

PALA - PAUMA COMMUNITY SPONSOR GROUP
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REGULAR MEETING, JULY 3, 2012
APPROVED MINUTES

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Date: July 3, 2012

Scheduled start time: 7:00 PM

Place: Pauma Valley Community Center
16650 Hwy. 76
Pauma Valley, Ca. 92061

1. **CALL TO ORDER: 7:00 PM.** Roll Call and quorum established: All 7 Group Members were present: Andy Mathews, Chairman; Bill Winn, Vice Chairman; Fritz Stumpges, Secretary; John Ljubenkov; Jim Beezhold; Ron Barbanell and Robert Smith.
2. **OPEN FORUM:** First Dennis Sanford and Bud Swanson of the Rainbow planning group requested that Pala/Pauma, Valley Center, Fallbrook, and their Rainbow Group all work together to prevent a unified position on some regional issues of smart development. He feels that this will give us more power before the board and the DPLU than that when we speak individually. Rainbow meets 3rd Wed. of month. Oliver Smith then reaffirmed common interests such as roads and proposed working with what we have, such as limited money, to achieve what we can, not what would be perfect. He suggested that there might be other areas of common interest between the communities and tribes and we could accomplish some win – win endeavors to benefit all. Andy said that we would put this on the agenda for next month.
3. **ADMINISTRATIVE MATTERS:**
 - a. The final corrected minutes for June 5, 2012 had been circulated to all members. Fritz said that he was not able to incorporate all of the suggested corrections in time and made a motion that we continue with them and take a vote on them next meeting. Andy made a second and also requested that all respond in a timely manner when they are circulated. There was a unanimous approval.
 - b. There were no operating expenses.
4. **DISCUSSIONS:**
 - a. Andy then spoke about the County's response to the Environment Evaluation Report for the Rincon Casino Expansion. They responded to the consultant for the tribe, to us, and the response is in the public records on county website. Andy started a discussion with representatives of the Tribe, Valley Center, and Rainbow about the traffic aspect. He stated that the projected increased average daily traffic of over 3,000 vehicle trips would have a meaningful, adverse impact on local roads. The tribe has proposed a reasonable contribution to mitigate their fair share of this impact but our concern is that the county and state contributions are also available as the impacts occur, not years later as has been in the past. He then asked Nikki how we could work with Pala, Pauma and Rincon tribes to make this happen. She started by saying that there were new problems with the compact. The first was that the Shared Benefit Plan that Rincon proposed was not able to be included in the compact. The Indian Gaming Act requires the county and state to provide their agreed share to the deal. Both were unable to commit funds in time. She stated that this was required to show good faith with tribe. They are still going to work on

these tax compacts but for now they are back to the standard mitigation, section 10.8 of the compact, which entails that the priorities and costs for projects will be established and all will negotiate. Another problem is that the County and Rincon will not allow us as a third party in the negotiations. She has proposed to Bill Horn that we have informal meetings with all local tribes and the planning groups. Rincon does not want to be on the hot seat by themselves on such a regional problem. She agrees that we should sit down to discuss how we can prioritize the issues, in which she sees traffic as our biggest, and the challenge of comingling funds to achieve a timely mitigation of the problem. She has gotten Rincon's permission to pursue meetings but needs to get the other tribes to agree to join. Andy then asked Chairman Smith how we could do this since he knows that traffic is a mutual problem for all of us. He spoke of all of his tribes committed funds which were negotiated in legal meetings and added that he thought that we needed Bill Horn to reach out to all to initiate these informal discussions. Nikki, said that Horn's office has agreed to this. Andy asked if Nikki and Robert could facilitate this. Nikki then said that California has added a law to allow Tribes to enter in to Direct Powers Authority agreements. This means that a tribe could enter into a Joint Powers Agreement with the county or state to raise money thru bonds etc. Further it was mentioned that the new transportation bill allowed SANDAG in partnership with tribe's reservation transportation authority to submit a request for funding directly to congress for roads of mutual responsibility. Fritz made a motion that Andy request Bill Horn to set up an informal meeting between the planning groups and tribes. Both Valley Center and Rainbow groups said that they would do the same. Bill gave a second. Andy added a subset to the motion and that was that our Tribal Liaison Subcommittee initiate these meetings with the RTA and Tribes. The motion and amendment passed unanimously. Ron made a motion to officially adopt the name of Tribal Liaison Subcommittee for our group, Jim (I couldn't be sure who) made a second and it was also carried unanimously.

- b. Andy then Reviewed the County DPLU's response to the submittal by the developer of what is known as Warner Ranch. Andy expressed concerns over the extremely aggressive time schedule noting the distribution for the EIR is scheduled for Sept 20. He asked Al, the developer's representative if he thought this was possible. Al responded that there were many project resolutions pending that would make it possible or not depending on their outcomes. Al said that he would keep us posted. Andy reminded him that the 3rd draft submittal of the EIR was scheduled for July 27th and they agreed that this was unrealistic. Andy's second concern was that the water supply assessment statement was stripped out of the response and that there is much concern in the valley about where the water for this project is going to come from. He questioned YUIMA's position on this, as it is conditioned on the Northern Pipeline. Linden Burzel, Manager of the Yuima Water District, responded that there was a "Will Serve Letter" only and that it is an administrative (him) letter only and the board will ultimately have to vote on the final plan to supply water or not. A will serve only states that the district has capacity to provide water to a specific party and under what circumstances it could do so. He said that he also issued a similar letter to supply sewer and that it contains substantial conditions. He stated that his proposed water was indeed conditioned on the Northern Pipeline to provide metropolitan water, not valley water. Robert Smith questioned the developer's payment of fees to review the sewer application since he had a letter dated June 26 that stated they hadn't. Linden responded that they had paid but he didn't have a letter of proof. Al confirmed the error in the staff letter. Robert made a motion to table the discussion until we have some facts. Ron gave a second. Fritz and Bill stated that we still had much to learn tonight. The motion was defeated 6-2. Al stated that the draft EIR will have to address all of the conditions necessary for the project to proceed; such as Andy's concern about LAFCO approving the annexation of Warner Ranch into Yuima's boundaries. Al also gave Andy assurances that there would be time for a complete review of the EIR and for comments. Andy then returned to the details beginning with the stated completion of the Northern Pipeline as a requirement for water from Yuima. He pressed Linden for a positive statement that in no way would water from the Pauma Water Basin be used for this

project and Linden gave that assurance. With the Pala Tribe's stated denial of the pipeline through their needed land, there is no chance for a timely pipeline. Andy questioned what their backup plan is? Linden responded that a small first stage of the pipeline could be built just to the project. Andy mentioned the possibility of getting water from a new district which is in the process of forming with Rainbow, one that would at least have some part of the project within its boundaries. After questioning from John as to the practicability of the Pipeline within any timely period, Linden stated that all of the planning for it was complete and they were waiting on financing. But one more factor has surfaced and that is additional capacity within Yuima makes the pipeline unnecessary without this new project's demand! Linden stated that the benefit of completing the first leg of the pipeline project using other's funding was a big benefit. Ron brought up the fact that the original reason for the pipeline was to satisfy a lawsuit giving Tribes further up water they are owed. Linden said that there are other ways to get the water to the 5 Tribes of the San Luis Rey Indian Water Authority but that this Northern Pipeline was the best way for all of them. Ron then pressed Linden with the downside of this unneeded pipeline. He said that the people of these valleys want to remain rural and they don't want this project. You are not helping to do that. Linden responded that it was their responsibility to serve water when it can. He said that they are not a land use agency and that the board, not he, will determine whether or not to serve it in the end. Someone asked how much of the project could be provided by the first leg proposed. Linden said that the 1st leg was scheduled to be 54" but he would try to get all that he could get paid for. Al stated that this was standard policy for water districts to try to get all of the additional infrastructure funding that they can. Andy said that was future growth inducing. Al said that the policy will be set by the policy makers. Linden stated that the size of the pipeline was to provide for the tribe's settlement, to replace the old current pipeline, to provide for some additional agriculture, and that none of it was for future growth. They would save a million dollars a year or enough to pay for it. Fritz questioned the current size in dwelling units served by Yuima and then with the 900 answer implied that Yuima was just wanting to double its size. He was corrected by Linden who stated that only 3% of the water was used for residences and that 97% was agricultural.

Linden then wanted to address the comments of the DPLU to their study. The first point was that they said that the water used by the proposed fire station should be included in the total water for the project. He agreed but stated that it was an insignificant amount, only what is needed for 6 firemen, none for fire suppression. Then as to whether Yuima is considered a real district since they don't supply at least 3,000 people; he said that they were just misinformed since they served between 5 and 9,000 acre feet of water. Then he questioned as willful ignorance the comments questioning the date of the Urban Water Management Plan of 2010 which was adopted in 2011. Then they rightfully state that in Yuima's water assessment plan this new project is not accounted for in the urban water plan of the district or the county water authority, although in a footnote of the CWA it does address this project need. Also they say the water supply assessment does not demonstrate sufficient water supply for the proposed rubic?. He says this is blatantly false as the table for water supply assessments shows that they have capacity for over 15,000 acre feet/yr when they only need at most 9,000 now and the project needs about 400af. The next comment was that the ground water not be relied upon because it is based on a draft ground water study. He says the study was a draft but the actual amount of groundwater is from a completed study and about 120,000 to 140,000 af and use is only about 20,000. He said that this is why we don't see well failure after a drought because we have 5 times the capacity of our use. The last comment was to their comment that these types of water usage are not anticipated by the land use document such as the County's general plan. He says that the GP and proposed uses don't have anything to do with mission of the water supply assessment document. He says that they supply water and do not ask what the water is to be used for as long as it is not wasted. Andy then summed up what he heard: you will not be supplying directly or indirectly the project from ground water. Linden then revealed that the project land has large amounts of available water by its own resources and these would be available to Yuima to provide most if not all

of their needed amount. They only need the pipeline for reliability requirements. So they might pump ground water into the line for use downstream. Andy commented as to whether hydrology surveys had been completed. Al replied in the negative and Andy suggested that this issue should be addressed on the revised documentation package.

Bill asked if the proposed sewer would use reclaimed water to water the grounds? Linden said that they only agreed to provide the sewer under the condition that they were given a turnkey plant and the funds to operate it and if LAFCO granted them their latent right to do this. Bill asked if this was possible when they have never done this before. Linden said he had run districts with sewer and his manager was very knowledgeable also. Al added that they were proposing to use some of the reclaimed water for the grounds.

Then ? John Vic? of Valley Center planning group asked to go back to the first agenda item of traffic. He felt that was why they came tonight and that we had not addressed it sufficiently. He felt that our talking committees would never be able to address the mitigation problems in time for the expansion. Andy thought about that and declined to go back to a previously closed item. Jim and Fritz both felt that we should return to the traffic discussion, Jim because we hadn't dealt with the issues at all, only to talk about them in some other form, and Fritz because we had just talked about getting with other planning groups to join alliances. Andy felt we had addressed it and that we should have talked further during the allotted time if necessary, but now we were going on to the final agenda item.

- c. We then discussed the request by the County for its annual update on our Parks and Recreation priority list. Jim stated that it was the same 5 items that we had last year. There was some mix-up with using the proper forms supplied by the county and a missing item so Andy moved for us to postpone this item until the next meeting. Bill gave a second.

Andy asked for a motion to adjourn but Fritz brought up the dismissal of the two gentlemen from Valley Center. Andy mentioned our formal comments to the county about the expansion , including traffic and that there was a time to request this and it wasn't done then. We cannot just jump around in the agenda after an item is closed. It wouldn't be fair to those who were concerned and may have already left. Jim then questioned what happened to a preliminary Agenda item concerned with excess sound levels and the possible need to revise the county ordinance. Andy said that with a long list of agenda items already, he postponed it until next month.

5. ADJOURNMENT:

Fritz moved to adjourn, Ron gave a second, all were in favor and the meeting was adjourned at 8:40 PM

Fritz Stumpges, Secretary, PPCSG

These minutes were approved by a unanimous vote of 5-0 at the August 7, 2012 meeting.