

**JAMUL DULZURA
COMMUNITY PLANNING GROUP
FINAL MINUTES
June 14, 2016
Approved July 12, 2016
Jamul Primary School Multi-Use Room
7:30 p.m.**

1. **Joe Stuyvesant, Chair called the meeting to order at 7:30 p.m.**
2. **ROLL CALL;**
 - Present:** Jean Strouf, Mike Casinelli, Eileen Poole, Richard Marzec, Janet Mulder, Bill Herde, Steve Wragg, Joe Stuyvesant, George Novinger, Randy White
 - Absent:** Earl Katzer, & Preston Brown
 - Excused:** Joan Kouns, Judy Bohlen, and Elizabeth Kelly
3. **APPROVAL OF AGENDA for June 14, 2016 and the Final Minutes of the JDCPG May 24, 2016.** Approved unanimously.
4. **OPEN FORUM** – Opportunity for persons to speak on items not on the agenda
 - a. **Jean Strouf** announced that **Rick Alexander** – passed away. He has been important in land use over the years.
 - b. **Rich Marzec** – Fire season is upon us. Be careful.
 - c. **Don Parent of SDG&E gave an update.** 2 to 3 weeks to finish. Mostly done at night to avoid any problems. Property owners can decide to keep any left over materials. i.e. gravel, dirt, etc. Service date to be completed is July 3 but he thinks it will be earlier. This new circuit may encompass a few commercial or personal outages but not long. The paving on the bridge will wait until the bridge is completed which may be within 2-3 weeks. Question was asked about the possible bridge improvements in the future and Don does not know about it and suggested we check with Caltrans.
Randy White complimented SDG&E for the new blacktop job and several others echoed it. **Joe Stuyvesant** pointed out that the project would end up being good for the community including the redundancy of power. **Michael Casinelli** asked about the bike lanes and suggested that SDG&E needs to repair the bike lane that was injured by the addition of the steel plates. **Don Parent** said the striping and paving would be completed, and he would check on the status of the bike lanes. **George Novinger** complimented **Don Parent** on his role, acting as mediator in such an effective manner, between SDG&E and us. He did point out that about 50 yards back from the SR94/54 intersection going eastbound before you turn onto SR94 there is a pothole that cars are hitting in the right hand turn lane. **Don Parent** will look into it.

Steve Wragg recused himself from the next Agenda item as his company is working with the project.

5. **REPORT ON PROPOSED EMERGENCY VEHICLE OPERATIONS CENTER – Ms Deena River, SD County Sheriff and Brian Samson**, consultant, joint powers who trains people in law enforcement were introduced. They have identified a site on Proctor Valley Road that used to be part of the Daley Quarry property for their project and they would use approximately 26 acres on this project. **Corporal Mike Pepin, SD County Sheriff**, lead trainer for the Sheriff’s department, showed a video of the EVOC training program. They have used the parking lot at QUALCOMM and it has been problematical. They need an actual EVOC training center without the traffic, trolley, and people, in order to provide adequate training to their personnel. Mandatory EVOC Training is required for academy recruits and in-service personnel for several hours. Night driving and pursuit driving are both mandated and they also train Senior Volunteers, Deputy explorers and other training. Typical sounds that would be heard are tires and brakes. Not only is it a state mandate to take the training every other year with a four-hour course, but also our County takes it very seriously. There is some slow speed training that allows the officers to prepare for “city” problems. The Academy has five days of training, and the sirens used are internal and can’t be heard from the outside the cars. Lighting is minimal. Most traffic would not be impacting our area to a great extent. Typically the classes have 40 students maximum and in the Academy is usually 33 student sections. Academies are run on a quarterly basis and in the 960 hours only 5 days are on traffic. Other areas of instruction will be given as well to the trainees including a course action simulation and that would be combined with the driving training. **Brian Samson** pointed out that there were no residences nearby and other property owners should not be impacted. **Randy White** asked if there is a well on the property and the size of the buildings. **Brian Samson** said there are two wells, perhaps not potable, but would be used for fire protection. In addition they would have a few buildings including a maintenance area for the cars. There will be a septic system installed. The buildings would be about 12,000 square foot pad and if necessary they could go upward. **Mike Pepin** pointed out that they would have 25 cars on site but using only 5 or fewer at a time. **Brian Samson** stated that the primary usage would be for the Sheriff, but others may be allowed to join it if there is room. **Mike Pepin** pointed out that during the day the 40 “students” would be divided between the different areas, and not all would be driving at once. **Bill Herde** asked about the location being away from residences, and pointed out that since this is a Wild Life Refuge, how would the wildlife be impacted by the noise? **Brian Samson** pointed out that noise analysis and traffic would be required to pass the environmental reports. **Bill Herde** asked about the knoll at the back of the property and asked if there was future use planned. **Brian Samson** said it would probably be used as mitigation land. **Joe Stuyvesant** asked about the timeline. **Brian Samson** said it is an 18-month plan to do the environmental work and once approved construction would be between 9 months to a year, and they have the funding. **Janet Mulder** urged them to be aware of the sound amplification of that area. Noise measurements have been taken and can be used today. **Jean Strouf** asked what the Fish and Wildlife’s position is on this facility as it could impact our recommendations. **Brian Samson** said that they will be doing CEQA and have met with them previously and plan on more meetings. **Richard Marzec** asked about skidpans and offensive driver training? **Mike Pepin** told us a skidpan was a cement pad that had water over it...and would not be a necessity as the cars since 2012 have not needed this. **Michael Casinelli** asked about hours of operation **Mike Pepin** said Monday through Friday 7 a.m to 4 p.m. normally. Night operations are for Academy students and start at dark until 2 a.m. and is required quarterly for two or three days. **Michael Casinelli** asked about the footprint of 26 acres and would there be expansion plans. **Brian Samson** said that they would pretty much fill the whole 26 acres. **Mike Pepin** pointed out that the in-service training is the main bulk and it is normally just the 40 students per day and they are not looking to expand. **Michael Casinelli** asked would they need a Major Use

xPermit and **Deena Raver** pointed out that they are checking on that since they are a law enforcement facility, but would follow CEQA. **Michael Casinelli** asked them to be aware of the sound attenuation problems that are far greater out here in the rural area as sound travels much farther and echoes off the surrounding hills and mountains. **George Novinger** asked if the students would be bused in or individual cars. **Mike Pepin** stated that most would be individual cars or car pools and probably not buses. **George Novinger** suggested that they needed to know whether the buses would work on their access road and they will check into it in case they decide that would be a viable option. **Joe Stuyvesant** thanked them for coming and suggested they report back to us when their project is farther along.

Steve Wragg rejoined the meeting at this time.

6. SANDAG PRESENTATION ON THE “KEEP SAN DIEGO MOVING FORWARD” MEASURE. **Ray Major, Chief Economist of SANDAG, and Ashley Osterhout presented** the “Keep San Diego Moving Forward” Measure. He went over the Transit Network and Highway Network that impact East County. This is a long-term plan and the region is expected to grow 30% through 2050. The websites www.keepsandiegomoving.com or sandag.org/priorities has the projects listed. They showed a video that talked about a balanced plan utilizing funds generated by the tax increase, which could not be touched by Sacramento. It would look at prioritizing projects in the different communities, including freeway-to-freeway connectors, reliable transit services. Proposed projects include new trolley routes and train times for commuters. Significant funds would be set up to purchase open space as a means of reducing wild fires. Shorter trips including 2300 new bike lanes and increased trolley will be established. The transit half cent sales tax has helped to Keep San Diego Moving and one can find more information by looking at the interactive maps to see the proposed plans. The November 2016 ballot measure has been heavily publicized and would raise about \$18 billion over forty years and could not be taken away by the State. They have been successful in getting other funds to add to the amount generated to improve the transportation in our County. East County road improvements include new connectors between SR125 and SR94 East both North and South. \$2 billion is set aside to purchase open space. San Diego residents take about 3 million work trips per year. 73% of the people who live in East County do not work in East County. The greatest percentage go to North County to work. 196,000 residents live in the area and 62,000 come into East County to work every day. June 24 is the first reading of the Ordinance at SANDAG and July 8 is the second reading and August 8 it goes before BOS and then onto the ballot. **Steve Wragg** asked about the money being spent if it is for mitigation for the areas. **Ray Major** said yes but it is primarily used to purchase open space in the back county. The increase is an additional ½ cent on top of the existing ½ cent that goes until 2040 and will take a 2/3rd vote to pass. Priority projects have been put up by the legislators. **Randy White** asked about the East County and was told that the State Route 94/State Route 125 and the State Route 67 corridor are part of this funding measure. **Ray Major** suggested that we refer to the website. **Bill Herde** asked about the area out here that seems to have been ignored by SANDAG including SR94 and our bike lanes. **Ray Major** pointed out that we need to contact our Supervisor and see if we can get our problem areas in the 30% that the County has control over. We could also attend SANDAG meetings to highlight specific projects. **Janet Mulder** asked about the Traffic Advisory Committee to whom we have spoken about the need for more bike lanes, and its relationship to SANDAG and was told there isn't one. **George Novinger** asked how do SANDAG and Caltrans relate and can the money be used to improve a Caltrans road? **Ray Major** said that Caltrans maintains the roads that SANDAG approves and builds. SANDAG has a close

working relationship and they make improvements to the Caltrans roads.

Michael Casinelli thanked them for driving to the meeting for now they realize we are not a flatland but quite mountainous. It seems that when SANDAG estimates future population growth for Jamul, they do not take into consideration the limitations due to terrain and that there is no sewer, requiring greater amount of land per residence. What terminology was used to determine the numbers of drivers leaving our area, as it seemed high? **Ray Major** said it is statistically determined using census data. **Michael Casinelli** asked about the \$500 million being spent in San Diego on bike lanes and said they are not being used. We have met with SANDAG regarding our bicyclists as it is very dangerous but they could not help us as we have been told “there is no interest in our area” “It appears that SANDAG is only interested in getting people to utilize bicycles instead of cars, and not traffic safety, particularly with the 1,000s of recreational bicyclists in the backcountry, and that adding bike lanes by itself will not alter human behavior. That would require education efforts starting before people turn driving age.” And he added that bicyclists in the downtown area, where there new full-lanes designated for cyclists, are not being used by the cyclists, instead they still riding in the car lanes. It was pointed out that the new law requiring 3 foot distance between bicyclist and car cannot be followed in our area safely unless the driver stays behind the bikes for miles as our roads are too narrow and windy. **Richard Marzec** asked if the slides on growth population forecasting on East County were available. **Ray Major** stated that he would look for the East County forecast and get it to us. **Jean Strouf** reminded us that the numbers of bicyclists on the Jamul roads is huge on the weekends and it is very hazardous. **Bill Herde** asked what it would take to get SANDAG to use a Portland type of approach to bike lanes. **Joe Stuyvesant** asked about the future vehicles and asked if we are building an infrastructure for vehicles that will be obsolete? **Ray Major** said that they are aware of the future and SANDAG people go to conferences to keep up to date. **Joe Stuyvesant** said we in East County feel a bit like Rodney Dangerfield, and **Ray Major** pointed out that Dianne Jacob is now on the SANDAG and it would be a great time to get her input. **Joe Stuyvesant** thanked them for coming.

7. **SUBCOMMITTEE REPORT ON CALTRANS FEIR LETTER RESPONSE – Janet Mulder and Michael Casinelli reporting.** Michael pointed out that he had great deal of admiration for the members of the sub-committee, but he feels that this letter may not be strong enough, and he feels that we need to bring up the history of the project and that not sending in comments may be perceived as agreeing or at least not finding problems with the project. He would suggest attaching our prior letter but will go along with the Group, but would like to reiterate our concerns. **Jean Strouf** likes the brevity of the letter. **Bill Herde** said the Planning Group had not been happy with the form of the previous letter, but feels that a short letter, plainly stating that there is not adequate emphasis on the traffic problems would be good. **Joe Stuyvesant** said he felt the letter was good but needed a couple of edits. It is important to remember that our job is to advise the County as to land use decisions. We can express disappointment that they did not address the specific safety concerns to our community. **George Novinger** suggested that we might “incorporate by reference” and identify our comments in the previous letter by date and reference it in our letter. A few other minor corrections were noted. **Michael Casinelli moved approval of the letter attaching the copy of the letter written August 24, 2015, detailing our concerns and signed by Joe to be sent to David Nagy. Motion carried unanimously.**
8. **TRAFFIC CONCERNS UPDATE REPORT ON MTG WITH COUNTY REPS – Janet Mulder reporting** that she and **Michael Casinelli** met with **Eric Lardy** and **Murali Pasumarthi** who shared the traffic surveys completed by **Murali** and staff. The traffic counts

were taken between April 30 and May 6 and will be retaken in October which is several months after the proposed casino's planned opening and should reflect the difference in the traffic resulting from the casino. **Eric Lardy** of San Diego County Staff emailed the following information which were the four requirements that the JIV made per the agreement:

- Transportation Impact Fee – Total payments made of \$1.521 Million, completed 1 year after the Casino opens. First payment made of \$541k
- Improvements to 8 County Intersections – payment made \$400k (Work to be scheduled and completed by DPW Transportation Division in late 2016 and early 2017) Intersections include Jamul Drive at Lyons Valley Rd; Honey Springs/Skyline Truck Trail at Lyons Valley Rd; Lawson Valley Rd and Skyline Truck Trail; Peg Leg Mine Road & Lyons Valley Rd; Rocky Sage Rd and Lyons Valley Rd; Lyons Valley Road and Skyline TT; plus SR-94 at Vista Sage Road and SR-94 at Vista Diego Road
- Steele Canyon Road left turn lane, \$750k due per MOU. First payment made for environmental and design. Design and environmental certification anticipated by June 2017 with right of way acquisition to follow. Estimated construction start by June 2018. Potential delays due to unanticipated environmental certification or right of way acquisition issues could extend estimated construction start date - \$350k made as first payment.
- Caltrans Mitigation - \$1.1million for improvements to Otay Lakes (Signalization) and Vista Sage and Vista Diego. Payment if County and Caltrans agree before Jan. 30, 2017, or to County following no agreement from County and Caltrans.

9. **JAMUL INDIAN VILLAGE UPDATE – Jean Strouf received a couple of letters from EPA and Regional Water Quality Board voicing major concerns that they have and she is recommending we attach them to our minutes for the record to show their concerns. Jean Strouf moved we attach these letters to the minutes. Passed unanimously. (They are attached at the end of these minutes)**

10. **JDCPG OFFICER'S ANNOUNCEMENTS AND REPORTS:**

Due to lateness of the hour, Joe held the announcements except to point out that the odd numbered seats will be up for election this November. This includes **Elizabeth Kelly, Preston Brown, George Novinger, Joe Stuyvesant, Joan Kouns, Earl Katzer, Richard Marzec and Steve Wragg**. They will need to adhere to the deadline for turning in their papers of nomination to the Registrar of Voters Office. The timeframe for pulling papers **opens on July 18 and closes on August 12**, so be sure to go to the Registrar's Office to file your papers before the deadline.

11. **SCHEDULED SUBCOMMITTEE MEETINGS:**

None scheduled – please see agenda for up-to-date list.

Meeting Adjourned 9:51 by Joe Stuyvesant Chair.

Respectfully submitted,
Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, June 28, 2016

OAK GROVE MIDDLE SCHOOL LIBRARY

**Meeting minutes and agendas can be accessed at
<http://www.sdcounty.ca.gov/pds/CommunityGroups.html>**

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Attached Letter from JDCPG to David Nagy, Caltrans re Final Environmental Impact Report for State Route 94 Improvement Project is followed by the August 2015 JDCPG letter to David Nagy re Caltrans DEIR.

The last two letters are the ones provided by Jean Strouf discussed under agenda item 10.

Jamul Dulzura Community Planning Group
P. O. Box 613 • Jamul, CA 91935

June 14, 2016

David Nagy, Chief Environmental Analysis
California Department of Transportation District 11
4050 Taylor Street MS242
San Diego, CA 92110

RE: FINAL ENVIRONMENTAL IMPACT REPORT FOR STATE ROUTE 94 IMPROVEMENT PROJECT

Dear Mr. Nagy:

The Jamul Dulzura Community Planning Group has reviewed the Final Environmental Impact Report (FEIR) for State Route 94 Improvement Project. We are disappointed the FEIR has failed to adequately correlate their project with the actual increase in traffic caused by the casino, and it has not addressed most of our safety concerns created by the resultant increase in traffic as referenced in our August 24 2015 letter to you, RE: Final Environmental Impact Report for State Route 94 Improvement Project (attached).

We remain steadfast in our belief that there will be a significant human cost if SR-94 highway safety is not improved as soon as possible. We therefore request Caltrans include the following critical highway improvements in planning for all future projects on SR-94:

- The intersections where Vista Sage Lane and Vista Diego Road meet SR94 are currently dangerous and common accident scenes. A center turn lane and acceleration/deceleration lanes must be added.
- Maintain four-lanes from the SR-94/54 intersection to Steele Canyon Road and include sidewalks for students walking to and from the High School as well as widening the bridge over the Sweetwater River.
- Otay Lakes Rd/ Honey Springs Rd at SR 94 need to be signalized and the intersections realigned.
- Improve the various deficient lines of sight along the length of SR-94.

None of these Road Improvement Projects is less important than another, and there are many more we have documented in previous communications with Caltrans. Given the additional volume of traffic on SR-94 generated by the JIV Casino, we strongly urge Caltrans to take action, as failure to act on any of these will lead to increase injuries and fatalities.

Sincerely,



Joe Stuyvesant, Chair

Jamul Dulzura Community Planning Group

Jamul Dulzura Community Planning Group
P.O. BOX 613 • Jamul, CA 91935

August 25, 2015

David Nagy
Environmental Branch Chief
California Department of Transportation District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

RE: Jamul Dulzura Community Planning Group Comments
Draft Environmental Impact Report State Route 94 Improvement Project

Dear Mr. Nagy:

Caltrans is the lead agency for CEQA concerning environmental impacts resulting from an economic development project by the Jamul Indian Village (JIV). Caltrans has a responsibility to make travel safe on state highways for all, and it is understandable the first concern would fall to the directly impacted SR-94 highway. Caltrans' stated mission is to "provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability". Jamul Dulzura Community Planning Group believes that Caltrans would be abdicating its responsibility by accepting a minimal set of improvements to five intersections as mitigation for a major commercial development that will bring a projected 9,000 additional Average Daily Trips (ADT) on SR-94.

The scope of mitigation as proposed is far too narrow. A "whole community" approach to traffic management needs to be taken if Caltrans is going to fulfill its obligations to all Californians. To ensure traffic safety, Caltrans must take into consideration all connecting roads and impacts on them. The proposed improvements take only a restricted and incomplete examination of a single transportation asset. Missing from their analysis is the impact on the flow of traffic from four lanes reduced to two lanes across the bridge over the Sweetwater River in both directions. The widening of SR-94 before and after this bridge will cause a dangerous "choke point". As part of the required mitigation, the bridge **must be widened** to be equally as wide as the road in order to avoid forcing traffic to squeeze into two lanes from four on both sides.

The Draft Environmental Impact Report (DEIR) is looking solely at SR-94 and surface roads off of SR-94 are not considered. Feeder roads, providing residents their only vehicular access, include Millar Ranch Road (which houses critical infrastructure components on San Miguel Mountain), Cougar Canyon Road, Noah Homes Entrance, Vista Sage Lane, Vista Diego Road, Hillside Drive, Short Court and Las Palmas Drive, as well as the pump station and several smaller driveways are all severely impacted. Turning lanes need to be provided at all of these locations for safety of all motorists. In addition, the area near Steele Canyon High School and Cougar Canyon Drive is not adequately improved for increased vehicle traffic. There are no accommodations to address the hundreds of students, including runners from the Cross Country team, and bicycle traffic approaching the school or crossing the Sweetwater River Bridge who have no alternative but to use this route.

There are valid concerns regarding other routes to and from the JIV Project including but not limited to, Proctor Valley Road, Otay Lakes Road, Honey Springs Road, Steele Canyon Drive, Jamul Drive, Skyline Truck Trail and Lyons Valley Road, which are used extensively when SR-94 becomes congested in emergency situations such as fire evacuation or a major accident. The additional traffic, with increased signaling and choke points, present a threat to public safety and increased emergency response time. The fire danger in our area is of great concern! Our community has had to evacuate several times in the last few years, and SR-94 is our primary ingress and egress for the majority of our residents. SR-94 is especially vulnerable to fire as it crosses thousands of acres of conservation wilderness land. These are highly fire-prone watershed areas. Current drought conditions have placed California in a state of emergency exasperating an already critical concern.

SR-94 is a major corridor for commercial and governmental traffic. According to a May, 2014, report by SANDAG, the Tecate Port Of Entry (POE) handled 48,000 northbound trucks and 1.5 million passenger vehicles, with an economic impact of \$674,000,000 which is important even beyond our region. Any improvements need to consider large trucks' interaction with the proposed increased traffic going to and from the Tecate POE as an impact to regional commerce, which needs to be mitigated.

SR-94 is a popular bicycle route used frequently for large events with riders utilizing the road shoulder from Jamacha Blvd. through Otay Lakes Rd. Bicycle clubs hold weekend events on a regular basis with fifty to one-hundred bicyclists riding as a group. For example, the 2015 *Campagnolo Gran Fondo* event last April drew over 1,500 entrants. Adding 9,000 ADT to the traffic can be expected to significantly increase the risk for bicyclists and motorists, and needs to be mitigated. Bike lanes need to be included in all of the alternatives.

CEQA requires that Caltrans take into consideration environmental impacts including the wildlife corridors and concomitant roadkill. According to UC Davis' Road Ecology Center co-director Fraser Shilling, "The rural East County community of Jamul has garnered some statewide attention: the stretch of Highway 94 that runs from Rancho San Diego east toward Dulzura was ranked by researchers at UC Davis as one of the state's top hot spots for roadkill observations." However as striking as this may be, the California Fish & Wildlife (CFW) stated that a more professional and in-depth on-the-ground study, and not a drive through windshield study, has to be done to get a clear picture of the real numbers in wildlife roadkill. In response, Caltrans stated that they were making plans "to build five new wildlife crossing structures along the corridor." The CFW suggested overpasses or underpasses to create safe corridors. The data on this subject and the studies by Caltrans to mitigate this growing disaster are not integrated into the SR-94 improvements. Caltrans at this time is not incorporating the historical records into their analysis, and is depending completely on the information supplied by JIV. What has Caltrans required of JIV to avoid making this situation worse with the addition of 9,000 ADT?

Following is a list of further specific concerns for the mitigations as proposed:

- There are no improvements proposed on SR-94 east of the construction site. Impact on this segment is expected to be felt as far as Tecate. A major oversight is the omission of improvements at the intersections of SR-94 with Otay Lakes Road and Honey Springs

Road. JDCPG has repeatedly recommended acceleration and deceleration lanes on SR-94 at Otay Lakes Road to allow for safe ingress and egress due to the increase in traffic to and from South Bay.

- The proposals include several changes in lane count from two to three or four, then back to two. These can be expected to increase opportunities for accidents and congestion especially when considering the commercial traffic involvement. This will be most pronounced if there are multiple signals installed in close proximity to each other.
- Businesses at the intersection of Steele Canyon Road and SR-94 are impacted long-term by the removal of parking spaces. It is noted on Page 2.1-21 that the remaining spaces meet the minimum requirement by County Code, but the loss of 23 parking spaces will be a considerable hardship. We believe the added lanes on SR-94 at this intersection only add storage for vehicles stopped for the light, and have the potential to aggravate what is already a dangerous maneuver to access the businesses on the south side of SR-94. The modifications do not offer enough merit to counter the economic cost to these businesses, nor the difficulty of another traffic merge past the light and should be altered.
- The current proposal presents Alternatives 1 & 2 with access directly from SR-94 into the JIV Project site. All options using direct access to SR-94 have major safety issues by stopping traffic on SR-94 at or near a location with poor visibility in either direction. It is important to remember that our rural area is a magnet for tourism on the Scenic Highway. Visitors from the San Diego region and beyond come to enjoy these rural environmental assets for backcountry recreation and wilderness field trips as well as professional wildlife studies. All the options for entry directly onto SR-94 also add another signal in very close proximity to one being planned at Melody Road, which we feel is counterproductive and creates an unnecessary nexus of traffic congestion.

JDCPG has always felt that Caltrans was correct in previous assessments that the best access alternative for the project is to use Melody Road, which is proposed as Alternative 3 in the DEIR. Please refer to the excerpts from the following Caltrans letters to JIV:

- August, 2006 **Mario Orso of Caltrans** stated: "Access to this proposed development will only be allowed via existing Melody Road";
- October, 2008 **Al Cox of Caltrans** Development Review Branch reaffirmed this position;
- January, 2007 **Bill Figge of Caltrans** clearly stated that "Caltrans prefers that access to the development from SR-94 be pursued via Melody Road";
- January, 2008 **Mark Bobotis of Caltrans** stated, "meeting options for access along SR-94 and Melody Road, including alignment, ...should be included";
- April, 2007 **Pedro Orso-Delgado, Caltrans District Director** states, "Caltrans still views Melody Road as the most desirable access for the Tribe's proposed project because it is the most compatible with existing traffic and other proposed development in the Jamul community" confirming once gain Caltrans stated preference.

(Copies of letters supplied upon request)

It is also important to remember that Caltrans required Peaceful Valley Ranch, a private development, to enter SR-94 at the Melody Road intersection. We were repeatedly assured in face-to-face meetings, that Caltrans “would never treat a private developer and a sovereign nation differently.” We are not aware of any conditions that have changed to give Caltrans cause to alter their previous position and demonstrated requirements. Caltrans states many times that “The safety of the traveling public is our highest priority”. **We would urge you to maintain this standard in the requirements for this project and make the Melody Road, Alternative 3, Caltrans’ preferred alternative.**

The Key View Locations starting with Figure 2.6.1 through 2.6.18 are all quite misleading as they show an extremely minimal number of vehicles travelling on SR-94 or any of the feeder streets. We question the credibility of these photographs and would ask that you look at the photographs we have attached that show a more typical number of vehicles on our road without the additional 9000 ADT estimated with this development. An adequate road study during peak traffic times needs to be completed.

The proposed Non-Access and Access Road Alignments are totally inadequate to mitigate the overwhelming traffic-related environmental problems that occur with the addition of 9,000 cars on SR-94. On page 3-21 the statement is made “The Proposed Project would not result in long-term vehicular related emissions as the Proposed Project does not itself increase traffic”. This statement is confusing at best, as the increased traffic from the casino project is **the** reason for the proposed project. The additional traffic, with controlled intersections and vehicular storage areas, has the potential to increase aerially deposited lead (ADL) and other contaminants into the surrounding area, which settle in close proximity to the road and increase the environmental impact in our rural area.

Using their figures on pages 3-4 and 3-5, the DEIR lists fifteen proposed projects with a number of maximum possible home sites that total 310. If one multiplies that maximum number by 12 ADT per home, one is still well below the proposed 9,000 ADT for this development and yet the DEIR consistently uses the phrase, “When other projects are considered, residential and commercial development throughout the Jamul community is continuing, contributing to the transformation of the rural area to a more built urban environment.” The point is that none of these proposed projects individually nor collectively will have comparable significant impacts as found in this project, which are not being mitigated to the extent to make them considered non-significant impacts.

Perhaps most concerning is the timing of the implementation of all improvements designated as mitigation measures. Increased traffic can be expected to begin with the opening of the project. Any construction to SR-94 improvements not completed at that time would exponentially compound the problems due to the dramatic increase in traffic. Therefore **it is imperative that Caltrans require all of the mitigation to be completed prior to opening of the facility** as recognized by Caltrans in their letter to JIV, dated April 2012, in section 4.9 which states “...should be the responsibility of the JIV to implement the described improvements **prior** to the opening of the gaming facility.”

We strongly request that Caltrans require more improvements to SR-94 at the intersections we have listed to make sure adequate mitigation is included in the areas in which we have voiced our concern for the safety of our residents and visitors. In addition, we would ask Caltrans to

condition its approval on an agreement from JIV to work with the County of San Diego to improve the significantly impacted roads in their jurisdiction as well.

In conclusion, as duly elected members of our community charged with representing the best interests of the residents of Jamul and Dulzura on land use issues, we urge Caltrans to hear our concerns and help us to ensure the safety of our residents and visitors as they traverse SR-94 and the streets that feed into this scenic highway by requiring the improvements necessary to adequately mitigate these significant impacts that 9,000 additional ADT will bring upon our community. To proceed with **only** the mitigation proposed in this Draft Environmental Impact Report would be negligent, as all of the alternatives are inadequate and much more comprehensive mitigation needs to be required. Please review our iteration of roads that were not even considered in the mitigation, and know it is imperative that they be made safe for our residents!

Thank you for your consideration of our concerns and suggestions.

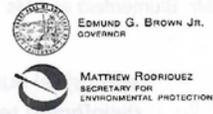
Sincerely,



Joe Stuyvesant, Chair
Jamul Dulzura Community Planning Group

JS/JM

cc: Supervisor Dianne Jacob
Mark Wardlaw, Director PDS County of San Diego
Eric Lardy, County of San Diego
Congressman Duncan D. Hunter
Congressman Juan Vargas
Senator Dianne Feinstein
Governor Jerry Brown
Joginder Dhillon, Senior Advisor to Governor
Assemblyman Brian Jones
State Senator Joel Anderson
Laurie Berman, Caltrans District Director
Bill Figge, Caltrans Assistant Director
Chi Vargas, Caltrans Advance Planning



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SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

June 2, 2016

Jared Blumenfeld, Regional Administrator
Kathleen Johnson, Director, Enforcement Div.
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

In reply refer to:
824333:ACali

Subject: Comments Regarding the Jamul Indian Village Gaming Development Project

Mr. Blumenfeld and Ms. Johnson:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shares the concerns of the U.S. Environmental Protection Agency (USEPA) that the wastewater treatment and disposal system for the Jamul Indian Village (JIV) Gaming Development Project is inadequate to protect water quality. The USEPA expressed its concerns in a letter dated May 10, 2016 to the National Indian Gaming Commission. The concerns stem from the Wastewater Addendum Tribal Environmental Evaluation for the Jamul Indian Village Gaming Development Project (Project) dated April 2015 (hereinafter referred to as Addendum). The San Diego Water Board is the principal state agency in this region responsible for ensuring that human health and the environment are protected through the implementation and enforcement of California's water quality laws and regulations.

The San Diego Water Board requests that the USEPA, as the lead environmental regulatory agency for the JIV Gaming Project, consider the following additional comments and address them with the project proponent to ensure that the wastewater treatment system and disposal system do not create a condition of pollution or nuisance in groundwaters or waters of the United States.

WASTEWATER TREATMENT CONCERNS

1. USEPA should ensure that the membrane bioreactor (MBR) system utilized at the JIV Gaming Development Project will produce effluent that does not exceed water quality objectives in groundwater for parameters of concern. Parameters of particular concern include the concentrations of total nitrogen and total dissolved solids (TDS) expected from the MBR.
2. USEPA should ensure that the disinfection system utilized by the wastewater treatment plant will comply with California Code of Regulations title 22 recycled water requirements. The Addendum states that the facility will reuse recycled water via toilet

HENRY ABARBANEL, PH.D., CHAIR DAVID GIBSON, EXECUTIVE OFFICER

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and urinal flushing. Compliance with title 22 requires the level of treatment to be disinfected tertiary wastewater¹ for these reuses.

SITE CHARACTERISTICS

1. USEPA should ensure that the distance from the bottom of the disposal areas (stormchambers) to groundwater meets minimum separation requirements to prevent the discharge from creating a condition of pollution in the underlying groundwater.
2. USEPA should ensure that there is an appropriate setback distance between the edge of the disposal area and any flowing stream or ephemeral stream (e.g, Willow Creek). The purpose of the setback distance is to protect people from exposure to bacteria and other pathogens if the treated wastewater surfaces in a nearby drainage. A setback distance of 50 feet for disinfected tertiary recycled water is required in statewide waste discharge requirements² for similar types of disposal facilities. The waste discharge requirements also provide definitions of "flowing stream" and "ephemeral stream" for the purposes of establishing setbacks.

DISPOSAL AREA INFILTRATION CAPACITY

The Addendum presents results of the site-specific percolation testing that generally indicate the presence of rather impermeable soils which are not likely to function well for effective disposal of treated wastewater from the proposed facility. Specific percolation test results that are relevant to the location of the disposal area are labeled SCP-1, SCP-2, SCP-4, SCP-5, SCP-6, and SCP-7. Four of the six tests indicate extremely slow percolation rates that would require over 100 percent reserve area based on the minutes per inch (MPI) presented in the Addendum.³ The stormchambers area appear to be undersized for the proposed design flow rate and USEPA should reevaluate the likelihood of a failure of the proposed wastewater disposal system. If the disposal system were to fail, treated wastewater flow paths would likely allow treated wastewater to daylight in unintended locations adjacent to the disposal system.

WATER BALANCE AND RECYCLED WATER REUSE

The USEPA should validate the assumptions used in, and verify the changes made to the projected water balance presented in Table 2 of the Addendum. The changes in the estimated water balance, between 2013 and 2015, were presented without supporting rationale for those changes. Invalid assumptions concerning the project's water balance and reuses could result in an underestimation of the volume of treated wastewater needing disposal. If so, the number of truck loads needed to dispose of the treated wastewater could be significantly higher than

¹ Title 22, California Code of Regulations, section 6031.220.

² Order No. DWQ 2014-0153, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems*. http://www.swrcb.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0153_dwq.pdf

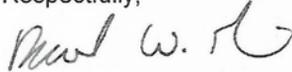
³ County of San Diego Department of Environmental Health, *Design Manual for Onsite Wastewater Treatment Systems*, November 25, 2013.

the number presented in the Addendum. The San Diego Water Board recommends the following actions:

1. USEPA should further assess the assumptions concerning the factors contributing to the estimated decrease of roughly 15.0 million gallons per year (MG/year) of reuse in the design.⁴
2. USEPA should further assess the accuracy of the over 4.0 MG/year increase in expected demand for irrigation.⁵
3. USEPA should ensure that the 0.17 MG/year of "waste activated sludge" (or WAS) is properly managed and disposed.

My staff and I are available to meet with you and your staff to further discuss our comments and concerns. Specific questions concerning the comments in this letter should be directed to Mr. Alex Cali at 619-521-3355, or at Alex.Cali@waterboards.ca.gov.

Respectfully,



Dave W. Gibson
Executive Officer

DWG:jgs:jac:jro:ac

cc: Mr. Edmund Pert, Regional Manager South Coast Region, California Department of Fish and Wildlife, 3883 Ruffin Road, San Diego, CA 92123

Ms. Erica Pinto, Chairperson Diegueno Band of the Kumeyaay Nation. P.O. Box 612, Jamul, CA 91935-0612

Mr. Richard Tellow, Environmental Director, Jamul Indian Village, P.O. Box 612, Jamul, CA 91935-0612

cc via email: Ms. Gita Kapahi, Tribal Liaison and Director of Public Participation, State Water Resources Control Board, Gita.Kapahi@waterboards.ca.gov

Tech Staff Info & Use	
Place ID	824333

⁴ See Table 2, Wastewater Addendum Tribal Environmental Evaluation for the Jamul Indian Village Gaming Development Project, April 2015.

⁵ See Table 2, Wastewater Addendum Tribal Environmental Evaluation for the Jamul Indian Village Gaming Development Project, April 2015.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 10, 2016

John Hay
Associate General Counsel
National Indian Gaming Commission
c/o Department of the Interior
1849 C Street NW, Mail Stop #1621
Washington, DC 20240

Subject: EPA comments on the Jamul Indian Village Draft Supplemental Environmental Impact Statement (DSEIS), San Diego County, California (CEQ# 20160072)

Dear Mr. Hay:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The DSEIS supplements the 2003 Final Environmental Impact Statement (FEIS) for Jamul Indian Village to address revisions to the proposed action that have occurred since the FEIS. Specifically, the project no longer includes a 101-acre fee-to-trust transfer, and the gaming facility has been revised to fit entirely on-Reservation. EPA understands that, without the fee-to-trust transfer, the project no longer requires BIA approval, and construction of the revised project was reevaluated in 2013 under a Tribal Environmental Evaluation (TEE) pursuant to the 1999 Tribal-State Compact process. The scope of the current proposed action is limited to the Gaming Management Agreement between the Tribe and the proposed operator San Diego Gaming Ventures, subject to approval by the National Indian Gaming Commission (NIGC). Because approval of the management contract is not a prerequisite to the Tribe's right to build a casino, the gaming facility is currently under construction and scheduled to open in the summer of 2016.

Although the TEE is not, itself, a NEPA document, it is incorporated by reference in the DSEIS and includes information regarding matters relevant to EPA's jurisdiction and expertise, including wastewater disposal. The project description in the Wastewater Addendum to the TEE indicates that most of the treated wastewater would be disposed within an on-Reservation disposal field. However, according to the letter reports in the Addendum, which document the soil conditions and percolation test methodology/results for the disposal field locations¹, the rock characterization within the effluent infiltration area identified fractures that could enable treated effluent flows to intersect groundwater and daylight along Willow Creek to the east and southeast of the infiltration areas. This indicates a potential hydrological connection between groundwater and surface waters. The Clean Water Act prohibits the discharge of any pollutant to surface waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Because of the potential hydrological connection identified, an

¹ Appendix 1, February 23, 2015 letter from Construction Testing and Engineering, Inc. to Jamul Indian Village of California with subject: *Summary of Percolation Rates and Rock Characterization for Proposed Stormchamber Infiltration Design, Jamul Indian Village Hollywood Casino, West Side of SR94, South of Melody Road, Jamul, California*

NPDES permit may be required for the proposed wastewater disposal; however, the SDEIS does not disclose this and EPA has not received an application for such a permit.

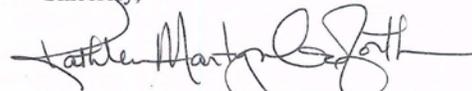
Based on the potential for unpermitted discharges to enter surface waters, we have rated the DSEIS as *Environmental Concerns – Insufficient Information (EC-2)* (see enclosed “Summary of Rating Definitions”). We recommend that the Final EIS carefully evaluate and disclose whether there would be a discharge of pollutants to Willow Creek from the wastewater treatment system, and identify all Federal permits, licenses, and other entitlements that must be obtained to implement the proposal, per 40 CFR 1502.25(b). Please contact Jamie Marincola in EPA Region 9’s Water Division, NPDES Permits Office, at 415-972-3520 or marincola.jamespaul@epa.gov, for additional information regarding NPDES permitting.

Subsurface disposal to leachfields is regulated by EPA as a Class V well under the Underground Injection Control (UIC) Program and requires registration and operation in a manner that will not contaminate underground sources of drinking water. The installation and calibration of subsurface disposal lines should be closely monitored by the responsible engineer, along with development of a monitoring program that will ensure the subsurface effluent disposal system is operating effectively. Class V wells must be registered at: <http://www2.epa.gov/uic/forms/underground-injection-wells-registration>. The EPA Region 9 contact for the UIC program is Leslie Greenberg, who can be reached at 415-972-3349 or greenberg.leslie@epa.gov.

The DSEIS states that the Tribe would obtain any necessary operating permits from the U.S. EPA to ensure that proposed new or modified commercial and industrial equipment and operations comply with federal Clean Air Act requirements, including applicable federal New Source Review (NSR) rules. A minor NSR permit would be required prior to construction if the aggregate potential to emit from stationary emission units at the facility would exceed the minor NSR thresholds listed in Table 1 at 40 CFR 49.153. The operational air emissions in Table 5-2 of the DSEIS are well below those thresholds, but the estimates appear low for the equipment identified. We recommend that the project proponent use the potential to emit, instead of projected actual emissions, when calculating emissions to determine permitting applicability. If you have any questions regarding Tribal NSR, please contact Lawrence Maurin in EPA Region 9’s Air Division at (415) 972-3943 or maurin.lawrence@epa.gov.

EPA appreciates the opportunity to review this DSEIS. When the Final SEIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions

cc: Erica Pinto, Chairwoman, Jamul Indian Village
Richard Tellow, Environmental Director, Jamul Indian Village

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.