So crime will continue to exist, regardless of
23 whether a casino is here or not. But if it comes, we
24 will grow. We will get more police officers. We will
25 get more facilities to do what our community needs to

1 do. And I won't have to go to Victorville for a nice
2 place to eat when I want to go to a restaurant. I won't
3 have to go all the way to Ontario when my daughter needs
4 a prom dress because there is nowhere to shop in
5 Barstow.

6 So when people come and say Barstow is growing,
7 Barstow is this, it may have grown over the years, but
8 it has been little. We need to continue growing, and I
9 feel the casinos will bring that. Thank you.

10 MR. BLEVINS: Thank you, Miss Wickes.

11 Our next speaker is Martha Rochelle.

12 MS. ROCHELLE: Good afternoon, everybody. My
13 name is Martha Rochelle, 2005 Woman of the Year. I'm
14 standing before you this evening, and what I want to
15 tell you folks sitting here this evening is that I moved
16 here -- first of all, I'm supposed to say I'm at 27588
17 Cochise, is that right, for the record?

18 Okay. Here we go. Anyway, I moved here in
19 1989 and I thought, "Man, what did my husband bring me
20 into? A town that didn't even have a Wal-Mart." And
21 then all of a sudden I heard in another year or so that
22 Wal-Mart was coming. So I was very happy, because here
23 comes the Wal-Mart. Okay.

24 So you good people out here that tells me that
25 this community is growing and we don't need a casino,

1 then you need to pack your bag and you need to move on
2 to Victorville, move on to Las Vegas or wherever,
3 because this community is not growing. We need the
4 casino. And I'm standing here tonight to tell you let
5 the casino come into Barstow. It's going right out
6 there in a good area. We don't have a place, like they
7 said, where we can go shopping. We can't do nothing out
8 here. I have to shop Online so I don't look like my
9 sister over there. You know what I mean? So we need
10 something here in Barstow.

11 They talk about the City Council. The City
12 Council can't do no more than you let them do. They're
13 trying hard to make it possible for our community. And
14 what do we do? We have come together as a family here
15 in Barstow and say let's let Barstow grow. I get tired
16 of going to Vegas, and I don't go to gamble either. I
17 just came from Laughlin. And I was in Laughlin because
18 of my job. I work for BNSF Railway, and I was down
19 there working in Needles. I passed by every machine in
20 there, not a penny did I drop. But I did eat good. You
21 hear what I'm saying? I did eat good.

22 But us folks that like to do that, do that.
23 You can bring the casinos right here in Barstow, and you
24 don't have to drop a dime. Let those people like to do
25 that enjoy it. But then, too, Barstow will have the

1 opportunity to grow, and that's what we need here,
2 folks. We need growth. So come on in, Casino. I
3 welcome you in here today, tonight, right now. Thank
4 you very much.

5 MR. BLEVINS: Thank you, Miss Rochelle.

6 I would like to call our next speaker,
7 Karen Harmon.

8 MS. HARMON: Good evening, everyone. My name
9 is Karen Harmon. I stay at -- I'm sorry. I'm not good
10 at the address yet -- Copper Valley Lane in Barstow.
11 This was very new to me when I first got here about
12 maybe eight, nine months ago. I was like, this place is
13 not like home. But one thing you guys had and one thing
14 you guys share is you don't mind connecting with others.
15 You don't mind sharing or giving a little bit more
16 information to someone. It's awful funny, because they
17 say the casino don't do anything or the casino may cause
18 trouble. Personally, I'm from Palm Springs. Casinos
19 there are good. We have no problem. You can go to
20 anyplace and be treated with respect.

21 You have to earn respect. For me being here
22 the short time, especially in Barstow College, you have
23 got my total respect. Each and every person in this
24 town, it makes no sense for you not to improve, not to
25 exceed, not to enjoy. I may be crazy, but isn't that

1 what life is about? You have my blessings, my hundred
2 percent. The tribe I come from is from Oklahoma City,
3 and I guarantee you, you got your back. Thank you.

4 MR. BLEVINS: Thank you, Miss Harmon.

5 Again, I would like to thank everybody for
6 participating in this public scoping meeting tonight.
7 Thank you.

8 (End of proceedings, 7:17 p.m.)

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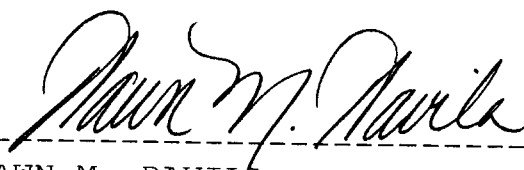
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THE UNDERSIGNED SHORTHAND REPORTER DOES HEREBY
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THAT THE FOREGOING WAS TAKEN BEFORE ME AT THE TIME
AND PLACE THEREIN SET FORTH AND WAS RECORDED
STENOGRAPHICALLY BY ME AND WAS THEREAFTER TRANSCRIBED,
SAID TRANSCRIPT BEING A TRUE COPY OF MY SHORTHAND NOTES
THEREOF.

IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME ON
THIS 17th DAY OF May, 2006.



DAWN M. DAVILA
Certified Shorthand Reporter
Certificate No. 8383

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proposed 4:22 5:1,11 10:21 17:17 22:8 32:25 33:1 34:8 Proposition 18:1 protection 4:13,16 13:13,19 14:2,5,20 15:3 40:10 proud 30:21 provide 10:21 12:16 13:17 14:4,6,15 34:3 provided 14:20 providing 9:20 13:14 13:19 14:22,24 public 1:6 2:5 3:1 4:20 5:7,8 6:9,12,13 9:6 11:17 19:1 22:19 31:21 47:6 pull 28:25 purchase 34:21 purpose 5:6,19 33:1 purposes 19:25 20:4 put 23:1 29:5 p.m 1:13 4:2 47:8 P.O 23:9</p>	<hr/> <p style="text-align: center;">Q</p> <p>quality 22:25 41:23 quash 25:8 question 10:12 questions 5:21 question-and-answer 5:20 quote 28:3 quoted 32:18</p> <hr/> <p style="text-align: center;">R</p> <p>Railway 45:18 raised 6:8,11 43:8 raises 25:3 Ramon 32:18 Rancheria 5:3 6:20 7:7 14:1 15:1 32:6 33:4 Ranchero 15:7 randall 2:8,20 8:21 27:21,22,23 29:11 rate 33:15 read 8:23 12:14 21:22 21:25 43:11,16 ready 42:8 real 26:21 35:18 realize 16:2 25:1 really 7:25 37:14,15 40:3 reason 9:6 17:21 reasonable 5:9 reasons 17:17 22:5 reassure 14:20 receive 5:7 13:21 received 12:12 receives 11:17 recent 18:25 recognize 6:17 recommended 11:1 record 21:25 36:3,21 44:17 RECORDED 48:10 recorder 10:13 red 23:24 redevelopment 21:13 referenced 25:14 referendum 25:10 reflected 35:6 refute 40:20 41:2 regardless 43:22 reginald 2:13 16:19,21 region 2:1 4:14 reiterate 32:1 reject 26:15 related 34:20 relocate 22:16 remarks 10:2 remember 26:13 remind 36:5,12 renita 3:4 42:12,13 report 6:1,7 REPORTED 1:24 reporter 48:6,19 REPORTERS 1:21 REPORTER'S 48:4 represent 11:14 35:16 representatives 26:7 represents 17:18 require 34:20 rescue 14:12</p>	<p>Research 19:1 resent 29:2 42:4 reservation 7:10 17:19 17:19 19:19 24:4 25:19 32:16,16 35:2 reservations 19:12 25:24 26:4 29:5 33:23 34:11 resident 21:25 41:15 residential 11:4 35:20 residents 29:23 42:7 resides 21:19 resort 1:4 10:22 12:15 13:2 22:4 resort/casino 9:19 11:9,10,12,21 resources 14:4,13,21 14:25 respect 46:20,21,23 respectfully 21:24 respective 33:23 response 23:20,22 rest 4:18 restate 10:11 restaurant 21:9 44:2 restaurants 11:13 restrict 21:3 restricted 19:8 restrictions 33:22 result 18:3 34:1 results 5:14,25 6:6 retail 12:22 revenue 12:23 13:25 22:17 34:2 revenues 22:22 33:12 reverse 11:21 review 6:9,12 revitalize 35:21 rides 43:14 right 4:8,19 17:3 25:9 29:21,24 31:15,25 32:15,21,24 38:1,14 39:17 44:17 45:5,23 46:3 rights 19:16 Road 12:4,24 13:12 15:7 42:14 roads 22:24 Road/I-15 14:16 robbed 43:13 rochelle 3:5 44:11,12 44:13 46:5 rodriguez 2:9 8:15,17 10:15,16 11:24 room 9:15 rooms 4:19 28:11 running 30:15 RV 11:13</p> <hr/> <p style="text-align: center;">S</p> <p>Sacramento 3:10 4:14 4:17 safety 34:13 sales 12:21 13:21 same 32:23 36:14 37:23 38:11 San 4:24,24 11:18 17:8 17:16 18:23 19:14 20:2 23:21 26:24 28:17 29:2 30:10</p>
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PUBLIC SCOPING HEARING MAY 4, 2006

<p>41:22 Tribe's 27:4 trouble 46:18 truck 16:25 TRUE 48:12 truth 35:9 try 25:6 trying 7:23 45:13 Twenty-nine 32:16 Twenty-three 20:1 two 6:9 11:18 19:11 24:22 27:3 28:5 29:25 32:22 36:23 type 20:13</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>ultimately 28:24 unattended 16:1 UNDER 48:7 underscore 25:22 UNDERSIGNED 48:6 understand 27:5 undeveloped 12:25 unemployment 22:19 28:2 37:2,2 UNIDENTIFIED 4:9 unincorporated 9:3 united 23:2 29:19,20 unmet 33:7 unrecognized 23:14 upgrade 34:15 upset 39:14 urge 19:8 26:15 use 29:22 31:6 used 34:2</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacant 11:6 Valley 37:1 46:10 varela 2:17 23:7,8,8 24:7 various 21:3 Vegas 27:2 45:2,16 vehicle 14:12 venues 11:12 very 7:22 13:25 24:9 25:20 31:24 38:1,2 41:19 42:4 44:22 46:4,11 vested 28:18 Victor 37:1 Victorville 23:9 42:21 44:1 45:2 views 39:9,10 vine 27:15 violation 17:24 violence 22:21 virgil 2:6 6:20 27:3 Virginia 26:20 visitors 12:20 vitality 12:17 vote 27:10,11 36:7,8 36:10 voted 37:17 voters 17:25 18:4 voting 36:10</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wage 40:23</p>	<p>waiting 43:14 Wal-Mart 28:16 44:20 44:22,23 want 6:4 7:18 8:1,8 17:21 19:7 20:25 29:7,25 30:17 31:7,7 32:8,12 36:3,5,12,18 36:21 37:25 39:23 39:24 40:4,9,9,11,12 40:13 42:9 43:4 44:2 44:14 wanted 17:20 24:9 31:16 32:1 35:16 40:19 41:1 wants 13:22 26:25 warning 15:25 watched 21:2 27:25 watching 37:22 40:16 water 30:15 way 9:20 14:20 18:12 25:10 26:20 29:9 30:19 31:4,10 38:4,7 38:9 44:3 week 28:15 33:19 weeks 24:22 welcome 4:5 7:25 8:9 29:25 30:3 33:4 46:3 welfare 28:3 well 7:12 8:7 9:3 11:14 12:20 26:8,10 31:2 43:11 were 10:1,5 17:25 20:24 28:10 30:21 30:21 31:13 35:6,7 41:6 we'll 5:5 17:23 27:17 41:10 we're 4:20 7:22 8:22 9:8,10 13:23 28:22 28:24 29:23 30:11 32:22 39:6 40:1,11 42:8 43:7 we've 12:10 13:14 17:13 20:12 26:7 27:3 40:2 whatsoever 18:19 WHEREOF 48:14 whole-heartedly 30:4 wickes 3:4 42:12,13,13 44:10 willful 17:24 willing 25:6 WITNESS 48:14 Woman 44:13 wonderful 42:20 words 6:22 7:16 23:15 work 28:8,10 41:3,10 45:18 working 41:6 45:19 worshipped 30:22 worst 25:20 worth 36:17 wouldn't 42:21 written 10:6 wrong 23:17,25 Wyoming 24:4</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 24:14,24 25:11 42:23 44:13,21</p>	<p>years 13:15 15:8 16:23 20:24 21:6,12 22:1,2 22:2 23:11 26:21 27:3 29:8 37:21 38:3 38:3,8 39:4,18 41:18 42:2,17 44:7 young 40:20</p> <hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$150 11:15 \$540 30:16</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>06 10:9</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1A 18:1 10 22:2 29:8 42:17 100 17:4 12 14:6 1216 21:19 15 38:8 17th 24:21 18227 15:7 1862 31:13 1872 31:12 19th 10:9 1926 13:14 1965 41:16 1972 29:19 1976 20:23 1978 13:16 1989 42:15 44:19 1990 11:19</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 9:19 200 48:15 2000 11:19 18:1 2003 12:10 2005 24:15 44:13 2006 1:13 4:1 2021 3:10 2028 21:21 24th 13:14 25 22:2 27588 44:16</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 11:13 3rd 1:22 30 20:24 28:3 30-plus 39:4 300 35:16 3101 23:9 34 20:25 35 9:5 11:16 36836 39:2 37 21:1</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 1:13 4:1 40 41:17 42:2 400 43:1,2 420 12:4 45 4:23 6:13 22:1 450 41:14</p>	<hr/> <p style="text-align: center;">5</p> <hr/> <p>5 18:1 50 14:9 26:21 50,000 30:17 500 1:22 52 19:24 55 19:2 551-7300 1:23</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 9:18 6:05 1:13 4:2 65 18:4</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7:17 47:8 751 42:14 755 26:20 76 14:7 79 25:14</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 13:15 818 1:23 831 29:18 8383 1:24 48:20 861 13:12</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>91203 1:22 920 16:22 95 42:17 95814 3:10 98 18:1 27:13</p>
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APPENDIX D

Public Meeting Comment Cards

Comment Cards Received

Comment Number	Name	Affiliation
1	Brent Sorrels	Barstow Resident
2	Jeri Sue Justus	Barstow Area Chamber of Commerce
3	Bill Johnson	Barstow Resident
4	Diane Hess	Barstow Association of Realtors
5	Sabrina Bernal	Barstow Outlets
6	Julie Justus	Aquarion Operating Services
7	Jaysen Kent	Barstow Resident
8	Cathy Bleving	Barstow Resident
9	John Gilmore	Barstow Resident
10	Audrey L. Hood	KB Toys (outlet mall)
11	Sylvia Maes	Timberland (outlet mall)
12	Tish Chavez	Wilson's Leather (outlet mall)
13	Pamela Vargas	Benzene (outlet mall)
14	Laura Peters	Factory Brand Shoes (outlet mall)
15	Rita R. Dale	Barstow Resident / Homemaker
16	Lawrence E. Dale, Mayor	City of Barstow

WRITTEN COMMENT CARD

9

BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING
LOS COYOTES BAND OF CAHUILLA AND CUPEÑO INDIANS AND BIG LAGOON RANCHERIA - TRUST ACQUISITION & CASINO/HOTEL PROJECT

BARSTOW COMMUNITY COLLEGE GYMNASIUM
6 pm to 9 pm, May 4, 2006

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDENT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Frank Sorell Organization: _____

Address: 328 HOLY ANNE AVE BARSTOW

Comment: Keep up the struggle

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

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(Please write legibly)

Name: Jeri Sue Justus Organization: BARSTOW AREA Chamber of Commerce

Address: 1713 SUN SET

Comment: As a lifetime resident of this area I fully support this Casino. We need the 3700 hundred jobs and the millions in Revenue. Barstow is 150 miles to Las Vegas or Laughlin we have at least 60 million come through here a year Barstow would prosper with a Casino of our own.

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(Please write legibly)

Name: Bill Johnson Organization: _____

Address: 1145 Robena Ave. Barstow, ca

Comment: I am pro Cal gaming zones (designated).
They do not discriminate by ethnic group.
They guarantee fair share tax payment
They eliminate the need to negotiate.

If Californians want legalized casino gaming,
it should be voted by ballot, do it right.
Petition for Designated Gaming zones to be
placed on Ballot. (Barrow, Plythe, Death Valley, Yreka) [Stamp]

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(Please write legibly)

Name: Diane Hess Organization: Barstow Assn. of Realtors

Address: P.O. Box 26 Yermo CA ~~92398~~ 92398

Comment: Most All Speakers against the Casino, are from
out of town - Victorville,esperia, San Diego, Yreka
They do not have a real interest in the impact to
Barstow area, they just don't want the competition.
I have lived in the Barstow area for over 60
years, & have seen the area around us grow - It is
our turn to grow.

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(Please write legibly)

Name: Sabrina Bernal Organization: Barstow Outlets

Address: 2552 Mercantile way, Barstow, CA 92311

Comment: As the On-site Manager of the Barstow Outlets on Kenwood Road, the Outlet strongly supports the Los Coyotes/Big Lagoon Casino and Resort. This project would provide a much-needed boost to the economy, with 3700 new jobs and millions in revenue for the City. There is no doubt that the Casino resort would have a tremendous impact on the Business Community. The Site on Kenwood Road near the Outlet malls is the perfect location to maximize the impact of the Business Community, with the resort drawing to Barstow the millions of Motorists who pass along I-15 every year, the Outlet mall

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Over →
would enjoy significant spiny benefits, including potential jobs and new opportunities for business development.

Barstow Outlets believe that the Big Lagoon/Los Coyotes Casino and Resort promotes the prosperity and growth of the Outlet malls, the surrounding businesses and the entire Barstow community. All around, it's good for Barstow and the outlet malls.

Thank you.

WRITTEN COMMENT CARD

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(Please write legibly)

Name: Julie Justus Organization: Aquarion Operating Services

Address: 1520 Sunset St. Barstow CA 92311

Comment: As A resident of Barstow and AN operator at the Barstow Water Reclamation Facility, I feel Barstow needs this proposed casino, it will help Barstow's Economic Development, by attracting other businesses to the proposed area, bringing in tax dollars for City and State. Barstow is a small town, growing up here the jobs are very limited. As A mother of a 12 yr old daughter

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This is new job development, where she will have a chance to get a decent paying job. As A WASTEWATER OPERATOR, I have heard people say it would create too much wastewater. The Barstow Facility can take in 2.5 mgd and on an average brings in 1.54 mgd. SO I KNOW there is plenty of room.

Thank You

WRITTEN COMMENT CARD

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(Please write legibly)

Name: Jaysen Kent Organization: Resident

Address: 1133 Borrego Dr.

Comment: I t really saddens me that

the city Council & Mayor are leading
the town in a way of destruction, that they
don't see it because the Council is putting
up a smoke screen to try hide their
agenda. Jesus loves us for we are all sinners.

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(Please write legibly)

Name: Cathy Bleving Organization: _____

Address: 25904 U.S Hwy 58

Comment: I am opposed to the casino

coming to Barstow. There are
better ways to bring jobs
to Barstow.

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(Please write legibly)

Name:

John Gilmore

Organization:

Address:

Comment:

I oppose any casinos in Barstow.
Our city has not been allowed to
give an advisory vote.

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(Please write legibly)

Name: Audrey F Hood (Asst KBAs) Organization: _____

Address: 2566 Merchants Way, _____

Comment: It Doesn't matter whether its a Casino/Hotel or any other Business Barstow Desperately Needs the Revenue. We are turning into a Ghost Town. We had nothing in this town. Even if we wanted to spend here in Barstow what where can we

Please give to attendant; drop in Written Comment Box; or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING
LOS COYOTES BAND OF CAHUILLA AND CUPENO INDIANS AND BIG LAGOON RANCHERIA - TRUST ACQUISITION & CASINO/HOTEL PROJECT

BARSTOW COMMUNITY COLLEGE GYMNASIUM
6 pm to 9 pm, May 4, 2006

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Sylvia Maes Organization: Timberland

Address: 2857 Lenwood Barstow CA 92311

Comment: To see our city grow, more jobs make our town a destination point, not just stop for gas or food.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Rec. to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC SCORING MEETING
LOS COYOTES BAND OF CAHULLA AND CUPEÑO INDIANS AND BIG LAGOON RANCHERIA - TRUST ACQUISITION & CASINO/HOTEL PROJECT

BARSTOW COMMUNITY COLLEGE GYMNASIUM
6 pm to 9 pm, May 4, 2006

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Tish Chavez Organization: Wilson's Leather

Address: _____

Comment: Retailers will come back and open stores in this mall

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahulla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

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(Please write legibly)

Name: Panda Vargas Organization: Benzene

Address: 2586 Mercantile way #17A

Comment: Retailers will come back and open stores in this mall thus needing more jobs more growth more money for Barstow

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45-Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

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(Please write legibly)

Name: John Patena Organization: Factory Brand Shoes

Address: 9592 Mesquite Way, Barstow, Ca.

Comment: There will be so many people out of jobs, if this mall closes down.

So, a casino would benefit very much. There are so many people that travel through here, but there is just not enough stops, for them to stop.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "BIA Scoping Comments, Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING
LOS COYOTES BAND OF CAHUILLA AND CUPEÑO INDIANS AND BIG LAGOON RANCHERIA - TRUST ACQUISITION & CASINO/HOTEL PROJECT

BARSTOW COMMUNITY COLLEGE GYMNASIUM
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(Please write legibly)

Name: Rita R. Dale Organization: Home maker

Address: 941 Senita Dr. Barstow Ca. 92311

Comment: I feel the residents of Barstow support the Casino Project for the City. Big Lagoon Rancheria + Los Coyotes will be great partners for the City. We look forward to the day we have a casino here.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC SCOPING MEETING
LOS COYOTES BAND OF CAHUILLA AND CUPEÑO INDIANS AND BIG LAGOON RANCHERIA - TRUST ACQUISITION & CASINO/HOTEL PROJECT

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(Please write legibly)

Name: Lawrence E Dale Organization: Mayor City of Barstow, Ca

Address: 941 Senita Dr Barstow, Ca 92311

Comment: There is tremendous support in the City of Barstow for the Los Coyotes tribe and Big Lagoon Rancheria Indian Gaming. This project will be a big boost to the Economy of Barstow and we look forward to the opening day and a great celebration for our City!

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Clay Gregory, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Scoping Comments Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, CA."

APPENDIX E

Comment Letters

Comment Letters Received

Letter Number	Name	Affiliation	Date
<i>Tribal and Government Agencies</i>			
1	Guenther Moskat	Chief, Department of Toxic Substances Control, State of CA	5/31/2006
2	Scott Priester	City Planner, City of Barstow	5/30/2006
3	Judith Keir	CA Regional Water Quality Control Board, State of California	5/30/2006
4	Dennis Castrillo	Governor's Office of Emergency Services, State of California	5/25/2006
5	Karen Vitulano	Environmental Protection Agency, USA	5/18/2006
6	Daniel Kopulsky	Office Chief, Department of Transportation, State of California	5/26/2006
7	Richard M. Milanovich	Tribal Council Chair, Agua Caliente Band of Cahuilla Indians	5/16/2006
8	Denyse Racine	Sr. Environmental Scientist, CA Department of Fish and Game	6/19/2006
<i>Individuals</i>			
1	Michael Hendrix	Hesperia resident	5/4/2006
2	Stanley K. Tanger, CEO	Tanger Outlet Centers, Inc.	5/3/2006
3	Fernando Baca	Barstow resident & business owner	5/6/2006
4	Randall Hempling	Barstow Community Hospital	5/4/2006
5	The Hearn Family	Hesperia residents	5/9/2006
6	David Penn	Hesperia resident	



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

May 30, 2006

Christine Nagle
Los Coyotes Band of Indians and Big Lagoon Rancher
2021 N Street, Suite 200
Sacramento, CA 95814



Barstow Casinos (Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria); NOTICE OF PREPARATION (SCH #2006041149)

Dear Ms. Nagle:

The Department of Toxic Substances Control (DTSC) has received from the Governor's Office of Planning and Research, a Notice of Preparation (NOP) indicating your intent to prepare a Tribal Environmental Impact Report (TEIR) for the above referenced project. It also stated that, as required by Section 11 of the Tribal/State Compacts between the State of California and the Tribes, the Tribes are to prepare a TEIR assessing the Off-Reservation environmental impacts of the proposed Barstow Casino Project. The NOP indicates that the TEIR will be prepared in coordination with an Environmental Impact Statement (EIS) that is being prepared in compliance with the National Environmental Policy Act (NEPA), resulting in a joint "Draft EIS/TEIR". The NOP describes the project as "a new casino/hotel facility on land located within the incorporated boundaries of the City of Barstow, San Bernardino County, California"; and, the site as "bounded on the north by Mercantile Way, on the west by Lenwood Road and commercial/light industrial development; on the south by vacant Bureau of Land Management Land; and on the east by vacant land".

In addition, the NOP states that the EIS/TEIR will analyze the potential Off-Reservation environmental impacts by specifically addressing in detail within the EIS/TEIR the following environmental issues: Land Use, Soils and Geology, Transportation and Circulation; Noise; Air Quality; Biological Resources; Hazardous Materials; Hydrology, Drainage, and Water Quality; Public Services; Aesthetics; and Growth Inducing, Cumulative, and Direct and Indirect Effects. The DTSC looks forward to reviewing the Draft EIS/TEIR to ensure issues germane to the responsibilities of the DTSC are addressed in the document.

Based on our review of the limited project description provided in the NOP, DTSC has prepared the following preliminary comments for your consideration:

- 1) The Draft EIS/TEIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances.

- 2) Proper investigation and remedial actions, if necessary, should be conducted at the site prior to the new development.
- 3) The Draft EIS/TEIR should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the Draft EIS/TEIR should evaluate whether conditions at the site pose a threat to human health or the environment. A Phase I or II Assessment may be sufficient to identify these sites. The following databases may be consulted to identify potentially contaminated sites:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A DTSC database.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites maintained by U.S. EPA.
 - Solid Waste Information System (SWIS): A California Integrated Waste Management Board database, which consists of open, closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Lists of hazardous substances cleanup sites and leaking underground storage tanks maintained by counties and cities in the affected area of the project.
 - Formerly Used Defense Sites (FUDS): The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017. (213) 452-3908.
- 4) All environmental characterization and/or cleanup should be conducted under a Workplan approved by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the Draft EIS/TEIR.
- 5) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
- 6) If building structures, asphalt or concrete-paved surface areas or transportation structures, are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products and asbestos containing materials (ACMs). If lead-based paints or products or ACMs are identified, proper precautions should be

- taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site might have to be conducted to determine if there are, have been, or will be, any threatening releases of hazardous materials that may pose a risk to human health or the environment.
 - 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, title 22, division 4.5).
 - 9) If it is determined that hazardous wastes are or will be generated, then the generator should contact DTSC for generator standards.
 - 10) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
 - 11) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
 - 12) If the project plans include discharging wastewater to storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
 - 13) If during project construction/ demolition activities, soil and/or groundwater contamination is encountered, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the Draft EIS/TEIR should identify how any required investigation and/or remediation will be conducted.
 - 14) The addresses, locations, cross streets and street boundaries included in the Draft EIS/TEIR should be clearly stated and Draft EIS/TEIR easily identified. Most projects are identified in our database by street address, city, and zip code or cross streets, if possible.
 - 15) If the existing project site is used for commercial nursery/greenhouse uses, onsite soils could contain pesticide residue. If the site was used dairy and cattle industry operations, the soil could contain related dairy, animal, or hazardous waste. If so, the site may have contributed to soil and groundwater contamination. Proper investigation and remedial

Ms. Christine Nagle
May 30, 2006
Page 4

actions should be conducted at the site prior to any construction or replacement of the project.

As a reminder, DTSC can assist in overseeing characterization and cleanup oversight activities through our Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

For specific questions relating to potential characterization and cleanup activities please contact Mr. Greg Holmes in our Southern California Regional Office, Cypress Office at (714) 484-5300. For all other questions, please contact Mr. Kenneth E. Tipon, Associate Environmental Planner, at (916) 322-5266 with the Planning and Environmental Analysis Section, or me at (916) 322-8955.

Thank you for allowing DTSC the opportunity to provide this information for the tribes' consideration during the preparation of the Draft EIS/TEIR.

Sincerely,



Guenther Moskat, Chief
Planning and Environmental Analysis Section

cc: Mr. Greg Holmes
Statewide Cleanup Operations Division
Site Mitigation and Brownfields Reuse Program

Mr. Ken Tipon
Planning and Environmental Analysis Section
Environmental Analysis and Regulations



5/20/2006

May 25, 2006

Analytical Environmental Services
Attn.: Christine Nagle, Senior Associate
2021 "N" Street, Suite 200
Sacramento, CA 95814

RE: Response to Notice of Preparation – Tribal Environmental Impact Report for the Barstow Casino

Dear Ms. Nagle:

Thank you for distributing the Notice of Preparation (NOP) of a Tribal Environmental Impact Report (TEIR) for the Los Coyotes Band of Cahuilla and Cupeno Indians and the Big Lagoon Rancheria Indians Barstow Casino ("Project"). The City appreciates the ability to provide input on such an important project to the City in order to ensure that all significant off-reservation effects are, to the extent feasible, adequately mitigated. We also commend the tribes' initiative to carry out this state-required TEIR process in coordination with the federal Department of the Interior Bureau of Indian Affairs' Environmental Impact Statement (EIS) process for the Land-into-trust application. It is expected that this joint document will satisfy both processes, and will be able to be used by the City for subsequent environmental review for associated Project off-reservation development and infrastructure. To that end, the City has the following comments that should be addressed as part of the TEIR:

1. Project Description – The project description in the NOP should be reconciled with the state gaming Compact and federal Land-to-trust application, to ensure it is an accurate description of the project;
2. Issue Areas – The attached Exhibit A – "Off-Reservation Environmental Impact Analysis Checklist" identifies many issue areas as "No Impact or "Less than significant impact." The City believes a project of this magnitude will have impacts, many of which may be able to be considered "Less than significant" once mitigation is incorporated. Further, some issue areas may also have beneficial impacts. The following impact areas should be evaluated in the TEIR/EIS with this context in mind:
 - I. Aesthetics – The project is located within the Lenwood Specific Plan (LSP). The LSP contains design guidelines for all development within its boundaries. The TEIR analysis should include a discussion of how the Project's design (building type, materials to be used, lighting, etc.) will "fit" with the off-reservation development expected around the Project and within the LSP. Preliminary graphics that have been publicly displayed would suggest that the Project would be consistent and beneficial to the City's goal of promoting high-quality design and consistency in the LSP;

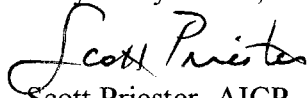
- III. Air Quality – The project lies within the Mojave Desert Air Basin which is regulated by the Mojave Desert Air Quality Management District (MDAQMD). The Air Quality Attainment Plan adopted by the MDAQMD included the Project area's development under the City's Lenwood Specific Plan as "Transportation-Related Commercial (TRC). Any differences between the Project's air quality impacts and the previously-anticipated TRC uses should be quantified and mitigated if necessary;
- VIII. Water Resources – The City is principally served by the Golden State Water Company for domestic water, to which the Project is expected to connect. Given its size, a Water Supply Assessment may need to be carried out to ensure the Project and the cumulative development in the Project's vicinity will be able to be adequately served with a reliable water source, and what upgrades to the existing system will be needed to serve the Project;
- XII. Population and Housing –The Project and the related off-reservation development will cause an additional demand for off-reservation housing for Project employees and workers. While the City has adequate lands zoned for new housing opportunities, a quantification of this should be included in the TEIR so the City is aware of the new housing demand caused by the Project;
- XIII. Public Services – The Project and cumulative development around the Project will be served by several public agencies, including the Barstow Fire Protection District, Barstow Police Department, Barstow Unified School District, and Barstow Parks and Recreation Department. Some agencies will be affected more than others. Analyses of the off-reservation impacts on each of the respective serving agencies will assist in the Project's evaluation.
- XV. Transportation/Traffic – The Project and surrounding development are served by Lenwood Road and Mercantile Avenue. These roads principally access Interstate 15 from the Lenwood Interchange (to the north) and Outlet Center Drive (to the south). We are pleased that as part of this TEIR, a Traffic Impact Analysis will be prepared consistent with the County Transportation Commission's (San Bernardino Associated Governments) Congestion Management Program requirements to quantify all off-reservation traffic impacts to roads serving the Project and the cost to mitigate those impacts;
- XVI. Utilities and Service Systems – Wastewater: the City will be providing wastewater service to the Project and surrounding cumulative development. While there is capacity to treat the projected wastewater, the City is currently in the process of upgrading its wastewater reclamation facility to accommodate the City's needs at buildout and provide tertiary-level treatment. However, the collection system to transport the wastewater

should be analyzed to determine what upgrades will be necessary to serve the Project and cumulative development caused by the Project;
Stormwater: Few facilities are in place to convey stormwater flows to its ultimate discharge point (Mojave River). A hydrology study should be included in the TEIR to evaluate the infrastructure and/or facilities needed to ensure off-reservation impacts are minimized;

- XVII. Cumulative Effects – A project of this magnitude will induce other development to occur in the area, and additional development unrelated to the Project is also projected to occur in the City. This fact increases the importance that the project description (noted in 1, above) is consistent, so that off-reservation Project-related impacts and cumulative impacts from development related to the project can be distinguished from unrelated cumulative development impacts and disclosed to the public in the TEIR.

The City of Barstow appreciates the opportunity to review and comment on the NOP, and looks forward to receiving the draft TEIR for review and input. Further, pursuant to the Compact Section 11.8.3, the City is committed to assisting the tribes with the requisite public noticing and participation for the environmental process. Should you have any questions or need clarification on these comments, please do not hesitate to contact me at (760) 255-5160.

Very Truly Yours,



Scott Priester, AICP

Community Development Director/City Planner

cc: Hector Rodriguez, Interim City Manager
Ron Rector, Economic Development Redevelopment Manager
City Attorney

Also sent via facsimile 916-447-1665



**California Regional Water Quality Control Board
Lahontan Region**



Dan Skopec
Acting Secretary

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
Phone (760) 241-6583 • FAX (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

Received
5/24/2006

May 24, 2006

File: San Bernardino County

AES
Attn: Christine Nagle
2021 "N" Street, Suite 200
Sacramento, CA 95814
FAX (916) 447-1665

COMMENTS ON THE NOTICE OF PREPARATION OF A JOINT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND TRIBAL ENVIRONMENTAL IMPACT REPORT (EIS/TEIR), SCH# 2006041149, FOR THE BARSTOW CASINO PROJECT TO BE CONSTRUCTED ON APPROXIMATELY 45 ACRES, LOCATED AT LENWOOD ROAD AND MERCANTILE ROAD, IN THE CITY OF BARSTOW, SAN BERNARDINO COUNTY

California Regional Water Quality Control Board staff (Water Board) has reviewed the Notice of Preparation (NOP) dated April 25, 2006 for the above-referenced project proposed by the Los Coyotes Band of Cahuilla and Cupeño Indians and Big Lagoon Rancheria ("the Tribes").

Project Description

The Tribes are proposing a project to develop two new casino/hotel facilities of approximately 49,000 square feet on approximately 45 acres of land located within the incorporated boundaries of the City of Barstow, San Bernardino, California.

The NOP states that there is potential for impacts to hydrology and water quality, and to utilities and service systems. The NOP states that all the potential environmental impacts will be analyzed, examined, and quantified further in the Draft Environmental Impact Statement/Tribal Environmental Impact Report (EIS/TEIR).

The NOP does not state when development will ultimately occur.

General Comments

The mitigation measures identified in the EIS/TEIR should be very specific in nature and should have adequate detail. All mitigation measures required for the project should be specifically described in the EIS/TEIR. It is not sufficient to state that mitigation will be accomplished through permits acquired and that appropriate governmental agencies will be notified. Additionally, please be sure that the EIR completely evaluates the potential cumulative impacts of the project considering other existing and potential projects.

Item VIII. Water Resources, pages 4-5

The EIS/TEIR needs to provide information on hydrology and water quality with regard to interference with groundwater recharge, alteration of existing drainage patterns of the area in a manner which would result in substantial erosion or siltation on- or off-site or result in flooding on- or off-site, or provide substantial additional sources of polluted runoff, or otherwise substantially degrade surface or ground water quantity or quality.

The Regional Board has adopted a Water Quality Control Plan for the Lahontan Region (Basin Plan), which contains prohibitions, water quality standards, and policies for implementation of standards. The Basin Plan is available on line at the Regional Board's Internet site at <http://www.swrcb.ca.gov/rwqcb6/>. Please cite and discuss applicable portions of the Basin Plan in the EIS/TEIR. The Tribes will need to ensure that the project does not cause conditions off tribal lands that violate applicable water quality standards and prohibitions, including provisions of the Basin Plan.

The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID.

Please consider using vegetated areas for stormwater management and infiltration on-site, which may enhance the aesthetics of the property. These principles can be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible. Minimum-disturbance activities (such as preservation of vegetation and grade) are preferable to more structural (hard scape) control measures because they protect and preserve the natural drainage system. Natural drainage, including the use of vegetated buffer zones, is the most effective means of filtering sediment and pollution and regulating the volume of runoff from land surfaces to adjacent streams, including washes. In addition, preservation and minimum-disturbance

activities may be more cost effective than revegetation practices or structural controls, especially long-term.

Please consider designs that minimize impervious surface, such as permeable surface parking areas, directing runoff onto vegetated areas using curb cuts, etc., and infiltrating runoff as close to the source as possible.

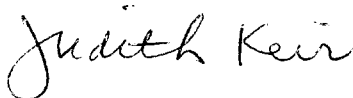
Please identify short-term (construction) vs. long-term (post-construction) implementation of Best Management Practices (BMPs), and provide appropriate mitigation and monitoring of mitigation measures.

Item XVI, Utilities and Service Systems – page 8

The EIS/TEIR needs to evaluate and provide information on utilities and service systems with regard to wastewater treatment requirements, construction of new water or wastewater treatment facilities or expansion of existing facilities, construction of new storm water drainage facilities, and a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's expected demand in addition to the provider's existing commitments.

Thank you for the opportunity to comment on your project. If you should have any questions regarding our above or attached comments, please contact me at (760) 241-7366 or Cindi Mitton at (760) 241-7413.

Sincerely,



Judith Keir
Environmental Scientist

cc: Attached Mailing List

JMK/2006-04-1149 NOP Barstow Casinos EIS_TEIR.doc





GOVERNOR'S OFFICE OF EMERGENCY SERVICES
DISASTER ASSISTANCE PROGRAMS BRANCH
POST OFFICE BOX 419023
RANCHO CORDOVA, CALIFORNIA 95741-9023
PHONE: (916) 845-8101 FAX: (916) 845-8381



May 24, 2006

Christine Nagle
Analytical Environmental Services
2021 N Street, Suite 200
Sacramento, CA 95814

Dear Ms. Nagle:

RE: Los Coyotes Band of Indians and Big Lagoon Rancheria
Barstow Casinos Notice of Preparation
SCH# 2006041149

We have reviewed the Notice of Preparation (NOP) for the above referenced project. Based on the information it presents, OES has the following comments.

Item number VIII (f) in the NOP states that flooding impacts would be less than significant. According to the FEMA flood maps (FIRM) a portion of this project will be located in the 100-year floodplain. The Environmental Impact Report (EIR) should address flooding issues and include appropriate mitigation measures to prevent either on or off-site impacts.

Item number VI (a.ii and iii) in the NOP lists seismic activity as having no impact. The Helendale fault is located approximately 15 miles southwest of the site and is officially zoned active by the California Geological Survey. The Lenwood fault is approximately one mile from the site and has historic activity (See 1986 Geologic Map of San Bernardino Quadrangle, California Geological Survey, Map 3A, Sheet 5). Based on this information, the impacts related to seismic shaking and related ground failure should be examined and appropriate mitigation measures should be included in the EIR.

Thank you for the opportunity to comment on the Notice of Preparation. If you have any questions regarding our comments, please contact Wendy Boemecke, Staff Services Analyst at (916) 845-8275.

Sincerely,

A handwritten signature in black ink that reads "Dennis Castrillo".

Dennis Castrillo
OES Environmental Officer

cc: Office of Planning & Research



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 18, 2006

Clay Gregory
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: Scoping Comments for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians and the Big Lagoon Rancheria Fee-to-Trust Transfer and Casino-Hotel Project, San Bernardino County, California

Dear Mr. Gregory:

The Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on April 19, 2006 requesting comments on the Bureau of Indian Affairs' (BIA) decision to prepare a Draft Environmental Impact Statement (DEIS) for the above-referenced project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

The proposed project includes the development of two casinos, two hotels, food and beverage facilities, parking, and supporting facilities on a 45-acre site. EPA requests consideration of the following issues:

Scope of Analysis

The Notice of Intent indicates the project will include supporting facilities. The EIS should identify all supporting facilities to ensure potentially connected actions are included in the environmental impact analyses (40 CFR 1508.25). These could include transportation improvements, parking lots and structures, drinking water facilities, wastewater treatment facilities, and other utilities upgrades that are associated with the project.

Air Quality

The Draft Environmental Impact Statement (DEIS) should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

General Conformity

The DEIS should address the applicability of Clean Air Act (CAA) Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Mitigation may be available to reduce the project's air emissions, including particulate matter less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5} respectively), diesel particulate matter (DPM), ozone precursors (oxides of nitrogen (NO_x)) and volatile organic compounds.

Portions of San Bernardino County are designated as non-attainment for the following NAAQS: 8-hour ozone (moderate), carbon monoxide (serious), particulate matter less than 10 microns (PM₁₀)(serious), and particulate matter less than 2.5 microns (PM_{2.5}). Because of the air basin's nonattainment status, it is important to reduce emissions of ozone precursors and particulate matter from this project. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

Construction Emissions Mitigation

The DEIS should include a thorough analysis of impacts from the construction of the proposed project alternatives, and emission estimates of all criteria pollutants and diesel particulate matter (DPM), including the federal 8-hour ozone standard and the PM_{2.5} standard. EPA also recommends that the DEIS disclose the available information about the health risks associated with vehicle emissions and mobile source air toxics (see <http://www.epa.gov/otaq/toxics.htm>). EPA recommends including a Construction Emissions Mitigation Plan (CEMP) for fugitive dust and DPM in the DEIS and adopting this plan in the Record of Decision. The following mitigation measures should be included in the CEMP in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require the use of low sulfur diesel fuel (<15 parts per million sulfur) for diesel construction equipment, if available.

- Reduce construction-related trips of workers and equipment, including trucks. Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Implement the following Fugitive Dust Source Controls:
 - Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate, to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
 - Install wind fencing and phase grading operations where appropriate, and operate water trucks for surface stabilization under windy conditions.
 - When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Water Resources

Clean Water Act Section 404

A topographical map of the site indicates an ephemeral stream network near the southern boundary of the project site. The project applicant should avoid siting the development near this network.

The project applicant should coordinate with the U.S. Army Corps of Engineers (Corps) early to determine if the proposed project requires a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. A jurisdictional delineation of waters of the U.S. should occur early, so the DEIS can include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges, such as modifications to the proposed site plan to minimize the impacts of the project footprint to aquatic resources.

The DEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The

discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

Clean Water Act Section 401

Section 401 of the Clean Water Act requires water quality certification for activities that are authorized by a federal permit or license and which could adversely affect the quality of waters of the United States. For projects on tribal lands, water quality certification is obtained from EPA or from tribal governments that have been approved as certifying authorities. In this case, if the project requires a Section 404 permit, EPA would be responsible for issuing a water quality certification. Please contact Mary Butterwick of EPA Region 9's Water Division at (415) 972-3481 regarding the water quality certification process.

Wastewater Treatment and Disposal

The Notice of Intent does not specify whether the project will include a wastewater treatment facility or how wastewater will be managed. If a treatment plant will be constructed to handle wastewater flows from the facility, it should be considered a connected action and analyzed in this EIS (40 CFR 1508.25).

Wastewater discharges may be subject to permitting requirements under the federal Safe Drinking Water Act's Underground Injection Control Program and/or the Clean Water Act's National Pollution Discharge Elimination System Program (NPDES). All wastewater effluent disposal methods are subject to EPA Region 9 review prior to construction activities. Please contact Eric Byous of EPA Region 9's Water Division at (415) 972-3531 with questions regarding potentially applicable wastewater treatment and disposal requirements.

Nonpoint Source Pollution

The project applicant should identify ways to minimize the project footprint and reduce impervious surfaces. Because the site will house two casinos, efforts should be made to share project features such as parking facilities and access roads to reduce impervious surfaces. Runoff from parking areas and roadways should be diverted into stormwater treatment structures such as bioretention areas, infiltration trenches or basins, or filter strips onsite.

Biological Resources

The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat could be directly or indirectly affected by each alternative. If threatened or endangered species may be impacted by the proposed project, we recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Invasive Species and Landscaping

Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. If the proposed project will entail new landscaping, the DEIS should describe how the project will meet the requirements of Executive Order 13112.

Cumulative Impacts

Cumulative impacts analyses are of increasing importance to EPA as they describe the threat to resources as a whole. Understanding these cumulative impacts can help identify opportunities for minimizing threats.

We recommend the BIA focus on resources that are impacted by the proposed project, before mitigation. The DEIS should identify which resources are analyzed for cumulative impacts, which ones are not, and why. The DEIS should define the geographic boundary for each resource to be addressed in the cumulative impact analysis and describe its current health and historic context. The DEIS should identify all other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts. Where studies exist on the environmental impacts of these other projects, use these studies as a source for quantifying cumulative impacts. We understand the Chemehuevi Indian Tribe in San Bernardino County is also proposing a casino project. Efforts should be made to coordinate the impacts assessment analyses of these projects with respect to cumulative impacts.

When cumulative impacts are identified, mitigation should be proposed. The DEIS should clearly state BIA's mitigation responsibilities, the mitigation responsibilities of the Tribe and other entities, and the mechanism to be used for implementation.

Coordination with Land Use Planning Activities

The DEIS should disclose how the proposed action would support or conflict with the objectives of federal, state, tribal, or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

Leadership in Energy and Environmental Design (LEED)

We recommend that BIA and the Tribes utilize the Leadership in Energy and Environmental Design (LEED) standard for green building. The Tribe should specify in its development contracts that the developer design and construct the facility for LEED certification. More information about the LEED green building rating system is available at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19&>.

We appreciate the opportunity for early participation in the evaluation of the potential environmental impacts associated with this project. If you have any questions, please contact me at 415-947-4178.

Sincerely,



Karen Vitulano
Environmental Review Office
Communities and Ecosystems Division

cc: Catherine Saubel, Spokeswoman, Los Coyotes Band of Cahuilla Mission Indians
Virgil Moorehead, Chairman, Big Lagoon Rancheria

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
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Received
Speibler

May 24, 2006

Ms. Christine Nagle
Analytical Environmental Services
Los Coyotes Band of Indians and Big Lagoon Rancheria
2021 "N" Street, Suite 200
Sacramento, CA 95814

Dear Ms. Nagle:

Barstow Casinos
State Clearinghouse #2006041149
SBd I 15, PM 68.484

This letter is in response to the proposed Barstow Casinos. Two casinos of 49,000 square feet each, two 100-room hotels and approximately 3,900 parking spaces are proposed.

The preliminary environmental checklist states that traffic impacts to the Interstate 15/Lenwood Road Interchange will be reduced to a non-significant level after implementation of traffic mitigation measures. We'd prefer to review the traffic study and the proposed mitigation measures to be implemented, to make this conclusion.

Maintenance of current and future capacity and operational levels of this State Highway facility is an important and ongoing need. We request 3 copies of the traffic study to be prepared for this development and it be consistent with the Caltrans Guide for the Preparation of Traffic Impact Studies. Information regarding this guide is available on the internet at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/>. We also request two copies of a hydrology report for this development.

Ms. Christine Nagle
May 24, 2006
Page 2

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Mark Roberts, IGR/CEQA Liaison at (909) 383-2515 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Kopulsky".

DANIEL KOPULSKY
Office Chief
Special Studies, IGR/CEQA Review

c: Mark Roberts
State Clearinghouse



May 16, 2006

Clay Gregory, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Chairman: Richard M. Milanovich • Vice Chairman, Barbara Gonzales Lyons
Secretary/Treasurer, Moraino J. Patencio • Member, Jeannette Prieto-Dodd • Member, Jeff L. Grubbe

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Re: DEIS Scoping Comments
Los Coyotes Band of Cahuilla and Cupeno Indians and
Big Lagoon Rancheria, 45-Acre Fee to Trust Casino/Hotel Project
San Bernardino County, California

Dear Director Gregory:

The Agua Caliente Band of Cahuilla Indians (the "Agua Caliente Band") maintains a portion of its ancestral and historic Lands, as well as its federal Indian Reservation, in Riverside County, California. The Agua Caliente Band operates two casinos on the Agua Caliente Indian Reservation, on its historic and ancestral Indian Lands, pursuant to a Tribal-State Compact approved by the State Legislature and the Secretary of the Interior.

The Agua Caliente Band would not oppose the desire of the Los Coyotes Band of Cahuilla and Cupeno Indians and the Big Lagoon Rancheria (the "Two Tribes") to develop hotel and casino projects on their historic and ancestral Indian Lands. We do, however, oppose the Two Tribes obtaining the Bureau's approval and authorization to take the 45 Acre parcel in Barstow into trust for the development of hotel and casino projects far from the existing and historic Indian lands of the Two Tribes. This so-called reservation shopping should not be approved by the Bureau because:

1. Neither IGRA nor California Proposition 1A [which authorized Class III gaming in California in 2000] authorizes any Tribal Government to develop class III casinos away from their ancestral lands, in urbanized areas located near major thoroughfares.
2. Our casinos, as well as those of other Tribal Government casinos now operated by Tribal Governments on historic and ancestral Indian Lands in San Bernardino and Riverside Counties, would be adversely impacted by newly developed casinos on a major thoroughfare in Barstow which is closer to the existing flow of patrons to our facilities from Los Angeles County.



3. The two applicant Tribal Governments are neither newly recognized, restored nor landless. In fact, they maintain and are able to develop casinos on their existing ancestral Lands.
4. The two applicants do not have Compacts approved by the California Legislature for casinos in Barstow. We understand that Secretary Norton has determined that the Department will not approve any new compacts for gaming sites that were not already properly taken into trust for gaming purposes.
5. In 2000, the California electorate approved Proposition 1A, for the development and operation of tribal casinos in non-urban areas, on existing Indian Lands. The voters did not approve the Bureau taking into trust land in an urban area such as Barstow, for tribes that do not have inhabitation ties to the proposed site. Los Coyotes, in fact, has an existing casino in California, on lands where the Tribe has inhabitation, ancestral, historic and cultural ties.
6. The Project Information Package points out that the proposed project will be located on "land located within the incorporated boundaries of the City of Barstow." The proposed site is "just east of Interstate-15"; and "State Highways 58 and 247 and Interstate-40 are located nearby". This is not what the California electorate voted for, when they approved the 1999 Tribal-State Compacts that authorized tribal gaming on existing Indian Lands.
7. The proposed site will not promote jobs for Tribal members, because the Tribal Members reside on the Tribe's Indian lands located far from Barstow.
8. The proposed project will have an adverse economic impact on existing Tribal casinos on existing Indian Lands. The Tribes impacted reside on their ancestral and historic Indian lands in San Bernardino and Riverside Counties. Those Tribal Governments are members of TASIN; and the two applicant Tribes are not because they do not have any inhabitation, ancestral or historic ties to San Bernardino County. Their ties exist far away, in other areas of California; where they are located.



9. This off-reservation project, in an urban area, is being pursued by developers, not Tribal Governments, for their own economic advantage. This was never the intent of either IGRA or Proposition 1A.

As for scoping, the Agua Caliente Band urges you to consider two specific points.

First, while the Project Information Package refers to potential sites on the current Indian Lands of the Two Tribes, it seems to discount their desirability, as opposed to the Barstow site. For the above reasons, the two current on-reservation sites should be very seriously considered, not just mentioned in passing while the Barstow site is the focus of the analysis.

Second, one of the requirements of IGRA for class III gaming to be conducted on any site is that the site must be "Indian lands." (25 U.S.C. §2710(d)(1)) One requirement of the definition of "Indian lands" is that the "Indian tribe [must] exercise[] governmental power" over the site. Even if a site is held in trust for a tribe, it is not automatic that that tribe necessarily exercises governmental power over that site. See *Kansas v. U.S.*, 249 F.3d 1213, 1229 (10th Cir., 2001). Therefore, you should include within the scope of the EIS or any other analysis, a discussion of whether each of the Two Tribes do properly exercise governmental power over the Barstow site. If each of the Two Tribes do not meet this threshold test, any further consideration of that site is unnecessary.

For the foregoing reasons, we urge the Bureau to deny the application to take the proposed site into trust for the development of two class III casinos, after conducting its inquiry based on scoping that takes the above factors into account.

Yours truly,

Richard M. Milanovich
Chairman, Tribal Council
**AGUA CALIENTE BAND OF
CAHUILLA INDIANS**

RMM:isf
TC-10329-05-06



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Habitat Conservation Planning
Eastern Sierra/Inland Deserts Region
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Bishop, CA 93514
(760) 872-1171
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6/19/06 xes



June 14, 2006

Ms. Christine Nagle
Los Coyotes Band of Indians and Big Lagoon Rancheria
2021 N Street, Suite 200
Sacramento, CA 95814

Subject: Barstow Casinos SCH# 2006041149

Dear Ms. Nagle:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation (NOP) for the Barstow Casinos Draft Environmental Impact Report (DEIR), SCH# 2006041149. The proposal includes the construction of two 49,000 square foot casinos, two 100-room hotels, and parking for approximately 3,900 cars. The site is located east of Interstate 15 south of the Lenwood Road exit in the City of Barstow, San Bernardino County.

The Department is responding as a Trustee Agency for fish and wildlife resources (Fish and Game Code sections 711.7 and 1802 and CEQA Guidelines section 15386) and a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381) required by the Department.

According to the NOP's Off-Reservation Environmental Impact Analysis Checklist for Biological Resources, it states there will be no substantial adverse impact, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Department disagrees with this statement.

The project is within the range of the state and federally-listed desert tortoise, the state-listed Mohave ground squirrel, and the following species of special concern: Barstow woolly sunflower, burrowing owl, LeConte's thrasher, Mojave Monkeyflower, various raptor and bird species covered under the Migratory Bird Treaty Act. Potential impacts to these and other sensitive species must be discussed in the DEIR, and mitigation measures to offset these impacts must be proposed.

General Comments

To enable Department staff to adequately review and comment on the proposed project, we suggest that updated biological studies be conducted prior to any environmental or discretionary approvals. The following information should be included in the DEIR:

1. A complete assessment of the flora and fauna adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and sensitive species and sensitive habitats.
 - a. Conduct an updated (within the last 1 year) general biological study of the site to determine if any of the above-mentioned species or habitats may be potentially impacted by the proposed project.
 - b. If appropriate habitat for any listed species occurs on the site, including surface waters potentially containing any fish species, have a qualified biologist conduct focused surveys according to USFWS and/or Department protocol.
 - c. Have a qualified botanist conduct a focused rare plant survey during the appropriate time of year following USFWS and/or Department protocols.
 - d. Have a qualified biologist conduct focused surveys for burrowing owl following the 1993 Burrowing Owl Consortium protocol guidelines. Survey protocols can be obtained from the Department

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
 - a. CEQA Guidelines, 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. This includes impacts to wildlife from increased raven populations.
 - c. If occupied burrowing owl burrows are found at the project site, the following measures should be included as mitigation measures in the DEIR:

- (1) Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-invasive methods that either: (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied burrows are foraging independently and are capable of independent survival. If a biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of the burrowing owls nest during the breeding season to avoid abandonment of the young.
 - (2) As compensation for the direct loss of burrowing owl nesting and foraging habitat, the project proponent shall mitigate by acquiring and permanently protecting known burrowing owl nesting and foraging habitat at the following ratio:
 - (a) Replacement of occupied habitat with occupied habitat at 1.5 times 6.5 acres per pair or single bird;
 - (b) Replacement of occupied habitat with habitat contiguous with occupied habitat at 2 times 6.5 acres per pair or single bird; and/or
 - (c) Replacement of occupied habitat with suitable unoccupied habitat at 3 times 6.5 acres per pair or single bird.
 - (3) A Burrowing Owl Mitigation and Monitoring Plan shall be submitted to the Department for review and approval prior to relocation of owls. The Burrowing Owl Mitigation and Monitoring Plan shall describe proposed relocation and monitoring plans. The plan shall include the number and location of occupied burrow sites and details on adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation of artificial burrows (numbers, location, and type of burrows) shall also be included in the plan. The Plan shall also describe proposed off-site areas to preserve to compensate for impacts to burrowing owls/occupied burrows at the project site as required under Condition 1.
- d. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - e. A cumulative effects analysis should be developed as described under CEQA Guidelines, 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - f. If any listed species will potentially be impacted by the proposed project, consultation with the Department and the USFWS will be required to establish

appropriate avoidance, minimization, and mitigation measures. An incidental take permit may be required pursuant to Fish and Game Code Section 2080 *et seq* and/or Section 7 or 10 of the Federal ESA.

- g. The Department requests that impacts to State- and Federally-listed species and potential avoidance, alternative and mitigation measures be addressed in the CEQA document and not solely in subsequent negotiations between the applicant and the agencies.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
 - 1) Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
 - 2) The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
 4. A California Endangered Species Act (CESA) Incidental Take Permit should be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:
 - 1) Biological mitigation monitoring and reporting proposals, and a raven control plan should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit. The Department recommends early consultation with the Department to discuss appropriate measures to avoid, minimize, and/or compensate for impacts.

- 2) A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
- a. Under Section 1600 et seq of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow or the bed, channel, or bank (which includes associated riparian habitat) of a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department's issuance of a Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) Negative Declaration or EIR for the project. However, if the EIR does not fully identify potential impacts to lakes, streams, and associated resources (including, but not limited to, riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The Department recommends the following measures to avoid subsequent CEQA documentation and project delays:
 - (1) Incorporate all information regarding impacts to lakes, streams and associated habitat within the DEIR. Information that needs to be included within this document includes: (a) a delineation of lakes, streams, and associated habitat that will be directly or indirectly impacted by the proposed project; (b) details on the biological resources (flora and fauna) associated with the lakes and/or streams; (c) identification of the presence or absence of sensitive plants, animals, or natural communities; (d) a discussion of environmental alternatives; (e) a discussion of avoidance measures to reduce project impacts; and (f) a discussion of potential mitigation measures required to reduce the project impacts to a

level of insignificance. The applicant and lead agency should keep in mind that the State also has a policy of no net loss of wetlands.

- (2) Include in the DEIR a discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or urban pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts must be included.
- (3) The Department recommends that the project applicant and/or lead agency consult with the Department to discuss potential project impacts and avoidance and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

Specific Comments

- 1) Potential impacts to off-site wildlife from creating a new source of light and glare should be analyzed. Mitigation measures to offset these impacts should be proposed.
- 2) Potential impacts to fauna and flora from fugitive dust during construction should be discussed, and mitigation measures proposed to offset impacts.
- 3) Potential impacts to desert tortoises from the likely increase of ravens in the area should be analyzed, and mitigation measures should be proposed. A raven management plan should be developed and proposed.
- 4) The DEIR should evaluate the impact caused by increased tortoise deaths along Outlet Center Drive due to additional project-generated traffic on the road. Mitigation measures should be proposed.
- 5) The DEIR should discuss impacts to nesting birds during construction. Identified impacts should have mitigation measures proposed.

In closing, the information discussed above should to be included in the DEIR, in order for the Department and decision-makers to adequately review the potential impacts of the project and evaluate effectiveness of potential mitigation measures. Thank you for this opportunity to comment. Questions regarding this

Ms. Christine Nagle
Barstow Casinos DEIR
June 14, 2006
Page 6

letter and further coordination on these issues should be directed to Ms. Rebecca Jones, Environmental Scientist, at (661) 285-5867.

Sincerely,



Denyse Racine
Senior Environmental Scientist
Habitat Conservation Program

cc: Ms. Rebecca Jones
Mr. Ray Bransfield
State Clearinghouse
Governor's Office of Legal Affairs
Chron

Michael Hendrix
18227 Ranchero Road
Hesperia, CA 92345

May 4, 2006

Clay Gregory
Regional Director
Pacific Regional Office, Bureau of Indian Affairs, Department of the Interior
2800 Cottage Way
Sacramento, CA 95825

RE: DEIS Scoping Comments, Los Coyotes Band of Cahuilla and Cueno Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, California.

Dear Mr. Gregory,

As a citizen of High Desert with family in the City of Barstow I am concerned with the welfare of Barstow and the impacts the proposed action may have on the area. I appreciate the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the proposed Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria Fee-to-Trust Transfer and Hotel Casino Project. The project as I understand it is a proposal for the Bureau of Indian Affairs to acquire a 45-acre parcel of land located east of Interstate 15 and Lenwood Road, south of Mercantile Way, and north of Outlet Center Drive within the City of Barstow into trust for the Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria Tribes and that the tribes will build and operate two casinos, two resort hotels and other facilities supporting the proposed casinos. The following information summarizes my concerns and the scope of environmental analysis that is appropriate for the Bureau of Indian Affairs should conduct.

Aesthetics/Light and Glare/Visual Impacts

The Bureau of Indian Affairs should conduct a Visual Impact Assessment of the proposed casinos and five-story hotels. Mitigation should focus on minimizing light and glare impacts to the nearby road network, freeway segments and residential community.

Air Quality

The proposed action is within the Mojave Air Basin which is in non attainment of the Federal standards for ozone and particulate matter (PM-10). Vehicle exhaust and other sources of air pollutants as a result of the proposed project will exacerbate this problem. The Bureau of Indian Affairs should consult with the Mojave Desert Air Quality Management District concerning air quality impacts that may occur as a result of the proposed project. Consultation should focus on the methodology used to analyze air quality impacts.

Community Impacts

Social-economic impacts to the community as a result of the proposed casino should be considered in the analysis of the forthcoming EIS. This impact analysis should focus on social costs and benefits that gambling will produce in the community and include both positive impacts-increase jobs in the community and local government revenue, and negative impacts-increases in crime, pathological gambling, and impacts to marital stability associated with access to gambling.

Transportation Network and Traffic

The Bureau of Indian Affairs should consult with the San Bernardino County Association of Governments (SANBAG) on the methodology of the traffic analysis in the forthcoming EIS. Consultation should be conducted with regards to project trip generation, trip distribution, intersections and roadway segments that will be analyzed, and the methodology used to assess the Level of Service at study intersections and roadway segments. The Bureau of Indian Affairs needs to consult with SANBAG to insure that the proposed action is incorporated into their regional traffic model to assess regional impacts. The Bureau of Indian Affairs should also consult with the California Department of Transportation (CalTrans). This consultation should focus on the methodology used to analyze a weaving analysis for the ramps and street lanes leading to the Interstate 15 interchanges at Lenwood Road and Outlet Center Drive.

Utilities and Service Systems

Increased demand as a result of the proposed project cannot be accommodated by the existing potable water facilities, and wastewater treatment and conveyance facilities. The forthcoming EIS needs to address impacts to potable water facilities and pipelines, wastewater treatment facilities, sewer lines, and storm water conveyance facilities that would occur as a result of the proposed action. The need for expansion and renovation of existing facilities and the need for new facilities required to accommodate the proposed action should be identified.

Water Resources

The aquifer underlying the site of the proposed project is in severe overdraft and has been in this condition for many years. Additional pumping either by the tribe or by the City of Barstow to supply potable water to the proposed project will further impact this water source. Since water availability is a critical issue in the project area, the Bureau of Indian Affairs needs to evaluate the ability of potable water sources to meet the proposed project demand in the forthcoming EIS and since the aquifer is in severe overdraft, water sources other than the aquifer underlying the proposed project site need to be considered as supply for the proposed project.

California Law (PRC § 21151.9; California Code of Regulations, Title 14, Division 6, Chapter 3 § 15083.5; and Water Code Part 2.10, Division 6, § 10910 et seq.) requires that development projects of this size conduct a Water Supply Assessment. The Water Supply Assessment must substantiate sustainable sources of potable water for the proposed project during normal, single

dry, and multiple dry water years over the next 20 years. The Bureau of Indian Affairs is required by 40 CFR 1502.25 to integrate state environmental regulations applicable to the proposed action into the NEPA process. Therefore, this evaluation needs to be done in the form of a Water Supply Assessment. A document published by the California Department of Water Resources titled "Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001" documents the methodology needed to conduct a Water Supply Assessment and should be used in analyzing the impacts to water supplies as a result of the proposed action.

Scope of the Proposed Action

The scope of the proposed action should include the Municipal Services Agreement (MSA) between the Tribes and the City of Barstow that is needed in order to supply the infrastructure and services required by the proposed action. The scope of the proposed action should also include environmental analysis of the infrastructure improvements to offsite streets, water lines, sewer lines, natural gas lines, storm water conveyance facilities, potable water treatment facilities, wastewater treatment facilities, that will need to be constructed, expanded, or improved in order to accommodate the proposed action.

Alternatives for Analysis

The scope of the proposed analysis should include an alternative business other than a casino on the proposed site in Barstow that fulfills the purpose and need of the proposed action. Practical and financially viable business alternatives to a casino that could be constructed and operated successfully on the site and fulfill the purpose and need for the proposed action include An Indian arts auction house and gallery for high-end tribal arts. This alternative business has the potential to both fulfill the purpose and need of the proposed action and instill an excellent reputation to the Tribes of preserving and promoting the Native American culture in the United States.

The scope of the proposed analysis should include an alternative location not within the Barstow for the proposed casino project that fulfills the purpose and need of the proposed action. I would suggest that the Bureau of Indian Affairs chose as an alternative location at a site on Interstate 15 in Mountain Pass, California. This location allows the proposed improvements to take advantage existing infrastructure that is currently underutilized without adversely impacting large established communities.

Procedural Requirements

California Environmental Quality Act (PRC § 21091(d)(3)(A,B)) requires that Lead Agencies accept e-mail comments and provide e-mail addresses in their Notice of Intents and other notices that invite public comments. NEPA (40 C.F.R. 1502.25) requires that all Federal Agencies integrate state environmental regulations "to the fullest extent possible" during the preparation of an EIS. Although email addresses exist for personnel at the Bureau of Indian Affairs, the Bureau of Indian Affairs has chosen not to publish an email address that comments can be directed to.

Comment Letter to Clay Gregory, Acting Regional Director, Bureau of Indian Affairs
May 4, 2006
Page 4 of 4

This is in violation of PRC § 21091(d)(3)(A,B). Since the Bureau only needed to publish an e-mail address to fulfill this state environmental regulation, this clearly falls within the context of “to the fullest extent possible.” Therefore, the Bureau of Indian Affairs needs to reissue a public notice inviting comments on the scoping process for the proposed action and publish in this public notice an e-mail address for public comments. The comment period needs to be extended so the Bureau of Indian Affairs can receive public comments by e-mail and consider these comments during the scoping process.

NEPA (40 C.F.R. 1506.6 (c)(2)) requires that the Federal Agency should make available to the public notice of local public meetings at least 15 days in advance. Although the Bureau of Indian Affairs published the Notice of Intent in the Federal Register exactly 15 days prior to the public meeting the Bureau decided not to publish on the same day the notice in local newspapers where there is a reasonable expectation that the public would be able to read the notice. Since the Bureau of Indian Affairs published the notice in a local newspaper less than 15 days prior to the public meeting, the Bureau of Indian Affairs needs to reschedule another public meeting and publish notice in a local newspaper of this public meeting at least 15 prior to the event.

Since the proposed project requires the MSA to accommodate the proposed action, the forthcoming EIS needs to be a joint CEQA/NEPA document with the City of Barstow as the Lead Agency under CEQA and the Bureau of Indian Affairs as the Lead Agency under NEPA. This is required under both California Law (PRC § 21065) wherein a CEQA project is defined and in NEPA (40 C.F.R. 1502.25).

If you have any questions, please contact me at 760-244-1568.

Sincerely,

Michael Hendrix

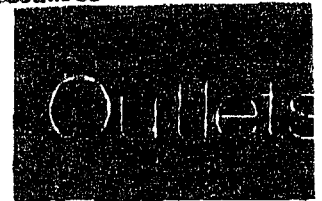
FROM :

FAX NO. :

May. 03 2006 11:13AM P2
1012557615

MAY-3-2006 10:59 FROM:

Tanger Outlet Centers, Inc.
3200 Northline Avenue, Suite 380
Greensboro, NC 27408
Phone: 336.834.6813
Fax: 336.852.7854
www.tangeroutlet.com



May 3, 2006

Assistant Secretary of the Interior James Cason
Bureau of Indian Affairs
1849 C Street N.W.
Washington, D.C. 20240

Dear Mr. Cason:

We believe that the Big Lagoon/Los Coyotes Casinos and Resort in Barstow, CA will provide a boost to the economic vitality of our community at a time when Barstow needs it. This project will have many benefits to the City of Barstow. These include increased job opportunities, an increase in visitors to the area as well as increases in sales to supporting businesses such as food service, attractions, lodging and retail. All of this means increased revenue for the City of Barstow.

A project of this size on Lenwood Road will spur additional development of the currently undeveloped parcels in the Lenwood Area of Barstow. We support the Los Coyotes/Big Lagoon casinos and resort in Barstow and we look forward to seeing the project and the City move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan", written over a horizontal line.

Stanley K. Tanger,
Founder, Chairman and Chief Executive Officer
Tanger Outlet Centers, Inc.

May 6, 2006

To Whom It May Concern:

My name is Fernando Baca. I reside at 1216 Carson Street, Barstow.

In my absence, I respectfully ask that my comments be read into the record.

As a resident of Barstow for the last 45 years, a small business owner for over 25 years and an elected official for 10 years, I feel a need to speak in favor of the Los Coyotes/Big Lagoon Casinos and Resort project for the following reasons.

After listening to testimony by an environmental group speaking at a senate hearing, it was stated that the ecological impact at the proposed Barstow site would be minimal. This is important to us all because we seek to preserve the ecology of our great desert.

The economic impact the project would effect upon the Barstow area would be I believe, tremendous.

I believe this project will spur economic growth by making Barstow a more attractive community in which to locate or re-locate more industry and small businesses. More jobs equals more revenue for our city and schools. With more job opportunities the unemployment and public assistance numbers should decrease.

We hear about the increasing violence in our area and we know that only by increasing city revenues can we afford more police officers, fire personnel, better parks, roads and other amenities necessary for a better quality of life.

I feel it is incumbent upon each of us to put aside political differences, personal agendas and stand side by side in a united effort to better our community.

Don't let the nay sayers decide our future! Now is the time for positive action !

Thank you!



**Testimony of Randall Hempling
Barstow Community Hospital
May 4, 2006**

Barstow Community Hospital serves the communities of Barstow, Hinkley, Newberry Springs and Daggett as well as the surrounding unincorporated areas. This service area at present has a demographic with over 35% of the populace on some form of public support.

Our hospital is a sole community hospital and designated as a critical access facility. We do not deny care through our emergency room to anyone based upon their ability to pay. The statewide average for charity care and bad debt averages less than 6%. In Barstow it is averaging over 20%.

The employment offered by a resort casino would go a long way in providing meaningful and benefited employment. Benefited employment will help insure the long term survivability of the healthcare system for Barstow and the area.

The Hearn Family
18303 Yucca Street
Hesperia, CA 92345

May 9, 2006

Bureau of Indian Affairs
Department of the Interior
Clay Gregory – Regional Director
2800 Cottage Way
Sacramento, CA 95825

RE: Scoping Hearing – Los Coyotes /Big Lagoon Casino/Hotel project

Dear Director Gregory,

Our family has concerns about the proposed project in Barstow. Although we do not live in Barstow, we do live in the high desert area, and would ask that you please take into account our input.

All big projects have both positive and negative affects on a community. Understandably, a casino/hotel project will bring financial benefits; but at what cost?

When evaluating this project, please consider the following issues:

- Water

The high desert area is already in a continual state of water-overdraft. Homeowners neighboring the Barona Indian Casino, in San Diego, CA, have had their wells go dry since the Barona Tribe began tapping groundwater.¹ Please consider the consequences if the Barstow project decides to pump their own water and dry out reserves. (If the land goes into Trust, it will be harder to protect our resources.)

- Social and Economic Impact

The project will have negative social and economic impacts on the community and neighboring communities. Studies show that the number of problem gamblers increases greatly within a 50 mile radius of a casino.² Gambling is a gamble. When consumers come up short of money to pay for such things as rent, utilities and food, federal, state and local social programs will find themselves shouldering the increased burden.

- Traffic and Pollution

Increased traffic will make the already crowded freeways even more congested. This will affect those high desert residents who use the freeways to commute. Slowed and congested traffic will result in higher emissions of more pollutants (negatively affecting our air quality). Freeway interchanges and arterial streets will likely need to be revamped to adequately accommodate increased traffic.

Please judge this proposed project wisely. Our heritage will be permanently affected by the decisions you make.

Sincerely,



The Hearn Family
Mike, Carol and children
(760) 947-5296

¹ http://www.signonsandiego.com/uniontrib/20051210/news_1n10barona.html
² Social Cost of Gambling in Southern Nevada, Las Vegas Review Journal, 02/13/03 and
<http://www.gamblingwiththegoodlife.com/statistics.html>

David Penn
17435 La Junta St
Hesperia, CA 92345

RECEIVED-BIA

06 MAY 19 PM 2:21

May 16, 2006

Clay Gregory
Regional Director
Pacific Regional Office, Bureau of Indian Affairs, Department of the Interior
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: RE: DEIS Scoping Comments, Los Coyotes Band of Cahuilla and Cueno Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, California.

Dear Mr. Gregory,

Thank you for the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for proposed Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria Fee-to-Trust Transfer and Hotel Casino Project. The project as I understand it is a proposal for the Bureau of Indian Affairs to acquire a 45-acre parcel of land located east of Interstate 15 and Lenwood Road, south of Mercantile Way, and north of Outlet Center Drive within the City of Barstow into trust for the Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria Tribes and that the tribes will build and operate two casinos, two resort hotels and other facilities supporting the proposed casinos. I am a citizen of High Desert and am interested in the Tribes' proposal and the scope of the environmental review in the forthcoming EIS.

My concern with the proposal centers on the impacts to families in Barstow and the High Desert. Studies by the National Gambling Impact Study Commission show a statistical correlation between casinos and crime in the community they serve. The physical impact of increased crime includes an increase need for police services, jail facilities, and trauma on local citizens.

Another concern I have is that the proposed casinos will put yet another strain on families in the Barstow area. This project tempts parents to separate themselves from their children in order to enjoy the gambling and entertainment the casinos offer them. As an example, cases of child abandonment in the parking lots of the Foxwoods Tribal Casino in Ledyard, Connecticut became so common that local authorities asked the Tribe to post signs warning parents not to leave children in cars unattended.

Finally, I am concerned that the proposed tribal casinos in Barstow would result in a loss of local control in City political positions and projects. Tribal participation in local politics will increase primarily through monetary contributions to political campaigns. The Tribe is also likely to participate in its own referendums in Barstow to push its agenda on the City of Barstow. The Tribe will not act in the best interests of the City, but rather focus on preserving and expanding their casinos.

Therefore I suggest to the Bureau of Indian Affairs that the EIS in evaluating alternatives to the proposed project look at a business alternative at the proposed location that does not include a casino. Practical and

Comment Letter on Scope of EIS
Proposed Timbisha Shoshone Tribe's Casino in Hesperia, CA
April 21, 2004
Page 2

financially viable business alternatives that could be constructed and operated successfully on the site include:

- A truss and related building business. This will be a viable business for many years to come the way that building is developing in the extended area.
- A intertainment area like knots Berry farm with a Indian emphases. Similar ideas have been floting around the high desert for 20 years. The present growth will soon support this industry.
- A business development park. This would be a area that could foster new business enterprises whether in manufacturing commercs or product development. The ides are endless in this area.

The environmental review of alternatives to the proposed casino should include a comparison of impacts between each of the alternatives and the proposed casino and identify the environmentally superior alternative.

Please call me at 760-244-9132 (daytime) if you have any questions concerning these comments.

Sincerely,



David Penn
17435 La Junta St
Hesperia, CA 92345

David Penn
17435 La Junta St
Hesperia CA 92345

May 9, 2006

RECEIVED-NIA
06 MAY 19 PM 2:22

Clay Gregory
Regional Director
Pacific Regional Office, Bureau of Indian Affairs, Department of the Interior
2800 Cottage Way
Sacramento, CA 95825

RE: DEIS Scoping Comments, Los Coyotes Band of Cahuilla and Cueno Indians and Big Lagoon Rancheria, 45 Acre Fee to Trust Casino/Hotel Project, San Bernardino County, California.

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Comment Letter to Clay Gregory, Acting Regional Director, Bureau of Indian Affairs
May 9, 2006
Page 2 of 4

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Comment Letter to Clay Gregory, Acting Regional Director, Bureau of Indian Affairs
May 9, 2006
Page 3 of 4

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Alternatives for Analysis

The scope of the proposed analysis should include an alternative business other than a casino on the proposed site in Barstow that fulfills the purpose and need of the proposed action. Practical and financially viable business alternatives to a casino that could be constructed and operated successfully on the site and fulfill the purpose and need for the proposed action include An Indian arts auction house and gallery for high-end tribal arts. This alternative business has the potential to both fulfill the purpose and need of the proposed action and instill an excellent reputation to the Tribes of preserving and promoting the Native American culture in the United States.

The scope of the proposed analysis should include an alternative location not within the Barstow for the proposed casino project that fulfills the purpose and need of the proposed action. I would suggest that the Bureau of Indian Affairs chose as an alternative location at a site on Interstate 15 in Mountain Pass, California. This location allows the proposed improvements to take advantage existing infrastructure that is currently underutilized without adversely impacting large established communities.

Procedural Requirements

California Environmental Quality Act (PRC § 21091(d)(3)(A,B)) requires that Lead Agencies accept e-mail comments and provide e-mail addresses in their Notice of Intents and other notices that invite public comments. NEPA (40 C.F.R. 1502.25) requires that all Federal Agencies integrate state environmental regulations "to the fullest extent possible" during the preparation of an EIS. Although email addresses exist for personnel at the Bureau of Indian Affairs, the Bureau of Indian Affairs has chosen not to publish an email address that comments can be directed to. This is in violation of PRC § 21091(d)(3)(A,B). Since the Bureau only needed to publish an e-mail address to fulfill this state environmental regulation, this clearly falls within the context of

Comment Letter to Clay Gregory, Acting Regional Director, Bureau of Indian Affairs
May 9, 2006
Page 4 of 4

“to the fullest extent possible.” Therefore, the Bureau of Indian Affairs needs to reissue a public notice inviting comments on the scoping process for the proposed action and publish in this public notice an e-mail address for public comments. The comment period needs to be extended so the Bureau of Indian Affairs can receive public comments by e-mail and consider these comments during the scoping process.

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Since the proposed project requires the MSA to accommodate the proposed action, the forthcoming EIS needs to be a joint CEQA/NEPA document with the City of Barstow as the Lead Agency under CEQA and the Bureau of Indian Affairs as the Lead Agency under NEPA. This is required under both California Law (PRC § 21065) wherein a CEQA project is defined and in NEPA (40 C.F.R. 1502.25).

Sincerely,



David Penn

APPENDIX F

BIA Cooperating Agency Formal Request Letters



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUN 13 2006

Karen Vitulano, Environmental Review Office
Environmental Protection Agency, Region IX
Communities and Ecosystems Division
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Vitulano:

The Bureau of Indian Affairs (BIA), with the cooperation of the National Indian Gaming Commission (NIGC), Big Lagoon Rancheria and Los Coyotes Band of Indians Cahuilla and Cupeño Indians, intends to prepare an Environmental Impact Statement (EIS) for a proposed fee-to-trust acquisition and casino project in San Bernardino County, California. The purpose of the proposed action is to help meet the socioeconomic needs of the Tribes.

The project site consists of approximately 45 acres and is located in the City of Barstow just east of Interstate-15. State Highways 58 and 247 and Interstate-40 are located nearby. The Tribes propose that the subject property be developed for recreation/tourism by constructing two casinos and two hotels for the benefit of the Tribes and the local community. The facility would be managed by Barwest LLC on behalf of the Tribes, pursuant to the terms of a gaming management contract. The project site is currently undeveloped.

The BIA will serve as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the Environmental Protection Agency to participate in the EIS process as a Cooperating Agency. Please inform this office by June 30, 2006 of your willingness to accept this role.

If you have any questions or need additional information, please contact Larry Blevins Environmental Protection Specialist at (916) 978-6037, or John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety at (916) 978-6042.

Sincerely,

Sgd. Dale Risling, Sr.

Pacific Regional Director

Acting

cc: Brad Mchaffy, NIGC NEPA Coordinator
Virgil Moorehead, Chairperson, Big Lagoon Rancheria
Catherine Siva Saubel, Chairperson Los Coyotes Band of Cahuilla and Cupeño Indians
Regional Realty Officer, Pacific Region



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUN 12 2006

JUN 13 2006

Bill Postmus, Chairman
Board of Supervisors San Bernardino County
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415-0110

Dear Mr. Postmus:

The Bureau of Indian Affairs (BIA), with the cooperation of the National Indian Gaming Commission (NIGC), Big Lagoon Rancheria and Los Coyotes Band of Indians Cahuilla and Cupeño Indians, intends to prepare an Environmental Impact Statement (EIS) for a proposed fee-to trust acquisition and casino project in San Bernardino County, California. The purpose of the proposed action is to help meet the socioeconomic needs of the Tribes.

The project site consists of approximately 45 acres and is located in the City of Barstow just east of Interstate-15. State Highways 58 and 247 and Interstate-40 are located nearby. The Tribes propose that the subject property be developed for recreation/tourism by constructing two casinos and two hotels for the benefit of the Tribes and the local community. The facility would be managed by Barwest LLC on behalf of the Tribes, pursuant to the terms of a gaming management contract. The project site is currently undeveloped.

The BIA will serve as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to San Bernardino County to participate in the EIS process as a Cooperating Agency. Please inform this office by June 23, 2006 of your willingness to accept this role.

If you have any questions or need additional information, please contact Larry Blevins, Environmental Protection Specialist, at (916) 978-6037, or John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety at (916) 978-6042.

Sincerely,

/s/ Amy L. Dutschke

Acting

Clay Gregory
Pacific Region Director

cc: Brad Mchaffy, NIGC NEPA Coordinator
Virgil Moorehead, Chairperson, Big Lagoon Rancheria
Catherine Siva Saubel, Chairperson Los Coyotes Band of Cahuilla and Cupeño Indians
Regional Realty Officer Pacific Region
Mark Uffer, County Administrative Officer



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUN 12 2006

Michael Perovich, Deputy District Director
California Department of Transportation, District 8
Environmental Division
P.O. Box 23660, Mail Station 6D
Oakland, CA 94623

Dear Mr. Perovich:

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The project site consists of approximately 45 acres and is located in the City of Barstow just east of Interstate-15. State Highways 58 and 247 and Interstate-40 are located nearby. The Tribes propose that the subject property be developed for recreation/tourism by constructing two casinos and two hotels for the benefit of the Tribes and the local community. The facility would be managed by Barwest LLC on behalf of the Tribes, pursuant to the terms of a gaming management contract. The project site is currently undeveloped.

The BIA will serve as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the Department of Transportation to participate in the EIS process as a Cooperating Agency. Please inform this office by June 23, 2006 of your willingness to accept this role.

If you have any questions or need additional information, please contact Larry Blevins Environmental Protection Specialist at (916) 978-6037, or John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety at (916) 978-6042.

Sincerely,

/s/ Amy L. Dutschke

Acting Clay Gregory
Pacific Region Director

cc: Brad Mchaffy, NIGC NEPA Coordinator
Virgil Moorehead, Chairperson, Big Lagoon Rancheria
Catherine Siva Saubel, Chairperson Los Coyotes Band of Cahuilla and Cupeño Indians
Regional Realty Officer, Pacific Region



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUN 12 2006

Hector Rodriguez
Interim City Manager
City of Barstow
220 East Mountain View, Suite A
Barstow, CA 92311-2888

Dear Mr. Rodriguez:

The Bureau of Indian Affairs (BIA), with the cooperation of the National Indian Gaming Commission (NIGC), Big Lagoon Rancheria and Los Coyotes Band of Indians Cahuilla and Cupeño Indians, intends to prepare an Environmental Impact Statement (EIS) for a proposed fee-to trust acquisition and casino project in San Bernardino County, California. The purpose of the proposed action is to help meet the socioeconomic needs of the Tribes.

The project site consists of approximately 45 acres and is located in the City of Barstow just east of Interstate-15. State Highways 58 and 247 and Interstate-40 are located nearby. The Tribes propose that the subject property be developed for recreation/tourism by constructing two casinos and two hotels for the benefit of the Tribes and the local community. The facility would be managed by Barwest LLC on behalf of the Tribes, pursuant to the terms of a gaming management contract. The project site is currently undeveloped.

The BIA will serve as the Lead Agency for National Environmental Policy Act (NEPA) compliance. At this time we are extending an invitation to the City of Barstow to participate in the EIS process as a Cooperating Agency. Please inform this office by June 23, 2006 of your willingness to accept this role.

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Sincerely,

/s/ Amy L. Dutschke

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Clay Gregory
Pacific Region Director

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Virgil Moorehead, Chairperson, Big Lagoon Rancheria
Catherine Siva Saubel, Chairperson Los Coyotes Band of Cahuilla and Cupeño Indians
Regional Realty Officer Pacific Region
Scott Priester, Community Development Director