



Santa Ynez Band of Chumash Indians

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ATTACHMENT F

BUSINESS COMMITTEE
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September 4, 2014

Ms. Mona Miyasato, CEO
County of Santa Barbara ("County")
105 E. Anapamu Street, Room 406
Santa Barbara, CA 93101

RE: Chumash Casino Hotel Project: Off Reservation Mitigation Measures

Dear Ms. Miyasato:

The Santa Ynez Band of Chumash Indians ("Tribe" or "Chumash") are in receipt of your comments to the Notice of Availability of Environmental Evaluation ("EE")-Chumash Hotel Expansion Project ("Project") dated August 13, 2014, and I as Tribal Chairman have also met with you and your staff on Thursday, August 28, 2014. This letter is in response to the off reservation mitigation measures discussed on August 28, 2014. Any remaining items in your comments will be separately addressed in general or specific responses to comments to the EE.

FIRE

Current Casino operating under 2002 Agreement ("Fire Agreement") that had an initial five (5) year term and which automatically renews annually thereafter.

Current Fire Agreement provided an additional firefighter/paramedic for Station 32 near the Casino and the Santa Ynez Airport. According to Station 32 statistics, the Casino accounts for about one-third of all paramedic calls for Stations 32. We are aware of no recent fire calls.

Since 2002, the Casino has begun hiring its own EMT's to stabilize Casino visitors who are then merely checked by Station 32 paramedics and, if necessary, transported by private ambulance to the emergency room. The Casino plans to provide space for private ambulances onsite which shall reduce the need for Station 32 paramedics. The Tribe reserves the right to establish its own ambulance service if necessary.

We are informed that the City of Solvang purchased a 65ft. telesquirt for amongst other properties, the four story Royal Scandinavian Inn (now purchased by the Tribe and renamed the Hotel Corque) and which also provided mutual aid for the Buellton Marriot. The inventory list from when the City of Solvang turned the equipment over to the County to take over Solvang's fire service list it as follows:

2014 SEP -4 AM 11:05
ROUTE 10
SANTA YNEZ BAND OF CHUMASH INDIANS

1992 PIERCE DUPLEX 65FT. TELESQUIRT
 500- GALLON TANK
 1500- GPM PUMP
 30-GALLON FOAM TANK
 400-GPM FOAM SYSTEM

Since taking over fire protection for Solvang, County Fire has moved the 65 ft. telesquirt out of Solvang to somewhere in the South county leaving both the Hotel Corque and the Buellton Marriott unprotected and leaving it unavailable for fire protection for the existing and expanded Casino Hotel.

However, the reality of fire safety in multi-story buildings has moved away from ladder trucks to building design including:

1. Fully sprinklered buildings;
2. Two (2) hour fire rated structural system;
3. Two (2) building connections for fire suppression water;
4. Smoke proof, pressurized stair enclosures;
5. Pressurized vestibules on each floor;
6. Operable windows for smoke control/release; and
7. Separated elevator lobbies.

Even a 100 foot ladder truck would not reach the top of the proposed Casino hotel tower and its range of service during any one fire would be severely limited.

Therefore, the Tribe proposes the following mitigations for FIRE:

TRIBAL MITIGATIONS

- (1) Replace Station 32 paramedics with Casino EMT's and onsite private or tribal ambulance;
- (2) Continue honoring the 2002 Agreement to provide a third firefighter at Station 32 (but not necessarily a paramedic not to exceed \$400,000;
- (3) Incorporate fire safety high rise building design features listed above;
- (4) Fair share funding of addition County Fire Staff for an increase in up to 215 rooms for 50% of an additional Fire Fighter position at one of the County Fire Stations in the Santa Ynez Valley for) not to exceed approximately \$200,000 (\$400,000 FTE times 50%).
- (5) Enlist qualified consultants and inspectors as to fire safety for the Project;
- (6) Consult with County Fire Marshall regarding implementation of the above fire suppression features in the Project and consideration of other measures as may be mutually acceptable to the Tribe and County;

COUNTY OBLIGATIONS

- (7) Return of the 65 Ft. telesquirt to Solvang County Fire Station, County to maintain;

- (8) Funding of the other half of the additional Fire Fighter position at one of the County Fire Stations in the Santa Ynez Valley for which the Tribe offers 50% fair share funding;
- (9) Mutual aid agreement with Santa Ynez Chumash Tribal Fire Department.

AVIATION

The Federal Aviation Administration has jurisdiction. The County and/or SBCAG do not have jurisdiction on the Santa Ynez Reservation and the Tribal Business Committee is the Airport Land Use Commission (ALUC) for the Reservation.

WATER

The Tribe currently contracts with the Santa Ynez River Water Conservation District No. 1 (ID1) to provide drinking water to the entire Santa Ynez Reservation, including the Chumash Casino and Resort. Few people are aware that the Santa Ynez Reservation did not have treated drinking water until 1969. As part of the Will Serve letter for the 2002 current Casino and hotel build out, the tribe also self-funded completely new water systems for drinking water and waste water for the remainder of the residential areas on the Reservation.

The casino and Casino Hotel complex receives potable water via two 3" ID1 water meters. The 2002 Environmental Evaluation Report prepared for the casino and casino hotel estimated future casino and hotel demands to be 105,000 gpd (average day demand, or ADD).

The Tribe is proud of its efforts to be good stewards of the community water supply, and has shown that the overall potable water use at the Chumash Casino and Hotel has been significantly lowered by utilizing tertiary recycled water for toilet flushing, cooling tower recharge and on-site landscape irrigation. The toilet flushing demand for the casino and hotel Resort (current-day operation) has been estimated at 63,000 gpd. This has been validated by comparing overall Tribal wastewater flows from the casino/hotel, tribal hall and medical clinic, and current Tribal residents. If toilet flushing demand was served using potable water, the total casino, hotel and tribal hall/medical clinic demand would be approximately 90,000 gpd (reasonably close to prior projections, but still less than the 2002 projections).

The expanded casino and hotel will continue to maximize water conservation as presently done, and will provide all new toilet flushing and cooling tower demand using recycled water. Any new landscaping will also be using recycled water for irrigation. The Tribe's proposed Project's incremental potable water demands combined with existing casino/hotel water demands, will be less than 70,000 GPD, or approximately 40% less than that originally estimated in the Environmental Evaluation for the original casino/hotel expansion in 2002. Thus, the Tribe's additional potable water demand will remain significantly less than that already approved by ID1 for the original casino/hotel expansion.

The Tribe is also in the process of extending tertiary recycled water for landscaping on three parcels of land it owns just east of the Reservation:

Mooney, APN 143-242-001 & 002;
Escobar, APN 143-252-001 & 002;

Daniels, APN 143-254-001 & 003.

The Tribe intends to obtain all necessary permits to use such tertiary recycled water off of the Reservation including, without limitation per State Water Resources Control Board Water Quality Order No. 2009-0006-DWQ, General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Wastewater (General Permit). The Tribe also proposes taking Mooney and Escobar into trust status as with no change in use as both parcels are fully committed for road/utility easements and landscaping.

Finally, we note for consistency the approval by the County of the Golden Inn and Village, Case Nos. 12GPA-00000-00002, 12RZN-00000-00002, 12TPM-00000-00009, 12DVP-00000-00014, 13DVP-00000-00005, 13DVP-00000-00006 Planning Commission Hearing Date: May 14, 2014 (Page 20) , as noted below (emphasis added):

Land Use Development Policy 4: Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.

Consistent. Water for the proposed project would be supplied from the Santa Ynez River Water Conservation District – Improvement District #1, which receives its water from the Santa Ynez Uplands Groundwater Basin. According to the Santa Barbara County Public Works Water Resources Division Groundwater Report dated May 1, 2012, the Santa Ynez Uplands Groundwater Basin is currently in a slight state of overdraft.

The proposed project would result in a total water demand of 31.18 AFY. **Since the volume of water extracted annually from the groundwater basin would not exceed the Santa Ynez Uplands Groundwater Basin threshold of**

significance of 61 AFY, the proposed project would not substantially reduce the amount of water otherwise available for public water supplies, and adequate water is available to serve the proposed project.

<http://www.sbcountyplanning.org/PDF/boards/CntyPC/05-14-2014/12GPA-00000-00002/Staff%20Report.pdf>

As the Tribe's planned expansion will utilize far less than the 61 AFY noted in the County's approval for the referenced Golden Inn project, and would result in a combined potable water demand far below that estimated in ID1's "can and will serve" letter originally issued for the Casino project in 2002, it is clear that the Tribe's proposed expansion would be consistent with County policy regarding water usage.

TRIBAL MITIGATION

- (1) Utilize tertiary recycled water for toilet flushing and on-site landscape irrigation for Casino hotel expansion;
- (2) Explore extending tertiary recycled water to Tribal Administration Building the Health Clinic;
- (3) Apply for permits to use tertiary recycled water on tribally owned lots under County/Tribal jurisdiction east of Chumash Casino and Resort;
- (4) Complete Fee-to-Trust application for Mooney and Escobar parcels;

COUNTY OBLIGATIONS

- (5) Expedite County permits, if any, for use of tertiary recycled water;
- (6) Support tribal permit applications, if any, with Central Coast Regional Water Quality Control Board, California Department of Public Health, State Water Resources Control Board, and any other State and federal agencies;
- (7) Support Fee-to-Trust applications for Mooney and Escobar parcels

AIR QUALITY

This Project on Tribally owned trust land is equivalent to a federal government development project within County boundaries; thereby federal air quality significance criteria associated with the General Conformity provisions of the federal Clean Air Act are more appropriate to apply to the proposed Project since the County does not have jurisdiction over Tribal operations on trust lands. Accordingly, the proposed Project does not require the equivalence of a General Conformity Determination as all project emissions are below the General Conformity *de minimis* levels.

TRAFFIC

CalTrans maintains the two highways that lead to the Chumash Casino and Resort. The Casino fronts onto State Highway 246 which many people access using State Highway 154. The only County road that accesses the Casino is Sanja Cota Road, which the Tribe rebuilt to County standards at its own expense (including bridges and flood control improvements) and the Tribe pays 100% of all maintenance per an agreement between the Tribe and the County.

The County has requested that the Tribe consider realigning Casino drive and Cuesta Road. Such request was already rejected by CalTrans during the 2002 building of the current casino and current casino hotel.

The Tribe has proposed fair share contributions to various CalTrans projects in its Traffic Impact Study (TIS).

The Tribe maintains the largest park and ride lots in Santa Maria and Lompoc and provides free transportation for all casino and casino hotel employees from both cities. Previously, Casino patrons were also allowed to use such buses and the Tribe is agreeable to reconsider this.

An additional 215 rooms would reduce commuter traffic to the Casino by the length of stay for each new room. The Tribe is also pursuing contract bus services for local "Casino Junkets."

Special Events: The traffic effects of the Samala showroom events would be the same with and without the expansion Project assuming that the capacity of the showroom does not change (no increase in seats) and the frequency of events does not change. After adding the new hotel rooms, traffic may in fact be reduced if more event attendees and gaming patrons stay on site as a result of the new hotel rooms and upgraded hotel amenities. Also note that Samala events are usually held outside of the Monday-Friday peak commuter periods analyzed by the County and Caltrans (weekday peak commuter periods: A.M. = 7-9 AM; P.M. = 4-6 P.M.)

Extra work at Edison and Highway 246. The SR 246/Edison Street intersection currently operates at LOS B during the A.M. peak hour and LOS C during the P.M. peak hour; and is forecast to continue to operate at LOS B during the A.M. peak hour and LOS C during the P.M. peak hour under Near-Term + Project conditions (with the additional traffic that would be added by approved and pending projects + traffic generated by the Hotel Expansion Project. Based on County and Caltrans impact criteria, the Hotel Expansion Project would not significantly impact the intersection.

For consistency purposes, we also note the approval by the County of the Traffic demand and study for Highway 246 for The Golden Inn (P. 38):

Consistent: A traffic study (Traffic, Circulation, and Parking Study prepared for the Golden Inn Senior Housing Project, Associated Transportation Engineers, dated October 15, 2013) was prepared to analyze the project's potential impacts to traffic. This report concludes that the proposed project would

generate additional traffic resulting in less than significant impacts to Hwy 246 segments and/or intersections based on the adopted LOS D operating standard used by Caltrans for Hwy 246.

Traffic counts were conducted at the Hwy 246/Refugio Road intersection during the early afternoon period (2:00 to 4:00 P.M.) to evaluate intersection operations when the adjacent schools (Santa Ynez Valley Union High School and Santa Ynez Valley Christian Academy) are let out. Levels of service were calculated for the Existing and Existing + Project scenarios. The Project's P.M. peak hour traffic additions were assumed as a worstcase scenario for the analysis. The data presented shows that the project would not generate a significant impact to the Hwy 246/Refugio Road intersection during the early afternoon period when the adjacent schools are let out. The proposed project would be expected to generate 658 Average Daily Trips (ADTs), 39 A.M. Peak Hour Trips (PHT), and 49 P.M. Peak Hour Trips (Associated Transportation Engineers (ATE), dated October 15, 2013).

According to ATE, the proposed project's traffic contribution to area roadways and intersections would be less than significant for intersections which are within the County's jurisdiction.

TRIBAL MITIGATIONS

- (1) Fund fair share contributions to CalTrans per TIS;
- (2) Maintain existing employee bus service and expand as necessary;
- (3) Review Casino patron use of such employee bus service;
- (4) Pursue contract bus services for local "Casino Junkets";

COUNTY OBLIGATIONS

- (5) Assume 50% of the maintenance fees for Sanja Cota Road.

AESTHETICS

A supplemental aesthetics study will be included in the final EE and general or specific responses to comments and the Hotel tower will be shielded from glare and have light shields. Emergency beacons will be included on the rooftop for overflights.

FLOODING

The Santa Ynez Reservation is under the jurisdiction of the Army Corps of Engineers (ACOE). The 2002 Casino and Hotel project was designed to be out of the 100 year flood plain, as is the expansion Project. All hydrological and storm water studies have been done by qualified civil engineers at Wallace Group, San Luis Obispo, California.

SHERIFF AND LAW ENFORCEMENT

California is one of the original Public Law (P.L.) 280 states whereby Congress has delegated to the State of California the jurisdiction enforce criminal prohibitory laws on Indian Reservations. California has delegated such duties to County Sheriffs and the Santa Barbara County Sheriff has jurisdiction on the Santa Ynez Indian Reservation and the Chumash Casino and Resort.

Such P.L. 280 jurisdiction is concurrent with the jurisdiction of the Santa Ynez Band of Chumash Indians to enforce federal and tribal law on its Reservation and at the Chumash Casino and Resort. This can be done by Special Law Enforcement Commissions (SLECs) with the Bureau of Indian Affairs or pursuant to the Tribal Law and Order Act (TLOA) and the U.S. Dept. of Justice Office of Tribal Justice.

The 1999 Tribal-State Gaming Compact between the State of California and the Tribe included payments to a Special Distribution Fund (SDF) to fund grants to mitigate the off-reservation impacts of such gaming facilities. The Tribe has such a 1999 Compact and pays into such SDF. Over the last ten (10) years, the Tribe through the SDF has awarded mitigation grants to the Sheriff of about \$400,000 annually:

Sheriff SDF Grants

<u>Year</u>	<u>Dollars Contributed</u>
2003/04	525,160
2004/05	596,070
2005/06	625,585
2005/06	387,110 (for 06/07)
2006/07	253,677
2006/07	20,810 (for 07/08)
2007/08	vetoed by Gov. Schwarzenegger
2008/09	673,403
2009/10	675,000
2010/11	117,876.20
2011/12	117,876.20

<u>2012/13</u>	<u>87,376.20</u>
Total	\$3,962,067.40

In other words, over 10 years about \$400,000.00 annually for Sheriff

More recently, the Tribe and the Sheriff have negotiated an On Reservation Contract for Law Enforcement Services (“Contract”). This contract was for one full time employee (FTE) on the Santa Ynez Reservation (approximately 5 forty hour shifts) for approximately \$850,000 annually. The Tribe also agreed to pay for a patrol car. Even with the agreement of the Sheriff and the Tribe, the Santa Barbara County Board of Supervisors (BOS) voted on June 3, 2014 on a 3-2 vote not to approve the Contract.

However, the amount of Sheriff resources for the Casino and the entire Santa Ynez Reservation do not even approach \$850,000 annually. Arrests at the Casino for example, are only 10-15% of total arrests at the Sheriff Solvang Sub-Station and one FTE Sheriff Deputy would be over one-third of all Solvang Substation staff which is three Deputies at its highest funding level. In fact, the Sheriff has replaced the dedicated Solvang Substation Deputy with a part-time Deputy who moves around the entire valley which would make the FTE Deputy paid for by the Tribe closer to half of all Solvang Sub-station staff.

The additional Casino Hotel 215 rooms should result in a negligible increase in Sheriff services. The first responders to calls for service at the Casino and the Casino are Casino security and surveillance. Most law enforcement activities by the Sheriff consist of driving through the parking lot and arresting guests who have been detained by Casino Security. In addition, an extra 215 rooms should allow extra rooms for any guests who are intoxicated or incapacitated.

However, if we assume that the existing Casino takes up 10% of the Solvang Sub-station budget of \$4 million for a total of \$400,000 then an existing 215 hotel rooms should possibly increase the use of Solvang Sub-Station resources from 10% to possibly 12% for a total of \$480,000.

TRIBAL MITIGATIONS

- (1) Fund half of one FTE at the Sheriff Solvang Substation) not to exceed \$480,000;
- (2) Fund a patrol vehicle for use on the Santa Ynez Reservation;
- (3) Work on mutual aid agreements for Tribal Police with SLECs;
- (4) Work with the Sheriff to establish concurrent law enforcement jurisdiction under TLOA;

COUNTY OBLIGATIONS

- (5) Fund the other half of the FTE at the Solvang Sheriff Substation;
- (6) Pay for maintenance and fuel for the patrol vehicle funded by the Tribe
- (7) Work on mutual aid agreements for Tribal Police with SLECs;
- (8) Work with the Tribe to establish concurrent law enforcement jurisdiction under TLOA

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CONCLUSION

The Tribe appreciates meeting with the County and its staff in an effort to reach agreement on how to best mitigate any off-reservation impacts of the Project.

Please respond by September 10, 2014 if you desire the Tribe to consider any response to this letter in any final Environmental Evaluation for the Project.

To the extent CEO Miyasato desires additional meetings, Chairman Armenta is available in Santa Barbara Thursday, September 4, 2014 and Friday, September 5, 2014.

Sincerely,



Vincent P. Armenta
Tribal Chairman

CC: Steve Lavagnino, Chairman, Board of Supervisors