

June 22, 2004

Acting Regional Director
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Environmental Assessment for Proposed Trust Acquisition of Land and Associated Development-- Santa Ynez Band of Chumash Indians

Dear Acting Director:

Thank you for the opportunity to offer comments on the Draft Environmental Assessment (EA) for a proposed trust acquisition of 6.9 acres of land in Santa Barbara County by the United States for the Santa Ynez Band of Chumash Indians. Comments are also provided on the subsequent construction of a commercial retail facility, museum and cultural center, parking lot and an open community commemorative park.

Overall, the County believes the EA contains serious omissions of current and accurate data sufficient to determine the potential impacts associated with the development. The EA (page 1-1) states the Bureau of Indian Affairs (BIA) will use the document to determine a Finding of No Significant Impact (FONSI) or require that an Environmental Impact Statement is required. Because of inaccurate and outdated information it is impossible to evaluate the appropriateness of a FONSI at this time. Please see comments under Air Quality, Biology, Socioeconomic Conditions, Public Services, Traffic and Cumulative & Indirect Effects for EA topic areas containing inaccurate or outdated information.

The County acknowledges that a development of this scope and scale may not normally cross the threshold for an EIS. However, until the EA is prepared using accurate and current data, the County must question whether an EIS is warranted. A similar conclusion was reached in the comment letter on this draft EA submitted by the City of Solvang dated 6/14/04, which the County supports.

The County first went on record with the BIA calling for "a full NEPA review on the whole project" (page 10, County Comment Letter on the Chumash Fee-to-Trust Application for 6.9

acres dated 6/13/01). Based on the County's review of the EA, a minimally acceptable standard of environmental review has still not been met.

PROJECT DESCRIPTION

The proposed action evaluated in the EA consists of two main components:

1. Placing the 6.9 acres into federal trust status. The property currently owned in fee by the Tribe would be placed into federal trust status for the Tribe in accordance with the procedures set forth in 25 C.F.R. Part 151. If the BIA determines that the proposal meets statutory requirements and the benefits outweigh the potential negative impacts, it may approve the Tribe's application and take the proposed land into trust for the Tribe.
2. Development of a museum and cultural center, commercial retail facility, and supporting components totaling 41,925 s.f. of building area. An open community commemorative park is proposed as well. In addition, a 105 space paved surface parking lot would be constructed on the site and along Numancia Street. Both parking areas would include parking spaces for the disabled. Access to the parking area would be from Numancia Street. The 6.9 acre property is currently undeveloped.

EVALUATION OF FEE-TO-TRUST APPLICATION

Given that the project description in the EA is different than the project described in the fee-to-trust application of April 12, 2001 for the 6.9 acres, the County *expects* that a revised and amended fee-to-trust application will be noticed and that the County and public will be given an opportunity to comment. If such a revised and amended application will not be submitted, noticed and circulated for comments, please respond and explain why this will not occur.

If an amended application will not be forthcoming, the County notes the following deficiencies with the present fee-to-trust application:

1. The purposes for which the tribe will use the land are not clearly articulated (25 CFR 151.11[a]; 151.10[c]). This deficiency is highlighted by the fact that the project description in the 4/12/01 fee-to-trust application differs substantially from the project description analyzed by the EA. For example there is no mention of commercial retail development in the uses described in the 4/12/01 application.
2. The fee-to-trust application does not contain a business plan that "specifies the anticipated economic benefits" associated with the commercial development planned for the 6.9 acres. Again, the project description analyzed by the EA indicates commercial use of the 6.9 acres. Not only must the application be revised to correct and update the project description, but once that is completed the plan required by 25 CFR 151.11(c) must be added.
3. The application does not adequately address the impact of the removal of the 6.9 acres from the tax rolls (25 CFR 151.11[a]; 25 CFR 151.10[e]). Please see previous discussion

under “Socioeconomic Conditions.” The proposed development with its associated commercial leases, in conjunction with other Tribal economic ventures, provide the Tribe with sufficient economic stability to pay property taxes without risk of default and subsequent loss of property through tax sale.

4. Jurisdictional problems and conflicts with land use are not adequately addressed in the application (25 CFR 151.11[a]; 25 CFR 151.10[f]). The Tribe could readily seek approval for the proposed development under zoning in the Santa Ynez Community Plan that is currently under preparation by the County. Local standards and environmental controls could help guide a development that achieves the Tribe’s objectives and is within the scale and character of the surrounding uses.

Once these deficiencies are cured, the revised and amended fee-to-trust application must be recirculated for comments consistent with 25 CFR 151.11(d).

CUMULATIVE AND INDIRECT EFFECTS

This is the third fee-to-trust application over the past 3 years. The community believes additional applications will be filed with the BIA in the future. The individual application requests collectively have a larger cumulative effect on the surrounding community. The County wishes to state its objection to the piecemeal analysis being conducted and requests that a thorough cumulative analysis be conducted on all known fee-to-trust applications to identify and mitigate impacts caused by the projects.

The incremental impact of the proposed project evaluated in the EA when added to other past, present, and reasonably foreseeable future actions are considered cumulative effects under NEPA and must be discussed in the Environmental Assessment (see 40 CFR § 1508.7). The EA should include a discussion of the proposed project’s contribution to cumulative effects when added to impacts associated with the recently completed Chumash Casino Consolidation Project.

The County also requests that indirect effects (effects caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable) be considered in a revised and updated EA (40 CFR § 1508.8 Effects). The County is concerned that indirect effects, such as the overall socio-economic impacts associated with creating a tax and regulatory free enclave in a small community, have not been adequately analyzed by the EA. Local jurisdictions are struggling to meet requirements for new services caused by new development. This problem is compounded when new development is constructed that does *not* contribute to local taxes necessary to fund public services. Other indirect impacts are caused when retailer businesses on trust land are not required to collect sales taxes. Consequently they can offer goods at a below market rate when compared with other similar surrounding retailers who pay their fair share of taxes and fees. The EA should be revised to discuss these and other indirect impacts as required under NEPA and list appropriate mitigation to lessen the effects.

ISSUE SPECIFIC COMMENTS ON THE DRAFT EA

WATER RESOURCES

Water Supply

1. The County's primary concern is that the proposed development to be facilitated by this fee-to-trust application will result in a draw on groundwater resources of the Santa Ynez Valley, thus creating or exacerbating 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 EA is appropriate. If the Tribe has not developed such a conservation plan, the County encourages its development. These mitigation measures will address the direct, indirect, and cumulative impacts created by the development's draw on scarce water resources for the 6.9 acres and the entire Santa Ynez Valley.

Grading, Drainage and Stormwater Runoff

1. Section 3.2 - Description of Affected Environment/Water Resources. Overall, the document is fairly accurate in its description of the baseline Flooding & Drainage condition. However, the County recommends a figure be added which indicates the limits of the 100-year Floodplain & Floodway as shown on the current FEMA Flood Insurance Rate Map (FIRM) and Floodway Map. The County also recommends a figure be added which shows the top-of-bank of Zanja de Cota Creek and a 50-foot setback line.

Section 3.6 - Description of Affected Environment/Socioeconomic Conditions. Currently this property is located within the Santa Ynez Flood Zone and pays a Benefit Assessment to the Flood Control District. Due to the proposed trust acquisition, this revenue collected through this Benefit Assessment will not be received by the District to offset impacts associated with the proposed development.

2. Section 5 - Mitigation Measures/Water Resources. The County recommends the following additional mitigation measures to address impacts created by the planned development:
 - Construct a stormwater retardation basin sized for the 25-year storm;
 - Elevate development a minimum of 2-feet above the 100-year Base Flood Elevation (BFE) of Zanja de Cota Creek;
 - Locate development such that it is setback a minimum of 50-feet from the top-of-bank of Zanja de Cota Creek; and
 - Design development with a positive overland escape for a 100-year storm.
3. Appendix B- In the conclusion of the drainage section of the Appendix, there is mention of draining to an existing 12" diameter culvert. The County believes this may be a typo.

However, if this is accurate information the County recommends all culverts be a minimum of 18" in diameter.

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. 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. The air quality analysis presented in the EA uses *incorrect significance criteria* to determine the extent of the project's air quality impacts. Santa Barbara County APCD has a long-term air quality significance threshold of 25 pounds per day of either nitrogen oxides (NO_x) or reactive organic compounds (ROC). The EA should use the County standards in order to adequately analyze the air quality impacts of this project. Without applying and conforming to these or higher standards, the proposed project will impact and impair the community's ability to achieve "attainment status" for the region.
3. In order to adequately analyze the air quality impacts of this project, the County recommends the EA 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. Construction and demolition activities generate fugitive dust. With oversight by the Tribe to ensure that the dust control measures listed on Page 5-2 of the EA are carried out, fugitive dust and the accompanying health effects to residents and visitors can be kept to a minimum. The BIA may want to consider application of County standards to reduce fugitive dust by requiring gravel pads at all access points to prevent tracking of mud on to public roads as a mitigation measure in the EA. The migration of fugitive dust off-reservation impacts impacts the local community and for that reason, the local community standards or higher standards should be utilized.
2. The EA erroneously includes an air quality mitigation measure (page 5-2) related to the wastewater treatment facility located on the South Reservation. This mitigation measure should be deleted.

Operation Emissions

1. To complete the analysis, cumulative air quality impacts and consistency with the 2001 Clean Air Plan (CAP) should be considered by the Tribe and included in the EA. 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 non-attainment 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_x or ROC) exceed the long-term thresholds, then the project's cumulative impacts will be considered significant.

2. 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.

BIOLOGY

1. The proposed project will be located directly adjacent to Zanja de Cota creek, a riparian resource traversing the Township of Santa Ynez, 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 EA, the creek remains an important resource. The County is encouraged that the Tribe will mitigate potential direct and indirect impacts to the creek by establishing a minimum 100 foot setback for all development. The County recommends the BIA consider implementing a habitat restoration plan for Zanja de Cota Creek, prepared by a qualified biologist, to remove non-native plant species and re-plant with species from local native stock to improve the overall habitat, as a mitigation measure in the EA.

A current discussion of endangered or threatened species should be included in the EA for a complete evaluation of biological conditions. For example, the region contains the California Red Legged Frog, a threatened species. Surveys for this species, as well as an analysis of whether the project would impact critical habitat proposed for this species. In addition, the Santa Ynez River and its tributaries have been designated as critical habitat for the endangered Least Bell's vireo. The endangered species discussion should analyze the project impacts in light of the federal Endangered Species Act, since the movement of such species allows for crossing the trust land/non-trust land boundary. The EA should be revised to include a discussion of the project's potential impacts to this species or its designated habitat.

SOCIOECONOMIC CONDITIONS

The County is concerned that section 4.1.6 of the EA does not discuss the range of socio-economic impacts presented by the loss of state and local regulation over the subject property and proposed businesses.

Property Taxes

The EA concludes that the loss of property tax revenue is not a significant socioeconomic effect because the amount of taxes lost in one year is small relative to all property taxes collected. The total loss of property taxes for these parcels is estimated in the EA at \$43,000.00 per year.

However, the County conservatively estimates the annual loss of property taxes is actually \$63,000. Over a 10 year period, this loss of property taxes would therefore be well over \$600,000. Since trust acquisitions are permanently removed from the local tax base, the impact must be viewed as a continuing impact in perpetuity. Local schools in the surrounding area, the primary beneficiary of property tax dollars in California, would experience a loss of hundreds of thousands of dollars due to this permanent loss of revenue. In addition to the fiscal impact to the County's General Fund, other affected taxing entities such as the Fire Protection and Flood Control Districts would also be impacted.

General Regulation of Business Activity

The County is concerned that the socioeconomic effects of the Fee-to-Trust transfer have not been adequately addressed because the EA does not discuss the loss of state and local regulatory control over the property, and the addition of tribal regulatory authority over the property. The EA states, "[A]fter approval of the fee-to-trust application, the Tribe will receive sovereign control over the property. Accordingly, the 6.9-acre property will be removed from the local tax rolls." However the shift in regulatory control impacts more than the County's ability to collect property taxes. This shift in regulatory control and the resultant socioeconomic impacts should be discussed.

The EA states that "the facility is intended to provide spaces for professional services such as insurance agencies, attorney offices, or doctor offices as well as retail space for such venues as produce and grocery stores, dry cleaners, barber shops, and florist's shops." (EA p. 1-4.) However, the nature of tribal regulation of such service providers is not discussed. The loss of state and local regulatory authority in Indian Country is particularly important given the environmental hazards posed by dry cleaning operations, the health and safety issues posed by barber shop operations, and the multiple state regulations governing the insurance, medical, and legal professions. By locating these operations on trust land, such service providers will escape local and state regulation. Without knowing what tribal regulations, if any, will apply to such service providers, members of the public who use the services of businesses located on trust land will have little security that they are receiving service from providers that meet community standards. The impact and nature of the regulations that will apply on trust land that will offer goods and services to the public should be addressed in the EA.

Additionally, because local and state regulations will not apply to businesses located on the land if taken into trust, the cost to those businesses of complying with the state and local regulation is removed, thus giving them a unique business advantage. In a small community such as Santa Ynez, the introduction of businesses that can charge below market rates will create a market imbalance likely to result in the loss of local businesses not exempt from local regulations because they are not located on trust land. The off-reservation socioeconomic impacts of the inability of local business to compete with businesses located on trust land should be addressed in the EA.

Sales & Use Taxation

The EA's analysis of socio-economic impacts is further inadequate because it is silent on the impacts created by the loss of state and local sales and use tax revenue. Presumably the proposed commercial retail facility will house retail businesses that will sell goods to non-Indians that would otherwise be subject to sales and/or use taxes, were they sold off-reservation. (See generally Title 18 California Code of Regulations section 1616.) The EA specifically mentions produce and grocery stores and florist's shops. There are multiple produce, grocery, florist and other retailers currently existing in the Santa Ynez Valley, all of which are required to collect sales taxes. However, similar retailers on trust land are not required to collect sales taxes. Consequently they can offer goods at a below market rate. This creates an unstable economic climate in a small community, where patrons will choose to purchase at below market rates, resulting in loss of economic choice at best and systemic bankruptcies at worst. It is not known if any tribal taxes will apply to businesses located on trust land. If so, this information should be included in and analyzed by the EA. Businesses that offer below market rates are likely to draw customers from outside of the area, resulting in socio-economic impacts far beyond the local community of Santa Ynez. Further, there are no guarantees that uses such as a grocery store or florist shop will continue in the future. For example, a car dealership could be operated on this property causing severe socio-economic impacts both within and outside of the Santa Ynez Valley.

Overall the socio-economic impacts associated with creating a tax and regulatory free enclave in a small community have not been adequately analyzed by the EA, nor have mitigation measures been indicated. For these reasons the County is concerned that the document is inadequate and that the Bureau of Indian Affairs may not rely on it when making its decision on the Fee-to-Trust Application.

PUBLIC SERVICES

Fire Protection

The County invites the Tribe to continue to work, communicate, and coordinate with the County Fire Department regarding the protection of life and property, both on and off-reservation, and fire safety issues generally.

In order to avoid both on and off-reservation impacts, the County requests the following mitigation measures be required by the BIA as a condition of any approval of the fee-to-trust application.

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. Conforming to these standards will ensure the same level of protection for the on and off-reservation communities.

2. To protect life and property on and off the 6.9 acres, a condition of BIA approval of the Tribe's fee-to-trust application should be that the Tribe adhere to 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 museum) need to be designed, flame-proofed and installed in accordance with applicable National Fire Protection Association and Uniform Fire Code requirements. It is important that all special events held on trust land 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. Numancia Street should be widened and improved from Edison Street to the dead end. The minimum roadway width should be 40 feet and a fire department approved turn-around should be created at the end of Numancia.
5. Driveway entrance to the parking lot should be a minimum of 30 feet in width and should align with Tyndall Street to the North.
7. Fire lanes around all structures of the development should be constructed for fire department access with adequate setbacks. During the project design, the County requests an opportunity to review these elements for adequacy.
8. The fire department requests the Tribe, in cooperation with the County, seek to widen and improve Edison Street from Highway 246 to Numancia Street in accordance with County Public Works Department and CalTrans requirements.
9. Fire hydrants should be installed. The number of hydrants required can be determined once a detailed project design is completed. The hydrants should be located per fire department specifications and should flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines should be approved by the fire department.

In addition, please be advised the following are typical conditions that must be met prior to a project being cleared for occupancy when the project is otherwise located in County's jurisdiction:

10. Building address numbers should be posted in conformance with fire department standards.
11. County Fire Department fire or emergency alarm system requirements should be met. Plans should be approved by the fire department prior to installation.
12. Portable fire extinguisher(s) are required and should be in accordance with the County Code Chapter 15, Article 1.
13. When access ways are gated, a fire department approved locking system should be installed.
14. County Fire Department fire sprinkler system requirements should be met. Fire sprinkler system plans should be approved prior to installation. Location of any fire department connection should be determined by the fire department.

The County requests that a condition of approval of the Tribe's fee-to-trust application be that the County and the Tribe enter into an enforceable intergovernmental agreement to address issues related to public safety and fire service. Such an agreement will provide specific mitigation of the identified public safety impacts.

Solid Waste

1. The EA states that solid waste from the proposed project would be transported to the Foxen Canyon landfill by Health Sanitation Service (HSS). However, the solid waste at the project site 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, even though the generation of this waste would not be subject to County or State regulatory control, the waste generated from the proposed project and from projects on all other trust reservation lands, are 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 projects on trust and reservation land, including this project, would assist the County in meeting this diversion mandate and extend the life of the landfill.

Wastewater

1. The County supports the City of Solvang's request for additional analysis related to Wastewater Treatment and Disposal. The request for adequate, accurate data is entirely consistent with basic NEPA provisions (§ 1500.1 Purpose) "Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." As documented in the City's letter to the BIA date June 14, 2004, the following omissions create a vague picture at best regarding the project's disposal of wastewater and sludge, and the protection of public health and surrounding water sources.

The following are specific examples of omissions of key information that must be provided for even a baseline assessment of potential on and off-reservation impacts to be made.

- The need for an engineering report to document impacts to the overall wastewater system including:
 - i. The Chumash treatment plant; and
 - ii. The collection systems for both the Santa Ynez Community Services District and the City of Solvang and the City of Solvang treatment plant.
- The need for documentation to support the EA’s claim that the City of Solvang “has agreed that there will be no significant impacts to the City of Solvang as a result of this project.” The City asserts this claim is entirely false. The County strongly supports the request for:
 - i. Engineering calculations;
 - ii. Process and instrumentation diagrams; and
 - iii. Engineering Report.

The EA should be revised to include this essential data before any determination of potential project related impacts is made.

NOISE

1. The EA identifies that temporary noise levels will increase during construction activities for the project, 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 include several residences located 50 feet north of the project site on Numancia Street. In the absence of Tribal regulations governing noise levels and associated impacts, and given the close proximity of off-reservation residences to the proposed trust land development, the EA should consider application of County regulations that reduce the noise levels during both construction and operation of the facility as mitigation measures.
2. The EA should require as a mitigation measure, the prohibition of 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 off-reservation residence is only 50 feet north of the project site, construction equipment should be located away from the residence to the maximum extent feasible. Similarly, the County recommends the Tribe limit deliveries to daytime hours to further reduce operational noise.

TRAFFIC AND CIRCULATION

The County requests the BIA carefully evaluate the adequacy of the traffic study submitted in Appendix C of the EA. The data is over 2 years old and fails to include significant existing traffic impacts along Hwy. 246 caused by construction of a 200,000s.f. gaming facility (including 5 restaurants, 1200 seat theater complex, casino and administrative offices). In

addition, construction of a 105 room hotel and 600 space parking garage at this location is also nearing completion. The traffic study contained Appendix C indicates 15,483 ADT between Solvang and the project site along Hwy. 246. However, the State of California Department of Transportation (Caltrans) has counted over 21,000 existing ADTs; a difference of over 5,000 ADTs. The EA must be revised to account for these existing trips for a reasonable evaluation of the area's transportation system to accommodate new development.

In order to determine on and off-reservation impacts and needed mitigation measures, the County strongly recommends the EA include an updated traffic impact study reflecting *current* traffic data to:

- a. Determine the estimated total trip generation for the proposed development;
- b. Determine the appropriate width of Edison north of SR 246 to ensure proper geometrics that will allow for a south bound exclusive right turn lane onto SR 246 at the signal;
- c. Review the need for relocation of any signal standards or other infrastructure necessary to serve the proposed development; and
- d. Evaluate signal timing at the Edison/Hwy. 246 intersection in light of traffic impacts associated with the proposed project.

In addition, the County offers the following comments related to traffic analysis contained in the EA.

1. The driveway into the proposed parking lot should align with Tydall Street or be spaced 50 feet apart to avoid conflicting turning movements and possible collisions. The study should evaluate the project's impacts to Numancia St. with regard to access for existing businesses and residences utilizing this corridor.
2. The west end of Numancia St. should be evaluated to ensure adequate turn-around capabilities are available.
3. Full costs of infrastructure improvements should be quantified and paid for by the Tribe as part of this development proposal.
4. It should be noted in the Draft EA that parking for the County's Santa Ynez Park is located along Numancia Street. The proposed project should ensure that adequate onsite parking is provided so that County park visitors maintain full access to the existing on street parking facilities.

LAND USE AND VISUAL RESOURCES

1. The County uses two primary planning tools as guidelines for all development: (1) the Comprehensive Plan (general plan), which states land use goals and policies, and (2) the 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 recommends the use of the policies and standards contained in these documents as an appropriate planning tool for the project site and for compatibility with the surrounding land uses. If other regulations are used, the EA should identify them in detail.

2. The EA identifies the proposed project as a commercial and tourist attraction consistent with the surrounding land uses, and that no significant impact will result. However, the EA 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 is to maintain the rural character of each township and distinct urban boundaries. As currently proposed, the scale and mass of the proposed 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 a 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.”* To ensure such off-reservation impacts are avoided or mitigated, the County recommends that the EA apply these local standards when evaluating the proposed project’s impacts on the surrounding land uses. If other standards are applied, the EA should identify them in detail.
4. 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 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. Potential landscaping along Hwy 246 is unlikely to adequately screen the mass of the structures and the extensive proposed parking lot 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 proposed project to limit the size and bulk of the structures, improve building articulation, and limit lighting by using fully-shielded, low-to-ground light fixtures throughout the site.
5. The site will bridge the architectural gap between the casino which can be described as “modern Southwest” and the Santa Ynez Township which can be characterized as “turn of the century rural”. Reconciliation of design themes is normally resolved through the County

Board of Architectural Review. Use of this body would greatly reduce concerns regarding the impact of the proposed uses on the appearance of the community.

6. The County recommends the EA include as a mitigation coordination between the Tribe, Pacific Gas & Electric (PG&E), and the local telecommunication service to underground all existing and proposed utilities on the project site to reduce visual impacts of the project.

The County of Santa Barbara appreciates the Bureau of Indian Affairs making the EA available for public comment. The County believes that sharing information between federal, local and tribal governments is key to ensuring sensitive development in the Santa Ynez Valley. The County hopes that it may continue to offer input on future fee-to-trust applications and related development projects on trust and reservation land that the Tribe may pursue. Thank you for the opportunity to offer comments on the proposed project. If the Bureau of Indian Affairs has any questions concerning these comments, please contact Michael Brown, County Administrator, at (805) 568-3400.

Respectfully,

Joseph Centeno, Chair
Board of Supervisors
County of Santa Barbara

cc: Honorable Barbara Boxer, United States Senator
Honorable Lois Capps, United States Congresswoman
Honorable Tom McClintock, California State Senator
Honorable Hannah-Beth Jackson, California State Assemblywoman
Honorable Abel Maldonado, California State Assemblyman
Virgil Townsend, Superintendent, U.S. Department of the Interior, Bureau of Indian Affairs – Southern California Agency
John Barrios, Environmental Protection Specialist, U.S. Department of the Interior
Vincent Armenta, Chairman, Santa Ynez Band of Chumash Indians
Greg Albright, Caltrans District 5 Director
Steve Price, Caltrans District 5
Solvang City Council
Buellton City Council
Chris Dahlstrom, Santa Ynez River Water Conservation District, Improvement District No.1
Bonnie Ottoman, Santa Ynez Community Services District
Santa Ynez Valley Airport Authority
Diana Waterman, Waterman & Associates
Jan Boel, Acting Director, Governor's Office of Planning and Research
Michael Brown, County Administrator
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Val Alexeeff, Planning and Development Director

*Acting Regional Director
Environmental Assessment – Santa Ynez Band 6.9 Acre FTT Application
June 24, 2004
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John Scherrei, County Fire Chief
Terry Dressler, Air Pollution Control Officer

Attachment: Letters of comment by members of the public received by the County on the Fee-to-Trust Transfer of 6.9 acres.

ATTACHMENT

Letters of Comment by Members of the Public Received by the County
on the Fee-to-Trust Transfer of 6.9 acres.