

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 5/7/01
Department Name: County Administrator
Department No.: 012
Agenda Date: 5/15/01
Placement: Departmental
Estimate Time: 2 hrs
Continued Item: YES
If Yes, date from: 4/17/01

TO: Board of Supervisors

FROM: Michael F. Brown, County Administrator
Stephen Shane Stark, County Counsel

STAFF CONTACT: Jennifer Klein, County Counsel, ext.2950
David Lackie, Planning and Development, ext. 2023

SUBJECT: Santa Ynez Indian Reservation: Gaming and Proposed Annexation of Land

Recommendations:

That the Board of Supervisors:

1. Receive a report on the effects on the County and proposed mitigations for the expansion of gaming on the existing reservation (Attachment A).
2. Receive a preliminary report on the proposed annexation of 6.96 acres north of Route 246 to the reservation.
3. Authorize Board Chair to sign the attached preliminary comment letter to the Bureau of Indian Affairs on the proposed annexation (Attachment G).
4. Direct staff to take appropriate actions.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2. Ensure the Public Health and Safety and Provide Essential Infrastructure, Goal No. 5. Maintain and Enhance the Quality of Life for All Residents, and actions required by law or by routine business necessity.

Executive Summary and Discussion:

EXPANSION OF GAMING ON EXISTING RESERVATION

On March 27, 2001, the Board received a staff report estimating the costs that would be imposed on the County and this community by expansion of gaming on the reservation, and identifying mitigations which

would be typical for a large, tax-exempt employment generator in a rural area (*see Exhibit A, Impact of Casino Expansion on the Santa Ynez Valley – Costs and Mitigations*).

At that meeting, the Chairman of the Santa Ynez Band of Chumash Indians said the analysis of impacts was inaccurate because the employment effects were overstated. The Board continued the hearing twice, to April 10 and May 15, to allow for consultation between the County Administrator and the Tribal Chairman, intended to address the scope of impacts and proposed mitigation prior to further discussion by the Board. The hope was that these discussions might lead to a mitigation agreement pursuant to the gaming compact between the Tribe and the State of California which would recognize the Tribe's sovereignty and the effects that gaming have on the off-reservation community.

Unfortunately, no meetings have occurred. Chairman Armenta cancelled two meetings and has declined to re-schedule with the County Administrator (*see Exhibit B, County Letter to Vincent Armenta, Tribal Chairman*). Accordingly, the Board may elect to adopt the report with revisions prepared by county staff as a basis for documenting the estimated effects of the gaming expansion on Santa Barbara County.

ANNEXATION OF TWO PARCELS NORTH OF HIGHWAY 246

On April 17, the county received a letter from the United States Department of Interior, Bureau of Indian Affairs, soliciting comments on a proposal by the Tribe to place "into trust" by the United States approximately seven acres of land purchased by the Tribe north of the reservation across Highway 246 (*see Exhibit C, Bureau of Indian Affairs Notice of Annexation Application*). This action, if approved, would add the area to the reservation and remove it from county jurisdiction (*see Exhibit D, Project Site Plan*).

The letter was not accompanied by copies of the application. Expedious attempts by County Counsel to obtain copies of the annexation did not result in the county having a copy until May 7 (*see Exhibit E, County Counsel Letters for Application and Time Extension Requests*), County Counsel requested an extension of time to comment on the impact on the county, and obtained a preliminary extension until May 17. The intent of the request was to have 30 days from receipt of this application to provide comment (*see Exhibit F, Application Receipt Letter and Application Package*).

Since the application was not provided to the county until May 7, county staff has not had an opportunity to prepare a detailed analysis. On a preliminary basis, areas of concern include:

Further Development on the Reservation

The annexation would allow additional expansion of tourism, possibly including additional gaming, on the existing reservation. The purpose of the annexation is described by the tribe as a place to relocate and expand the existing health clinic, community center and administrative offices, which occupy scarce space on the eastern end of the reservation, otherwise now devoted to gaming facilities and associated parking. In their application the Tribe state that they intend to use the land vacated by the current tribal administration building to expand its casino operations. The vacated land would be used for additional gaming, parking, or other visitor-serving facilities that would add to the impacts of the current casino expansion and proposed annexation.

Traffic Problems on Highway 246

In addition to the increased traffic long highways 154 and 246 generated by gaming, the incorporation of the new parcels north of the highway will create new traffic safety issues. Tribal members will need to cross the highway to use the community facilities. The county earlier suggested to the Tribe that Edison Road be used as the principal point of access to the reservation and offered cooperation in securing the necessary rights-of-way. At this location the signalized intersection would allow controlled access to the annexation parcels. The Tribe rejected this offer, preferring a "T" intersection at the existing reservation driveway. However this location, if converted into a four-way intersection would create potential turning movement conflicts and traffic safety concerns due to the close proximity between existing intersections at Edison St/Hwy. 246 (east) and Cuesta St./Hwy. 246 (west).

Segments of Hwy. 154 and Hwy. 246 are growing increasingly congested and have only minimal capacity to accommodate future increases in traffic without major improvements. To date, the Casino expansion and proposed land annexation projects have failed to adequately address, and mitigate for, regional traffic impacts along the Hwy. 246 corridor. These impacts are likely to dramatically increase if casino operations are expanded upon land vacated by the current tribal administration building. Once the application materials are analyzed, staff may identify additional concerns.

Staff has drafted a preliminary comment letter describing the local impacts of the annexation, relationship between gaming operation expansion and annexation, and the lack of coordination between the Tribe and the County to date (*see Exhibit G, County Preliminary Comment Letter*). The letter also requests that the BIA conduct environmental assessment of the whole project, casino expansion and annexation, pursuant to the National Environmental Policy Act (NEPA), including the requirement for a public hearing in Santa Ynez on the NEPA environmental document.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

Active participation in BIA proceedings might require significant staff and attorney time to evaluate the NEPA document and comment to the BIA. If unmitigated, expansion of gaming on the existing reservation will have substantial adverse effects on the county. Annexation of additional land to the reservation is likely to lead to further impacts.

Attachments:

- Exhibit A: Impact of Casino Expansion on the Santa Ynez Valley – Costs and Mitigation
- Exhibit B: County Letter to Vincent Armenta, Chumash Tribal Chairman
- Exhibit C: Bureau of Indian Affairs Notice of Annexation Application
- Exhibit D: Project Site Plan
- Exhibit E: County Counsel Request for Application and Time Extension Request Letters
- Exhibit F: Application Receipt Letter and Application Package
- Exhibit G: Land Annexation – County Preliminary Comment Letter to Bureau of Indian Affairs