

County Of Santa Barbara

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County Executive Officer



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Executive Office

September 10, 2014

Sent via email and fax 9/10/14

Vincent Armenta, Chairman
Santa Ynez Band of Chumash Indians
100 Via Juana Lane
Santa Ynez, CA 93460

Re: County Response to September 4, 2014 Letter

Dear Chairman Armenta:

Thank you for your letter of September 4, 2014, which you state is in response to the off-reservation mitigation impacts we discussed at our meeting of August 28, 2014. We have done an initial review of the letter, and we are responding to meet your requested deadline of September 10.

We understand that you intend to address other issues raised in the County's comment letter of August 13, 2014 on the Environmental Evaluation for the Santa Ynez Band of Chumash Indian's Chumash Hotel Expansion Project ("EE") in your responses to comments to the EE. As noted in our comment letter, and as referenced in our August 28 meeting, the County of Santa Barbara has significant concerns regarding the overall off-reservation health and safety impacts of the proposed project. We therefore continue to urge you to consider project alternatives that will have less impact to the surrounding area and address the critical public safety impacts identified.

In the September 4, 2014 letter, you outline "Tribal Mitigations" which were previously described in the EE or added as a result of the meeting. We appreciate this consideration, however, these do not fully address the magnitude of the concerns expressed in the County's comments. Therefore, the County considers the "Tribal Mitigations" inadequate to ensure the safety of guests, casino/hotel employees, public safety personnel and off-reservation impacts to the surrounding community.

Therefore, the County again asserts the need for the County's requested mitigations and those mitigations identified in the Project Environmental Evaluation to be included in a Final Project Impact Mitigation Agreement or similar agreement.

Further, mitigations described by the County specifically apply to the proposed Casino Expansion Project. The items referenced in the September 4, 2014 letter as County "Obligations" and the continued reference to the now unavailable Special Distribution Fund monies (SDF) are a separate

issue related to impacts of the existing Casino, not the proposed expansion. As stated above, the County suggests that alternatives to the proposed project be explored. Should you choose to pursue alternatives, we welcome an opportunity to review.

The County therefore again requests the following mitigations regarding the significant off-reservation impacts identified by County departments in our comment letter of August 13, 2014 and discussed at our August 28, 2014 meeting be included in a final agreement. These include but are not limited to the following listing and corresponding commentary:

FIRE SAFETY AND EMERGENCY MEDICAL SERVICES

Fire and emergency medical services are given significant attention in this response as the County strongly believes, as stated above, that the “Tribal Mitigations” referenced in the Letter of September 4, do not address the magnitude of concern expressed by our offices. The County and the Tribe have a mutual concern for public safety. Therefore, the County submits that the original mitigation described in significant detail in the revised comment letter of August 13, 2014, be embraced and implemented in order to address our shared concern for the safety and well-being of all. The County believes that these measures are reasonable and valid given the service complexities of the proposed project. The mitigations restated include but are not limited to:

- Utilize the policies and standards contained in the Santa Barbara County Fire and Building Code (County Code Chapters 10 and 15) in the design, construction and operation of the Project
- Upgrade the onsite fire systems to at least minimal compliance with the National Fire Protection Association Standards,
- Grant full access to the construction site to the County Fire Department during the duration of the construction project,
- Provide, at a minimum, an unobstructed 26 foot wide access road, exclusive of shoulders, in the immediate vicinity of the buildings, at least one of the access roads would be a minimum of 15 feet and a maximum of 30 feet from the building,
- Continue to reimburse the County for the annual cost of necessary staff (Firefighter/Paramedic “post position”) at Station 32 and one deputy sheriff “post position” (see reference under Sheriff Services) to ensure emergency medical care is available to the facility.
- Reimburse the County for the cost of necessary equipment and staff to provide 24 hour, 7day a week emergency/all-risk fire, including:
 - 100 foot aerial ladder truck,
 - “Rescue Squad” vehicle,
 - Fully loaded cost for twelve firefighter/paramedics (FTEs) to staff the aerial ladder truck,

- Fully loaded cost for six firefighter/paramedics (FTEs) to staff the “Rescue Squad” and
- Cost for maintenance and replacement of the 100 foot aerial truck and “Rescue Squad” vehicle.
- In regards to the 65’ foot telesquirt proposed within the letter of September 4, 2014, the equipment does not comply with NFPA 1911 standards for inspection, maintenance and testing of in service fire apparatus. NFPA recommends that fire apparatus be used for 15 years front line and 5 years reserve status. The telesquirt referenced is obsolete per NFPA 1911 and should not be utilized in a front line or reserve status for the proposed project.

SHERIFF SERVICES

Public safety law enforcement service remains a great concern to the County. Given prior law enforcement needs associated with the existing casino operation are not fully mitigated, the proposed expansion of the hotel/casino will place a greater strain on law enforcement. The mitigations restated include but are not limited to:

- Provide fully loaded cost for one deputy sheriff “post position” (five FTEs) to provide law enforcement services. *Please note that this level of enforcement is critical for the public safety needs of the existing Casino and hotel and surrounding area. Given that these needs have not been addressed via a sustainable level of funding since the 2002 opening of the existing facility, it is again referenced.*

WATER

Given the uncertainties of water supply and quality within the subject area coupled with continued uncertainties regarding the drought facing California, the provision of sustainable water to the proposed project remains an issue. More recent information on water supply shows the basin in a state of overdraft which will only be exacerbated with the ongoing drought conditions. Further, since providing a will serve letter for the original hotel/casino project, Improvement District #1 has expressed concerns over its ability to serve the expanded hotel/casino proposed project. The mitigations restated include but are not limited to:

- Conduct a FEMA flood plain study for the entire Reservation and a hydrologic/hydraulic study of East Zanja de Cota Creek for the project site,
- Continue water conservation efforts to limit water use and abide by water usage restrictions imposed by the County or Improvement District #1 during the periods of drought or other water shortage emergencies. Further, ensure that the proposed project will not exceed the current water allotment for the original casino project regardless of the source of water i.e. State water, new or existing well or via Improvement District #1.

TRAFFIC IMPROVEMENTS

Infrastructure and traffic improvements are necessary for the proposed project. Additional fair share agreements and critical infrastructure must be in place to address the increased traffic

volumes associated with the proposed project. The mitigations restated include but are not limited to:

- Design, and if approved by Cal Trans, construct improvements to the Cuesta Street and Casino Street crossings of State Route 246. *Per the discussions at the meeting of August 28, 2104, the County has confirmed with Cal Trans that there is no objection to considering realignment of this intersection. Therefore we again reiterate the comments within the revised comment letter to review this option.*
- Provide fair-share for improvements at designated intersections along State Route 154 and State Route 246.
- Provide a traffic analysis to determine if additional turn lane improvements to the Edison Street and State Route 246 intersection would decrease delay and increase the safety during peak special event traffic periods and construct these improvement if warranted in the analysis.
- As the County collects no Measure A funding from Tribal lands, there is no available funding source for the County to participate in the maintenance of Sanja Cota Road. Given the use of the road is almost exclusively traffic related to Tribal housing and the hotel/casino, and given the casino is a large commercial operation, the Tribe should continue the maintenance of the road.

VISUAL/AESTHETICS

The County firmly believes that the twelve story tower is an unmitigable impact in regards to visual aesthetics and fire and life safety, as noted in previous comments. A study of alternatives to the 12 story tower for mitigation of the impacts was and is requested.

- The County appreciates the statement in the response letter of September 4 wherein the Tribe agrees to conduct a supplemental visual aesthetics study to be included in the final environmental evaluation to accurately address the visual impacts of the proposed twelve story tower. The County appreciates the opportunity to comment on the results of the study.

AIR QUALITY, NOISE AND AIRPORT ISSUES

- Reduce impacts of criteria pollutant emission to the County adopted thresholds;
- Conduct noise study to address the impacts of the roof top pool;
- The County echoes the concerns and comments provided by the Santa Barbara County Association of Governments and the Airport Commission regarding the twelve story

tower height. Therefore we respectfully request further study of the impacts of the tower on The Santa Ynez Airport operations.

In addition to discussing mitigation measures, the County's August 13, 2014 Comment Letter included suggested improvements to the project Environmental Evaluation analysis and document. The County suggests, in the interest of a complete and consistent public record of the off-reservation environmental impact analysis, those corrections be made as suggested by staff from Fire, Public Works, as well as, Planning & Development.

We appreciate your continuing attention on these matters and welcome an opportunity to continue the discussions we began on August 28. We look forward to successfully concluding our discussions with an agreement that guides implementation of mutually agreed upon mitigations.

Sincerely,



Mona Miyasato
County Executive Officer

cc: Rob Heckman, Fire Marshall, Fire Department
Glenn Russell, Ph.D., Director, Planning and Development
David Lackie, Interim Deputy Director, Long Range Planning Division
Bret Stewart, Senior Development Engineer, Public Works Department
William Brown, Sheriff, Sheriff's Department