

**JAMUL DULZURA
COMMUNITY PLANNING GROUP
FINAL MINUTES**

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, Eileen Poole, Richard Marzec, Janet Mulder, Steve Wragg, Joe Stuyvesant, Randy White, Joan Kouns, Judy Bohlen, Preston Brown and Elizabeth Kelly
 - Absent:** Earl Katzer
 - Excused:** George Novinger, Michael Cassinelli, Bill Herde,
3. **APPROVAL OF AGENDA for July 12, 2016 and the Final Minutes of the JDCPG June 14, 2016.** Approved unanimously.
4. **OPEN FORUM** – Opportunity for persons to speak on items not on the agenda
 - a. **Judy Bohlen** will not be at the next meeting.
 - b. **Judy Bohlen** received a plot map for property behind the Seven-11 on via Caliente del Sol. Steve Wragg remembered the property and that they had severe environmental problems including slope and access.
 - c. Rob Cameron came to give us a heads up regarding the Otay Ranch Village 14,16 and 19 project that is now being submitted to the County by Jackson Pendo Development Company. Rob emphasized that this is not a new project – that it is simply a part of the already approved Otay Ranch master planned community which was approved by the Board of Supervisors several years ago and reconfirmed by the Board as part of the County’s general plan in 2011. The project as proposed actually has fewer units than the County approved in the Otay Ranch Proctor Valley Plan. They have been working with the State to put Village 16 and 19 into Open Space Preserve and using only Village 14 for development. 1530 homes are planned which is a drop from the 2200 that were approved. **Judy Bohlen** asked if all were single family and **Rob** said about 90% were single family and there were a few multiple unit dwellings. There will be a tentative map, specific plan, and general plan amendments and includes sewers. The road improvements will also be planned. The plans call for trails throughout, but may run into problems due to the wildlife agencies preferring no trails in the preserve. Lots more coming in the relatively near future.
5. **ANNOUNCEMENT: PLANNING GROUP SEATS UP FOR ELECTION IN THE FALL:**

Joe announced that the eight odd seats are up election. Members include **Elizabeth Kelly, Preston Brown, George Novinger, Joe Stuyvesant, Joan Kouns, Earl Katzer, Richard Marzec and Steve Wragg.** July 18 is the first day to file and August 12 is the

last day to file. Go to the Registrar of Voters on Overland – the most northern building.

6. Jamul Indian Village Update:

Jean Strouf, Michael Casinelli and Janet Mulder all received cds of the Final SEIS yesterday in the mail. However, none of their individual letters were included in the Response to Comments nor even recognized as the Final SEIS states there were only nine letters submitted which means they did not count all of the ones sent when the SEIS first came before us. However they did include the Planning Group letter along with ones from SD County, Supervisor Dianne Jacob, US Environmental Protection Agency, California Dept of Fish and Wildlife, Jamul Action Committee, Steve Volker, Patrick Webb, and an email from Rob Murphy. They clearly state, *“All comments received by NIGC were considered and addressed in the Final SEIS, however, no substantive changes were made.”* This means that they did not take any of our individual letters sent to John Hay prior to the April date. However since they had our names and addresses, they obviously received our letters and chose not to include them in their Response to Comments (RTC).

The letter from Andrew Mendoza, Staff Attorney, National Indian Gaming Commission Office of General Counsel states: “You may mail or email written comments to NIGC, Att. Andrew Mendoza or Andrew.Mendoza@nigc.gov . You need to include your name, return address, and the caption: “Final SEIS Comments, Jamul Indian Village” on the first page of your written comments. In order to be fully considered, written comments on the Final SEIS **must be postmarked by August 4, 2016.** Discussion followed regarding whether or not these comments make any difference to the Final SEIS, and since Mr. Mendoza’s letter says “to be fully considered” the Group felt it was important to reiterate our position with a few changes. Members of the public are also urged to follow through with their letters of concern to Mr. Mendoza.

Janet Mulder moved that JDCPG send a shortened, revised copy of our April 27, 2016 letter to Andrew Mendoza as directed in the Notice of Final SEIS before the August 4, 2016 deadline to register our continued concerns. Motion carried unanimously.
JDCPG Letter re Final SEIS is attached to these minutes.

7. JDCPG Officer’s Announcements and Reports:

a. PDS2016-STP-020001W1 – Ramos Addition – 13410 Farraday Ridge Road – site plan modification 2nd story addition 2-bedrooms over garage – Joe Stuyvesant pointed out that it will need to go through the Homeowners Association and Steve Wragg said they seem to be seeking to modify “D” designator standards.
Given to Steve Wragg with assistance from Eileen Poole to research and report back to the JDCPG.

8. SCHEDULED SUBCOMMITTEE MEETINGS:

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

Meeting Adjourned 8:45 p.m. by Joe Stuyvesant Chair.

Respectfully submitted,
Janet Mulder, Secretary

JDCPG LETTER TO NIGC RE FINAL SEIS

July 13, 2016

Andrew Mendoza
Staff Attorney
1849 C Street NW, Mail Stop #1621
Washington, DC 20240
Andrew.Mendoza@nigc.gov

Dear Mr. Mendoza:

RE: Final SEIS Comments, Jamul Indian Village

After reviewing the Final Supplemental Environmental Impact Statement (SEIS) and the Response to Comments (RTC) in detail, the Jamul Dulzura Community Planning Group (JDCPG) continues to find that the SEIS is flawed in many areas and maintains its position urging denial of the proposed Gaming Management Agreement between the Jamul Indian Village and San Diego Gaming Ventures.

The SEIS RTC makes the statement multiple times: "...the scope of the current Proposed Action is limited to the Gaming Management Agreement (GMA) between JIV and the proposed operator (San Diego Gaming Ventures [SDGV]) subject to approval by the National Indian Gaming Commission (NIGC)." This sentence makes it clear that the **JIV is still not addressing the off-reservation impacts as required by the compact agreement**, but plans to move forward with opening the gaming facility without addressing those impacts. The community feels it is impossible to divorce the GMA from the actual facility as **the GMA is dependent upon the building of the JIV Gaming facility** and therefore must share the burden of the potential impacts. Question is...How will these impacts be mitigated?

It must be noted that while much time and effort has been spent going through the motions of conducting a proper SEIS, and in the preparation of many documents in the time between 2003 and present, little has changed in the gaming facility plan since 2003. Changes to the project design, and planned mitigation proposed by JIV still **fails to adequately address most of the same major off-reservation impacts identified in 2003**. These same concerns have been consistently restated by the JDCPG in every response document to date.

Again, for the record, here is a list of major concerns and off-reservations impacts previously identified that are in need of mitigation.

Wastewater concerns (4.9.2)

Wastewater concerns include problems with potential discharge from on-site water treatment system, inadequate separation of static groundwater from effluent disposal fields, lack of adequate percolation rates in disposal fields, proximity of seepage pits to Willow Creek, and

effective storm water treatment strategies among other wastewater concerns.

The most recent examination of the proposed onsite water treatment system (OWTS) was completed by **Black & Veatch who were unable to determine the efficacy of the system** due to the limited information provided by the gaming facility. They were unable to determine if the system could treat the anticipated volume of waste and additional information was requested from the gaming facility. The request was refused. The system's treatment of brine water and raw water discharge, as well as the treated water discharge, which may well be the greatest concern. If the subsurface disposal system is not designed/reviewed/approved properly and does not work, there is no proposed backup or expansion system. Groundwater contamination and surface water contamination of Oak Creek and the downstream properties is a real possibility. They propose a shallow subsurface disposal system rather than a deeper horizontal seepage pit system which may result in the shallow surface soils which are more likely underlain by dense granite formations that will not percolate.

There is **no offer of third-party oversight** in the operation, only submittal of reports. This **dependence upon their self-monitoring** and a **lack of independent reporting** puts the greater community at risk including a key resource, Otay Lakes, the water supply for San Diego County.

In summary, without plans and calculations being provided for a complete third party review, and without any way to enforce the proposed mitigation measures, this document has very little value to insure that the JIV designs, constructs, or operates an adequate sanitary disposal system. In the event of future operational issues there is no plan of expansion included. California Fish and Wildlife addresses these same concerns in their April 13, 2016 letter to the US EPA and JIV Development Corporation.

Water Resources (4.3) Groundwater (4.3.2)

Because so many of our residents are entirely dependent upon groundwater, it is **imperative that no groundwater** ever be used in this facility or any future facility associated with this commercial development. Population growth coupled with the extreme drought conditions in our State, have caused many residents' wells to go dry. As previously stated in section 4.9.2 in our discussion on wastewater, we need to reiterate the necessity that additional measures and **independent monitoring** of the wastewater need to be taken to ensure the quality and quantity of our groundwater.

Traffic impacts (4.8.1)

Traffic issues may well be the most severe immitigable negative impact on our community. The Caltrans mitigation measures for five intersections on SR-94 and the two ingress/egress proposals, are woefully inadequate to address the major off-site impacts on our roads. When 9000+ cars are added to the already overburdened rural highway 94, the stress and impact will be enormously felt on many of the County roads. Proctor Valley Road and Otay Lakes Road could be expected to supply major access from the South Bay to the proposed casino by patrons and employees alike. Neither of these roads is capable of large increases in traffic without costly major improvements. The SEIS does not address these important corridors, even though our JDCPG has met with the JIV and Caltrans and consistently pointed out that these two roads need to be improved for safety of the prospective patrons of the casino and members

of our community who use these roads in their daily commute.

The proposed casino will more than double the Average Trips per Day on SR94, a route that currently has a rate of fatal accidents per mile, five times the county average. Accidents and emergencies will force drivers to search for alternative routes on slower, narrow, winding County roads or to attempt to find shortcuts through backroads. It is important to remember that Jamul is unique and does **not** have sufficient alternative circulation routes for emergency situations. It is important that these roads be brought up to a safety standard that will be able to handle the immense increase in traffic that is expected.

Our JDCPG, after gathering input from our community, worked with the County on a matrix of 31 County road intersections and segments that could be severely impacted, which we attached to our previous letter. The SEIS needs to address these off-site impacts generated by the proposed gaming facility. Increased traffic due to the proposed gaming facility will severely and negatively impact the ability of SR 94 to handle the anticipated traffic volumes. This increased level of wear and tear is expected to hasten road degradation. This will have impact on the International Port of Entry, community wildfire evacuation, and emergency services response. SR94 serves as a primary access to the Mexican border and congestion will impede the ability of the government to maintain operational control in national security matters.

Air Quality (4.4)

In Sections 4.4.1.1 through 4.4.1.8, the SEIS discusses various Air Pollutants. The majority of these pollutants come from motor vehicles, including diesel motor vehicles. Sections 4.4.2.1 through 4.4.2.4 discuss Federal & State Regulations of Air Quality. Currently, prior to opening, the Gaming Facility site meets most of the federal standards for criteria pollutants. These are measured by the nearest monitoring station located in El Cajon, over 7 miles away from the site. If air quality is currently marginal, and the Gaming Facility adds an additional 9000 vehicle trips daily, plus diesel utility vehicles, air quality within the entire Jamul Dulzura area will be significantly degraded to a dangerous level. Lack of local monitoring receptors is a flaw in both the analysis and future comparable data.

Biological Resources 4.5

The Gaming Facility site is adjacent to the Rancho Jamul Ecological Reserve, the Hollenbeck Canyon Wildlife Area, and the U.S. Fish & Wildlife Reserve. The Willow Creek riparian corridor with Southern Coast Live Oak runs through the facility and adjacent to it. These protected and open spaces have allowed wildlife and migratory movements. The area surrounding the Gaming Facility site is located within a “core biological area” of San Diego County as determined by the Multiple Species Conservation Program (MSCP) that supports numerous threatened and endangered animal and plant species such as the coastal California gnatcatcher, Quino checkerspot butterfly, San Diego horned lizard and San Diego fairy shrimp.

Visual Resources AKA Dark Skies (4.10.3)

The County of San Diego has designated the Jamul Sub-Region as a Dark Sky area, restricting light pollution by commercial properties. The Gaming Facility states they will use lights designed to mitigate the illumination of area. The effect of headlights from the additional 9000 vehicles per day is not addressed and is important to skies not only within the confines of the Gaming Facility, but throughout the entire adjacent area, including Rancho Jamul Ecological Reserve and Hollenbeck Canyon Wildlife area.

Public Health and Safety (4.9.5)

JIV has recognized the need for onsite health and safety services, but has made no provision for increased needs offsite. Additional law enforcement and emergency medical services will be required, but the JIV has only agreed to fee-for-service of one sheriff and a 4x4 vehicle both to be used onsite. In addition, numerous studies nationwide have been conducted which show an increased level of crime in communities post casino development, (Ref. Gaming Economics 17 Nov.2004).

Socio-Economic (4.7)

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. 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.

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 Sub region, San Diego County, hereby strongly recommends that the National Indian Gaming Commission reconsider the SEIS and deny approval of the Gaming Management Contract between the Jamul Indian Village and San Diego Gaming Ventures, LLC and direct the Jamul Indian Village to properly mitigate all off site impacts including, but not limited to those stated above. On a final note, we are disappointed and concerned that the previously promised public hearing on this matter was not honored.

Sincerely,

Joe Stuyvesant, Chair
Jamul Dulzura Community Planning Group

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, July 26, 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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