

May 7, 2002

Ms. Laura Ray, Tribal Administrator  
Santa Ynez Band of Chumash Indians  
P.O. Box 517  
Santa Ynez, CA 93460

**RE: Chumash Casino Consolidation Project – Environmental Evaluation**

Dear Ms. Ray:

Thank you for the opportunity to provide comments on the Environmental Evaluation (“EE”) of the Tribe’s proposed Casino Consolidation Project. The County of Santa Barbara (“County”) is a political subdivision of the State of California. The Santa Ynez Band of Chumash Indians’ existing Reservation is located within the County of Santa Barbara, in the Santa Ynez Valley. The County of Santa Barbara recognizes tribal sovereignty and supports the Tribe’s efforts to ensure self-reliance and improve the living conditions of its members in ways that are both effective and sensitive to its neighbors and the environment.

The comments presented here are the result of a joint review of the Tribe’s EE by a variety of County departments and technical staff. In some instances conformance of the consolidation project with local standards, in the absence of equally or more stringent tribal standards, has been suggested to minimize off-reservation impacts. At this time the County does not feel it is appropriate for the EE to identify the Special Distribution Fund (“SDF”), created by the Tribal-State Compact to off-set off-reservation impacts caused by casino development, as a source of funds available to local governments to address impacts. This is because the mechanism for distributing the money in the SDF is unsettled and whether or not Santa Barbara County will be a recipient of any amount of the SDF is speculative at this time.

The County hopes that the Tribe finds the following comments helpful as it pursues its Casino Development Project. If the Tribe has any questions, or would like further assistance from County staff on any matter raised in this letter, please do not hesitate to contact the County Administrator, Michael Brown, at (805)568-3400.

## **PROJECT DESCRIPTION**

1. The EE text and technical appendices contain several references to development activities within the North Reservation Area (located northwest of the existing casino facility) and the 6.9 acre site (north of Hwy 246) without including these developments within the project description. Additionally, the site plan identifies a third parking structure west of the 5-level parking. The EE is unclear if the service levels, infrastructure improvements or impacts identified in the document are addressing all of these developments. Since multiple developments are proposed on existing or proposed Reservation lands, the EE should clearly identify and address all project components to provide a comprehensive environmental analysis of the entire project.

## **WATER RESOURCES**

### ***Water Supply***

1. The County's primary concern is that the Tribe's draw on the groundwater resources of the Santa Ynez Valley will create or exacerbate a situation of overdraft. Regardless of how the groundwater is accessed – via on-reservation wells or via off-reservation provision of water from Santa Ynez River Water Conservation District, Improvement District No. 1 (ID1) – the County's concern is maintaining an adequate water supply for all uses in the valley. In some cases this may require balancing uses among many users in the valley, tribal and non-tribal. Towards this end, the County encourages the Tribe to continue to work closely with ID1 and surrounding water users to ensure that all current and future needs are met. In some cases, balancing uses may require the Tribe to import water so as to avoid a detrimental drain on the valley basins. If the Tribe has already developed a water conservation plan for its consolidation project, inclusion of this plan in the EE is appropriate. If the Tribe has not developed such a conservation plan, the County encourages its development.
2. The EE identifies an option that all water for the project would be supplied from SYCSD ID1. This would require a new 12-inch diameter water line extending 1,100 feet from Numanica Street to the Reservation within an existing utility easement located on off-reservation lands. The EE does not address the potential environmental impacts associated with this infrastructure improvement. For instance, the EE should evaluate the potential impacts to archaeological and biological resources in the area caused by the extension.

### ***Wastewater Options***

1. The County concurs with the comments of the City of Solvang that additional capacity study is necessary. Prior to the City of Solvang providing a guarantee of additional sewer service to the Santa Ynez Community Services District for the Chumash Casino Consolidation Project, a design and treatment capacity study should be conducted for the existing City of Solvang wastewater treatment plant.

2. The environmental analysis appears to adequately cover the necessary treatment requirements for a de-centralized enhanced treatment sewage disposal system (onsite) if the Solvang wastewater treatment plant is unable to provide additional capacity for the project. The Tribe should work closely with the Central Coast Regional Water Quality Control Board and the Region IX office of the Federal Environmental Protection Agency to determine compliance with Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) regulations.

***Grading, Drainage and Stormwater Runoff***

1. The EE states that the project area is located outside the FEMA 100-year Floodplain Boundaries. However, the EE fails to state that the reason the project area is out of the Floodplain is because the reach of Zanja de Cota Creek, which bisects the project, is unstudied and unmapped. The limits of the FEMA study ends at the Tribe's Reservation boundary line upstream of the project site. Therefore, the EE should be extended through the project site in order to define the limits of the 100-year Floodplain/Floodway. This is necessary in order to determine a Floodway (or area which needs to be preserved for the conveyance of the 100-year discharge and cannot be encroached within) and to determine the limits of the Floodplain and 100-year Base Flood Elevations (BFE). The BFE's are needed in order to set the Finish Floor Elevations above. Also, the EE does not address impacts associated with the proposed underground development, which if located within the Floodplain will be below the BFE. Federal Standards would require commercial structures to be adequately elevated above BFE or be flood-proofed.
2. The County has experience with damages resulting from flood disasters. Based upon past flooding, the County has adopted regulations to reduce the risk of flooding, including appropriate setbacks from waterways to project structures and reduce erosion hazards. It does not appear from the information contained in the EE that the Tribe has formally adopted regulations addressing flooding. The County encourages the Tribe to apply local flood protection standards for the new casino consolidation facility to protect both life and property on the Reservation. For example, the County's Setback Ordinance requires a minimum 50' Development Setback from Creeks (25' in a hard banked condition). The project currently proposes virtually no setback from the top of bank of East or West Zanja de Cota Creek. The EE should address the lack of setback as it pertains to both erosion protection as well as Floodway encroachment. The project also proposes additional crossings of the East Fork of Zanja de Cota Creek. These crossings need to be analyzed in the Flood Study to determine if structural development within the Floodway will alter the BFE.
3. The EE states that there will be a reduction in impervious areas and thus no increase in runoff from the site. The County is unable to verify this through the figures presented in the EE. In addition, Water Quality Best Management Practices (BMP's) are currently proposed as part of this project and at this point seem to be adequately addressed; however, long-term maintenance of the BMP's should be discussed. The County recommends that if a NPDES permit is required for the potential on-site wastewater facility, that the Tribe include a storm-water and drainage plan.

## **AIR QUALITY**

1. The County is considered a "non-attainment" area for the state health-based air quality standards for ozone and the state standard for fine particulate matter. The County is considered to have attained the federal one-hour standard for ozone, although the USEPA has not officially reclassified the County's attainment status. A large project such as the Casino Consolidation Project has the potential for significant air quality impacts. By pursuing development on Reservation lands in ways that protect local air quality, the Tribe can ensure that regional progress to date toward clean air for all citizens of the Santa Ynez Valley is not jeopardized.
2. In general, the air quality analysis presented in the EE contains errors and inadequately determines the extent of the project's air quality impacts. For example, short-term construction impacts and long-term operational emissions are erroneously combined in Table 3-3. No significance criteria are listed to substantiate the conclusion that there will be no significant air quality impacts. While the construction-related mitigation measures address odors from the wastewater facility and fugitive dust control, they do not reduce significant ozone precursor emissions and particulate matter (PM<sub>10</sub>) that will be generated during the proposed 3-year construction phase.
3. In order to adequately analyze the air quality impacts of this project, the County recommends the Tribe include discussions of all short-term effects separately from long-term effects. Direct, indirect (including growth-inducing effects), and cumulative effects, consistency with the Clean Air Plan, should also be discussed. As a contributor to air quality in the valley, the Tribe can apply pollution prevention methodology into the project to reduce air quality impacts to the maximum extent feasible.

### ***Short-term Emissions***

1. The size and scope of the proposed Casino Consolidation Project, requiring nearly 3 years to construct, makes this a major development in the County, and the largest in the Santa Ynez Valley. The EE states that the project will be constructed in two phases, each lasting 15-16 months. Exhaust emissions from diesel construction equipment such as bulldozers, scrapers, etc., and from haul trucks and worker vehicles, are expected to be the major sources of emissions. Even emissions from short-term projects contribute to ozone formation. The APCD and the County generally consider 25 tons per year or more of oxides of nitrogen (a precursor to ozone formation) as significant. This project will emit 70.22 tons of oxides of nitrogen (NO<sub>x</sub>). Instead of merely quantifying the emissions in light of the County's ozone problem, the Tribe could adopt measures to reduce exhaust emissions. Since it does not appear from the EE that the Tribal government has adopted air quality regulations, the County recommends the adoption of the County standards to reduce exhaust emission, thereby providing uniform standards valley-wide and improving air quality on and off the Reservation.

2. Construction and demolition activities also generate fugitive dust. With oversight by the Tribe to ensure that the dust control measures listed on Page 3-13 of the EE are carried out, fugitive dust and the accompanying health effects to residents and visitors can be kept to a minimum. The Tribe may want to consider using County standards to reduce fugitive dust by requiring gravel pads at all access points to prevent tracking of mud on to public roads. Release of friable asbestos from the buildings being demolished is also a potential public health hazard. The demolition should be handled by a licensed contractor to minimize the public health effects of this hazardous air pollutant to both on and off Reservation residents and visitors.

### ***Operation Emissions***

1. The document states that Phase I will consist of a 190,000 square foot bingo and casino entertainment center, below ground parking for 255 vehicles and a 120-room hotel on top of the casino. These facilities are expected to be operational by September 2003. The County used the air quality program Urbemis7G to study the net increased trip generation number given in Table 3-10, Page 3-31 of the EE. Assuming that the trips were correctly estimated (although no substantiation is provided for an unusually high trip reduction of 50% for the hotel) the results show that the net project is estimated to generate approximately 35 lbs/day of NO<sub>x</sub> and 44 lbs/day of reactive organic gases (ROG). These two gases are precursors to ozone formation. Because the County has not yet achieved compliance with the state ozone and particulate matter standards, a project that contributes more than 25 lbs per day from motor vehicles is considered to have a significant effect on our air quality. Because of this significant impact to air quality, the County recommends that the Tribe revise the EE to include consideration of mitigations to reduce the level of significance pursuant to CEQA.
2. During the second phase, the 660-space vehicle parking structure will be built. Although the Urbemis7G analysis in Appendix D of the EE shows that this structure will generate a total of 5,187 trips, Table 3-10, Page 3-31 shows that the parking structure will have no trip generation. It is not clear whether the trips from the parking structure were taken into account in the emission estimates shown in Table 3-3. Emissions from direct sources such as boilers, stand-by generators, heaters and other sources should also be added to the total emissions estimates.
3. To complete the analysis, cumulative air quality impacts and consistency with the 2001 Clean Air Plan (CAP) should be considered by the Tribe. Cumulative air quality impacts are the effect of long-term emissions of the proposed project plus any existing emissions at the same location plus reasonably foreseeable similar projects on the projected regional air quality or localized air pollution problems. Due to the County's nonattainment status for the state ozone standard and ozone's regional nature, if a project's emissions from traffic sources of either of the ozone precursors (NO<sub>x</sub> or ROG) exceed the long-term thresholds, then the project's cumulative impacts will be considered significant.

4. Consistency with the Clean Air Plan means that direct and indirect emissions associated with the project are accounted for in the Clean Air Plan's emissions growth assumptions and the project is consistent with policies adopted in the Clean Air Plan. The Clean Air Plan relies primarily on the Santa Barbara County Association of Governments land use and population projections and the California Air Resources Board's on-road emissions forecast as the base for vehicle emission forecasting. Any project that would provide for increased population growth above that forecasted in the most recently adopted Clean Air Plan is inconsistent with the Clean Air Plan and may have a significant impact on air quality.
5. Because this project contributes more than 25 lbs per day from motor vehicles alone, and is not accounted for in the most recent Clean Air Plan growth projections, the project is considered to have significant cumulative impacts, which should be mitigated to a level of insignificance. In addition, energy conservation measures are recommended to reduce the need for natural gas and electricity. Although Santa Barbara County does not have power plants, a portion of our electricity comes from burning fossil fuels, which contributes to regional air pollution. Proposed building plans should include green building materials and pollution prevention practices.

## **PUBLIC SERVICES**

### ***Fire Protection***

1. Construction and maintenance of the proposed structures should be in compliance with all recognized codes, national standards and local ordinances. The Uniform Codes with local amendments governing the safe construction and maintenance of buildings should apply (Uniform Building Code, Uniform Electrical Code, Uniform Fire Code, National Fire Protection Standards etc.). These codes govern such items as occupancy load, approved fire sprinkler systems, safe exiting, and approved fire assemblies such as smoke dampers.
2. To protect life and property on the Reservation, the Tribe should adhere with nationally recognized and locally adopted standards with respect to adequate emergency access for fire equipment and water supply for fire protection. Fire hydrant distribution and fire flow should meet those standards. It is the policy of the Santa Barbara County Fire Department to require the water purveyor serving the development in question provide the infrastructure. This is to ensure that maintenance, reliability and dependability concerns are met for public safety purposes. The fire department encourages a cooperative working arrangement with the water purveyor to ensure provision of a dependable source of water for domestic and fire protection purposes. Adequate fire department access and water supply should be provided for the project during construction.
3. Furnishings, window coverings, and wall treatments in assembly occupancies (such as the casino and special event auditorium) need to be designed, flame-proofed and installed in accordance with applicable National Fire Protection Association and

Uniform Fire Code requirements. It is important for the Tribe to realize that all special events need to be conducted in conformance with the above mentioned codes. Public assembly buildings, due to their large numbers of occupants, have special requirements for exit maintenance, storage and handling of flammable and hazardous materials, how displays are conducted, seating configurations, etc. Once the buildings are constructed, periodic fire safety inspections should be performed to ensure compliance with safety codes for the protection of life and property.

4. There are a number of inaccuracies within the EE Project Description with respect to fire department coverage, provision of emergency medical service and other areas of County responsibility. General statements in the body of the EE addressing proposed fire protection and emergency medical response issues need further refinement and definition. These inaccuracies do not substantively change the characterization of protection provided to the general area except for the fact that on Page 3-14 the EE identifies the staffing at Fire Station 32 as six trained personnel, but the correct number is four on-duty firefighters (24 hours a day, 7 days per week), based upon the recently adopted fire service level joint agreement between the County and Tribe. On page 3-19, second bullet, the fire safety buffer zone should be a minimum of 30 feet. Also, diagrams show proposed future development that is not addressed in the text of the EE. For example, the new Tribal hall and health clinic proposed for the North Reservation should be addressed to identify if access, water supply and buildings will comply with the standards identified above.
5. The County invites the Tribe to continue to work, communicate, and coordinate with the County Fire Department regarding the protection of life and property and fire safety issues generally.

#### ***Law Enforcement***

1. The Sheriff's Department anticipates increased demand for law enforcement services as a result of the Casino Consolidation Project. Expanded casino operations coupled with a new hotel facility will result in a significant increase in patron activity in the area. In the EE, the Tribe proposes to enter into negotiations with the Sheriff's Department for a formal agreement to reduce off-reservation impacts. The Sheriff Department will require an additional five (5) deputy sheriff positions and one patrol vehicle to provide the service level increase of one deputy per shift on a 24-hour basis. The EE states that the Tribe will negotiate with the County Sheriff Department a formal agreement to reduce off-reservation impacts. The County encourages the Tribe to establish a time frame to complete a formal agreement in order to ensure adequate service levels may be in place prior to occupancy of the new casino facility.

#### ***Solid Waste***

1. The EE states that Health Sanitation Service (HSS) collects solid waste at the Reservation, which is disposed of at the Foxen Canyon landfill in Los Olivos. The solid waste at the Reservation is collected by Waste Management and it is disposed of at the Tajiguas landfill located along the Gaviota Coast. The additional solid waste generated as part of this project is insignificant as it relates to Tajiguas landfill

disposal capacity. However, waste generated from the Casino Consolidation Project, as the rest of the Reservation, is included in the total waste generated by the County subject to a State mandate for 50 percent waste diversion from landfills. Implementation of a waste reduction program for the Reservation including this project would assist the County in meeting this diversion mandate and extend the life of the landfill.

## **NOISE**

1. The EE identifies that temporary noise levels will increase during construction activities for the casino consolidation facility, but that no significant traffic or operational noise impacts would result from the project. The County standard for sensitive receptors includes residential development within 1,600 feet from construction activity would generally result in potentially significant impacts. Sensitive receptors to the noise generated by the proposed project would be one residence, located approximately 25 feet away and several residences located near Numancia Street, located approximately 450 feet away. In the absence of Tribal regulations governing noise levels and associated impacts, the Tribe should consider County regulations that reduce the noise levels during both construction and operation of the facility.
2. The Tribe should prohibit all nighttime construction and limit daytime construction activity for site preparation to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. Construction equipment maintenance should be limited to the same hours. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries should be shielded to reduce noise. Since the nearest residence is only 25 feet from the eastern edge of the proposed casino consolidation facility, construction equipment should be located away from the residence to the maximum extent feasible. Additionally, since the shipping/receiving facility will be located within approximately 50 feet of this residence, the Tribe should limit deliveries to daytime hours and provide sound walls to reduce the operational noise.

## **TRAFFIC AND CIRCULATION**

1. Traffic issues along S.R. 246 are a key concern for the community. County Engineering roadway design capacity figures indicate that S.R. 246 can accommodate a maximum of approximately 20,000 vehicles per day. Acceptable roadway policy capacity for this roadway is 80% of design capacity or 16,000 average daily trips (ATD). Current usage along S.R. 246 is 16,300 ATD between Solvang and Buellton, and 15,300 ATD between Refugio Road and Solvang. Based on the traffic impact study prepared for the EE, existing conditions plus Phase I traffic volumes alone would use approximately 5% of the remaining design capacity on S.R. 246 east of Alamo Pintado Road, and 3% of the remaining design capacity on S.R. 246 east of Ballard Canyon Road. It is a general rule of thumb in the transportation planning



discipline that a 2% increase in traffic volume is considered a noticeable increase to the average motorist.

2. The County level of service (LOS) for a two-lane expressway in the urban area is LOS C. Existing plus Phase I volumes would increase the LOS on S.R. 246 from approximately 81% of LOS D to 84% of LOS D east of Ballard Canyon Road and from approximately 77% of LOC C to 81% of LOS D east of Alamo Pintado Road. Cumulative traffic volumes shown in the report, which includes only 16 approved projects throughout the Santa Ynez Valley, indicate that S.R. 246 would operate at a LOS E west of Ballard Canyon Road and LOS E east of Alamo Pintado Road.
3. The intersection operations in the morning and evening peak hour are at acceptable levels of service (LOS C or better). However, these peak hour trips are not a small percentage of the total daily volume. This is due to the significant amount of tourist traffic rather than the more traditional commuter traffic. The ATD along S.R. 246 is significant (see Traffic and Circulation Comment No. 2 above).
4. The importance of quantifying future traffic conditions along the SR 246 corridor cannot be overstated, especially in light of the current County work effort to develop a comprehensive plan for the entire Santa Ynez Valley. It is likely that the traffic generated from approved, pending, and build-out from land development projects throughout the Santa Ynez Valley (including the cities of Solvang and Buellton) will greatly exceed the traffic impact study estimates of the EE. Increased traffic is likely to result in the diversion of traffic volumes away from congested portions of S.R. 246 and travelers using County roads as shortcuts to less congested routes in the valley.
5. *Appendix E, Traffic And Circulation Study, Project Trip Generation:* The traffic study assumes that 50% of all traffic associated with the hotel portion of the project will be generated from within the site, while the remaining 50% will be considered new trips generated to and from the areas outside the site. Documentation on hotel vacancy rates along with the proximity and number of other hotel sites along SR 246 could be a helpful tool to justify this assumption. The justification of this assumption should be documented in the study.
6. In addition, Table 2 page 7 of *Appendix E, Traffic and Circulation Study* is misleading, and should clearly state the net increases in project generated traffic from the two (of the three) phases that affect the State and County road system. Citizens that read the EE will have to use a calculator to match the table with the surrounding text in the study.
7. Table 3-10 of the EE, page 3-31, identifies 37% of the project-related traffic assigned to the Highway 154/246 intersection, but no impact analysis is provided in the document.
8. *Appendix E, Traffic And Circulation Study, Cumulative Traffic Conditions:* Table 6 shows the “Skytt Mesa” residential development of 20 single-family homes as

generating 2,350 average daily trips (ADT) and 253 P.M. peak hour trips. The trip generation identified appears correct, but the actual number of homes is 204. The EE should be revised accordingly. In addition, the study states that no cumulative impacts would occur, but does not quantify this statement with intersection calculations and cumulative project traffic.

9. *Appendix E, Traffic And Circulation Study, Intersection LOS Calculation Worksheets*: The intersection worksheets for this project do not include the approved projects as shown in Table 6.
10. *Page 3-30, Impacts*: The text states: “The cumulative condition plus build-out scenario includes the construction of the entire project plus future traffic generation from surrounding areas.” Appendix E, Traffic and Circulation Study – Table 6 shows that the “cumulative list” of projects is based on only 16 “approved” projects. There is more development activity in the valley than shown in the table. The list should be updated for current projects and pending projects, and projects that have been completed or are currently under construction should be deleted. For example, the EE should include Burgundy Hills and Sycamore Ranch North Subdivisions and the Gainey addition and Mission Meadow winery projects, and should delete the YMCA project. In addition, Appendix E – Table 6 should differentiate projects within the cities of Buellton, Solvang and the County
11. The County and the Tribe are presently engaged in ongoing discussions concerning implementation of the Tribe’s traffic flow improvement plan. The County encourages continued coordination between the Tribe, County, CalTrans, and other appropriate agencies on traffic issues.

## **LAND USE AND VISUAL RESOURCES**

1. The County uses two primary planning tools as guidelines for all development: (1) its Comprehensive Plan (general plan), which states land use goals and policies, and (2) its Zoning Ordinance, which states standards for development. These planning tools provide long-range planning for existing and future land use in the County and the ability to ensure that development protects the public health, safety and welfare of the entire community. In the absence of similar planning tools for Reservation lands, the County relies on its established regulations that are applied to unincorporated areas of the Santa Ynez Valley. The County encourages the Tribe to consider using the guidelines contained in these documents as an appropriate planning tool for the project site and for compatibility with the surrounding land uses.
2. The EE identifies the Casino Consolidation Project as a commercial and tourist attraction consistent with the surrounding land uses, and that no significant impact will result. However, the EE does not assess the project in light of the County Comprehensive Plan (general plan) Land Use Element goals. Specific land use goals for the Santa Ynez Valley state that the beauty of the land should be preserved by

limiting urban sprawl and creating buffer zones to maintain the individual character of each town, and that tourism should be encouraged as a use consistent with preservation of open space. The County is currently updating the Comprehensive Plan for the Santa Ynez Valley. A major focus of the community as expressed by the on-going General Plan Advisory Committee, is to maintain the rural character of each township and distinct urban boundaries. The scale and mass of the Casino Consolidation Project will have significant adverse impact on the Santa Ynez township.

3. The County also uses a discretionary permit process to determine if the size and intensity of major project is appropriate for a particular site, neighborhood or community. Under a Conditional Use Permit (CUP), the County must make findings that the site for development is adequate in size, location and physical characteristics, environmental impacts are mitigated to the maximum extent feasible, streets and highways are adequate, adequate public service is available to serve the project, and *“that the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will be compatible with the surrounding area.”* The County recommends that the Tribe consider these standards when evaluating the proposed project’s impacts on the surrounding land uses.
4. The existing Chumash casino and portions of the Casino Consolidation Project are located in the Airport Approach Overlay Zone of the Santa Ynez Airport. The purpose of the Airport Approach Overlay is to regulate development to protect the safety of people both in the air and on the ground, reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and preserve navigable airspace around the County’s airports. If the Airport Approach Overlay is applied to the Reservation, conflict between the Tribe’s proposed development and public safety and noise concerns becomes apparent. Lessening the degree of development may be the only way to reduce or eliminate these conflicts. Specifically, nonresidential development resulting in large concentrations of people (over twenty-five (25) persons per acre) is not permitted within the approach zone. The Casino Consolidation Project will result in a significant concentration of people (4,100 patrons and 1,000 employees) within the airport approach zone.
5. The County Land Use Element contains visual resource policies to reduce impacts from development. One policy is that new structures shall be in conformance with the scale and character of the existing community. The EE states that the casino and hotel will be one of the largest urban elements visible. The County is concerned that the size and height of the structures and accompanying lighting will result in a significant impact on the rural character of the area during the day and increased lighting in the nighttime sky. County height limitations for non-residential development in the surrounding area is 35 feet. The proposed 60 foot hotel/casino will significantly exceed this standard. Potential landscaping along Hwy 246 is unlikely to adequately screen the mass of the structures from the highway, portions of the Santa Ynez township or the surrounding residential neighborhoods. The County encourages the Tribe to consider design standards for the Casino Consolidation Project to limit the

size and bulk of the structures, improve building articulation, and limit lighting by using low-to-ground light fixtures throughout the site and on top of the parking structures.

## **BIOLOGY**

1. The Casino Consolidation Project will be located directly on the banks of the Zanja de Cota creek, a riparian resource traversing the Reservation property and flowing downstream into the Santa Ynez River. Riparian streams provide important structural components for plant species and habitat for animals, and function as wildlife corridors between the surrounding valley and the Santa Ynez River. While Zanja de Cota creek, similar to other creeks in the Urban and Inner-Rural regions of the Santa Ynez Valley, has a mixture of native and non-native plants and wildlife as identified in the EE, the creek remains an important resource where development setback requirements of up to 50 feet from top of bank and restoration efforts to improve the habitat would typically be applied pursuant to County regulations. The Tribe should mitigate for development impacts to Zanja de Cota creek by implementing a habitat restoration plan prepared by a qualified biologist to removing non-native plant species and planting species from local seed stock to improve the overall habitat.
2. If the Tribe develops an on-reservation wastewater treatment plant, the EE identifies that effluent from the treatment plant may impact stream flow, water temperature and water quality of Zanja de Cota creek and downstream waters. The EE does not evaluate the environmental effects of the treated effluent waters, and assumes that any impacts to stream flow, water temperature or water quality could be mitigated by obtaining a NPDES permit from the EPA in the future. The purpose of CEQA and NEPA is to assess the level of significance of environmental impacts of an action/project and determine the mitigations that could reduce the significance level of the impacts. The Tribe should revise the EE to evaluate the impacts of the wastewater treatment plant and provide details in the proposed mitigation of how the impacts to stream flow, water temperature and water quality will be addressed.

## **POPULATION AND HOUSING**

1. The Chumash Casino is currently the largest employer in the Santa Ynez Valley with approximately 750 employees. The majority of these employees commute to work from Santa Ynez, Solvang, Buellton, Santa Maria, Lompoc and Santa Barbara. The EE identifies that the Casino Consolidation Project will require up to 250 additional employees, most of whom will be hired from the local labor pool. The EE assumes no significant additional population or housing demands will result from the Casino Consolidation Project. However, no data are provided to support this assessment. Considering the lack of affordable market-rate housing in the valley communities, the Tribe should consider efforts to provide affordable housing opportunities for new employees resulting from the Casino Consolidation Project.

The County of Santa Barbara appreciates the Tribe's efforts in preparing the EE and in making it available for public comment. The County believes that sharing information between local and tribal governments is key to ensuring sensitive development in the Santa Ynez Valley. County hopes that it may continue to offer input on future Reservation development projects that the Tribe may pursue. Thank you for the opportunity to offer comments on the proposed Casino Consolidation Project. If the Tribe has any questions concerning these comments, please contact Michael Brown, County Administrator, at (805) 568-3400.

Respectfully,

Gail Marshall, Chair  
Board of Supervisors  
County of Santa Barbara

cc: Honorable Barbara Boxer, United States Senator  
Honorable Lois Capps, United States Congresswoman  
Honorable Jack O'Connell, California State Senator  
Honorable Hannah-Beth Jackson, California State Assemblywoman  
Honorable Abel Maldonado, California State Assemblyman  
Virgil Townsend, Superintendent, Department of the Interior, Bureau of Indian Affairs – Southern California Agency  
Vincent Armenta, Tribal Chairman, Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation of California  
Greg Albright, Caltrans District 5 Director  
Steve Price, Caltrans District 5  
Solvang City Council  
Buellton City Council  
Christ Dahlstrom, Santa Ynez River Water Conservation District, Improvement District No. 1  
Bonnie Ottoman, Santa Ynez Community Services District  
Santa Barbara County Airport Land Use Commission  
Santa Ynez Valley Airport Authority  
Diane Waterman, Waterman & Associates  
Scott Morgan, Governor's Office of Planning and Research  
Stephen Shane Stark, County Counsel  
John Patton, Planning and Development Director  
Phil Demery, Public Works Director  
John Scherrei, County Fire Chief  
Jim Thomas, County Sheriff  
Peggy Langle, Environmental Health Director  
Douglas Allard, Air Pollution Control Officer  
P&D Santa Ynez Planning Area – Chumash File (Dave Ward)