

Record of Decision

Trust Acquisition of the Horseshoe Grande Site in
Riverside County, California, for the
Soboba Band of Luiseno Indians, California

United States Department of the Interior
Bureau of Indian Affairs
May 2015

SUMMARY

AGENCY: Bureau of Indian Affairs (BIA)

ACTION: Record of Decision (ROD) for the acquisition by the United States of 410.23+/- acres of land known as the Horseshoe Grande Site (Site) in trust for the Soboba Band of Luiseno Indians, California (Tribe) for gaming and other purposes.

SUMMARY: In 2007, the Tribe submitted a fee-to-trust application to BIA requesting that the Department of the Interior (Department) acquire land in trust in Riverside County, California, for gaming and other purposes. The Tribe's application requested that 534.91+/- acres be taken into trust. The Tribe has agreed, however, to donate 124.68+/- acres of the Site to the Western Riverside County Regional Conservation Authority for perpetual habitat conservation. As a result, the total amount of land to be acquired in trust is 410.23+/- acres.

The Site is contiguous to the Soboba Indian Reservation. Three hundred acres, more or less, of the Site is incorporated by the City of San Jacinto. The remainder is within unincorporated Riverside County. The Tribe plans to construct a destination casino/resort on the Site. The Department analyzed the proposed acquisition in a Draft Environmental Impact Statement (EIS) issued for public review and comment on July 2, 2009. The BIA issued the Final EIS on November 29, 2013. The Draft EIS and the Final EIS considered various alternatives to meet the purpose and need for acquiring the Site in trust and analyzed in detail the potential effects of various reasonable alternatives. The Final EIS and information contained within this ROD fully consider comments received from the public on the Draft EIS and Final EIS. The comments and the Department's responses to the comments are contained in the Final EIS and **Attachment 1** of this ROD, and are incorporated herein.

With the issuance of this ROD, the Department has determined that it will acquire the 410.23+/- acre Site in trust. The Preferred Alternative, identified in the Final EIS as the Proposed Action, includes a 55+/- acre footprint within the 410.23+/- acres on which the gaming facility will be developed. The proposed gaming facility consists of a 729,500 square foot complex that will include a 300-room hotel, restaurant and retail space, an events arena, a spa/fitness center, and a possible convention center. The Preferred Alternative will also include 2 tribal fire stations, a 12-pump gas station with a convenience store, and 5,080 parking spaces contained within 2 parking structures and surface parking lots. The Tribe will relocate its existing gaming facility, lying less than a half mile away, to the Site. The 156.36+/- acre Soboba Springs Golf Course and Country Club (Golf Course) is located within the 410.23+/- acres on land that the Tribe purchased in December 2004. The Tribe will continue to operate the Golf Course. An area of 29.88+/- acres, also within the 410.23+/- acres, contains important habitat that will be preserved by the Tribe as perpetual habitat and managed in partnership

with the Western Riverside County Regional Conservation Authority. The remainder of the Site will be left in its current undeveloped state.

The Preferred Alternative incorporates all of the mitigation measures found in Section 5.0 of the Final EIS.

The Department's decision to acquire 410.23+/- acres of the Site in trust is based on a thorough review and consideration of the Tribe's application, and materials submitted therewith; the applicable statutes and regulations governing trust acquisitions and eligibility of land for gaming; the Draft EIS; the Final EIS; the administrative record; and comments received from the public, Federal agencies, State agencies, and local governmental entities.

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1.0 INTRODUCTION

1.1 Summary

In 2007, the Soboba Band of Luiseno Indians, California, (Tribe) submitted a fee-to-trust application to the Bureau of Indian Affairs (BIA) requesting that the Department of the Interior (Department) acquire land in trust in Riverside County, California, for gaming and other purposes. This land, known as the Horseshoe Grande Site (Site), is contiguous to the Tribe's Reservation. Three hundred acres, more or less, of the Site, are incorporated in the City of San Jacinto (City). The remainder is within unincorporated Riverside County. The Tribe's application requested 534.91+/- acres be taken into trust, however, as discussed below, the Tribe has agreed to donate 124.68+/- acres of the Site to the Western Riverside County Regional Conservation Authority (WRCRCA) for habitat conservation. As a result, the total amount of land to be acquired is 410.23+/- acres.

The proposed acquisition of the Site was analyzed in a Draft Environmental Impact Statement (EIS) issued for public review on July 2, 2009. The BIA issued the Final EIS on November 29, 2013. The Draft EIS and the Final EIS considered various alternatives to meet the purpose and need for acquiring the Site in trust, and analyzed potential effects of various reasonable alternatives in detail. The Final EIS and information contained within this Record of Decision (ROD) fully consider public comments received on the Draft EIS and Final EIS. The comments and the Department's responses to the comments are contained in the Final EIS and **Attachment 1** of this ROD, and are incorporated herein.

The Preferred Alternative consists of the Department acquiring the 410.23+/- acre Site in trust for the benefit of the Tribe and the development of a 55+/- acre footprint on which the gaming facility will be developed (Development Footprint). The gaming facility includes a 729,500 square foot (s.f.) complex that will include a 300-room hotel, restaurant and retail space, an events arena, a spa/fitness center, and a possible convention center. The Preferred Alternative will also include 2 tribal fire stations, a 12-pump gas station with a convenience store, and 5,080 parking spaces contained within 2 parking structures and surface parking lots. The Tribe will relocate its existing gaming facility, lying less than a half mile away, to the Site.

The Tribe will continue to operate the 156.36+/- acre Soboba Springs Golf Course and Country Club (Golf Course) that lies within the 410.23+/- acres. The Tribe purchased this land in December 2004. Excluding the Development Footprint and the Golf Course, the remainder of the Site will be left in its current, undeveloped state.

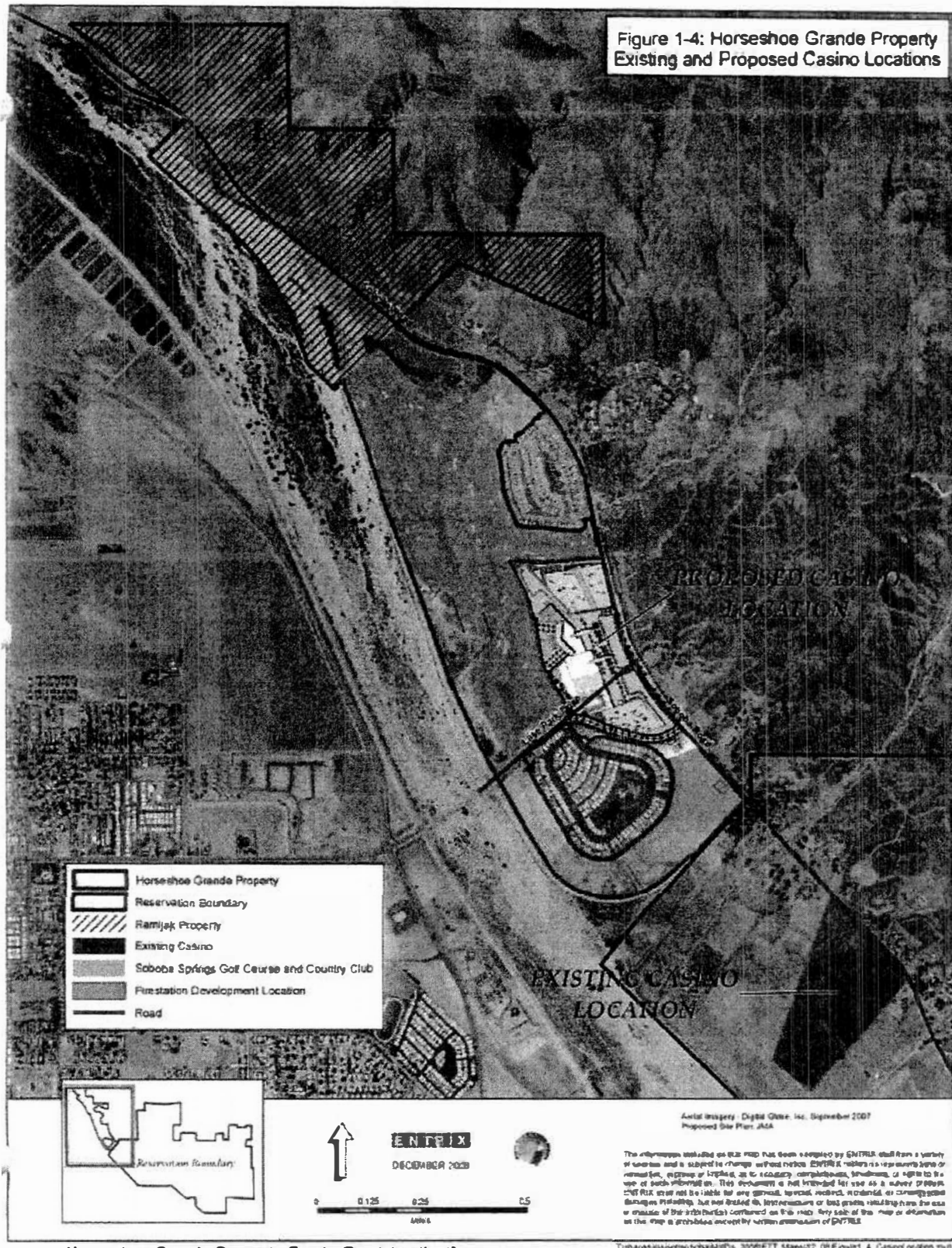
The Tribe is committed to establishing habitat conservation areas. The U.S. Fish and Wildlife Service (USFWS) identified in its Biological Opinion dated December 2, 2011, (Final EIS Appendix O) portions of the Site as critical habitat for the San Bernardino kangaroo rat, a federally listed endangered species whose traditional range has been reduced by 95 percent. Currently, the only known populations of the San Bernardino kangaroo rat in Riverside County are located within the San Jacinto River wash and the Bautista Creek. These 2 areas contain 607 acres of suitable habitat. Approximately 29.88+/- acres of critical habitat within the 410.23 +/- acre Site will be preserved by the Tribe as perpetual habitat and managed in partnership with WRCRCA. As a separate action, the Tribe will donate in fee 124.68+/- acres at the north end of

the Site to WRCRCA for conservation of perpetual habitat for threatened and endangered species. In 2010, the Tribe donated another 33.5+/- acres to the WRCRCA to offset other earlier developments at the Site. The Tribe in partnership with the WRCRCA will preserve with these donations of land an area that is 3 percent of the identified San Bernardino kangaroo rat habitat in Riverside County.

The Tribe has also taken steps to mitigate potential impacts to the local community. For example, the Tribe entered into a Memorandum of Understanding with Riverside County (Law Enforcement MOU) (Final EIS Appendix W). Under the Law Enforcement MOU, the Tribe will compensate the Riverside County Sheriff's Department for additional law enforcement personnel. In addition, the Final EIS and this ROD require the Tribe to make a onetime payment and annual payments to offset potential and perceived development-related impacts to local agencies including the San Jacinto School District and transportation authorities. The Tribe will also undertake a variety of non-monetary mitigation measures to further mitigate potential adverse impacts.

The Department has determined that the Preferred Alternative, consisting of the acquisition of the Site in trust and the construction and development of the casino/resort would best meet the purpose and need for acquiring the Site in trust. The Department's decision to acquire the Site in trust is based on a thorough review and consideration of the Tribe's application and the materials submitted therewith; the applicable statutory and regulatory authorities governing acquisition of acquiring land in trust and eligibility of land for gaming; the Draft EIS and Final EIS; the administrative record; and comments received from the public, federal, state, and local governmental agencies.

The Department has also determined that the Site is contiguous to the boundaries of the Reservation, and is, therefore, "Indian lands" pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§ 2719, *et seq.* Upon acquisition in trust, the Tribe may conduct gaming on the Site.



Horseshoe Grande Property Fee-to-Trust Application

From Soboba Band of Luiseno Indians Horseshoe Grand Property Fee-to-Trust Application (April 2009). Ramljak property identified on this map will not be acquired in trust (124.68+/- acres).

1.2 Authority

Section 5 of the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 465, provides the Secretary of the Interior (Secretary) with general authority to acquire land in trust for Indian tribes in furtherance of the statute's broad goals of promoting Indian self-government and economic self-sufficiency. As discussed below in **Section 8.3** of this ROD, we have determined that the Secretary has authority to acquire the Site in trust.

The IGRA was enacted in 1988 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. Section 20 of IGRA, 25 U.S.C. § 2719, generally prohibits Indian gaming on lands acquired in trust after October 17, 1988, subject to several exceptions. One exception is made for lands that are located within or contiguous to the boundaries of the reservation of an Indian tribe on October 17, 1988. 25 U.S.C. § 2719(a)(1). As discussed below in **Section 7.0** of this ROD, we have determined that the Site is contiguous to the Tribe's Reservation and will be eligible for gaming upon acquisition in trust.

1.3 Parcels to be Acquired

The Site to be acquired consists of 33 parcels equaling 410.23+/- acres. The legal descriptions of these parcels are found in **Attachment 2** of this ROD.

1.4 Purpose and Need for Acquiring the Site in Trust

The purpose and need for acquiring the Site in trust is to allow the Tribe to generate a dependable stream of income that would be used to support tribal government functions and meet the needs of its members. Acquisition of the Site would enable the Tribe to meet its needs for economic development and diversification, self-sufficiency and self-governance, and to provide its growing membership with employment, educational opportunities, and needed social and governmental services.

The Tribe's Reservation consists of 7,356.55+/- acres located in Riverside County at the base of the San Jacinto Mountains along the upper San Jacinto River. Much of land is undevelopable or is not available for development. The Reservation consists of rolling hills, deep ravines, river bottom, and a relatively level alluvial fan near the San Jacinto River. Much of the alluvial fan is subject to flood easements that restrict development. Virtually all of the property outside the Site is not suitable for development because it is located either in the San Jacinto River bottom or in the steep foothills of the San Jacinto Mountains. The developable land on the Reservation is currently used by the Tribe and its members for public works, educational and cultural enrichment, housing, economic development, and recreation. In addition, the Tribe has experienced rapid population growth and anticipates that rapid growth will continue. This growth is expected to continue to strain the existing on-reservation land use as well as current governmental services.

The purposes for acquiring the Site in trust are summarized below:

- Restore tribal control and administration over a part of the Tribe's aboriginal territory that is immediately adjacent to the Reservation.
- Facilitate the Tribe's need for cultural and social preservation, expression and identity, political self-determination, self-sufficiency, and economic growth by providing an enhanced tribal land base and homeland that:
 - Is subject to tribal management that facilitates the protection and conservation of the land base and its natural and cultural resources through the Tribe's exercise of governmental powers.
 - Allows for a diversified and productive economic base subject to the Tribe's self-determined management and conservation priorities that will support the Tribe's financial integrity and the well-being of its members by enhancing the total acreage of the land base and by increasing the conservation of natural and cultural resources under tribal jurisdiction and sovereignty.
 - Assures the preservation of a homeland that is restricted against future alienation and is free from state and local regulation and taxation.
 - Allows the Tribe to avail itself of the benefits of Federal laws that apply to lands held in trust status and the consolidation of tribal lands.

1.5 Procedural Background and Cooperating Agencies

In September 2007, the Tribe submitted an application requesting that the Department accept land in trust for the purpose of developing a casino/resort and retail complex. On December 12, 2007, BIA requested that the following agencies be Cooperating Agencies as defined in the National Environmental Policy Act (NEPA) because they possess jurisdiction by law and/or special expertise: Riverside County, the U.S. Environmental Protection Agency (EPA), the National Indian Gaming Commission (NIGC), the City of San Jacinto (the City), the United States Fish & Wildlife Service (USFWS), and the California Department of Transportation (Caltrans). Only the City and EPA agreed to participate as Cooperating Agencies. The Tribe also participated as a Cooperation Agency. The NIGC declined the invitation on the basis that it does not have a Federal action requiring compliance with NEPA. Riverside County, the USFWS, and Caltrans did not respond.

The BIA published a Notice of Intent to prepare an EIS in the *Federal Register* on December 14, 2007, describing the proposed acquisition and project and inviting comments.¹ The initial public comment period lasted from December 14, 2007, to January 22, 2008. The BIA held a scoping meeting on January 8, 2008, at the Hemet Public Library in Hemet, California. The public comment period deadline was extended to January 25, 2008, to ensure that all parties had an opportunity to submit comments; however, comments received after this deadline and until March 11, 2008, were also accepted. The BIA issued a Scoping Report for the Draft EIS on April 8, 2008 (**Final EIS Appendix B**).

The BIA circulated an administrative draft of the Draft EIS to the Cooperating Agencies (EPA and the City) for review and comment prior to public circulation. The BIA made changes to the

¹ 72 Fed. Reg. 71146 (Dec. 14, 2007).

Draft EIS based on these comments before the public release of the document. The BIA published the Notice of Availability (NOA) in the *Federal Register* on July 2, 2009.² The NOA provided a 75-day public comment period, thereby granting a 30-day extension to the normal 45-day public comment period. The BIA held a public hearing in the City of Hemet on August 5, 2009.

The BIA considered comments received during the comment period, including those submitted or recorded at the public hearing, in the preparation of the Final EIS. The BIA's responses to the comments are included in **Appendix E** of the Final EIS. The BIA circulated a preliminary version of the Final EIS to the Final EIS Cooperating Agencies for review and comment. The EPA published an NOA for the Final EIS in the *Federal Register* on November 29, 2013, starting the 30-day review period that ended on December 30, 2013.³ The BIA published its own NOA in the *Federal Register* on November 29, 2013.⁴ At the beginning of the review period, the BIA made the Final EIS available to Federal, tribal, state, and local agencies and other interested parties for review and comment.

A summary of comment letters on the Final EIS that were received from government agencies, businesses, organizations, and individuals, and BIA's responses to them are included in **Attachment 1** to this ROD. After reviewing these comments, BIA determined that only a new traffic count was needed. The new count was conducted to ensure that the traffic analysis conclusions in the EIS were still current.

2.0 SUMMARY OF ALTERNATIVES

A reasonable range of possible alternatives to meet the purpose and need for acquiring the Site in trust, including non-casino alternatives, alternative sites for a casino, and alternative development configurations were considered in the Draft EIS and Final EIS.

2.1 Description of Alternatives Eliminated from Consideration

The Draft EIS and Final EIS considered the following alternative sites that had the potential to fulfill the purpose and need for acquiring the Site in trust. These sites were rejected from further analysis for the reasons discussed below.

Winchester Property

The Winchester property is located an unincorporated area of Riverside County, California, known as the community of Winchester. The property consists of three parcels: EMWD Parcel No. 465-180-016 (67.26+/- acres), EMWD Parcel No. 465-180-022 (38.59+/- acres), MWD

² 74 Fed. Reg. 31747 (July 2, 2009).

³ 78 Fed. Reg. 71606 (Nov. 29, 2013).

⁴ 78 Fed. Reg. 71639 (Nov. 29, 2013). The Tribe was erroneously omitted from the list of Cooperating Agencies in this Notice of Availability.

Parcel No. 465-180-033 (21.7+/- acres). The property is less than one mile northwest of Diamond Valley Lake and is regionally accessible via State Highway 79. Title to the Winchester property would be transferred to the Tribe pursuant to a 2004 water rights settlement between the Tribe, the Eastern Municipal Water District, Lake Hemet Municipal Water District, and the Metropolitan Water District of Southern California that resolved the Tribe's claims for infringement of its water rights in the San Jacinto River and associated basins. Under the water rights settlement agreement, the property is, and would remain after transfer to the Tribe, subject to local land use and zoning regulations of Riverside County.

The distance of the Winchester property from the Golf Course would not enable the Tribe to fully capitalize on a close proximity between the casino/resort complex and the Golf Course in order to offer a destination resort. Therefore, this alternative was eliminated from further consideration because it does not meet the purpose and need for acquiring the Site in trust.

On-Reservation Property

The Tribe currently operates a casino on its Reservation. At 47.7+/- acres, the existing on-reservation gaming parcel is too small, however, to meet the Tribe's needs for additional parking to accommodate high demand, accommodate gaming activities, provide for air quality control, and provide for adjacent siting of a hotel and other supporting resort enterprises. Expansion of the on-reservation gaming parcel is also severely restricted by surrounding land uses, flood easements surrounding the parcel, and land assignments to tribal members under tribal law.

Much of land on the Reservation is undevelopable due to topography or is unavailable for use. Although there is vacant land surrounding the present gaming parcel of sufficient size and grade to accommodate additional facilities, most of it is subject to a flood easement, and thus is not developable. All remaining developable land in the vicinity of the Tribe's existing casino is encumbered by assignments to tribal members, who have valid and enforceable rights to the assigned tracts under tribal law. Most of the land assignments near the existing casino outside of the flood easement area are held for residential purposes. Using this residential land for commercial development is inconsistent with the Tribe's need for additional on-reservation housing for its growing membership.

The remaining land assignments near the existing casino are held for agricultural purposes. The Tribal Council asked members holding assignments near the existing casino if they would be willing to lease or sell their assignment to expand the current gaming establishment, but none were willing to do so. As explained in the Final EIS, even if sufficient developable land for the casino existed within current Reservation boundaries, such an alternative would not address the Tribe's need for economic development or fulfill the purpose and need for acquiring the Site in trust. Developing the casino/resort and related enterprises adjacent to the Tribe's Golf Course would create a true destination resort and an integrated complex offering customers many possible activities in one location. That type of economic development could not occur if the facilities were broken up into multiple locations with the casino on the existing Reservation and the hotel and other enterprises situated elsewhere. A destination resort would no longer be a possibility, severely hampering the Tribe's ability to address its need for economic expansion

and diversification. Therefore, on-reservation development was eliminated from further consideration because it does not meet the purpose and need for acquiring the Site in trust.

2.2 Reasonable Alternatives Considered in Detail

The Draft EIS and Final EIS evaluated the following alternatives in detail.

2.2.1 Preferred Alternative (Proposed Action)

Under the Preferred Alternative, the Department would acquire the Site in trust for the Tribe. The Tribe would construct and develop the casino/resort consisting of a 55+/- acre Development Footprint on which the casino/resort will be constructed. The development includes a 729,500 s.f. complex that will include a 300-room hotel, restaurant and retail space, an events arena, a spa/fitness center, and a possible convention center. The casino would employ approximately 1,200 employees, and with the other proposed developments, staffing requirements could potentially exceed 1,600 employees. The Development Footprint also includes 2 tribal fire stations, a 12-pump gas station with a convenience store, and 5,080 parking spaces contained within 2 parking structures and surface parking lots. The Tribe will relocate its existing gaming operation, lying less than a half mile away, to the Site. The 156.36+/- acre Soboba Springs Golf Course and Country Club is located within the 410.23+/- acres on that the Tribe purchased in December 2004. The Tribe will continue to operate the Golf Course. An area of 29.88+/- acres, also within the 410.23+/- acres, contains important habitat that will be preserved by the Tribe as perpetual habitat for threatened and endangered species and managed in partnership with WRCRCA. The remainder of the Site will be left in its current undeveloped state.

The Tribe has indicated that it will pursue the development of a wastewater treatment plant (WWTP) on the Reservation (Final EIS Appendix I). The proposed WWTP would have the capacity to serve the Site, including the Preferred Alternative and other Alternatives. The WWTP would meet California Code of Regulations Title 22 requirements for reuse of treated effluent for activities such as agriculture irrigation, landscape irrigation, and fire control. Because the proposed WWTP could serve the Site and recycled water could be used for irrigation and other similar non-potable uses at the Site, the Draft EIS and the Final EIS included discussions of WWTP as a related development. The proposed WWTP would incorporate percolation ponds that would be located on the Reservation, in an area that could contain jurisdictional waters of the United States, which would require the WWTP to comply with the Clean Water Act through licensing with EPA. The WWTP, as well as using recycled water from WWTP, is expected to have less-than-significant effects because of compliance with California Code of Regulations Title 22 and with EPA licensing when necessary.

Due to earthquake fault lines in the area, the Tribe's engineers have advised the realignment of Lake Park Drive in order to accommodate the proposed developments on the available buildable land. Realignment of Lake Park Drive would adhere to the Road Improvement Standards of the City of San Jacinto Municipal Code, Chapter 12.28. Throughout the Draft EIS and Final EIS process, the casino/resort was evaluated by considering both the realignment of Lake Park Drive and Lake Park Drive with its current alignment.

The Preferred Alternative includes the realignment of Lake Park Drive (referred to as “Proposed Action A” in the Final EIS). The Final EIS also analyzed “Proposed Action B” which is the project without the realignment of Lake Park Drive and with the location of slightly-smaller (by 15,000 s.f.) events arena across Lake Park Drive in the available building space south of Lake Park Drive.

The Preferred Alternative incorporates all of the mitigation measures found in Section 5.0 of the FEIS.

2.2.2 Alternative 1 – Reduced Hotel-Casino Complex

Alternative 1 includes acquisition of the Site in trust and the development of an approximately 20 percent smaller casino/resort than the Preferred Alternative. In Alternative 1, the hotel would be reduced by 60 rooms to 240 total rooms, and the casino would be downsized from 160,000 to 128,000 s.f. The realignment of Lake Park Drive is included in Alternative 1. The gas station and convenience store and 2 tribal fire stations would remain the same as in the Preferred Alternative. The Golf Course would continue to operate, but with no renovations.

2.2.3 Alternative 2 – Hotel and Convention Center (No Casino Relocation from its Current Location)

Alternative 2 includes acquisition of the Site in trust and the development of a 300-room hotel with a convention center and 3 restaurants. The casino would not be relocated from its existing location on the Reservation and Lake Park Drive would not be realigned. The gas station and convenience store and 2 tribal fire stations would remain the same as in the Preferred Alternative. The Golf Course would continue to operate, but with no renovations.

2.2.4 Alternative 3 – Commercial Enterprise (No Casino or Hotel)

Alternative 3 includes acquisition of the Site in trust and the development of an RV park and community/neighborhood retail shopping center in the vicinity of the intersection of Soboba Road and Lake Park Drive. One main retail building, immediately south of the intersection of Lake Park Drive and Soboba Road, would provide space for a retail business. In addition, 5 other facilities would host a variety of local-serving retail and office businesses such as restaurants, a coffee shop, a barber/beauty salon, drug store, hardware store, rental center, clothing stores, and professional offices. The two-story buildings would provide approximately 122,950 s.f. of retail and restaurant space. The gas station and convenience store and 2 tribal fire stations would remain the same as in the Preferred Alternative. The Golf Course would continue to operate, but with no renovations. Lake Park Drive would not be realigned under Alternative 3. The development of Alternative 3 would result in some variations to the anticipated adverse impacts of the Preferred Alternative and Alternatives 1 and 2.

2.2.5 Alternative 4 – No Action Alternative

Alternative 4 is the No Action Alternative. The Site would not be acquired in trust. The land would remain in fee with title held by the Tribe. The Tribe’s government would continue to use the Site in its current state. The Site would remain under the jurisdiction of the City of San Jacinto and Riverside County. The Golf Course would continue to operate, but with no

renovations. Under the No Action Alternative, the Tribe's government would not be allowed to exercise its sovereignty for issues related to the Site.

3.0 ENVIRONMENTAL IMPACTS AND PUBLIC COMMENTS

3.1 Environmental Impacts Identified in the Final EIS

A number of specific issues were raised during the EIS scoping process and through public and agency comments on the Draft EIS. The Preferred Alternative and Alternatives 1 to 3 (collectively, the Development Alternatives), along with the No Action Alternative (Alternative 4) were considered in the Final EIS and evaluated relative to these and other issues. Issues addressed in the scoping document include:

- Land Resources
- Water Resources
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Economic and Socioeconomic Conditions
- Resource Use Patterns (Transportation Networks, Land Use, and Agriculture)
- Public Services (Water Supply, Wastewater Services, Electricity/Natural Gas, Telephone Services, Law Enforcement, Fire Protection, Emergency Medical Services, and School Services)
- Other Values (Hazardous Materials, Noise, Visual Resources, and Recreational Resources)
- Growth-Inducing Effects
- Cumulative Effects
- Indirect Effects

As required under NEPA, each of the alternatives considered in the Final EIS were evaluated for the potential to impact the environment and the issues identified above. The evaluation of the project-related impacts included consultation with entities that have jurisdiction or special expertise to ensure that the impact assessments for the Final EIS were accomplished using accepted industry standard practice and procedures, and the most currently available data and models for each of the issues evaluated in the Final EIS. Mitigation measures were developed in response to environmental concerns identified and substantive issues raised during the EIS process. A summary of the analysis of the environmental issues within the Final EIS, including the issues raised during the EIS process, is presented below. Mitigation measures are identified in **Section 6.0** of this ROD.

3.1.1 Land Resources

Section 4.1 of the Final EIS addresses impacts to land resources. Mitigation measures are identified in Section 5.1 of the Final EIS and **Section 6.1** of this ROD.

Topography: The Site would be altered by grading activities required for the Development Alternatives. Alternative 4/No Action Alternative would not require any grading activities. No significant adverse impacts were identified for any of the Development Alternatives. No mitigation measures were proposed.

Soils/Geology: A potential for flooding and erosion during construction, operation, and maintenance of each of the Development Alternatives was identified. Although the adverse impacts were considered minimal, mitigation measures were proposed to ensure compliance with the Clean Water Act, and that a storm water pollution prevention plan would be required. These measures would result in less-than-significant impacts from construction, operation, and maintenance of the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts; therefore no mitigation measures were proposed.

Seismicity: The Site is located on a known active portion of the San Jacinto fault. Seismic events associated with the San Jacinto fault and the nearby San Andreas and Elsinore faults pose a potentially significant impact at the Site. Seismic mitigation measures (Final EIS Appendix. L), including relocating Lake Park Drive, complying with the Alquist-Priolo Earthquake Fault Zoning Act and the California Building Code for Site Class D, and complying with relevant Federal regulations for fault zone areas will result in less-than-significant seismic threats to the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

The proposed wastewater treatment plant (WWTP) and its percolation ponds would also be at risk of seismic activities such as ground rupture and/or shaking resulting in possible disruption of service, the discharge of treated or untreated effluent, and public hazards. The Tribe will submit the final plans and percolation pond design to EPA, in cooperation with the Bureau of Reclamation, for Federal review and approval of the WWTP. The final plans for the WWTP must comply with EPA regulations and other relevant Federal and state construction standards for similar structures in fault zone areas.

Mineral Resources: None of the Development Alternatives would result in the loss of critical mineral resources, and no adverse impacts were identified. No mitigation measures were recommended. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.2 Water Resources

Section 4.2 of the Final EIS addresses impacts to water resources. Mitigation measures are identified in Section 5.2 of the Final EIS and **Section 6.2** of this ROD.

Surface Water, Drainage, and Flooding: The Site is affected by runoff from a number of unnamed drainage sources. The Development Alternatives would change up to 55+/- acres of the Development Footprint consisting of existing natural vegetation and replace it with designed landscaping and impervious surfaces including building structures, parking lots, and roadways. The combination of these changes to the natural environment would result in increases in run-off volume and speed. The Development Footprint is also located in a levee-protected 100-year flood area. A change in Federal Emergency Management Agency (FEMA) regulations requires

the levee to be inspected to ensure regulatory compliance. If the levee is not formally certified by U.S. Army Corps of Engineers, then a flood study will be conducted to ensure the Development Alternatives are built above the flood area. Mitigation measures, including a system of detention basins, channels, culverts, storm drainage piping, and elevated structures above the base flood level were included in the Final EIS. These mitigation measures result in less-than-significant impacts from the Development Alternatives on surface water, drainage, and flooding. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Ground Water: The Tribe's 2004 Water Rights Settlement, which resolved the Tribe's claims for infringement of its water rights in the San Jacinto River and associated basins, provides the Tribe with a priority water right of at least 2,900 acre-feet per year. The Development Alternatives have an expected water demand of 1,398 acre-feet per year or less. The Tribe's capacity under its priority water rights exceeds tribal demand and the projected Development Alternatives' related demand. These factors result in a less-than-significant impact to the San Jacinto Groundwater Basin. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Water Quality: Construction of the Development Alternatives will result in ground disturbances that could lead to erosion and potential sediment discharge to surface waters during storm events. Construction may potentially discharge other construction-related materials onto the ground and then into the San Jacinto river and/or into groundwater. Construction would also include the use of diesel powered equipment and would likely involve the temporary on-site storage of fuel and oil. Discharges of pollutants to surface waters and groundwater from construction activities and accidents are a potentially adverse impact. Run-off from project facilities, especially surface parking lots, could flush trash, debris, oil, sediments, and grease into area surface water and/or groundwater adversely impacting water quality. Fertilizers and other chemicals used in landscaping areas could impact water quality if allowed to enter nearby surface waters.

The WWTP, if constructed, must comply with relevant Federal law and regulations. The Tribe intends to comply with the California Code of Regulations Title 22 standards for reuse if it uses any treated water for irrigation.

3.1.3 Air Quality

Section 4.3 of the Final EIS addresses impacts to air quality. Mitigation measures are identified in Section 5.3 of the Final EIS and **Section 6.3** of this ROD.

The Development Alternatives would directly generate volatile organic compounds (VOC) and nitrogen oxide (NO_x) emissions during construction and indirectly during use of the proposed facilities. The Development Alternatives have the potential to increase short-term fugitive dust in the air during construction activities, and the potential to increase greenhouse gas emissions during construction and operation.

3.1.4 Biological Resources

Section 4.4 of the Final EIS addresses impacts to biological resources. Mitigation measures are identified in Section 5.4 of the Final EIS and **Section 6.4** of this ROD.

Habitats: The Development Alternatives could have a potentially significant adverse impact on wildlife habitat through clearing, grading, and construction. For example, Alternative 3/Commercial Enterprise would potentially disturb known San Bernardino kangaroo rat habitat resulting in a “take” under the Endangered Species Act of this federally-listed endangered species. Mitigation measures, including surveying for protected or special status species and creation of perpetual habitat, were proposed to ensure that no significant impact would result from the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Ponds and Jurisdictional Wetlands: Five jurisdictional waterways exist on portions of the Site, however, none are located within the Site therefore no impacts to the waters of the United States would occur as a result of the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.5 Cultural Resources

Section 4.5 of the Final EIS addresses impacts to cultural resources. Mitigation measures are identified in Section 5.5 of the Final EIS and **Section 6.5** of this ROD.

The Development Alternatives would not impact known historical, archeological, or paleontological resources. The Development Alternatives involve ground disturbing activities and have the potential to disturb unidentified subsurface cultural resources. Mitigation measures in accordance with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act were proposed to ensure no adverse impacts would result from the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.6 Socioeconomic Conditions and Environmental Justice

Section 4.6 of the Final EIS addresses impacts to socioeconomic conditions and environmental justice. No mitigation measures were recommended for impacts to socioeconomics and environmental justice under the Preferred Alternative.

Job Creation: The Development Alternatives would create jobs during the construction and operational phases. Job creation is considered to be a beneficial impact. The Preferred Alternative would have the largest beneficial impacts from job creation. Alternative 4/No Action Alternative would not create jobs and would have no additional beneficial impact. No mitigation measures were proposed.

Housing: Job creation associated with the Development Alternatives may increase demand for local housing by as much as 750 housing units. The estimated increase in demand could be met by the available vacant housing within the City. Between 2006 and 2009, the average home

price in Riverside County fell by 50 percent and has only moderately recovered. In 2009, more than 9 percent of Riverside County's households faced default, trustee sale, or repossession. This collapse in the housing market has resulted in excess housing supply in Riverside County. In addition, several projects have been permitted and are expected to be built which would increase the number of available housing units in and near the City. The expected increase in housing demand would be met by an available and expected housing supply which would result in less-than-significant impacts.

Problem Gambling: The Development Alternatives would not increase the number of gaming facilities in the area. The Development Alternatives do not include adding to the available gaming facilities, therefore, no negative impacts were identified. No mitigation measures were proposed. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Urban Decay: Urban decay consists of poorly maintained facilities, deterioration of buildings and improvements, visual and aesthetic impacts, increased property crime, and increased demand for emergency services, resulting from increases in retail closures and long-term vacancies. The Development Alternatives are not expected to compete with other local businesses in a way that would cause urban decay. The hotel included in the Development Alternatives is a high-end resort style hotel, whereas the two existing hotels are lower priced and cater to a budget-conscious customer base. The retail space included in the Development Alternatives is not expected to adversely impact existing retail businesses in San Jacinto; rather, it is expected to attract local residents who would otherwise leave San Jacinto to shop. In addition, the jobs created by the Development Alternatives would increase local demand for retail establishments. The anticipated adverse impacts of the Development Alternatives and Alternative 4/No Action Alternative on local businesses would be less than significant.

Local and state governments: The Development Alternatives could potentially impact local and State governments as a result of lost property tax revenue once the Site is acquired in trust. Increases in income tax and other taxes resulting from new jobs will partially off-set the lost property tax revenue.

3.1.7 Resource Use Patterns

Section 4.7 of the Final EIS addresses impacts to resource use patterns. Mitigation measures are identified in Section 5.7 of the Final EIS and **Section 6.7** of this ROD.

Transportation: The Development Alternatives are expected to have negative impacts on traffic. During construction, temporary traffic impacts are expected to include delays, one-way traffic control, traffic detours, and temporary road closures. In addition, these traffic impacts could obstruct emergency services during construction. Increased traffic flow during operation could result in unacceptable levels of service at select intersections. Mitigation measures were proposed to ensure that no significant impacts would result from the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Land Use: The Development Alternatives are inconsistent with existing land use designations and could have negative impacts on surrounding land uses, especially the three adjacent residential communities. Increased traffic, noise, air emissions, and artificial lighting and glare generated by the proposed commercial developments would be inconsistent with the existing nearby residential developments. Mitigation measures have been proposed to address each of these concerns to ensure that the impacts are less than significant. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.8 Public Services

Section 4.8 of the Final EIS addresses impacts to public services. Mitigation measures are identified in Section 5.8 of the Final EIS and **Section 6.8** of this ROD.

Utilities: The Tribe has secured “will-serve” commitments from local utilities and service providers. The Eastern Municipal Water District has committed to provide wastewater treatment for the Development Alternatives in the event the Tribe does not build the proposed wastewater treatment plant. The CR&R Waste and Recycling Services has committed to provide construction and operational waste and recycling removal. Southern California Edison and the Southern California Gas Company have committed to continue to provide electric and gas service to the Site under the Development Alternatives. While no significant impacts are expected from the Development Alternatives, mitigation measures were proposed to reduce potential impacts on utility use. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Law Enforcement: The Development Alternatives could have negative impacts on law enforcement through increased traffic, increased service calls, and decreased property tax revenue. The Tribe and Riverside County entered into a Law Enforcement Memorandum of Understanding (MOU) in 2011 (Final EIS Appendix W). Under the Law Enforcement MOU, the Tribe will compensate the Riverside County Sheriff’s Department for additional law enforcement personnel. In addition, the Final EIS and this ROD require the Tribe to make a onetime payment and annual payments to offset potential and perceived development-related impacts to local agencies including the San Jacinto School District and transportation authorities. The Tribe will also undertake a variety of non-monetary mitigation measures to further mitigate potential adverse impacts. The Law Enforcement MOU will mitigate these potential negative impacts resulting in less-than-significant impacts. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Fire and Emergency Medical: The Tribe plans to construct 2 fire stations, 1 in the Development Footprint and 1 on the Reservation. These fire stations would have a positive impact on fire and emergency medical services. Construction activities related to the Development Alternatives could introduce sources of fire to the Site. This risk could result in significant fire related impacts. Mitigation measures were proposed to reduce this potential to a less-than-significant impact. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Schools: The Development Alternatives involve removing the Site from the local property tax rolls including taxes that support the San Jacinto School District. Combined with potential increases in student enrollment, this poses a negative impact on local schools. Mitigation measures were proposed to offset lost tax revenue for the San Jacinto School District resulting in no significant impacts. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.9 Other Values

Section 4.9 of the Final EIS addresses impacts to other values. Mitigation measures are identified in Section 5.9 of the Final EIS and **Section 6.9** of this ROD.

Hazardous Materials: The Development Footprint does not contain any known contamination from hazardous materials. During construction and operation of the Development Alternatives, there exists the potential for dripping of fuels, oil, and grease from construction and maintenance equipment. The small quantities of fuel, oil, and grease that may drip from properly maintained vehicles would occur in relatively low toxicity and concentrations. An accident involving a service or refueling truck would present the worst-case scenario for the release of a hazardous substance. Depending on the relative hazardousness and quantity of the material, the accidental releases could pose a potentially significant hazard.

The Golf Course currently holds 2 permits issued by the Riverside County Department of Environmental Health and the Riverside County Agricultural Commission for the storage and use of herbicides and pesticides. After the Site is taken into trust, EPA standards will govern the use and storage of herbicides and pesticides. Mitigation measures were proposed to reduce the potential impacts to less than significant. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Noise: Construction and operation of the Development Alternatives would have a significant impact on noise levels for the surrounding residential communities. Of particular concern is the Soboba Springs Mobile Estates due to its close proximity to the Development Footprint and the sensitivity of its residents. Mitigation measures including limiting hours of construction work, adding noise shielding on stationary fixtures (*e.g.*, compressors and heating, ventilation, and air conditioning (HVAC)), and constructing a higher, gap-free sound wall around the Soboba Springs Mobile Estates were proposed to ensure less-than-significant impacts. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

Visual Resources: The Development Alternatives would have some moderate to strong impacts on existing view-sheds that overlook the Site. Mitigation measures were proposed to ensure less-than-significant impacts on visual resources by blending the structures and landscaping into the surrounding natural environment. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.10 Cumulative Effects

Section 4.10 of the Final EIS addresses cumulative effects. The Development Alternatives, when added to past, present, and reasonably foreseeable future developments, would not result in significant cumulative adverse impacts to land resources, water resources, biological resources, cultural and paleontological resources, air quality and greenhouse gas emissions, economic and socioeconomic conditions, and agricultural resources. The anticipated local growth would have significant impacts on public services and traffic with or without the Development Alternatives. The Development Alternatives could result in significant cumulative impacts to land use, lighting, hazardous materials, noise, and visual resources. With the proposed mitigation measures identified in **Section 6.0** of this ROD relevant to all resources, cumulative impacts would be less than significant. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.11 Indirect Effects

Section 4.11 of the Final EIS addresses indirect effects. There may be indirect impacts from off-site traffic mitigation measures and pipeline installation. Off-site activities must comply with applicable Federal, state, and local laws, policies, and ordinances, resulting in less-than-significant adverse impacts. The Final EIS identified several indirect impacts from the Development Alternatives. With the proposed mitigation measures identified in **Section 6.0** of this ROD relevant to all resources, indirect impacts would be less than significant. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.12 Growth-Inducing Effects

Section 4.12 of the Final EIS addresses growth-inducing effects. The Development Alternatives are expected to create new jobs resulting in an increased demand for housing as well as some commercial and industrial growth. As discussed above, the housing market collapse caused home prices to fall 50 percent and resulted in an excess housing supply. The City is seeking to develop a diversified economic base by attracting a cross-section of businesses and industries as part of its long-term development plan, as described in its Land Use Element. The expected growth-inducing effects from the Development Alternatives could be readily absorbed into the local economy. Less-than-significant adverse impacts are expected from growth induced by the Development Alternatives. Alternative 4/No Action Alternative would create no additional impacts, therefore, no mitigation measures were proposed.

3.1.13 Unavoidable Adverse Effects

The Final EIS did not identify any unavoidable adverse effects from the Development Alternatives. All identified impacts can be adequately mitigated, resulting in less-than-significant impacts.

3.2 Public Comments

Comments on the Final EIS received during the 30-day Final EIS notice period and responses are presented in **Attachment 1** of this ROD. A list of comment letters and a copy of each letter received are also included in **Attachment 1**.

4.0 ENVIRONMENTALLY PREFERRED ALTERNATIVES

Either the Hotel and Convention Center Alternative (Alternative 2) or the No-Action Alternative (Alternative 4) would result in the fewest effects to the physical environment. Alternative 2 is the development alternative with the smallest footprint which will result in fewer on-site biological impacts and off-site traffic impacts. The No Action Alternative would not result in any physical changes to the Site and would be the least environmentally damaging alternative. However, the No Action Alternative would not meet the purpose and need for acquiring the Site in trust because it would not provide a source of stable source of net income that would allow the Tribe to achieve self-sufficiency, self-determination, or a strong tribal government, and would not result in the expansion of the Tribe's land base. The No Action Alternative also would result in no economic benefits to local communities.

In light of the issues discussed above, the Department identifies Alternative 2 and the No Action Alternative as the Environmentally Preferred Alternatives.

5.0 PREFERRED ALTERNATIVE

For the reasons discussed below, the Department has determined that "Proposed Action A" (*see Section 2.2.1* of this ROD) is the Preferred Alternative. The Preferred Alternative is expected to provide a stable source of net income for the Tribe that will allow it to begin to address the needs of its members and pursue its goals for economic development and diversification, self-sufficiency, self-determination, and a strong tribal government without resulting in significant negative impacts on the surrounding environment and community. The Department finds that acquiring the Site in trust for the benefit of the Tribe and the development of the Preferred Alternative is in the best interest of the Tribe.

The Preferred Alternative is expected to provide more net revenue to the Tribe than the other alternatives and, therefore, better meets the purpose and need for acquiring the Site in trust. The Preferred Alternative ("Proposed Action A") will better utilize the developable land on the Site than "Proposed Action B" by relocating Lake Park Drive to avoid known fault lines. Also, the Preferred Alternative will not result in significant adverse impacts on the human environment following the implementation of appropriate mitigation measures identified in the Final EIS. Finally, the Preferred Alternative is economically and technically viable and will likely create substantial socio-economic and other benefits for the Tribe and the surrounding areas.

6.0 MITIGATION MEASURES

All practicable means to avoid or minimize environmental harm from the Preferred Alternative have been identified in the Final EIS and are incorporated by reference in this ROD. A summary list of mitigation measures and best management practices (BMPs) is included below. These mitigation measures and BMPs included herein and in the Final EIS are hereby adopted and are required for the Preferred Alternative. By implementing these mitigation measures and BMPs, it is reasonably expected that the Preferred Alternative will not result in any significant adverse impacts to the surrounding community or the environment.

The following mitigation measures and related enforcement and monitoring programs have been adopted as a part of this decision. The Tribe has also decided to implement all mitigation measures identified in this ROD as a matter of tribal resolution and tribal law. Where applicable, mitigation measures in this ROD will be monitored and enforced pursuant to Federal law, tribal ordinances, and agreements between the Tribe and appropriate governmental authorities. Specific BMPs and mitigation measures adopted pursuant to this ROD are set forth below.

6.1 Land Resources

Section 5.1 of the Final EIS discusses mitigation measures that are recommended to mitigate effects that may arise as a result of the Preferred Alternative on land resources, including topography, geology, soils, seismic hazards, and mineral resources. Mitigation measures were not recommended or required for topography and mineral resources. The following mitigation measures were recommended and will be required to mitigate effects of the Preferred Alternative on land resources.

6.1.1 Geology

Appendix L of the Final EIS (Preliminary Fault Hazard Evaluation Report and Preliminary Geotechnical Investigation) presents recommendations related to the following:

- Site Preparation
- Foundations and Settlements
- Deep Foundations
- Slabs-On-Grade
- Concrete Mixes and Corrosivity
- Excavations
- Lateral Earth Pressures
- Pavements

6.1.2 Soils

No mitigation measures are required. In accordance with standard engineering practices, Development Footprint soils should be tested prior to construction activities to confirm their suitability for use as fill.

6.1.3 Seismic Hazards

Underground Storage Tanks (USTs) associated with the gas station would be installed consistent with Federal regulations for UST installation in or adjacent to identified active fault zones (40 C.F.R. Part 280, Subpart B), as well as with state and county (County of Riverside Ordinance No. 617) regulations. These mitigation measures would reduce these potentially significant effects to be less than significant.

Treated wastewater storage ponds and percolation ponds would be designed and constructed consistent with California Water Code and California Division of Safety of Dams regulations. Additionally, the Tribe would submit the final storage and percolation pond design to EPA for review and approval prior to construction. The EPA would review the design in cooperation with the Bureau of Reclamation based on the Bureau of Reclamation standard design guidelines. Based on the EPA's downstream hazard classification, an Operation and Maintenance Program may be required to promote the safety of people and property downstream. If required, the Tribe would enter into a memorandum of agreement with EPA to implement an Operation and Maintenance Program for the life of the ponds.

For all other proposed structures, engineering designs should comply with the latest edition of the California Building Code for Site Class D using the seismic coefficients provided in the geotechnical report (Final EIS Appendix L). A qualified geologist should inspect any excavations (foundation, utility, etc.) on the Development Footprint during construction for possible indications of faulting.

6.2 Water Resources

Section 5.2 of the Final EIS discusses mitigation measures that are recommended to lessen effects on water resources that may arise as a result of the Preferred Alternative, including surface water (flooding), ground water, and water quality. Mitigation measures were not recommended or required for ground water impacts. The following mitigation measures were recommended and will be required to mitigate effects on water resources from the Preferred Alternative.

6.2.1 Flooding

The proposed developments will not alter the levies present on the Site, and the runoff created by the proposed developments will be properly disposed of by the facilities as discussed in Section 4.3.1 of the Final EIS. In the event that the levee is not formally certified by U.S. Army Corps of Engineers, a floodplain study will be performed to ensure that the structures are adequately elevated (*i.e.* no less than one foot) above the base flood-elevation.

6.2.2 Water Quality

The use of detention basins will control the quality of run-off from the Site. Also, the BMPs provided in the table below would be applied to manage water quality.

A water quality management plan (WQMP) must be developed in order to comply with the Clean Water Act and obtain a National Pollution Discharge Elimination System permit. The WQMP shall identify the pollutants generated by the proposed developments and provide BMPs (*see* Table below) to minimize or eliminate pollutants prior to discharge into the San Jacinto River. The WQMP would meet the water quality objectives for groundwater and surface water on the Site and surrounding area, as specified in the Santa Ana River Basin Plan.

Prescribed Best Management Practices

Non-Structural Source Control BMPs

- Education for property owners, operators, tenants, occupants, or employees
- Activity restrictions
- Irrigation system and landscape maintenance
- Common area litter control
- Street sweeping private streets and parking lots
- Drainage facility inspection and maintenance

Structural Source Control BMPs

- MS4 stenciling and signage
- Landscape and irrigation system design
- Protect slopes and channels
- Provide wash water control for food preparation areas
- Property design criteria:
 - Fueling area
 - Air/water supply area drainage
 - Trash storage areas
 - Loading docks
 - Maintenance bays
 - Vehicle equipment wash areas
 - Outdoor material storage areas
 - Outdoor work areas or processing areas

Treatment Control BMPs

- Vegetated filter strips
- Vegetated swales/bioswales
- Extended detention basin
- Sand filter
- Porous pavement detention
- Fossil catch basin filter
- Infiltration basin
- Infiltration trench

Additionally, prior to construction, the Tribe will prepare a storm water pollution prevention plan (SWPPP). Control measures are required prior to and throughout the rainy season. Water quality control measures identified in the SWPPP could include but not be limited to the following:

- Identify and stabilize key access points prior to commencement of construction.
- Direct most construction traffic to stabilized roadways within the Development Footprint.
- Employ temporary erosion control measures for disturbed areas. These may include silt fences, staked straw bales, temporary revegetation, and wet suppression. Erosion control measures should be employed to protect against storm water erosion during the winter and spring months and wind erosion during the summer months.
- Retain sediment onsite by a system of sediment basins, traps, or other appropriate measures.
- Develop a spill prevention and countermeasure plan to identify proper storage, collection, and disposal measures for potential pollutants used on-site (such as fuel, fertilizers, pesticides, etc.).
- Minimize the impact of dust by anticipating the direction of prevailing winds.
- Scheduling of construction activities to minimize land disturbance during peak runoff periods. Soil conservation practices implemented during the fall or late winter to reduce erosion during spring runoff. Retain existing vegetation where possible. To the extent feasible, limit grading activities to the immediate area required for construction.
- Topsoil removed during construction stored and treated as an important resource. Berms placed around topsoil stockpiles to prevent runoff during storm events.
- Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.

6.3 Air Quality

Section 5.3 of the Final EIS discusses mitigation measures that are recommended to mitigate effects on air quality that may arise as a result of the Preferred Alternative during both the construction and operational phases. The following mitigation measures were recommended and will be required to mitigate effects of the Preferred Alternative on air quality.

6.3.1 Construction Effects

The following mitigation measures and BMPs would be implemented to ensure that fugitive dust emissions do not affect adjacent land users, and that volatile organic compounds (VOC) emissions are minimized:

- Apply soil stabilizers to inactive areas
- Implement equipment loading/unloading controls
- Replace ground cover in disturbed areas quickly
- Water exposed surfaces
- Use of low-VOC exterior and interior paints and coatings

6.3.2 *Operational Effects*

The following measures would be implemented to ensure that the design and operation of the proposed developments will be consistent with regional efforts to attain the National Ambient Air Quality Standards, as well as the Federal and State goals for reduction of greenhouse gases. Specifically, these measures are identified to reduce the emissions of VOC, nitrogen oxide (NO_x), fine particulate matter, and carbon dioxide equivalent (CO₂e):

- Incorporate into the project economically feasible green energy design elements, such as solar panels on the parking garage roofs, as well as seeking LEED certification for the structures.
- Design the facilities to be at least 10 percent greater efficiency than that of California Code of Regulations Title 24 (2005) standards. Verification calculations shall be provided to the Tribe in a letter format by the project developer/designer identifying steps taken to achieve this additional efficiency over Title 24 (2005). The installation of solar would be an option to achieve this requirement.
- Install Low-Flow Toilets, Urinals, Shower Nozzles, and Faucets having a WaterSense emblem or meeting the EPA standards under the WaterSense specifications.
- Install LED lighting on all existing slot machines or purchase new slot machines equipped with LED lighting.
- The Tribe should voluntarily comply with applicable South Coast Air Quality Management District rules and regulations to minimize emissions of VOC, NO_x, fine particulate matter, and other emissions.
- The Tribe should solicit input from the South Coast Air Quality Management District on the preliminary plans of proposed facilities to reduce VOC, NO_x, fine particulate matter, and other emissions.
- The following measures should be incorporated into the Site design and operation; these measures will also lower greenhouse gas emissions:
 - Utilize vapor recovery equipment in the gas station fuel pumps.
 - Incorporate features to lower ambient temperatures such as lighter roofing and building materials and tree plantings.
 - Maximize energy efficiency in facility design including building design, the use of compact florescent lights and other low-voltage light, the use of energy efficient equipment, and solar panels.
 - Regularly sweep roadways and paved areas.
 - Facilitate public transit system use for employees and patrons by providing incentives for transit use, incorporation of public transit facilities such as bus stops, and coordinate transit service with regional providers.

6.4 **Biological Resources**

Section 5.4 of the Final EIS discusses mitigation measures that are recommended to mitigate effects on biological resources that may arise as a result of the Preferred Alternative. Proposed construction activities could have direct and indirect effects to special status species. The following mitigation measures were recommended and will be required to mitigate effects of the Preferred Alternative on biological resources:

- Conduct preconstruction surveys according to approved USFWS survey protocols, where applicable, for the following special status species: Munz's onion, slender-horned spinyflower, coastal California gnatcatcher, San Bernardino kangaroo rat, Stephens' kangaroo rat, smooth tarplant, Parry's spinyflower, Belding's orange-throated whiptail, coast horned lizard, California horned lark, Southern California rufous-crowned sparrow, Arroyo toad, Cooper's hawk, tricolored blackbird, western burrowing owl, ferruginous hawk, Los Angeles pocket mouse, southern grasshopper mouse, San Diego desert woodrat, northwestern San Diego pocket mouse, and American badger.
- Construction will be monitored by a qualified biologist(s) or their designee for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
- Grading, trenching, and associated activities are restricted to daylight hours.
- If coastal California gnatcatchers are found to be nesting within 0.25 mile of the Development Footprint during preconstruction surveys, construction would be timed to avoid the breeding season (*i.e.*, construction would not occur from February 15th through August 31st in any area that is within 0.25 mile of a coastal California gnatcatcher nest).
- Provide on-the-ground training to educate construction workers about the special status species potentially present on the Site. Construction workers should be provided with information to help them identify special status species and instructions on what to do if a special status species is found during construction.
- Install signs along the border of San Bernardino kangaroo rat, critical habitat along the boundary of the Site and within 1 mile from the Site. These signs will identify the importance of critical habitat and prohibit trespassing into suitable/critical habitat.
- Install silt fencing.
- Avoid and/or minimize the use and storage of hazardous materials on the Site. Store hazardous materials on the previously disturbed areas and out of suitable habitat for special status species. Ensure hazardous materials are properly contained.
- Staging areas for vehicles and heavy equipment should be in previously disturbed locations and out of suitable habitat for special status species.

To mitigate potential effects to the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) sensitive species and habitat, the Tribe and WRCRCA have developed the following set of mitigation and conservation measures to render the Preferred Alternative consistent with the MSHCP.

- The Tribe will convey the northwesterly 124.68 +/- acres of the Site to the WRCRCA for perpetual habitat conservation management under the MSHCP.
- The Tribe, by ordinance and under the terms of a memorandum of understanding with WRCRCA, will conserve in perpetuity 29.88 +/- acres of the Site and manage it in consultation with WRCRCA consistently with the MSHCP.
- The Tribe has conveyed to WRCRCA 33.5 +/- acres to mitigate for the impact of a 12-acre driving range constructed in 2009 on the Site, as well as for potential impacts of the proposed development on sensitive habitat for protected species. This tract, which is northwest of the Site and contiguous to it, was deeded to WRCRCA on December 20, 2010.

As a result of these mitigation and conservation measures, WRCRCA agrees and acknowledges that the Preferred Alternative is consistent with the MSHCP and that any future development within the Site will be consistent with the Reserve Assembly portion of the MSHCP. The USFWS has concluded that, with the land conveyance and preservation mitigation identified above, together with the USFWS Biological Opinion Measures listed below, the proposed development would not be located in designated critical habitat boundaries and no construction related impacts to designated critical habitat would be expected.

6.4.1 USFWS Biological Opinion Measures

The measures listed below are those identified in the USFWS Biological Opinion dated December 2, 2011, (Final EIS Appendix O).

1. The BIA and/or Tribe shall monitor and report on compliance with the Biological Opinion's established take thresholds for San Bernardino kangaroo rat. To implement reasonable and prudent measure number 1 (monitor and report on compliance with established San Bernardino kangaroo rat take thresholds), the BIA and/or Tribe shall:
 - 1.1 Implement the conservation measures described in the project description and evaluated in this biological opinion. If the biological monitor detects impacts to San Bernardino kangaroo rat from project related activities in excess of that described in the above incidental take statement, the BIA and/or Tribe, their agents, or biological monitor will contact the Palm Springs Fish and Wildlife Service Office immediately.
 - 1.2 Ensure the biological monitor (and any project biologists who will trap or handle San Bernardino kangaroo rats, or their burrows) has a valid section 10(a)(1)(A) permit. In addition to the conservation measures outlined in this biological opinion, when trapping, collecting, and releasing any San Bernardino kangaroo rat found in the construction area or vicinity during the course of work, the biological monitor/biologist will implement the following measures:
 - a. Locate all traps in areas that best typify San Bernardino kangaroo rat habitat, and place them in sufficient numbers to provide adequate coverage of suitable habitat. Mark all trap locations with flagging, reflective tape, or other technique that is visible under day and night conditions, and at a distance of at least 16.3 feet.
 - b. Use only 12-in Sherman or wire-mesh live traps; 9-in models may be used only if obtained before March 13, 1990. Ensure all trap models are modified to eliminate or substantially reduce the risk of injury (e.g., tail lacerations or excisions). Do not place any batting in the traps.
 - c. Sterilize traps previously used outside of Riverside County.
 - d. Conduct trapping only if the nightly low temperature is forecast to be 50 degrees Fahrenheit or above, and if no extended periods of wind, rain, fog, or other inclement weather will occur to make conditions unsuitable for trapping or will unduly imperil the lives of the animals.

- e. Adjust traps by hand each time they are placed, set, and baited, at a sensitivity level appropriate for capturing San Bernardino kangaroo rats. Visually inspect all traps before closing, and close them by hand.
 - f. Check all traps at least twice each night, once near midnight and again at sunrise.
 - g. Identify all trap locations with a unique identification code on a log sheet, note the date and time each trap is checked, and periodically review the log sheet to ensure no traps are inadvertently missed. Field documentation shall be available to USFWS personnel upon request.
 - h. Hold individual San Bernardino kangaroo rats, for no longer than 1 hour before release, and relocate as quickly as possible. Do not place the animal in a plastic bag; transfer it in a clean, structurally sound, breathable container with adequate ventilation. Do not allow the animal to become stressed due to temperature extremes (either hot or cold).
2. The BIA and/or Tribe shall monitor and report on compliance with, and the effectiveness of, the conservation measures through the following actions:
- 2.1 Submit a quarterly report to the Palm Springs Fish and Wildlife Service Office covering results of the biological monitor's visits to the Site during all phases of project (PSFWO) construction, until construction is complete.
 - 2.2 Ensure USFWS personnel have the right to access and inspect the Site during project implementation (with prior notification from us) for compliance with the project description, conservation measures, and terms and conditions of the biological opinion.
3. Disposition of Sick, Injured, or Dead Specimens:

The BIA and/or Tribe shall notify PSFWO within 3 work days if any endangered species are found dead or injured as a direct or indirect result of project implementation. Notification must include the date, time, and location of the injured animal or carcass, and any other pertinent information. In addition, mark dead animals appropriately, photograph, and leave the carcass on site; transport injured animals to a qualified veterinarian; and contact the PSFWO regarding the final disposition of any treated animals that survive.

Migratory Birds

Conduct preconstruction surveys on the Site to determine whether migratory birds are nesting there. If nesting birds are detected, the nest location(s) and immediately adjacent habitat should be avoided during construction activities, until the breeding season is over or until the birds permanently leave the nest (timing varies by species).

6.5 Cultural and Paleontological Resources

Section 5.5 of the Final EIS discusses mitigation measures that are recommended to mitigate effects on cultural and paleontological resources that may arise as a result of the Preferred Alternative. Mitigation measures were not recommended or required for paleontological

resources because none were found on the Site. The following mitigation measures were recommended and will be required to mitigate the effects of the Preferred Alternative on cultural resources:

- Development of the proposed facilities will adhere to the regulations presented in 36 C.F.R. § 800.13 (regulations of the National Historic Preservation Act) for post-review discoveries.
- For any discovery of archaeological resources, all work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action, including the development of a treatment plan in accordance with applicable law, if necessary. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report must be prepared by the professional archaeologist, or paleontologist, according to current professional standards.
- If human remains are discovered during ground-disturbing activities on tribal lands, the tribal official and BIA representative will be contacted immediately pursuant to 43 C.F.R. § 10.4 (regulations of the Native American Graves Protection and Repatriation Act (NAGPRA)). No further disturbance shall occur until the tribal official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative will notify a Most Likely Descendant that will be responsible for recommending the appropriate disposition of the remains and any grave goods.
- If human skeletal remains are encountered during ground-disturbing activities on non-tribal and/or non-Federal lands, the contractor will contact the Riverside County Coroner immediately. If the County Coroner determines that the remains are Native American, the coroner will contact the Native American Heritage Commission, as required by Section 7050.5 of the California Health and Safety Code, and the County Coordinator of Indian Affairs. A qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (as set forth in 36 C.F.R. Part 61) will also be contacted immediately.
- The Unanticipated Discoveries Plan shall be followed in accordance with applicable law.

6.6 Socioeconomics and Environmental Justice

Section 5.6 of the Final EIS states that mitigation measures were not recommended or required for impacts to socioeconomics and environmental justice under the Preferred Alternative.

6.7 Resource Use Patterns

Section 5.7 of the Final EIS discusses mitigation measures that are recommended to mitigate effects on resource use patterns that may arise as a result of the Preferred Alternative including, transportation networks, land use, and agriculture. Mitigation measures were not recommended

or required for agriculture. The following mitigation measures were recommended and will be required to mitigate effects of the Preferred Alternative on other resource use patterns.

6.7.1 Transportation Networks

On-Site Roadway Improvements: The following mitigation measures are required in order to ensure that effects are less than significant:

- Construct Lake Park Drive adjacent to the Site at its ultimate cross-section width as a Secondary Highway (100 foot right-of-way) including landscaping and parkway improvements in conjunction with development.
- Construct Soboba Road adjacent to the Site at its ultimate half-section width as a Secondary Highway (100 foot right-of-way) including landscaping and parkway improvements in conjunction with development.
- Traffic signals shall be installed when warranted at the Development Footprint entrances/Soboba Road intersections.
- Off-street parking shall be provided at the Development Footprint to meet City of San Jacinto parking code requirements.
- On-site traffic signing/stripping shall be implemented in conjunction with detailed construction plans for the Development Footprint.
- Sight distance at each Development Footprint access shall be reviewed with respect to standard California Department of Transportation/City of San Jacinto sight distance standards at the time of preparation of final grading, landscaping, and street improvement plans.
- The proposed development shall participate in the adopted Transportation Uniform Mitigation Fee (TUMF) program and pay required development impact fees.

Off-Site Road Improvements: The Tribe shall contribute through the TUMF program to the funding of mitigation for traffic improvements to the Site and surrounding area, including those identified in the Traffic Impact Analysis (Appendix U of the Final EIS). Section VI and Appendix G to the Traffic Impact Study are summarized in the table below.

The contribution shall be based on the amount of traffic generated by land uses on the Site as a percentage of the overall traffic volume. The Tribe's contribution shall be provided to the agency undertaking the improvement (*e.g.*, Caltrans, Riverside County, and City of San Jacinto). In the case of improvements that are identified within the Final EIS as the sole responsibility of the Tribe, the Tribe's contribution must provide 100 percent of the necessary funds. The intersections that the Tribe will pay for in full are the ones pertaining to site access and require the creation of new access points.

Intersection and roadway segment improvements:

Notes: NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound; X = mitigation recommended; 1 = One lane; 2 = Two lanes; PA-A = Proposed Action A (Preferred Alternative); PA-B = Proposed Action B; Alt 1 = Alternative 1; Alt 2 = Alternative 2; Alt 3 = Alternative 3; Alt 4 = Alternative 4. * Alternative 4 represents the No

Action alternative – no mitigation would be required with this alternative, improvements noted would be required without any project development to provide an adequate level of service for without-project conditions.

INTERSECTION AND ROADWAY SEGMENT IMPROVEMENTS

Intersection Improvements	2010						2025					
	PA-A	PA-B	Alt 1	Alt 2	Alt 3	Alt 4*	PA A	PA B	Alt 1	Alt 2	Alt 3	Alt 4*
Sanderson Avenue at Ramona Expressway • None Identified												
State Street/Gilman Springs Road at Soboba Road												
• WB Right Turn Overlap	X	X							X			
• Traffic Signal	X	X	X	X	X	X						
State Street at Ramona Expressway • NB Right Turn Lane • EB Right Turn Overlap							X	X	X	X		X
							X	X	X	X	X	X
State Street at Florida Avenue • Additional EB Through Lane • WB Right Turn Lane							X					
							X	X	X	X	X	
San Jacinto St at Ramona Blvd/Main St • NB Right Turn Lane • NB Right Turn Overlap • Additional SB Through Lane • EB Left Turn Lane • EB Right Turn Overlap • WB Left Turn Lanes	X	X	X		X		X	X	X		X	X
	X	X							X	X	X	X
							X	X	X	X	X	
							X	X	X	X	X	
	2	2	1	1	1				2		2	1
San Jacinto St at Esplanade Ave • None Identified												
San Jacinto at Menlo Avenue • None Identified												
San Jacinto at Devonshire Avenue • None Identified												
San Jacinto St at Florida Ave • SB Right Turn Overlap • Additional SB Left Turn Lane • Additional EB Left Turn Lane • Additional WB Through Lane	X	X	X						X	X	X	X
	X	X	X	X	X	X	X	X	X	X	X	X
	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X		X					X		X
Ramona Expy at Main St/Lake Park Drive • Additional SB Left Turn Lane	X	X										

Intersection Improvements	2010						2025					
	PA-A	PA-B	Alt 1	Alt 2	Alt 3	Alt 4*	PA A	PA B	Alt 1	Alt 2	Alt 3	Alt 4*
<ul style="list-style-type: none"> NB Right Turn Overlap Additional WB Left Turn Lane 							X	X	X			
							X	X	X	X	X	X
Ramona Expy at 7th St												
<ul style="list-style-type: none"> Traffic Signal 	X	X	X	X	X	X						
Mountain Ave at Esplanade Ave												
<ul style="list-style-type: none"> Additional SB Through Lane 							X	X	X	X	X	X
Soboba St at Mountain Ave												
<ul style="list-style-type: none"> Traffic Signal 	X	X	X	X	X	X						
Soboba Springs Drive at Lake Park Drive												
<ul style="list-style-type: none"> Additional EB Through Lane 	X	X	X	X	X	X						
<ul style="list-style-type: none"> Additional WB Through Lane 	X	X	X	X	X	X						
Soboba Road at Chabella Drive												
<ul style="list-style-type: none"> Additional SB Through Lane 							X	X	X	X	X	
Soboba Rd at Lake Park Drive												
<ul style="list-style-type: none"> NB Left Turn Lanes 	1	1	1	1	1			2				1
<ul style="list-style-type: none"> SB Left Turn Lane 		X					X			X	X	X
<ul style="list-style-type: none"> SB Right Turn Lanes 	2	2	2							1	21	1
<ul style="list-style-type: none"> SB Right Turn Overlap 							X	X	X	X	X	X
<ul style="list-style-type: none"> Additional EB Left Turn Lane 	X	X	X								X	X
<ul style="list-style-type: none"> EB Right Turn Overlap 							X	X	X	X	X	X
<ul style="list-style-type: none"> Traffic Signal 	X	X	X	X	X	X						
Project Access												
Soboba Road – North Entrance												
<ul style="list-style-type: none"> NB Left Turn Lane 	1	2	1	1								
<ul style="list-style-type: none"> SB Additional Through Lane 	X						X	X	X	X		
<ul style="list-style-type: none"> SB Right Turn Lane 	X	X	X									
<ul style="list-style-type: none"> Traffic Signal 	X	X	X									
Soboba Road – South Entrance												
<ul style="list-style-type: none"> NB Left Turn Lane 	X	X	X	X	X							
<ul style="list-style-type: none"> SB Additional Through Lane 				X			X	X	X			
<ul style="list-style-type: none"> SB Right Turn Lane 	X		X									
<ul style="list-style-type: none"> Traffic Signal 	X	X	X	X	X							
Lake Park Drive												
<ul style="list-style-type: none"> WB Left Turn Lane 						X						
<ul style="list-style-type: none"> Additional WB Lane 		X		X	X							
<ul style="list-style-type: none"> Additional EB Lane 		X		X	X							
<ul style="list-style-type: none"> EB Right Turn Lane 					X		X		X			