Mitigation Measures

Mitigation Measure A-1: All exterior lighting associated with the Proposed Project shall be fully-shielded to prevent any direct upward illumination or spill-over of light onto adjacent properties. The intensity of lights, as well as the number, shall be kept to a minimum while allowing for adequate public safety and security. Wherever possible, all exterior lighting shall be low-pressure sodium as is called for in the San Diego County's Light Pollution Code.

Expanded Casino Alternative

Under the Expanded Casino Alternative, more mass and breadth would be added to the existing casino but there would not be a hotel or parking garage. The expanded casino would be much larger than the existing casino and would be more visible from KOPs 1, 3, and 4 but, like the existing casino, it would not be visible from KOP 2 (Figures 17d, 18d, 19d, and 20d). In comparison with Proposed Project, views of the expanded casino would be reduced due especially to the absence of the 19-story hotel tower. More outdoor lighting would exist under the Expanded Casino Alternative in comparison with the current casino due to the larger casino and surface parking lot, but less lighting would occur under this alternative in comparison with that for the Proposed Project. Nonetheless, implementation of Mitigation Measure A-1 described under the Proposed Project would also be required under the Expanded Casino Alternative. Like the Proposed Project, the Expanded Casino Alternative would have a less than significant impact on outdoor lighting.

No Action Alternative

The aesthetics impacts described for the Proposed Project would not occur under the No Action Alternative.

4.2 Agricultural Resources

No off-Reservation impacts to agricultural resources would occur as the only off-reservation construction would be roadway improvements within existing Caltrans and County of San Diego right-of-way. Construction of the Proposed Project would result in the clearing of approximately 41.7 acres of citrus groves on the Reservation. Specifically, this area would be used for the construction of portions of the proposed casino, hotel, surface parking lot, and other resort amenities. Project plans call for the replanting of 7.2 acres of citrus and 2.2 acres of non-citrus groves, for a net loss of 32.3 acres. No avocado groves would be impacted.

Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The approximately 41.7 acres of citrus groves on the Reservation are mapped as Unique Farmland pursuant to the Farmland Mapping and Monitoring Program. Therefore, with the replanting of 7.2 acres of citrus and 2.2 acres of non-citrus, the Proposed Project would convert

approximately 32.3 acres of Unique Farmland to a non-agricultural use. The approximately 32.3-acre area represents about one-quarter of the citrus currently cultivated by the Tribe on the Reservation and adjacent fee land, but only about 0.17 percent of the area cultivated with citrus in the County. This reduction is not considered to be a significant impact. A beneficial impact would result from the Proposed Project in that the restaurants, hotel, and multi-purpose events center would provide large on-site markets for crops grown on the Reservation, in the Pauma Valley, and Greater San Diego County.

Pursuant to the FPPA, the Farmland Conversion Impact Rating Form (Form AD-1006) is used to determine the level of consideration and protection that farmland should receive. Coordination with the Natural Resource Conservation Service (NRCS) is necessary in order to complete Form AD 1006. The NRCS assigns up to 100 points to a site for its relative value as farmland, and up to 160 points are assigned for a site assessment, for a combined score of up to 260 points. Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated. Sites receiving scores totaling 160 or more need to be given increasingly higher levels of consideration for protection.

Form AD-1006 was submitted to the U. S. Department of Agriculture's (USDA) Natural Resources Conservation Service and was completed by Ms. Cori Calvert on June 5, 2007. The total combined points assigned to the Project Site is 108 (48 points for Part VI of Form AD-1006 completed by the Tribe and submitted to the NRCS and 70 points for Part VII of the same form completed by the NRCS) indicating that, as required by the FPPA, the NRCS has been coordinated with and the Form AD-1006 has been completed. Since this project received a total point value of less than 160 points, no alternatives other than those already discussed in this document will be considered without a re-evaluation of the project's potential impacts upon farmland. This project would not have a significant impact to farmland and no further consideration for protection is required. The Farmland Conversion Impact Rating prepared by the United States Department of Agriculture's Natural Resources Conservation Service in June 2007 confirmed that the conversion of a previously estimated 30.5 acres of Unique Farmland on the Reservation to non-agricultural uses would not be considered a significant impact. Conversion of the 30.5-acre area to non-agricultural uses under the initial Proposed Project was well under the threshold of significance; conversion of the currently slightly larger 32.3-acre area under the modified Proposed Project would also not be a significant impact.

Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Proposed Project would be constructed on the Pauma Reservation, with off-Reservation impacts limited to improvements within the rights-of-way for Pauma Reservation Road and SR-76. The Tribe has approved the use of the Project Site for the Proposed Project. There is not a Williamson Act contract or any other contract in place that requires that the Project Site remain in agricultural use. This potential impact would not be significant.

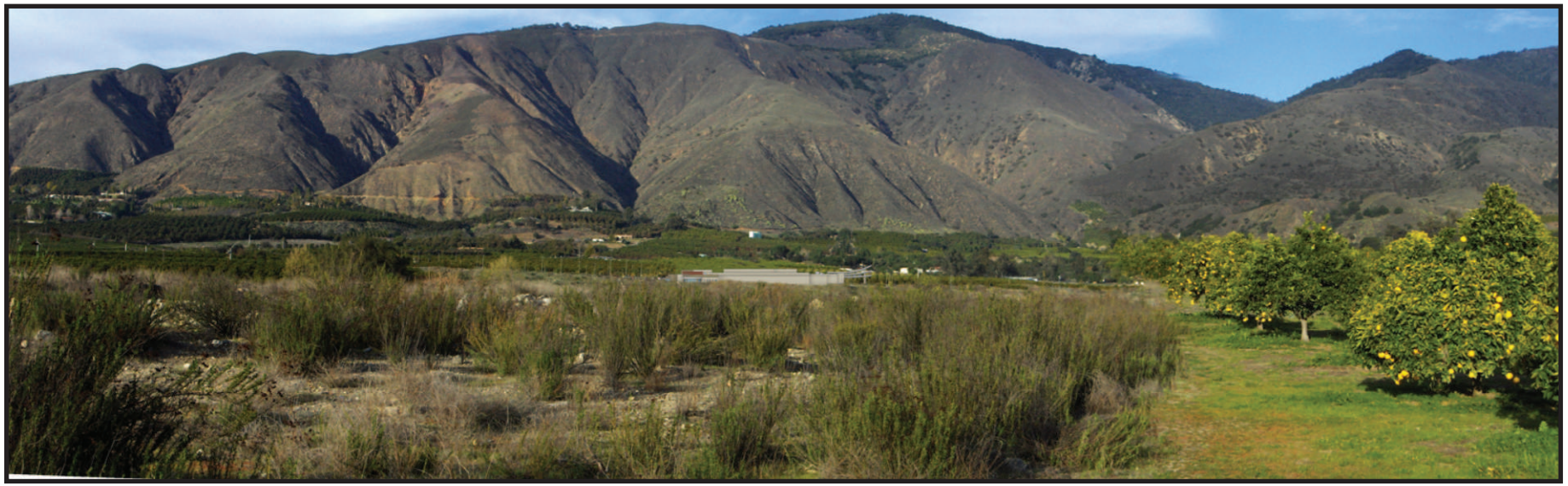

Figure 17d
Visual Simulation from KOP 1 (Northwest Bound SR-76)
of Expanded Casino Alternative

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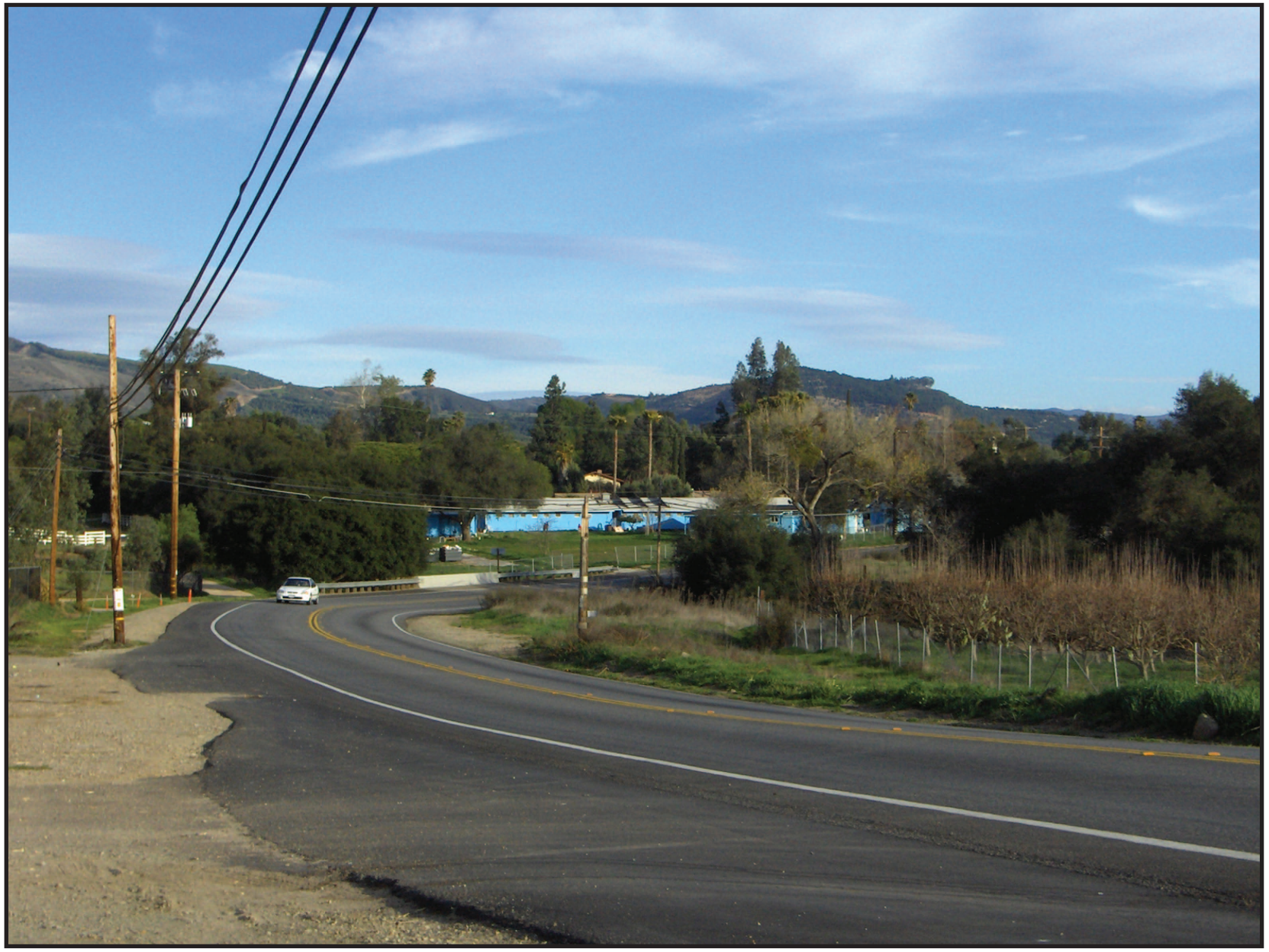

Figure18d
Visual Simulation from KOP #2 (Southeast Bound SR-76)
of Expanded Casino Alternative

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Figure 19d
Visual Simulation from KOP#3 (Adams Drive)
Expanded Casino Alternative

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Figure 20d
Visual Simulation from KOP#4 (Cole Grade Road)
of Expanded Casino Alternative

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Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

As is noted above, the Proposed Project would reduce the area of citrus groves on the Reservation by approximately 32.3 acres. The Tribe intends to continue to operate the citrus groves that would remain surrounding the Proposed Project. There have not been any conflicts between the existing casino and the surrounding citrus groves and none are anticipated with the Proposed Project. This potential impact would be less than significant.

Mitigation Measures

No significant impacts to agricultural resources would occur. No mitigation measures are necessary.

Expanded Casino Alternative

Under the Expanded Casino Alternative, like the Proposed Project, several additional acres would be required to accommodate the larger casino and associated parking lot. Several acres of groves would be reduced under this alternative but, like the Proposed Project, the impact on agricultural resources would be less than significant.

No Action Alternative

The agricultural resources impacts described for the Proposed Project would not occur under the No Action Alternative.

4.3 Air Quality

Significance Thresholds

Conformity of Federal Actions

The USEPA has determined specific federal actions, or portions thereof, to be exempt from a formal conformity determination. Actions are exempt where the total net increase of all reasonably foreseeable direct and indirect emissions (1) would be less than specified emission rate thresholds, known as *de minimis* limits, and (2) would be less than 10 percent of the area's annual emission budget. The *de minimis* thresholds applicable to the SDAB are shown in Table 9a.

Table 9a. Federal *de minimis* Limits for Criteria Pollutants

Pollutant	Emissions (tons/year)
CO	100
NO_X	100
ROG	100
PM_{10}	-
$PM_{2.5}$	-

ROG - Reactive organic gases; NOx - Oxides of Nitrogen
Source: USEPA 2006,
1 - There are no conformity thresholds for PM_{10} or $PM_{2.5}$ because the SDAB is a federal attainment area for these pollutants.

Local Significance Thresholds

The Proposed Project would result in significant impacts to air quality if they would:

A. Conflict with or obstruct implementation of the applicable air quality plan;

B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation;

C. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);

D. Expose sensitive receptors to substantial pollutant concentrations; and/or

E. Create objectionable odors affecting a substantial number of people.

The SDAPCD has no quantitative emissions significance criteria for development projects. The County of San Diego Department of Planning and Land Use has published guidance thresholds as shown in Table 9b (County of San Diego 2007a).

Table 9b. San Diego County Screening-Level Thresholds for Air Quality Impact Analysis

Pollutant	Emissions (pounds/day)
CO	550
NO_X	250
ROG	75
PM_{10}	100
$PM_{2.5}$	55

ROG - Reactive organic gases; NOx - Oxides of Nitrogen
Source: County of San Diego 2007

This evaluation does not address SO_2, Pb, HS, or vinyl chloride. Although these pollutants are regulated by the federal or state government, little to no emissions of these substances would be generated during construction or subsequent operations.

Impact Analysis

Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Air quality impacts associated with the Proposed Project are related to emissions from short-term construction and long-term operations; the latter would primarily be traffic generated by the additional casino patrons and staff. The impact assessment relies, in part, on specific numerical thresholds for individual air pollutant emissions, as shown in Tables 9a and 9b.

Operations emissions would result primarily from vehicle emissions, with lesser emissions from gas used for space and water heating, cooking, from small engines used for landscape maintenance, and from repainting of facilities.

Construction

Construction may affect air quality as a result of (1) construction equipment emissions; (2) fugitive dust from grading and earthmoving; and (3) emissions from vehicles driven to/from the sites by construction workers.

Construction emissions have been evaluated by use of the URBEMIS 2007 software package version 9.2.2 (Rimpo and Associates 2007). The emission factors and calculation methodologies contained in the URBEMIS 2007 program have been approved for use by the California ARB. URBEMIS is a calculation tool designed to estimate air emissions from land use development projects based on development type and size. The model contains data that is specific for many California air basins and counties. San Diego County and the SDAPCD declined to participate in the development of URBEMIS 2007. Therefore, emission factors for Riverside County were used. The differences in emission factors are considered with the overall accuracy of the estimated input data and the assumptions within the URBEMIS program.

Data relative to the specific project elements is based on the conceptual design described in Section 2.1 of this EA/TEIR. For purposes of emissions analysis, it was assumed that construction would begin in January 2008 and be completed in 20 months. Changes in plan layouts or other factors are anticipated to be within the accuracy of the estimating methodology. URBEMIS data sheets for the emissions calculations, included in Appendix E to this document, show the details of assumed construction equipment, construction phase lengths, truck trips, etc. The data sheets are annotated to show specific assumptions relative to the project.

The estimated construction emissions for the Proposed Project are shown in Tables 10a and 10b. As shown in Table 10a, construction emissions of nonattainment or maintenance pollutants ROG, NOx, and CO would be less than ten percent of the General Conformity Rule *de minimis*

thresholds and less than ten percent of the regional emissions budgets. As shown in Table 10b, without mitigation, the County screening-level guidance thresholds for PM10 would be exceeded. To avoid this exceedance, Mitigation Measure AQ-1 will be incorporated into the project. Emissions of all other pollutants would be less than the County thresholds. Mitigation measures are described at the end of this section.

Table 10a. Construction Emissions for the Proposed Project - Annual Emissions

	Pollutant (tons/year)				
	ROG	**NOx**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Total Construction Emissions - 2008	0.86	4.56	5.91	3.83	1.00
Total Construction Emissions - 2009	5.92	4.98	7.80	0.38	0.31
USEPA General Conformity Thresholds - from Table 9a	**100**	**100**	**100**	None	None
Exceed Threshold?	No	No	No	NA	NA
Forecast SDAB Emissions – 2010	63036	57451	270794	NA	NA
Exceed 10 Percent of SDAB emissions?	No	No	No	NA	NA
Mitigated Emissions					
Total Construction Emissions - 2008	0.86	4.56	5.91	3.83	1.00
Total Construction Emissions - 2009	3.96	4.98	7.80	0.38	0.31

PM10 and PM 2.5 data shown for information.
PM10 and PM 2.5 emissions reduced with Mitigation Measure AQ-a
ROG emissions reduced with Mitigation Measure AQ-2

Table 10b. Construction Emissions for the Proposed Project - Maximum Daily Emissions Without Mitigation

	Pollutant (pounds/day)				
	ROG	**NOx**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Unmitigated Emissions					
Maximum Daily Emissions – 2008	12	89	71	155	36
Maximum Daily Emissions – 2009	70	36	56	10	3
County of San Diego Screening Level Thresholds - from Table 9b	75	250	550	100	55
Exceed Threshold?	No	No	No	Yes	No
Mitigation Emissions					
Maximum Daily Emissions – 2008	12	80	71	63	16
Maximum Daily Emissions – 2009	45	36	56	10	3

Maximum ROG emissions would occur in May-November 2009 during concurrent building and architectural coating phases.
Maximum NOx PM10, and PM 2.5 emissions would occur in May 2008 during concurrent fine grading, trenching, and paving phases.
Maximum CO emissions would occur in June 2008 during concurrent paving and building phases.
PM10 and PM 2.5 emissions reduced with Mitigation Measure AQ-1
ROG emissions reduced with Mitigation Measure AQ-2

With mitigation incorporated, the anticipated construction emissions of all pollutants analyzed would be less than the County of San Diego screening guidance thresholds. The construction impact of regional pollutant emissions would be less than significant.

Operations

Operations emissions principally are generated by mobile sources, that is, vehicle operations associated with the expanded casino and new hotel. Operations emissions also come from area sources, including natural gas for space and water heating, gasoline powered landscaping and maintenance equipment, and consumer products such as household cleaners. Operations emissions were estimated using URBEMIS 2007. Operations were originally scheduled to begin in 2009, following the completion of construction. It is estimated that in the order of 4,848 new daily vehicle trips would occur; the generation of vehicle trips is discussed in Section 4.15 of this EA/TEIR. The estimated annual operations emissions for the first year of the Proposed Project are shown in Tables 11a and 11b. Although the project was scheduled to open in mid- to late 2009, emission factors for 2009 were conservatively used for the calculation of 12 months of emissions. Emissions in subsequent years would be less because of the continuing improvement in overall vehicle emissions and the removal of older vehicles from use. The anticipated operations emissions would be less than 15 percent of the General Conformity Rule *de minimis* thresholds for ROG and NOX, and would be less than the CO *de minimis threshold.* The ROG, NOx, and CO emissions would not exceed ten percent of the forecast regional emissions. The anticipated average daily emissions would be less than the County of San Diego screening guidance thresholds for all of the pollutants analyzed. The operations regional emissions impact would be less than significant.

Table 11a. Annual Operations Emissions for the Proposed Project

	Pollutant (tons/year)				
	ROG	**NOx**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Area Sources	0.6	0.9	1.6	0.0	0.0
Mobile Sources	8.6	12.4	96.7	13.9	2.8
Total Operations Emissions - 2009	9.3	13.3	98.4	13.9	2.8
USEPA General Conformity Thresholds- from Table 3	**100**	**100**	**100**	None	None
Threshholds - from Table 9a					
Exceed Threshold?	No	No	No	NA	NA
Forecast SDAB Emissions - 2010	63036	57451	270794	NA	NA
Exceed 10 Percent of SDAB emissions?	No	No	No	NA	NA

Totals may not add due to rounding.

Table 11b. Daily Operations Emissions for the Proposed Project

	Pollutant (pounds/day)				
	ROG	**NOx**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Area Sources	3	5	9	<1	<1
Mobile Sources	50	76	533	76	15
Total Operations Emissions - 2009	53	81	542	77	15
County of San Diego screenings Level Threshholds - from Table 9b					
Exceed Threshold?	No	No	No	NA	NA

Totals may not add due to rounding.
ROG and NOx emissions greater in winter; CO emissions greater in summer; PM emissions the same for both seasons. Data shown for the greater season for each pollutant.

Local Emissions

In addition to the regional impact of vehicle emissions, it is necessary to consider the potential for local CO "hot spots" at locations where traffic is congested. The County of San Diego has published the following guideline for analysis (County of San Diego 2007a):

> "CO concentrations tend to be higher in urban areas where there are many mobile-source emissions. CO "hotspots" or pockets where the CO concentration exceeds the NAAQS and/or CAAQS, have been found to occur only at signalized intersections that operate at or below level of service (LOS) E with peak-hour trips for that intersection exceeding 3,000 trips. Therefore, any project that would place receptors within 500 feet of a signalized intersection operating at or below LOS E (peak-hour trips exceeding 3,000 trips) must conduct a "hotspot" analysis for CO. Likewise, projects that will cause road intersections to operate at or below a LOS E (with intersection peak-hour trips exceeding 3,000) will also have to conduct a CO "hotspot" analysis."

The project traffic analysis, summarized in 4.16 of this EA/TEIR, in the Near Term/2009 scenario shows that there would be no intersections in the project study area with more than 3,000 peak hour trips. In the 2030 scenario, the Proposed Project would increase traffic volumes at three intersections that would have more than 3,000 peak hour trips and would operate at LOS F. These intersections are SR 76/Old Highway 395, SR 76/I-15 NB Ramps, and SR 76/I-15 SB Ramps. The project would not place receptors within 500 feet of these intersections and there are no existing sensitive receptors within 500 feet of these intersections. The closest sensitive receptors are residences approximately 1,000 feet north of the SR 76/Old Highway 395 intersection. Therefore, no further analysis for CO local impacts is required.

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

The SDAB is currently designated as nonattainment of federal standards for O_3 and nonattainment of state standards for O_3, PM_{10}, and $PM_{2.5}$.

Construction

The County of San Diego guidelines for determining significance state that a project that has a significant direct impact on air quality with regard to construction emissions of PM_{10}, $PM_{2.5}$, NOx and/or ROGs, would also have a significant cumulatively considerable net increase. Further, in the event direct impacts from a Proposed Project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions of concern from the Proposed Project, in combination with the emissions of concern from other proposed projects or reasonably foreseeable future projects within a proximity relevant to the pollutants of concern, are in excess of the screening level thresholds.

As shown in Table 10b above and the accompanying text, the project construction would not have a significant direct impact on air quality. Projects considered for cumulative analysis are listed and described in Section 5. There are no reasonably foreseeable future projects that would have concurrent construction activities in the general region of the Proposed Project. Therefore, the project construction emissions would not be contributing to the cumulative impact, and the cumulative construction air quality impacts would not be significant.

Operation

The County of San Diego guidelines for determining significance state that a project that does not conform to the RAQS and/or has a significant direct impact on air quality with regard to operational emissions of PM10, PM2.5, NOx and/or ROGs, would also have a significant cumulatively considerable net increase. Further, projects that cause road intersections to operate at or below a LOS E and create a CO "hotspot" create a cumulatively considerable net increase of CO.

The project would not conflict with the RAQS to cause a significant air quality impact, as described in the following section. As shown in Table 11a and 11b above and the accompanying text, the project operations would not have a significant direct impact on air quality. With respect to CO, there would be no creation of a hotspot. The cumulative operations air quality impact would be less than significant.

Would the proposed project conflict with or obstruct implementation of the applicable air quality plan?

Off-Reservation, the applicable air quality plan is the Regional Air Quality Strategy (RAQS), prepared by the San Diego Air Pollution Control District (SDAPCD 2004). The San Diego RAQS was developed pursuant to California CAA requirements and identifies feasible emission control measures to provide expeditious progress in San Diego County toward attaining the State O_3 standard. The pollutants addressed are reactive organic gases (ROG) and oxides of nitrogen (NO_x), precursors to the photochemical formation of O_3, the primary component of smog. The RAQS does not address CO or particulates.

The RAQS control measures focus on emission sources under SDAPCD's authority, specifically stationary emission sources and some areawide sources. The RAQS identifies areawide sources as mostly residential sources, including water heaters, furnaces, architectural coatings, and consumer products. Although focusing on stationary sources, the emission inventories and emission projections in the RAQS reflect the impact of all emission sources and all control measures, including those under the jurisdiction of the ARB (e.g., on-road motor vehicles, off-road vehicles and equipment, and consumer products). The RAQS states that, despite continued growth in population and motor vehicle usage, the County has experienced substantial improvement in air quality over the past two decades as a result of emission control efforts.

Some stationary sources would be included in the Proposed Project. These will include boilers and kitchen equipment. Although the Tribe is not required to obtain permits from the SDAPCD, these sources would be constructed, and operated in accordance with the applicable SDAPCD Rules and Regulations. Therefore, for stationary sources, there would be no conflict with the RAQS.

With respect to mobile and area sources, the County of San Diego significance guidelines state that if a project proposes development that is greater than that anticipated in the County of San Diego General Plan and SANDAG's growth projections, the project would be in conflict with the RAQS and SIP, and might have a potentially significant impact on air quality. A project that does not conform to all of the assumptions of the SANDAG growth projections may not necessarily conflict with the RAQS. The dominant focus of the RAQS is stationary sources, and small variations in mobile source emissions would have a very small influence on the RAQS. The SD APCD has not established guidelines for mobile source emissions that would conflict with the RAQS. Therefore, the USEPA guidelines for potential conflict with the SIP are a starting point. If projected emissions of ROG or NOx approached the USEPA guidelines, there may be a case for conflict with the RAQS because the state standard is more restrictive than the federal standard. However, the operations emissions shown in Table 11a show ROG and NOx emissions less than 15 percent of the *de minimis* values that the USEPA considers a threshold for analysis for conformity with clean air plans. It is concluded that there would be no significant impact on air quality.

Would the proposed project expose sensitive receptors to substantial pollutant concentrations?

Carbon Monoxide

The Proposed Project would not locate sensitive receptors in an area of severe traffic congestion where there would be potential for high CO concentrations, nor would the project contribute to a severely congested intersection where sensitive receptors are located within 500 feet. Therefore, sensitive receptors would not be exposed to substantial CO concentrations.

Toxic Air Contaminants

The construction of the Proposed Project would involve the use of diesel engine driven construction equipment. The number of pieces of equipment operating would not be considered a major source of diesel exhaust emissions, such as a bus terminal or distribution warehouse. In addition, the term of construction, 20 months, is very short relative to the 70-year period considered for health risk from TACs. The nearest off-Reservation sensitive receptors, north of the Project Site, would be approximately 1,150 feet from the northernmost extent of construction. The exposure of off-Reservation sensitive receptors to TACs from construction would be less than significant.

The proposed project, when completed, would generate an estimated 4,848 daily trips. Of these trips, a small fraction would be heavy-duty diesel vehicles, principally additional vendors. According to the California Air Resources Board, exposure to diesel particulate may be a concern when traffic volumes are 100,000 vehicles per day on urban roads or 50,000 vehicles per day on rural roads. The long-term traffic volumes on SR-76 between the Pauma Reservation and Rice Canyon Road would be less than 20,000, with volumes west of Rice Canyon Road less than 30,000. There would be no potential significant exposure to toxic pollutants from project truck traffic.

Would the proposed project create objectionable odors affecting a substantial number of people?

The Proposed Project includes expansion and improvement of the existing wastewater treatment plant. Wastewater treatment plants are a potential source of objectionable odors to receptors within one mile. In order to avoid a significant impact, mitigation measure AQ-3 would be incorporated into the project. With this measure, the impacts would be less than significant.

The Proposed Project would create new minor sources of odors such as kitchen exhaust vents and swimming pool chemicals. There are no off-site receptors near enough to be potential odor receptors for these sources. There would be no impact.

Summary of Impacts

Federal General Conformity

The results of the analysis above indicate that no General Conformity thresholds would be exceeded. The total ROG, NOx, and CO emissions for the analysis are also compared to the area's annual emissions forecast for 2010, and it is shown that the project-related emissions would be much less than 10 percent of the area emissions. Thus, the proposed action is presumed to conform to the SIP, and a formal conformity determination is not required.

Local Off-Reservation Impacts

The forecast construction and operations emissions for the Proposed Project would be less than the impact guidance thresholds. There is no potential for a local CO "hotspot" impact. Sensitive receptors would not be exposed to substantial concentrations of pollutants. There is a potential to expose off-Reservation residents to odors from the wastewater treatment plant. A mitigation measure will be incorporated into the project to avoid a significant impact. Air quality impacts would be less than significant.

Mitigation/Emission Reduction Measures

Estimates of project construction emissions, using the URBEMIS model, indicate a potential exceedance of the County significance guidance threshold for PM10, as shown in Table 10b. In order to reduce PM10 emissions to less than the threshold level, Mitigation Measure AQ-1 will be incorporated into the project. With the implementation of this measure, the impact would be less than the guidance threshold and less than significant, as also shown in Table 10b.

Mitigation Measure AQ-1: During grading of the project, all exposed active grading areas shall be watered at least three times daily.

The biggest potential sources of ROG emissions during construction are architectural coatings i.e., paints, sealers, and varnishes. While the project ROG emissions are less than the significance guidelines, it is appropriate to use low-VOC2 coatings to reduce the ROG emissions. The URBEMIS default for ROG emissions assumes that all coatings average 250 grams per liter of VOC. Mitigation Measure AQ-2 shall be implemented with a required average of 150 grams per liter. This reduction will reduce emissions as shown in Table 10b.

Mitigation Measure AQ-2: Architectural coatings used on the Proposed Project shall average 150 grams per liter of VOC.

[2] For purposes of this air quality analysis ROG – reactive organic gases, and VOC – volatile organic compounds are the same. While ROG is used in most of the text, VOC is used in this mitigation measure because paints are described with VOC content, not ROG.

The Proposed Project would expand a wastewater treatment plant that is located within one mile of off-Reservation residences. In order to avoid a significant impact, Mitigation Measure AQ-3 will be incorporated into the project.

Mitigation Measure AQ-3: The wastewater treatment plant design shall incorporate odor control features that would eliminate significant odor impact at downwind receptors. The plant design shall be prepared by a professional engineer (PE) registered in the State of California with a specialty in wastewater treatment. The PE shall inspect and approve the plant odor control facilities prior to the operation of the plant.

Although no other significant impacts were identified the following emission reduction measures will be implemented:

Mitigation Measure AQ-4: Project construction specifications shall include the requirement that commercial electric power would be provided to the site at the start of construction and be used during construction to the maximum extent feasible. Accordingly, the use of diesel or gasoline engine portable generators would be minimized or avoided.

Mitigation Measure AQ-5: Project construction specifications shall require common dust control practices, such as watering all active grading areas and storage piles, cessation of grading in high winds, the limiting of vehicle speeds on unpaved roads to 15 miles per hour, and preventing the track out of dirt from unpaved areas to paved roadways.

Mitigation Measure AQ-6: During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth-moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off site or on site.

Mitigation Measure AQ-7: If visible soil material is carried over to adjacent streets and roads, the streets and roads shall be swept at least once per day, preferably at the end of the day.

Expanded Casino Alternative

Under the Expanded Casino Alternative, air quality impacts would occur from construction of the larger facility and associated parking lot. These construction related impacts would be similar to those described for the Proposed Project although reduced in quantity and over a shorter duration of time. Increased operations emissions would occur under the Expanded Casino Alternative in comparison with those for the existing casino, primarily due to increased traffic volumes to and from the expanded facility. The increased traffic volumes would be less than those described for the Proposed Project, and the vehicle emissions would also be less. However, all construction and operations mitigation measures described under the Proposed Project (Mitigation Measures AQ-1 through AQ-7) would also be required under the Expanded Casino Alternative.

No Action Alternative

The air quality impacts described for the Proposed Project would not occur under the No Action Alternative.

4.4 Biological Resources

The Proposed Project would result in impacts to the entire approximately 69.1-acre project area as well as to approximately 2.0 acres along SR-76 and Pauma Reservation Road, and to less than one half acre each adjacent to the existing wastewater treatment plant and water reservoirs. The Project Site includes the entire development area of the existing casino and approximately 41.7 acres of citrus groves. The area along Pauma Reservation Road, SR-76, the wastewater treatment plant, and the water tank is developed or disturbed. Several areas of disturbed natural habitats exist along the fringes of the Project Site. The project would impact 0.02 acres of freshwater marsh, 0.09 acre of mule-fat scrub, 7.22 acres of disturbed native habitat, 41.7 acres of agricultural areas, 2.84 acres of ornamental areas, and 17.23 acres of developed areas. As stated previously, none of the vegetation communities occurring on site are considered to be sensitive habitats. Table 12 provides a summary of Proposed Project impacts and Figure 21 shows the area of impact to biological resources.

Table 12. Biological Impacts

Habitat Type	Proposed Impacts (Acres)
Mule-fat scrub	0.09
Freshwater marsh	0.02
Disturbed habitat	7.22
Ornamental areas	2.84
Agricultural areas	41.7
Developed areas	17.2
Total	69.1

Agriculture
Developed
Disturbed
Fresh Water Marsh
Mule Fat Scrub
Ornamental
Area of Potential Effect (APE)

0 500 1000
feet

N

Figure 21
Biological Resources Impacts Map

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Impact Analysis

4.4a - *Would the proposed project have a substantial adverse impact, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the California Dept. of Fish & Game or U.S. Fish & Wildlife Service?*

The Project Site is located on a developed casino site and adjacent citrus groves. The Project Site is not within or adjacent to any off-Reservation lands covered by, or that support species covered by, local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Two raptors, red-shouldered and red-tailed hawk, were detected on site. Portions of ornamental areas supporting scattered eucalyptus and other large trees provide nesting habitat for raptors. To avoid impacts to nesting raptors, a nesting raptor survey should be conducted prior to removing trees providing nesting habitat, including trees in agricultural and ornamental areas. Areas of disturbed habitat and agriculture provide appropriate foraging habitat for raptor species; however, more expansive and more suitable areas of foraging habitat occur off site. Thus, impacts to potentially appropriate raptor foraging habitats are not considered significant. Turkey vulture, an opportunistic scavenger, was also detected on site. However, nesting habitat for this species does not occur on site. Impacts to biological resources would not be significant.

4.4b - *Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Dept. of Fish and Game or the U.S. Fish and Wildlife Service?*

The Proposed Project would not result in any impacts to riparian habitat or other sensitive natural community. Therefore, this potential impact would not be significant.

4.4c - *Would the proposed project have a substantial adverse effect on federally -protected wetlands as defined by Section 404 of the Clean Water Act?*

The biological survey determined that the only wetland areas within the Project Site are associated with man-made drainage channels. These areas are not jurisdictional wetlands as is confirmed by the June 5, 2007 Memorandum from the U.S. EPA and the ACOE to EPA Regions and ACOE Districts released in response to the U.S. Supreme Court's decision in the Rapanos v. United States and Carabell v. United States cases. This memo states that these agencies should not assert jurisdiction over "swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow) and ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water." Therefore, the Proposed Project would not result in any impacts to wetland areas. This potential impact would not be significant.

4.4d - ***Would the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

The Proposed Project would result in the loss of approximately 32.3 acres of citrus grove, as 7.2 acres of citrus and 2.2 acres of non-citrus would be replanted. No native habitats will be impacted. No sensitive plant or animal species are known to exist on the Project Site. However, a number of bird species protected by the Migratory Bird Treaty Act were observed within the citrus groves and several eucalyptus trees near the wastewater treatment facility. This represents a potentially significant impact. Therefore, it is recommended that any clearing of trees be conducted outside of the bird breeding season, February 15 through September 15, if possible.

The Project Site does not contain sensitive habitat and is not located within a corridor between areas of sensitive habitat. Pauma Creek, which flows from Palomar Mountain to the south where it meets the San Luis Rey, is located to the east of the Project Site and does provide a connection between the Cleveland National Forest and the San Luis Rey River. Pauma Creek features a wide rocky floodplain with sparse vegetation and seasonal water flow as it passes the Project Site and heads toward SR-76. There are few resources along the lower portion of the creek to make it attractive for wildlife. In addition, the Proposed Project will not encroach upon the Pauma Creek floodplain. Therefore, the Proposed Project could not interfere 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. This potential impact would not be significant.

4.4e - ***Would the proposed project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved Tribal, local, regional, or state habitat conservation plan?***

The Proposed Project would not result in impacts to biological resources. Furthermore, there are not any adopted Habitat Conservation Plans (HCPs) covering on- or off-Reservation lands in the project vicinity. The County of San Diego has designated the off-Reservation lands under County jurisdiction in the North County as being within the North County Subarea, which generally includes all unincorporated lands north of the San Dieguito River. The County produced a preliminary administrative draft of the plan for agency and stakeholder review in November 2006. The North County MSCP subarea plan study area encompasses about 313,777 acres roughly encompassing the areas north of the San Dieguito River, Elfin Forest and Harmony Grove, north of Camp Pendleton, DeLuz, Fallbrook, Rainbow, Pauma Valley, Lilac, Valley Center, Rancho Guejito and the majority of Ramona. The subarea plan intends to cover 58 species many of which were covered in the existing MSCP Plan but also some additional species -- the most notable being the Stephen's kangaroo rat which lives in grasslands and the San Diego fairy shrimp which inhabits vernal pools.

The Tribe has not prepared an HCP for the Reservation because the majority of their lands that can be developed have already been developed or are used for agriculture. In addition, 5,600 acres of the 5,855-acre Reservation are located within the Mission Reserve on Palomar

Mountain, which is completely undeveloped. Because there will not be any impacts to native habitats, and because there is not an adopted Habitat Conservation Plan in the project area, this potential impact could not be significant.

Mitigation Measures

Bio-1 - To avoid impacts to nesting birds, all clearing and grubbing shall occur outside the bird breeding season. The breeding season for nesting birds occurs approximately February 15 through September 15; however raptors may begin breeding as early as January. If project construction is necessary during the bird breeding season, a qualified biologist should conduct a survey for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer should be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), should be delineated by temporary fencing, and should remain in effect as long as construction is occurring or until the nest is no longer active. No project construction should occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.

Bio-2 - To minimize off-site impacts to biological resources and to minimize the introduction of exotic plants to the area, the following conditions shall be implemented during construction: Employees will limit their activities, vehicles, equipment, and construction materials to the project, and native plants will be used to the greatest extent possible in landscaped areas. Species listed on the California Invasive Plant Council's Invasive Plant Inventory will not be used.

Expanded Casino Alternative

Under the Expanded Casino Alternative, several acres of citrus groves would be removed to accommodate construction of the larger casino and associated surface parking lot. Like the Proposed Project, this impact on biological resources, and particularly on citrus groves, would be less than significant. However, Mitigation Measure Bio-1 described under the Proposed Project would be implemented under the Expanded Casino Alternative to ensure that impacts would not occur to any nesting birds during clearing and grubbing of the expanded project site. Mitigation Measure Bio-2 would be implemented to minimize off-site impacts to biological resources and to minimize the introduction of exotic plants to the area.

No Action Alternative

The biological resources impacts described for the Proposed Project would not occur under the No Action Alternative.