

**JAMUL DULZURA  
COMMUNITY PLANNING GROUP  
FINAL MINUTES  
Tuesday, April 24 2012  
Approved May 8, 2012  
Oak Grove Middle School Library  
7:30 pm**

1. **Call to Order:** Michael Casinelli called the meeting to order at 7:38 p.m.
  
2. **Roll Call:**  
**Present:** Michael Casinelli, Dan Neirinckx, Preston Brown, Janet Mulder, Bill Herde, Judy Bohlen, Ray Deitchman, Randy White, Steve Wragg, and Jonathan Shultz  
  
**Absent:** Earl Katzer  
  
**Excused:** Jean Strouf, Dan Kjonegaard, Dale Fuller, Yvonne Purdy-Luxton
  
3. **Motion to approve the Agenda April 24, 2012, as posted 72 hours before the meeting and the minutes of April 10, 2012. Motion carried unanimously.**
  
4. **Open Forum - Opportunity for public to speak on any item not on the agenda**
  - a. **Michael Casinelli announced that he received an email from David Morton from Registrar of Voters Office, and one member still has not turned in Form 700. The Ca Fair Practices Board will be fining individuals who do not turn in their form.**
  - b. **Jonathan Shultz reported that a letter was received from SDG&E regarding Sunday work along the Sunrise Power Link Route and there may be interruption to the electrical area.**
  - c. **Ray Deitchman and Judy Bohlen will not be present at the May 8 meeting.**
  
5. **POD11-008 - Single Family Residential Design Guidelines – Steve Wragg reported that we looked at these guidelines previously, and reviewed them at that time, stating that we were opposed to over-regulations, Steve moved we make the following recommendation: Jamul/Dulzura Community Planning Group would like to reiterate its position on the Residential Guidelines as provided to DPLU on February 14, 2012. The JDCPG believes this document is overreaching and a prime example of over regulation. The Guidelines should not be made mandatory and instead, be used as an informational handout for interested parties only. The Guidelines should not be used as a regulatory tool by staff or decision makers to approve or deny projects. The intent and purpose section should be made more clear to the reader to reflect the above recommendation. Therefore JDCPG opposes the residential guidelines, dated April 2012 as**

**drafted and recommends they be utilized only for conservation subdivisions. Motion carried unanimously.**

- 6. POD 10-007 Wind Energy Ordinance Amendment – Dan Neirinckx reported on the recommendation from staff, which was to establish a two tiered framework of Wind Turbine Regulations. This would eliminate the medium size blade to a two tiered system based on the rated capacity. (Less than 50 kw would be small system and larger would be 50 kw and greater.) The smaller system is subject to a zoning verification permit approval and the larger system would be subject to a major use permit. Some of the small turbine requirements include a 30foot setback from all property lines, noise ordinance, height of blade rotation can't be over 80". Large turbine has a minimum lot size of 8 acres, required to prepare and submit an acoustical study to demonstrate compliance with all applicable noise level limits including a newly introduced low frequency noise limit. A key provision is the low frequency limit network that includes sound that is not always audible to the human ear, and they recognize that there is a lower ambient level of noise that exists in the rural areas. There may need to be alterations to the noise element to take that lower level into consideration. Dan Neirinckx moved that the Chair write a letter to DPLU with a copy to Supervisor Jacob and the other Planning Group Chairs voicing our concern about the quieter ambient noise conditions in the rural area and that the County needs to recognize the difference between rural and urban areas in their noise regulations. Motion carried unanimously.**
  
- 7. Jamul Indian Village Casino Update – Sub-committee Report – Ray Deitchman, chair, reported that the sub-committee met frequently and thanked the people on the sub-committee, especially the community members for their time and expertise. He passed out copies of the letter submitted by the sub-committee and all of the JDCPG members read the draft copy and made comments and corrections. A single paragraph was added regarding the County Disaster Preparedness impact to the document before it was approved.**

**Raymond Deitchman moved that the JDCPG approve and send the attached letter/document to Raymond Hunter, Chairperson, Jamul Indian Village, as the Lead Agency with copies to the attached address list. Motion carried 10, Yes; 0, No; 0, Abstentions. (Letter is at the end of the minutes)**

- 8. Hollenbeck Canyon Wildlife Area/Honey Springs Ranch – Randy White reported that the sub-committee agreed to continue meeting and encouraging Fish and Game to continue working on alternative sites on which to locate the Dog Ponds. The big discussion involved the illegal firing of guns on the property, as there should be no hunting or shooting on the property, as this is not the hunting season. Contact should be made to Ed Pert, Regional Manager, who told us to call if we ran into a problem. For information on how to contact him, see Randy White.**

**8. JDCPG Officer's Announcements and Reports:**

- a. **County Bicycle Transportation Plan – County is applying for a grant for SANDAG’s Active Transportation plan as they need it for Caltrans Bicycle Funding – Dan Neirinckx will review and report back.**
- b. **Letter from Kevin Johnson regarding the BOS hearing postponed to June 20 at 9 a.m. on property specific concerns on the General Plan. Dan Neirinckx said we had already made our comments and no action was necessary.**
- c. **Letter from Anna Lowe regarding the County Climate Action Plan on April 27 at the Ruffin Road – Given to Bill Herde to review and report back.**
- d. **General Plan Update Zoning Cleanup 2012 – comments requested by May 11 – Given to Dan Neirinckx to review and report back.**

**ADJOURNMENT:**

**Michael Casinelli adjourned the meeting at 9:08 p.m.**

**Respectfully submitted:**

**Janet Mulder, Secretary**

**NEXT PLANNING GROUP MEETING: TUESDAY, May 8, 2012**  
**OAK GROVE MIDDLE SCHOOL LIBRARY**

**Hollenbeck Canyon-Honey Springs Use of Groundwater Sub-committee Meeting April 25 at 4:00 at Hooleys, followed by meetings every Wednesday from 4-5 at Hooley’s Rancho San Diego.**

**Attachment: JDCPG Letter to Jamul Indian Village re Gaming Development Project**

**Jamul-Dulzura Community Planning Group**  
**PO Box 613**  
**Jamul, CA 91935**

April 24, 2012

Raymond Hunter, Chairperson  
Jamul Indian Village  
Lead Agency  
P.O. Box 612  
Jamul, CA 91935

SUBJ: Draft Tribal Environmental Evaluation (DTEE) Jamul Indian Village, Gaming Development Project, San Diego County, California, dated March 2012; Jamul Dulzura Community Planning Group (JDCPG) Recommendations Concerning

Dear Chairperson Hunter:

After reviewing in detail the subject Draft Tribal Environmental Evaluation, (DTEE) the Jamul Dulzura Community Planning Group (JDCPG), at our April 24, 2012 meeting, voted 10 FOR, 0 OPPOSED with 0 abstentions to submit the following comments/concerns and to recommend that the "No Action Alternative" be adopted.

In our previous letters dated February 2003, October 2003, and September 2006, containing our recommendations for earlier similar projects that have brought us to this DTEE, we took the position that a full and complete EIS was needed to provide the necessary information to determine the true environmental impacts of the proposed casino project. The DTEE submitted March of 2012 is like the previously submitted statements--inaccurate, incomplete and flawed. A subcommittee formed of JDCPG members and knowledgeable community members reviewed the document in detail and found a significant amount of boilerplate content, along with numerous errors and inaccuracies of such magnitude to render much of the DTEE invalid. JDCPG strongly requests the Tribe adhere to the requirements of the Tribal-State Compact Sec 10.8 in spirit and in fact with accurate and complete impact statements that address the direct, indirect and cumulative effect.

Issues and concerns of the JDCPG are listed in order of magnitude of community impact as follows.

### **Health and Safety:**

The primary focus of the JDCPG is the protection and preservation of the community through its advisory role in the enforcement of existing law and ordinances. Priority concerns for this and all responsible authorities must center on the safety and well-being of affected citizens especially when issues of concern could result in potential damage to property, potential personal injury and even potential loss of life.

These are the most significant impacts that must be addressed and mitigated by the developer:

#### **Traffic:**

The DTEE correctly identifies on page 2.4 and the community and JDCPG agree, "**traffic is the key issue in the Jamul area**". However the DTEE does not acknowledge that the current conditions on SR94 are already near capacity, dangerous, and incorrectly focuses on intersection realignment as their **only** means of mitigation.

- The unsafe condition of using either Access Option 1 or 2 as they both enter directly onto SR94 would create a significant negative impact. The quantity of traffic listed below entering directly onto the two-lane highway that is the **only** thoroughfare through our community and is heavily traveled at 55mph and above by commuters, passenger cars, commercial trucks, international traffic, bicyclists, and school buses on a daily basis is already near full capacity. To allow large quantities of vehicles to **directly** enter the traffic flow is not acceptable to the community, the JDCPG or Caltrans (as Caltrans stated in writing in 2006 and 2008). Option 3, which is to create access off of Melody Road is the **only** safe way for ingress and egress from the JIV property, (just as was required by Caltrans of the Peaceful Valley private development on the north side of SR94.) Option 3 will require improvements to Melody Lane including drainage and right of way improvements. These improvements will require the existing culvert to be replaced and an additional lane added. The biological impacts associated with these improvements must be analyzed. (Please see Environmental concerns.)
- The proposed mitigation for Reservation Road ingress and egress (Option 1) includes construction of turning lanes and reconfiguring of SR94 and a new traffic signal at both Reservation Road and another at Melody Road. These two roads are quite close together (under 2000'), too close for two signals on SR94. According to the Highway Capacity Manual, these intersections must be one-half mile apart.

The DTEE also erroneously states that this is the “historical access” for the JIV, which is not true. It was graded for an event in or about 2006 or thereafter.

- The proposed mitigation for Option 2 creates a driveway near where the Fire Station was previously located, this does much of the same construction as Option 1, including turning lanes and reconfiguring of SR94 and a new traffic signal at Melody Road. It does not include an additional traffic signal, but will have patrons leaving the casino turning left across SR 94’s lanes of traffic. This is very unsafe given the current traffic even before you add 10,325 cars plus employees on a daily basis. In addition, if the Option 2 access is not signalized, the appropriate sight distance (550 feet) cannot be obtained without significant grading and a clear space easement. Option 2 must analyze the sight distance issue associated with this ingress and egress.
- According to the DTEE, the proposed project would generate 10,325 average daily trips, which includes 960 for the 24,000 sq. ft. event center. There would be 1611 employees which appear to be omitted from the calculations in table 4.9-17. This section also makes the statement that the Event Center would not generate peak hour traffic. Assuming most events would start around 7:00 - 7:30, and people arrive early, This statement is inaccurate. Peak Hours were defined by Caltrans as AM 6:30 – 9 and PM 4-6:30 or 7.
- The cumulative impact of new projects would add an additional 9472 ADTs. They must address these **cumulative impacts** as these have already been identified in the Peaceful Valley TIA in 2007. (see page 4.9-20-22)
- Construction traffic is estimated in the DTEE at 24 trips per day – earthwork phase 10 trips per day, 4 in months 6-11, and 2 for remaining 7 months of construction. The DTEE estimates vehicle trips by construction workers to be 10, 20, 50, and 26 using the times above. The suggested mitigation measures to alleviate this are weak at best, i.e., ridesharing, staggering of work hours and alternative construction work times (4.9-84). These measures need to be re-analyzed. On page 3-12, the document states that the project is expected to remove 22,600 cu yds of dirt for the project under each alternative. We calculate removal of dirt could be in excess of 80,000 cu yds. Furthermore, it is highly unlikely that the quantity of dirt removal for the project and each alternative is the same. The correct number of trips of dirt removal must be analyzed in the traffic section.
- School buses on the SR94 during peak hours as defined by Caltrans are not addressed in the DTEE even though NEPA requires it.
- Emergency Access or Short Cut Roads and their intersections were left out of the study. Jamul Drive, Steele Canyon, and Willow Glen, are used when SR 94 is closed due to an accident, etc. Willow Glen is used by Sycuan casino and often backed up without additional traffic.
- The DTEE did not look at the importance of a left turn lane for ingress from Otay Lakes Road into SR94 towards the casino. They did include a right turn lane from SR94 to Otay Lakes Road going east. Traffic from the Chula Vista and East Lake areas may be expected to use this road to access the casino in both directions, thus necessitating a left turn lane for traffic going west to the casino.
- Proctor Valley Road is a narrow partially paved dirt road that runs through residential areas and needs to be addressed as it exists today, as it could be a short cut for the East Lake – Chula Vista patrons. Pioneer Road and Echo Valley Road are one-way in and one-way out roads that “T” off of Proctor Valley Road and the residents must enter and leave via Proctor Valley Road. Ingress and egress would be impacted with this increase in ADTs. This too needs to be addressed. Furthermore, the ultimate build-out of Proctor Valley Road is in question due to the impact on the Open Space Preserve, therefore, we question the diversion of traffic onto the undeveloped road as indicated in DTEE traffic calculations.

- Maxfield Road is not mentioned in the DTEE and that is where our only U.S. Post Office is located. There is a constant flow of patrons going in and out of that road onto SR94 at a point that is already hazardous. The addition of 10,325 cars on SR94 will have a profound impact on public safety, and must be analyzed and addressed in the document.
- There is no mention of Casino buses expected to transport gamblers from all over San Diego County to the proposed Jamul Indian Casino as they have at Sycuan, Barona, Viejas, Pala and others. Quantity and frequency of such transport needs to be addressed as it could have a significant negative impact on SR94 traffic.
- **Most significantly**, the environmental document being prepared by Caltrans associated with the off-site traffic improvements caused by the proposed project must be included and be a part of the DTEE analysis. Relying on a future document (called “Piece Mealing” or deferring mitigation) for analysis, mitigation and impact identification of traffic impacts does not give the reader adequate information to analyze the project as a whole. Furthermore, disclosure of environmental impacts (traffic, biology noise, community character, and archaeology) associated with the proposed off-site road improvements **must** be provided and analyzed. Significant Right of Way will be required to be obtained from Federal and State agencies, as well as from private owners to realize these improvements and must be considered in the document. Obtaining Right of Way will be difficult at best and, if not achieved, may prohibit implementation of the mitigation. There could be significant impacts associated with these road improvements that should be disclosed to the public prior to approval of the DTEE document. All impacts of a project should be analyzed before a decision is made. Please note the TIS that Caltrans has been reviewing for 3-4 months is dated August 2011, while the one in the DTEE is dated February 2012. The JDCPG questions: “Are these the same?” Caltrans has communicated they will require another 2-3 months before completion of their review, prior to beginning the CEQA process. The CEQA process must be completed before an encroachment permit could be issued. The CEQA process, which requires mitigation of all impacts on state highways, must be completed and improvements in place before any casino construction would commence.
- JDCPG is concerned that the JIV is attempting to defer responsibility when they state in the DTEE multiple times *“The tribe shall finance and implement the recommended improvements ... All project related impacts would be mitigated with the recommended mitigation measures. However the responsibility for approval of design and implementation of intersection improvements resides with Caltrans. The impacts would be less than significant if Caltrans approves and allows construction of the necessary improvements prior to opening of the gaming facility. **The impacts would be considered significant and unavoidable if Caltrans does not approve the improvement plan and allow construction of the needed improvements prior to opening of the gaming facility.**”(Emphasis ours) Caltrans assures us that CEQA **requires** all mitigation to be accomplished before **any** construction can be started, as the JIV must have an encroachment permit for ingress and egress off of SR94.*

#### **Fire and Emergency Medical Services:**

In this area the JDCPG defers to the expertise of the RFPD. A full response has been prepared by David Nissen, Fire Chief RFPD, dated 5 April 2012, with which JDCPG is in full agreement, and from which portions are reprinted here with permission. The following concerns are excerpts from this document and must be analyzed and addressed in the DTEE.

- The estimated occupant load is 14,966 per Building Code estimates. There will be 1611 employees. Daily car trips to Casino are estimated by the EE as 10,325. The number of emergency calls per day to the Casino facility is estimated to be 3.3 using the County Of San Diego Call generation factor of 82 annual calls per 1000 population X occupant load of 14,966 in thousands (14.9)=1221 calls divided by 365=3.3/day. 95% of the calls at the Casino will probably be EMS related. 60% of those will probably require Advanced Life Support (ALS; Paramedics). So, 2 calls per day would be ALS calls requiring transportation out of the area to a hospital. This requires the ambulance to leave the Jamul area for at least 2 hours. A Firefighter Paramedic may also need to go with the Ambulance Crew. This depletes

staffing available for a fire call. Using the estimated percent of 95% for EMS calls, Fire related calls would be 5% of calls, for an estimated number of fire related calls of about 5 per month. This includes alarms ringing, smoke investigations, fires in Casino, trash, or a vehicle or vegetation fires. A strong, local, first alarm Firefighting response must be available for those Fire related calls, regardless of the estimated call volume.

- Increased traffic will result in increased accidents and roadside fires along Highway 94, thus requiring response by the RFPD.
- A portion of the parking under the Casino is underground which results in a basement-like structure, increasing the difficulty of manual firefighting and smoke removal, and creating the risk of vertical fire/smoke/ carbon monoxide spreading into the Casino. Refer to Figure 3-1 on Page 3-2. Figure 3-2 shows the proposed fire station under the Casino, in the parking garage. This is not advisable due to the potential for fire and smoke in the parking garage to impact the Fire Station and Firefighters, exposure to carbon monoxide from vehicle exhaust, and the potential for the Fire station and apparatus to be unusable due to an earthquake, major fire in garage, a terrorist activity, or other civil unrest, involving Casino and/or parking garage. Fire Stations are classified as critical facilities and should not be located in a parking garage or under a building. This concern also applies to the proposal to have the Fire Pump on the first level of the parking garage. These concerns must be analyzed and addressed in the document.
- Page 4.12-28 states that no mitigation is necessary for Fire or EMS. We disagree with this statement.

The RFPD report illustrates glaring inadequacies and discrepancies in the Tribe's plans for mitigating off-reservation impacts to the community emergency services. It goes on to point out many major flaws in the Tribe's Fire Protection Plan that include but are not limited to inadequate staffing, poor placement of the proposed fire station, insufficient access planning for fire or EMS and more. There are references in the DTEE to (but no copies of) Mutual Aid Agreements with community fire and EMS services, but not with the fire station and staff just across the street. Overall the JDCPG feels the Tribe has not planned adequately for the safety and protection of patrons, employees, **and** the community, which would cause an increased burden on the public resources, resulting in a severe degradation of fire and EMS response times. To ramp up local services to meet the needs would require significant funding. Mitigation is required.

Major catastrophic occurrences, such as fire, earthquake or other problems, are not addressed by the DTEE. Three fault lines are near to the Jamul area and it is well known that fires in the area are common place. The community has been instructed to expect to go without services for 48-72 hours if such a major event occurred. As mentioned the proposed casino will more than double the current traffic of Jamul. Emergency services would be unable to provide adequate services to both the proposed casino project and the remainder of our area, thus endangering our population. This is not addressed in the DTEE.

### **Law Enforcement:**

Numerous studies nationwide have been conducted which show an increased level of crime in communities post casino development. (ref. *Gambling Economics: Summary Facts Professor Earl L. Grinols, Baylor University 17* November 2004. ) An increase in number of loitering persons, some of whom are in desperate/altered states of mind and/or involved in criminal activities also follow casino development. These experiences have been expressed by residents within the numerous San Diego County communities already burdened with casino projects.

In addition to impacts outlined within the DTEE there will be further consequences because of Jamul's geographical proximity to the International Border with Mexico. This propinquity to the international border and placement along an established smuggling corridor will have significant impacts on the surrounding community. The DTEE document only addresses on site security and the possibility of contributing to the increased costs associated with the Sheriff's Department, a county agency. There are no mitigation measures for offsite security within neighborhoods that begin approximately ½ mile away from

the proposed project. The DTEE does not address mitigation or even acknowledge the potential for both undocumented immigrants and narcotic smuggling attracted to the casino, both of which will need to be addressed by the United States Border Patrol and must be mitigated.

Specific concerns:

- There are no plans outlined in the DTEE to provide for community safety from criminal activities.
- There are no plans to monitor and mitigate issues of crime within the community that arise post construction.
- There are no known existing letters of agreement between the Sheriff's Department, Border Patrol, California Highway Patrol or CA Department of Fish and Game to provide additional protection.
- There are no provisions for casino patrons to shelter in place should a regional emergency such as a major earthquake occur.

The DTEE acknowledges that the proposed project "would result in additional calls for law enforcement" (Table 2-1, page 2-55). Mitigation however is limited to:

- Onsite security for gaming operations.
- Seven measures limited to a "good faith effort", six of which are onsite only.
- The non-committal statement "the tribe *may* enter into an agreement with the Sheriff to pay for additional law enforcement service".

The JDCPG feels that **mitigation measures do not adequately address impacts identified above.**

### **Environmental Concerns:**

The secondary role of Community Planning Groups is to preserve and protect the community character and quality of life. Again, in an advisory role to local and state authorities using existing laws and ordinances, this role includes pointing out the direct and indirect impacts on the health and well-being of the citizenry as well as the protection and preservation of the natural and cultural resources of the community and surrounding area. These quality of life concerns cannot be trivialized as they reflect the values expressed by community members in public meetings and form the core of the community character.

### **Noise:**

As pointed out in the DTEE, noise is generally defined as unwanted or objectionable sound. In rural settings including Jamul, lack of noise is a significant component of the community character. A good faith effort to evaluate and mitigate noise impacts warrants more than a cursory investigation and plan. The project is to be located in an area somewhat lower in elevation than residences to the north and west which will create an amphitheater like effect where sound is going to carry much farther than would be expected using standardized attenuation tables. Due to the open spaces surrounding the project being largely devoid of tall vegetation or other structures which could provide noise attenuation, efforts to reduce or mitigate off-reservation impacts would need to **exceed** the minimum requirements of county guidelines. The DTEE also makes no mention of noise impacts on the wildlife refuge adjacent to the property.

- Noting table 4.10-3 of the DTEE, a single set of noise measurements was made on the afternoon of 29 September 2010. It appears there were no current ambient noise level readings made during early morning, midday and critically through evening and night. It appears that no measurements are recorded over a time span exceeding about 10 minutes per location. We do not believe this constitutes adequate field work to establish a baseline for noise impact assessment.
- Since it can be assumed the project is intended to be in operation 24/7, it can also be assumed that noise from parking lot activity, delivery trucks, refuse removal trucks, air conditioning and other mechanical equipment, along with a near doubling of traffic volume along SR94 and many local side streets would become a permanent feature of the Jamul area. Using what information there is in the DTEE, table 4.10-3 shows average noise levels from approximately 60 to 65 dBA at the selected sampling points. The data suggest that traffic is the main contributor, and as such traffic would be expected to continue during all hours of project operation. Based on traffic volume estimations in table 4.9-17, we would expect to see an increase in traffic volume that could be over 100% and using the

spot measurements in table 4.10-3, we would expect to experience close to the recorded noise levels at any time the project would be in operation. According to information on page 4.10-1 paragraph 3, a corrected CNEL during night hours for traffic alone could be 70 to 75 dBA which exceeds the limits published in table 4.10-2 and according to table 4.10-1 could be compared to listening to a lawn mower or vacuum cleaner all night long. We feel the increase in traffic along SR94 and surrounding surface streets will generate noise to significantly negatively impact the character of the community.

- Section 4.10(4) identifies noise from mechanical equipment would be a significant impact and states that acoustical louvers would need to achieve -10dBA attenuation. This does not appear to take into consideration corrections called out on page 4.10-1. Therefore -20dBA attenuation would be required to reduce the noise level back to a 'dishwasher in the next room' as would be experienced at the nearest property lines, all night long. It should be noted that at least one of these property lines enjoys a direct line of sight to the project through a valley and between two hills, which is expected to cause a rather significant variation in distance/attenuation formula.
- Section 4.10(3) proposes on page 4.10-13 paragraph 1 that impact is less than significant and noise increases would be barely noticeable. Without data for current conditions and in light of the expected conditions stated above, this cannot be assumed. The final summaries for noise mitigation address only construction impacts and a single step to attenuate machinery noise with all other concerns dismissed as 'No mitigation is necessary.' Mitigation is in fact necessary to address this impact.
- The "edge effects" associated with noise from the project and the SR 94 corridor have not been addressed nor analyzed as it relates to the adjacent Ecological Preserve, which is a significant impact.

#### **WATER/DRAINAGE:**

The proposed project is in the watershed of a drinking water reservoir. If the primary containment system fails or its storage capacity is exceeded, there is no plan for containing 100% of the storm water pollutants on site for an extended period of time.

- There is nothing in the DTEE addressing the off-site impacts of all the water runoff in the preserved corridor drainage channel that ultimately ends up in the Otay Lakes Reservoir, this is the main supply of drinking water for the communities within San Diego County.
- There is nothing in the DTEE addressing the off-site impacts should the in-house sewage treatment plant have a catastrophic failure. **This is a particularly sensitive issue since it has happened with another Indian Casino in the back-country.** (See Sign-On San Diego "Sewage water issues bedevil casino" "Long Term issues elude Golden Acorn" 28 August 2004.) [http://www.signonsandiego.com/uniontrib/20040828/news\\_2m28campo.html](http://www.signonsandiego.com/uniontrib/20040828/news_2m28campo.html). This needs to be analyzed and addressed in the DTEE.
- There is nothing in the DTEE discussing how the Tribe plans to preserve Wetland A if they use Melody Road as the entrance. The DTEE only states that a permit would be required from the Army Core of engineers if they affect those areas. Incidentally, the wetland was created by JIV when they bulldozed all the homes and buried everything in their creek bed and covered it with dirt.
- Bio retention areas are not clearly shown on Figures 2-4 in Appendix 7.
- The Community Center is not shown on the Figures 2-4 in Appendix 7. Parking area 3 should be relabeled as Community Center.
- Impervious surface impacts associated with the Community Center should be included in the analysis.
- "C"- values used in the analysis are incorrect. The "C"-values should be higher based upon the proposed project's impervious nature.

- The hydromodification section uses data from rain gauges at Lake Wohlford. The analysis should use rain data from a closer source to more accurately reflect conditions.
- This analysis only addresses the proposed casino facility. The analysis is silent on the storm-water, floodplain, and drainage impacts associated with access Option 3. Option 3 will cross and impact Willow Creek and such should be analyzed.
- In the excavation alone which is estimated to reach 80,000 cubic yards and require shoring in the hill to a height of 60' off the level of the stream bed, there will be unavoidable run off to the riparian area downstream into the ecological reserve.
- **Discharge and Fill** are of great concern and the “**scouring**” of the stream bed is most detrimental where the run-off erodes the stream bed into a deep narrow crevice, it can no longer hold water to the width of its banks.
- The dangers from dust and diverse sediments from the very disruptive excavation process cutting through the natural crevice and banks of a seasonal stream bed and from the construction process itself will be carried downstream and can substantially reducing their habitat value and dynamics. Run off will also support aggressive growth of invasive species.
- The DTEE has not stated a strategy to minimize dry weather run-off after construction with appropriate low water use plants. The developer has made no commitments to maintain offsite impacts throughout the **life cycle** of the casino project such as removing downstream invasive vegetation. NOTE: It is the stated goal of California Fish and Game to **restore** the National Wildlife Refuge to its natural state of native grasses. It has already been overrun with invasive non-native vegetation.
- The JIV has not developed an erosion control strategy for this very difficult and challenging site nor have they recognized the need to have long-term commitment to restore down stream waterways that will inevitably be degraded by the presence and operation of the facility.

It is the contention of JDCPG that the developer of this project cannot meet and live up to the environmental requirements stated in the DTEE with which they must comply under the Clean Water Act 404 and 401 under the EPA.

#### **Air:**

##### Construction Phase Impacts on Air Quality:

JDCPG has issues with the DTEE treatment of diesel PM emissions as a Toxic Air Contaminant (TAC). Here is what the DTEE has to say about diesel PM emissions:

*“According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period. Project construction, however, would occur over a much shorter period of time, approximately 18 months, or 2 percent of the recommended exposure period. Use of off-road heavy-duty diesel equipment would be temporary, and diesel PM emissions would disperse rapidly with distance from the source. Thus, construction-related TAC emissions would not expose sensitive off-Reservation receptors to substantial concentrations of TACs and impacts would be less than significant.”*

Here is what the California Air Resources Board (CARB) has to say about diesel health effects:

*“In 1998, California identified diesel exhaust particulate matter (PM) as a toxic air contaminant based on its potential to cause cancer, premature death, and other health problems. Diesel engines also contribute to California's fine particulate matter (PM2.5) air quality problems. Those most vulnerable are children whose lungs are still developing and the elderly who may have other serious health problems. Based on year 2006-2008 emissions in California, diesel PM contributes each year to approximately 2,000 premature deaths, with an uncertainty range of 1,500 to 2,400.”*

The JDCPG does not believe that the DTEE includes sufficient health risk assessment to convincingly conclude that sensitive off-Reservation receptors will not be exposed to harmful levels of diesel particulate. Diesel particulate will be emitted during the construction phase of the project, and the emission of diesel particulate will continue throughout the operational phase of the gaming facility due to significantly increased project-related traffic on SR 94. OEHHA has conducted a school-based, epidemiological study to examine respiratory health among children living and attending schools at varying distances from high-traffic roads in Alameda County, CA. OEHHA found that traffic pollutants measured at neighborhood schools were elevated near major roads and were associated with both bronchitis and episodes of asthma.

#### Operational Phase Impacts on Air Quality:

- The air quality section of the DTEE states that the “operation of the proposed project would result in an increase in emissions primarily from vehicle exhaust (mobile source emissions) and natural gas combustion, landscape equipment, consumer products, and maintenance architectural coatings (area source emissions). The number of trips generated by the proposed project is based upon the project traffic report from Kimley-Horn dated 2011 is listed as 7, 936 new daily trips. However, “TABLE 4.9-17 TRIP GENERATIONS SUMMARY FOR PROPOSED PROJECT” in Section 4.09 Transportation and Circulation of the DTEE states that the net daily trip generation is 10,325. It appears that the daily trip rate used in the air quality analysis significantly underestimates (by over 23%) the daily trip rate represented in the Transportation and Circulation section. The air quality impact assessment should be revised to reflect the correct trip rate reported in Table 4.9-17 and re-evaluated against the significance criteria. We estimate that the total unmitigated emission of PM<sub>10</sub> represented in TABLE 4.11-11 PROPOSED PROJECT – OPERATIONAL AIR EMISSIONS will exceed the San Diego County significance threshold once the trip rate is revised.
- The air quality consultant should revise the air quality analysis to reflect the accurate daily trip rate or explain the inconsistency. It would be beneficial to include the input/output to the EMFAC2007 and URBEMIS2007 models for the purpose of fact checking and the integrity of the findings.
- Additionally, an assessment of the operational Toxic Air Contaminant impacts associated with vehicle traffic should be provided to address the impact of diesel particulates on off-Reservation sensitive receptors (see discussion presented for construction phase impacts). The project needs to quantify traffic and traffic related impacts, in particular vehicle emissions, and demonstrate how the project would meet requirements of the State Implementation Plan for maintaining National Air Quality Standards.

- The DTEE states that the proposed project would include a central cooling and heating system, which is expected to include a boiler that would utilize **natural gas** for external combustion as well as backup diesel-powered generators. The rating of boiler and fuel source should be specified. The proposed project would also include commercial uses that may generate stationary sources of TACs such as restaurants with char broilers and fuel dispensers for casino vehicles.
- The air quality impact analysis should demonstrate that the boiler, diesel-powered generators, char broilers, and fuel dispensers are included as emission sources during the operation of the proposed project.
- The DTEE throughout states that fuel-burning equipment will be fired on natural gas. Natural gas pipeline service is not currently available in Jamul. The DTEE should be revised throughout to reflect the actual fuel which will be used. The appropriate emission factors should be based on the actual fuel used, not natural gas.
- Section 4.06 of the DTEE (Hazards and Hazardous Materials) should address the above ground storage of fuels and demonstrate a commitment to prepare and certify a Hazardous Material Business Plan for the County Hazardous Material Department.

#### **Hazards and Hazardous Materials:**

- Although Level 1 or Phase 1 studies were completed in 2002, 2007, 2009 and 2010 the only issues noted were debris from the roadway (as common along a highway) and the 100 and 500 year flood plain. These surveys were conducted by persons driving by the property while in their cars. This is at best callous as it proves nothing. A current Phase or Level 2 study must be completed prior to any construction.
- The DTEE states the project will not result in a significant increase in litter along the highway. Please explain with 10,000 plus added vehicle trips per day how this statement is correct.
- The documents within Appendix 8 are expired as is indicated on page 7, Section 1.6. The report is only valid for 180 days. The report was completed and dated May 11, 2010. The report has no application to this project.

#### **Soils and Geology:**

- The soils makeup within this project indicates the underlying subsurface impervious materials such as granite, volcanic, and metamorphic are present and will require blasting to allow for construction. Also indicated is previous landslide materials from the surrounding hillsides are present in the soils makeup. There are no mitigation measures described which would protect the homeowners west of the proposed project from seismic damage related to blasting and earthwork. This blasting could dislodge the slopes below the residences. Seismic testing must be included in this process to ensure no immediate or long-term damage occurs from the process.

- During grading and construction all runoff from the project will result in silt runoff into the ecological reserve. Mitigation measures are required to prevent this runoff during construction and in the future. Bio retention areas may be insufficient due to sub surface soils conditions as outlined in first bullet. Testing needs to be completed to evaluate the percolation rate.
- **P 4.4-6** further indicates in the last paragraph the soils condition as bedrock and dense which does not allow for adequate water retention and absorption.
- **P 4.4-7 Regulatory Settings:** In the introduction chapter, the DTEE has indicated the Tribe will work closely with the community to mitigate potential issues with the project. What assurances are there that the project will adhere to the requirements as set forth by the referred to agencies?
- **P 4.4-8 Section 4.4(1) Topography and Erosion:** No comments are made regarding re-vegetation of the areas disturbed during the construction process. No plan has been provided as to how this will be accomplished, what materials will be used, and what is to be done to prevent erosion of these areas.

#### **Biological Resources:**

The DTEE states in section 1.0 that each environmental issue discussion contains significance criteria by which the environmental impact will be measured to determine the level of significance, and mitigation measures are then presented for impacts that were found to be significant.

The following off-reservation significant adverse impacts are not discussed in the DTEE and as such, no mitigation measures are addressed.

- Effects of wide roads and habitat fragmentation.
- Provisions for the impacts on wildlife movement through open space corridors.
- No special protocol surveys have been performed for Hermes Copper Butterfly which is expected to be declared endangered and threatened wildlife. (See Docket No. FWS-R8-ES-2010-0031; MO 92210-0-0008-B2).
- The limited study area does not reflect the actual area that will be impacted by this development.  
The distribution of known mountain lion home ranges in San Diego county points to the importance of maintaining the integrity of the north-south and east-west habitat linkages within SR94 study area for overall regional connectivity necessary to maintain gene flow and long term population. Western Tracking Institutes Southern California Mountain Lion Studies states the viability for the mountain lion would be significantly impacted.

#### **Light:**

- Policy 6 of the Jamul-Dulzura Subregional Plan states *"Standards should be developed for control over light pollution to preserve the dark sky characteristics of the Jamul/Dulzura subregion."* The DTEE points out that all areas will be "well lit" for security reasons, but also "that it will not to a level that would substantially degrade the existing visual character." These two statements are contradictory. The level of lighting required around a casino operation for security reasons should exceed that of a commercial parking lot. Even with the use of downcast lighting, it would be expected the orange glow would be visible for miles.
- No mention of the known significant effects of this light pollution on the wildlife refuge is addressed in the DTEE. There will be significant light effects on the neighboring wildlife preserve. The "Dark Skies" policy relates to the "astronomical light pollution" effect and is very different from the "ecological light pollution" effect which alters terrestrial and aquatic ecology. The DTEE makes no comment of any of the scientific research very well known in the biological community that has documented the wide ranging impacts that artificial nighttime light has on wildlife of every taxonomic group and its negative impact on ecosystems in rural and wilderness areas. Examples are:
  - Lights on buildings can attract night-time and migratory birds often killing them as they crash into them. They can become confused and disoriented and crash into other obstacles like towers, lines or fences.
  - It can disturb development, activity patterns, and hormone-regulated processes such as the internal clock mechanism.
  - It can affect foraging, communication and other critical behaviors.
  - Darkness is necessary for wildlife reproduction and for predation. A soft emanating glow from inside a building can produce what is known as the "permanent full moon" effect and is most impactful in those areas where lights are close to natural habitats.
  - Even a small amount of light in relative darkness is very dominant in its influence and causes what is known as the "vacuum effect" that draws flying insects into the scope of the light and with it attracting bats and other night time predators that feed on insects.
  - Changes in wild life behavioral patterns also affect the general ecology including plants and other vegetation.

The location of the casino in the center of this sensitive land area is completely at odds with the ecological reserve and corridor design meant to preserve the natural habitat of the local wildlife populations.

### **Land Use:**

The DTEE limits its discussion of recreation to an idea of "Parks" in an urban sense, and states that "No parks are located within Jamul area" (TABLE 4.4-4, OFF RESERVATION ENVIRONMENTAL CHECK LIST in Section 4.0, in part XV Recreation) It is important to note the following:

- The wilderness areas, conserved lands and The Cleveland National Park offer diverse recreational outdoor activities including numerous hiking and equestrian trails.
- There are school field trips offered by conservation groups like the Audubon Society to the Fish and Game Hollenbeck Preserve.
- Numerous stables and equestrian training centers are located throughout the area.
- Cyclists use the paved roads on a weekly basis, some from the Olympic training center.
- Motorcycle and auto clubs take weekend trips to the back-country.
- Local school athletic fields are used for team sports and family sports.

The ability of residents and visitors to access these activities through safe, non-congested roads would be impacted requiring mitigation.

## **SOCIOECONOMIC:**

JDCPG again reiterates concerns raised in 2003:

- Previous studies indicate that for every dollar spent in a casino, public funds in the amount of three dollars must be spent to mitigate social problems such as crime, alcoholism, gambling addiction, and domestic violence.
- A very small number of unemployed Indians already receiving revenue sharing from the RSTF, is not sufficient reason for local, state, and federal governments to spend millions of dollars to create self-sufficiency. According to California Gaming Control Commission, 2012 report, amounts distributed to the Jamul Indian Village from inception to Dec of 2011 via RSTF was \$11,138,385.42.
- The State of California does not collect sales tax from any tribes so sales tax revenue cannot be used as an offset in mitigation fees.
- Since the great majority of the proposed casino jobs are low paying and are also filled by lateral movement of workers already employed, the sales tax revenue generated from this group will not offset the millions lost if mitigation fees are lost.

## **CONCLUSION:**

In view of our JDCPG specific comments and concerns listed above, the “No Action Alternative” of the DTEE should be adopted. Again, it should be noted that the JDCPG still fully supports self-reliance for the small group of Jamul Indians through revenue sharing from the other much larger California gaming tribes as allowed under the Davis/Schwarzenegger compacts. As indicated above, this project represents a significant threat to the surrounding environment and rural community of Jamul, California. It is inconsistent with the Jamul-Dulzura Subregion, County of San Diego, Land Use General Plan Update and is incompatible with the adjacent ecological reserve and the rural character of the entire area.

**Accordingly the Jamul-Dulzura Community Planning Group (JDCPG), an elected body of the County of San Diego, responsible for land-use planning in the Jamul-Dulzura Subregion; San Diego County, hereby strongly recommends that the "No Action Alternative" be adopted.**

Sincerely,

Michael Casinelli, Chair  
Jamul Dulzura Community Planning Group

Cc: Secretary Kenneth L. Salazar, Department of Interior  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Duncan D. Hunter  
Governor Jerry Brown  
State Senator Joel Anderson  
Assemblyman Brian Jones  
Supervisor Dianne Jacob, 2<sup>nd</sup> District, County of San Diego  
Ms Tracy Stevens, Chairwoman, National Indian Gaming Comm.  
Eric Schalansky – Reg. Director, National Indian Gaming Comm.  
Jared Blumenfield, Regional Admin. U.S. EPA Region 9

**The following are the addresses you might want to use to send your letter regarding the proposed casino:**

ADDRESSES FOR JIV DTEE LETTER FROM JDCPG

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