

Santa Ynez Valley Concerned Citizens

August 14, 2014

Santa Ynez Band of Chumash Indians
Attn: Vincent Armenta, Tribal Chairman
POBox 517
Santa Ynez, CA 93460

**Re: Comments on Chumash Hotel & Casino
Expansion Project EE dated July 2014**

Dear Chairman Armenta:

The following comments are submitted on behalf of the Santa Ynez Valley Concerned Citizens (SYVCC) with the notation that the magnitude of the proposed project – almost 500,000 sq. ft. of new construction – constitutes a significant undertaking to comment within such a prohibitively short window of time.

While the Santa Ynez Band of Chumash Indians (tribe) and their consultant, AES, have had several months to prepare your environmental document, the short 30-day comment window constrains effective and thorough review and critique of the document. You are no doubt aware that attorneys working on the Chumash tribe's behalf made the same critique about projects under consideration in Solvang and it is strangely hypocritical, at the very least, to demand of the community something you are unprepared to ask of yourselves.

The purpose of the EE is to identify and evaluate off-reservation impacts and the measures necessary to mitigate these burdens consistent with tribal ordinances. Additionally, a checklist is created for standards and further review. SYVCC hereby asserts that the EE is insufficient to effectively determine impacts and fails to address numerous impacts and insufficiently identifies and evaluates several others. It is for this reason, among many others, that SYVCC formally requests an Environmental Impact Survey (EIS) is undertaken on this expansion proposal *and review be stayed until its completion and thorough analysis*. If it is the tribe's intent to "*make a good faith effort to comply with NEPA*" than an analysis commensurate with the magnitude of the project representing a heightened standard of diligence is demanded.

Before addressing specific weaknesses within the EE, SYVCC asserts that significant attention be drawn to present conditions and issues of concern that were not addressed in the document yet pose critical challenges to the surrounding community.

First, no discussion is included regarding the significant development projects proposed by the tribe during the past year. If the long view of the EE foresees a date of 2030, then evaluation and assessment of the tribe's proposed developments on Camp 4 and adjoining parcels acquired and suggested for Fee-To-Trust acquisition need to be evaluated relative to cumulative impact. Over 1 million square feet of development has been proposed by the tribe and is independent of construction development impacts in the non-reservation community.

Further, California is experiencing the most significant drought event in recorded history, reflected in over-draft consideration for local aquifers, storage supplies at historic lows and regulatory enforcement mechanisms in place to reduce consumption. The State of California has identified Chromium 6 levels as a threat to drinking water, adding burden and constraint on water purveyors to meet demand while reducing concentrations within the water supply. At present, the local water agency may be precluded from issuing service under emergency drought mitigation measures.

The tribe asserts that it plans to break ground on construction of this expansion project before the close of 2014. We are aware that contracts for supply of concrete for the project have already been executed. At the very least, we find it premature to announce initiation of construction before completion of critical impacts analysis. Conspicuously lacking from the EE is any discussion of the logistical considerations and impacts to circulation, air quality and noise. There is no construction forecast or critical path schedule provided to allow for affected communities to prepare for construction impacts.

The EE is silent on the significant engineering requirements associated with construction of a 12-story hotel – potentially the tallest and perhaps largest structure in Santa Barbara County. If engineering analysis has not yet been undertaken, significant additional burdens may not have been identified and evaluated for inclusion within the checklist and potential off-reservation impacts may not be properly identified or mitigated.

A recent review of the Environmental Assessment for your initial casino expansion projects in 2002 reflect several representations and commitments made by the tribe, some applicable to public safety and law enforcement which were not complied with. Additionally, the tribe appears to have not complied with elements of the State Tribal Gaming Compact as to off-reservation facilities. Perhaps before consideration of further expansion, the tribe should review and report on compliance with past commitments.

It is not the desire nor the objective of SYVCC to merely oppose all tribal projects or activities. Our mission is to promote thoughtful and fully analyzed land use policies that support all of the Santa Ynez Valley. We assert that the tribe must become part of its immediate community and respect the interests of its neighbors.

SPECIFIC DEFFICIENCIES WITHIN THE EE:

SYVCC asserts that the following elements represent significant deficiencies in the analysis undertaken of the Environmental Evaluation which render its accuracy and efficacy highly suspect. We respectfully request that these elements be reviewed and rewritten before further consideration of the document is undertaken:

Cumulative Impacts:

As noted earlier, the EE is silent on the full spectrum of construction projects posed by the tribe which cumulatively represent over 1 million sq. ft. of new construction, all of which pose impact on the immediate environment and the shared infrastructure of the Santa Ynez Valley, including but not limited to proposed development of Camp 4, proposed development of the 6.9 acre site slated for a cultural center and commercial office building, acquisition and proposed Fee-To-Trust acquisitions of the 5.8 acre parcel and corner parcel of Edison and Hwy 246, the former Mowry Farm and Cabrillo development parcels now owned and targeted for FTT acquisition. NEPA is clear that:

“The EE must evaluate all reasonably foreseeable direct and indirect impacts...Cumulative impacts of past, present and reasonably foreseeable future actions are evaluated. If some impacts are not evaluated there is an explanation. Reasonable appropriate scientific methods are used to evaluate each impact. Impact analysis is objective and unbiased. Significance of each impact is explained and well documented.”

Airport Conflict:

SYVCC asserts that the 12-story hotel tower poses a significant conflict with existing Santa Ynez Municipal Airport runway considerations. We further assert that the tribe has not followed the appropriate protocols to establish if the proposed hotel tower is feasible as presented. Proper documentation with the appropriate federal agency is not included. SYVCC therefore cites and incorporates by reference the August 13, 2014 letter to you from Mullen and Hensell, LLP, attorneys for the Santa Ynez Airport Authority. Completion of the EE and circulation was therefore premature and should be rewritten and re-circulated.

Traffic & Circulation:

As noted by Mayor Richardson of Solvang, the traffic and circulation elements of the EE are clearly dated, include elements like the Alamo Pintado roundabout which no longer exists and fails to address the added burden of tribal projects announced. (See Cumulative Impacts above) Traffic burdens posed are significant and SYVCC asserts that they are clearly understated as to impact. The EE is premature and inaccurate as to traffic analysis and needs to be redone and re-circulated.

Water Supply Considerations:

SYVCC concurs with the Santa Ynez Rancho Estates Water Company that the assertion of Winters water rights as documented in their letter of comment dated August 13, 2014. We cite and include by reference herein:

“On page 3.2-6 is the following assertion: “The Tribe also retains federally reserved or “Winters Rights” to the creek as well as to groundwater under the Reservation.” (The referenced creek is the Sanja Cota Creek, which runs through the Reservation.)

We reject the tribe’s assertion that the law provides Winters Rights to that groundwater under the Reservation that is in the Santa Ynez Uplands Basin. Any current or future reliance on this unsupported assertion would lead to a false conclusion.”

Furthermore, SYVCC is confused having reviewed the tribe’s Water Quality Report Summary 2008, which appears to document significant supply considerations affecting the groundwater beneath the reservation and asserts that Sanja Cota Creek was indeed impaired. A review of the minutes of the Santa Ynez River Improvement District #1 refer to an open item regarding BIA approval of expired easement agreements for water lines now pending for nearly two years. We assert that the water supply considerations provided within the EE may be inaccurate or at least necessitating significant clarification. How would the present drought and Chromium 6 restrictions posed by the main water purveyor impact the supply considerations? Without answers to these issues, the claim that sufficient water resources are available for the project is unclear, undefined and potentially inaccurate.

Visual Impact:

There is no getting around the fact that a 12-story hotel/casino is incompatible with the region. Issues of scale are significant and incontrovertible. Your site analysis mainly focused on the impacts from public roads and perhaps the near-by high school. The hotel tower will clearly provide a significant visual impact within the Santa Ynez Valley which has not been evaluated or examined, and the views from several residential neighborhoods within the immediate areas will be significantly impacted. The mitigations proposed are minor and potentially insensitive. The communities of the Santa Ynez Valley completed an exhaustive Community Plan process that was nearly ten years in the making and demanded sacrifices from every sector of the valley. The Community Plan never contemplated intensive urban development of the nature that the tribe has instigated. The community has repeatedly espoused a rural, agricultural character to the valley, and a 12-story hotel tower/casino is antithetical. The EE evaluation of aesthetic and visual impacts is self-serving and inaccurate. With no elevations of architectural sections provided, the EE is speculative as to visual impact and thus its conclusions are premature.

Conclusion:

The project proposed herein, taken in concert with the tribe's recent proposal for Camp 4 FTT and the proposed TCA, demonstrates significant incongruity between the plans and values of the tribe as they relate to the future of the Santa Ynez Valley. Moreover, they are inconsistent with your own rhetoric over the past 10-15 years. Rather than work cooperatively on a mutually satisfying future for all, you have consistently sought to impose upon the community a vision implicitly tied to your gambling enterprise. We reiterate that for this project to go forward a significantly more thorough and accurate EE is demanded to even begin a reasonable and effective review and analysis. We respectfully request that you consider a different plan or a more realistic environmental evaluation.

Sincerely,

SANTA YNEZ VALLEY CONCERNED CITIZENS

A handwritten signature in black ink, appearing to read "G. Simon". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Gregory M. Simon, Chairman

cc: Honorable Jerry Brown
Honorable Dianne Feinstein
Supervisor Doreen Farr