

Appendix E Part 4

Public Comment Report (Master Bracketed Comments Part 3)

5 52

From: cherylschmit@att.net (cherylschmit@att.net)
To: 'Patty Mayne'
Date: Monday, January 5, 2009 12:57:44 PM
Subject: RE: Suggested Addition for Police Services and PL 280

Patty: I have changed the color — but also attached is the document I have made my suggested edits on. That includes all edits I have forwarded to you in subsequent emails.

You are doing a very comprehensive statement. This represents a lot of very hard and tedious work. Well done.
Cheryl

-----Original Message-----

From: Patty Mayne [mailto:noahdjnanny@yahoo.com]
Sent: Monday, January 05, 2009 12:43 PM
To: cherylschmit@att.net
Subject: Re: Suggested Addition for Police Services and PL 280

Hi Cheryl,

thanks for your input. my color cartridge is out. Can you change your comments to black so I can print them out?

Sorry for the lame computer person I am!

Patty

From: "cherylschmit@att.net" <cherylschmit@att.net>
To: Patty Mayne <noahdjnanny@yahoo.com>
Sent: Monday, January 5, 2009 11:50:17 AM
Subject: Suggested Addition for Police Services and PL 280

The next issue is **POLICE SERVICES** (page 20 and 21 of Scoping Report). The Tribe recently discontinued its extra patrol services from the Riverside County Sheriff's Department and subsequently has had a multitude of crimes and criminal activity on the reservation as well as confrontations with the Riverside County Police Chief.(25)

PUT IN NEWSPAPER ARTICLES (add news article into the following under Soboba see below in red with a brief summary)

The Soboba Tribe is also leading the way in trying to dismantle PL280 which mandates protection for the reservation.(26)

PUT IN PL280 INFO. (Suggested Info for you to add)

The Soboba Band of Mission Indians is leading the charge to dismantle Public Law 280. Without Public Law 280, no emergency services can be provided to the Reservation. No protection from law enforcement in the event of a criminal act or robbery which the Soboba Tribe has already experienced. No emergency services, which the Soboba Band need for the safety of the Patrons of the Casino as required in the 1999 Tribal State Compact. (See-section 8.2 of the 1999 Tribal State Compact)

Indeed, the criminal activity at the Soboba Reservation embodies the concluding statements made in the *Inyo County v. Bishop Paiute Shoshone* case. Soboba appears to have become the predicted "...enclaves of a safe haven for the secretion of evidence and perpetrators..."?

Today's headlines, congressional oversight hearings, meetings to discuss gangs and drugs on reservations sponsored by tribal leaders and increased service calls and arrests documented by California State Sheriffs statistics clearly suggests that crime rises as casinos attract visitors who either commit or are the victims of

crime. Tribal gaming has many multi-jurisdictional issues of which law enforcement is one. The varying levels of jurisdiction complicate arrests and detention practices, which thus heighten the need for cooperative agreements, between tribes and local law enforcement to ensure the protection and safety of the public's civil and property rights.

"A study using data from every U.S. county between 1977 and 1996, found that casinos including Indian casinos and riverboat casinos are associated with increased crime (defined as FBI Index 1 Offenses: aggravated assault, rape, murder, robbery, larceny, burglary, and auto theft) after a lag of three or four years. Prior to the opening of a casino, casino, and non casino counties had similar crime rates, but six years after casino openings property crimes were eight percent higher and violent crimes were ten percent higher in casino counties."^[1]

California is now entering the 8th year of legalized tribal gaming growth and we are witnessing an increased number of crimes which include organized criminal and gang activity. Nationally Indian reservations are experiencing an increase in crime with limited resources by which to address the growing trend. The need for improved law enforcement on Indian lands has been the recent subject of Congressional hearings. According to a recent Denver Post series, U. S. Attorneys declined to prosecute 62 percent of reservation criminal cases and there has been a 27 percent decrease in criminal investigations by the FBI from 2001 through 2006.^[2]

However, statistics in California reflect the willingness of U. S. attorney's to fight crime on reservations. More importantly California statistics reflect the geographical locations of crime on Indian reservations.^[3]

| California District | Cases | Declined | Prosecuted | % |
|---------------------|-------|----------|------------|------|
| Central | 3 | 2 | 1 | 33% |
| Eastern | 1 | 1 | 0 | 0% |
| Northern | 4 | 1 | 3 | 75% |
| Southern | 19 | 0 | 19 | 100% |

In August of 1986 Attorney General Van de Kamp produced a detailed Law Report on Public Law 280. That report is now 22 years old.^[4] Much has occurred in Indian Country since August of 1986. There have been key United States Supreme Court rulings, Tribal State Compacts, Indian-specific state legislation accompanied by the explosive growth of tribal gaming. Each of these events has had a significant impact on tribes and the surrounding communities resulting in new challenges for law enforcement officers.

While the California Peace Officer Standards and Training (POST) agency worked to complete a training video on Public Law 280 in 1997-98, and that video is used in many POST training sessions, it, too, is dated. It does not account for the explosive growth in casino gambling, tribal law enforcement agencies, increased tribal and non tribal public interaction, both in Indian Country and "on the highways" to and from the casinos.

California Indian issues are unique in the nation. Our States tribal governments number 108, almost one fifth of the 562 tribal governments in the Nation and yet California has the smallest population approximately 31,623 (2001)^[5] of enrolled tribal members. California Tribes with 57 casinos^[6] earned almost 8 billion dollars in 2007 more or less a third of the 26 billion dollars earned nationally by the 220 tribal casinos.^[7]

In the early 1950's Congress perceived a lack of law enforcement and judicial services in many areas of Indian country. That concern became the central focus of federal legislation commonly known as Public Law 280 which initially required five states to assure criminal and limited civil jurisdiction over all or part of "Indian

Country” within those states and provided that the General Crimes Act and the Major Crimes Act shall not apply within those areas of “Indian County”.

California is one of the “mandatory” Public Law 280 States. A somewhat simplistic reading of this law is that local governments are required to provide law enforcement, fire and ambulance services to Indian lands. This requirement has not been significant until the introduction of full service casinos on Indian lands in often rural areas of the state. Previously dealing with tribal residential lands there was not a significant increase in the cost of service. However, the introduction of gaming on Indian lands has significantly impacted the fiscal aspects of law enforcement and emergency services.

A survey conducted in 1998 on gaming impacts sent questionnaires to all 58 Sheriffs. Thirty surveys with comments relevant to gambling impacts were returned. Sixteen surveys included information on Indian gaming. For the most part impacts were isolated and involved assaults, stolen vehicles, narcotic violations, thefts, vehicle burglary, embezzlements and possession of stolen property. In 2003, just 5 short years later, the California State Association of Counties in conjunction with law enforcement sent out a survey to all counties and determined that 32 out the 58 counties were fiscally impacted. Eight of those counties had maintained significant records and determined that there was a loss of 200 million dollars in one time development costs and between 16 and 20 million dollars a year which includes the cost of services provided by law enforcement in just those 8 counties.

Aside from the fiscal impacts which tribal gaming has brought about, organized criminal and gang activity is on the rise. In 2001 the National Indian Gaming Commission conducted 37 audits, apart from the 410 regulatory violations of cash control and employee practices (Minimum Internal Control Standards (MICS)) more that 30 cases of suspected criminal activity was turned over to federal law enforcement agencies. Some of these cases resulted in one of the largest enforcement actions in the history of the nation. The FBI characterizes this activity, which originated in San Diego California, as the largest cheating scheme ever brought by the federal government. A federal grand jury in San Diego has indicted 19 defendants of the **Tran Organization** on charges related to an alleged racketeering enterprise, money laundering and conspiracy to cheat casinos across the country out of millions of dollars.

The following is a brief list of incidents that have appeared in the press. These issues materialize independent of one another. Yet, when pieced together a trend begins to emerge. A menacing picture of increased organized criminal and gang activity comes into view. Each incidents outcome has been determined by whether or not there was cooperation, mutually agreed upon local protocol, or an enforceable agreement between the Tribe and law enforcement. This brief list does not begin to address the ripple-effect of increased crime that flows off reservation related to gaming further exacerbated by increased traffic, DUI's,

[8] [9]

Meth use and sales .

Soboba: (suggestion here – add the list of news stories with a brief summary of each)

June 2008 – Incidents at Soboba Reservation highlight the tension between Tribal Governments and law enforcement authority in California which stems from federal Public Law 280. Deputies have seized assault weapons and recovered \$500,000 in stolen vehicles. In recent months there have been shootouts, three tribal members are dead and one a former felon is being held without bail. California Department of Forestry and Fire Protection in Riverside have had to wait for a sheriff's department escort before entering Indian lands.

August of 2007 - Significant Sheriff man-hours were spent in bringing offenders of a 1.58 million dollar casino heist to justice. In these issues the Sheriffs are criticized and threatened with a law suit for doing their job and protecting the public. Members involved in the shootings had gang connections or were former felons.

San Manuel:

June: An attorney for U.S. Immigration and Customs Enforcement and his wife were arrested on suspicion of accepting thousands of dollars from both legal and illegal immigrants in exchange for immigration benefits, authorities said. ICE Assistant Chief Counsel Constantine Peter Kallas, 38, and wife Maria Kallas, 39, both of Alta Loma, were arrested Thursday at the San Manuel Indian Bingo and Casino, where authorities believed they were accepting such a bribe, U.S. Attorney spokesman Thom Mrozek said in a statement.

May 2008 -San Manuel Chairman Ramos sponsored a meeting of 40 Indian leaders to discuss gangs and drugs on reservations.

September 2007 - It was determined that at least 4 of the 200 member Tribe have links to the **Mexican Mafia** and other criminal gangs. Suspects were arrested for conspiracy to commit murder during a drug bust. The bust would not have been successful if Sheriffs had not first corralled and detained the Tribes own security force preventing them from alerting tribal members.

La Jolla:

June 2008 - San Diego County law enforcement officers patrolled the area around the La Jolla Indian Reservation campground, where the **Mongols Motor Cycle Gang** gathered, No disturbances were reported at the event however there were at least 15 arrested suspected members of the Mongols on various charges and numerous citations were issued at a stop on the highway. The Mongols are a class 1 criminal organization.

Pechanga:

May 2008 – Cathy Zhou was arrested May 1, 2008 on a commercial bribery felony charge after a State Attorney General's office investigation. The sophisticated scheme required job applicants to pay thousands of dollars in order to get hired and included advice on how to falsify work experience information on their applications. Further arrests are anticipated.

2006 – Pechanga casino executive was sentenced to four years in prison for embezzling \$500,000 from the casino to fuel an online gambling addiction.

April 2003- A man suspected of shooting a deputy at the Pechanga casino in Temecula later got into a gunfight with a deputy in the parking lot at the Rincon casino.

Rumsey:

April 5, 2003 – Ten employees, nine dealers and a supervisor were arrested on suspicion of felony embezzlement, burglary and conspiracy. This incident had a successful outcome as there is a successful working relationship between law enforcement and the Tribe.

United Auburn Indian Community:

2007: Christi Wilson is murdered by another patron at the Thunder Valley Casino. Case was resolved without the evidence of the victim's body due to cooperation with the Tribe and sophisticated security cameras.

Viejas:

August -2003 – A nephew of Viejas' past tribal chairman, is accused of stabbing two men, killing one (connected to a gang), in an October brawl at Chula Vista's Coors Amphitheatre. The investigation is hampered by the Tribal government's refusal to turn over potential records linking the incident to gang activity. When the investigation reached a juncture at which it appeared the court would require the tribal government to produce the records, the suspect confess to the crimes.

State Legislation SB 331(Current Session) – Trespass:

June 2008 - State Legislation promises to give County Sheriff's headaches in the future. It may become a useful tool and it may become a point of contention. While the language is intended to promote an effort to expel drug dealers and human traffickers and other undesirables off Indian lands, it is recognized as a potential tool of tribal governments to harass des-enrolled tribal members. In addition some tribal members are now living off reservation and have rented their reservation homes to non-Indians. This confers a need of a greater responsibility on tribal leadership to cooperate with law enforcement.

California Gambling Control Commission and MICS:

2008- California has been persistent in an effort to broaden State Regulatory oversight on tribal gaming. This oversight includes the development of MICS. In October of 2006, the federal courts ruled that the National Indian Gaming Commission no longer had authority to regulate class III gaming in California, so members of state law enforcement can look forward to suspected criminal cases being referred to their offices.

2006 Compact Language – PL 280 and Tribal Justice System:

Three of the 2006 Compacts 'obligates' the State to negotiate in *good faith* the arrangements by which a tribal court system will adjudicate claims of bodily injury, property damage, or personal injury covered under its Compact. This component expands tribal sovereignty over non-Indian citizens in California. This is an expansion of tribal sovereignty that is not supported by federal law and will have repercussions on law enforcement in California. Law enforcement armed with a detailed and thoroughly researched study of Public Law 280 will be prepared for this and additional future state or federal legislation.

It is without dispute that California's criminal law is fully enforceable in Indian Country granting California Sheriffs both the authority and the obligation to protect Indian and non Indians from criminals on California's Reservation and Rancherias.

The most recent effort by the Riverside County Sheriff in the development of a "mediation agreement" is a good beginning but does not clarify the authority or jurisdiction of State Peace Officers in Public Law 280 or the police powers of the State of California.

Nevertheless, the Soboba Band of Mission Indians does not appear to be ready to engage in cooperative agreements that are judicially enforceable by the State of California.

Thus, why expand the jurisdiction and authority of a government unwilling to provide adequate safety for not only its members but for the thousands of non tribal citizens it invites onto the reservation in order to enjoy economic development. What responsibility will the Secretary of the Interior and the National Indian Gaming Commission take to protect the life safety of the casino patrons?

CFR 25 151.10 clearly states that the Secretary of the Interior must consider and evaluate "jurisdictional problems and potential conflicts of land use which may arise". An extreme jurisdictional conflict over the life safety of the public already exists. Approval of the proposed acquisition will only exacerbate and expand the problems.

Soboba has offered NO alternative plan for public health and safety other than to state elimination of PL 280. The Tribe must provide a detailed and comprehensive plan for public health and safety in relationship to the proposed acquisition and its use.

This uncertainty in the area of who provides services and how is unsettling to the SOC communities who would be directly affected by this Project and fee-to-trust acquisition.

According to Lt. Vest, San Jacinto Police Chief, "if the area is approved and dropped from the city, the responsibility for police and fire protection would revert to Riverside County (Fire and Sheriff). For our SOC communities, this may entail longer wait times for service.

[1] Gambling in the Golden State, Ph.D Charlene Ware, May 2006, California State Research Library, Report commissioned by Attorney General Lockyer.

[2] Federal prosecutor rejects criticism of Justice Department, June 20, 2008, <http://www.indianz.com/News/2008/009417.asp?print=1>

[3] Michael Riley, The Denver Post, Nov. 14, 2007, *Principles, politics collide*. Statistics represent fiscal year from 2004-2007. http://www.denverpost.com/news/ci_7446439

[4] Part I and II of Peace Officer Report – P.L. 280 July 1986 *will be attached as a pdf*

[5] Gambling in the Golden State 1998 Forward, By Charlene Wear Simmons, Ph.D Assistant Director, May 2006 at page 5. Report was requested by Attorney General Lockyer.

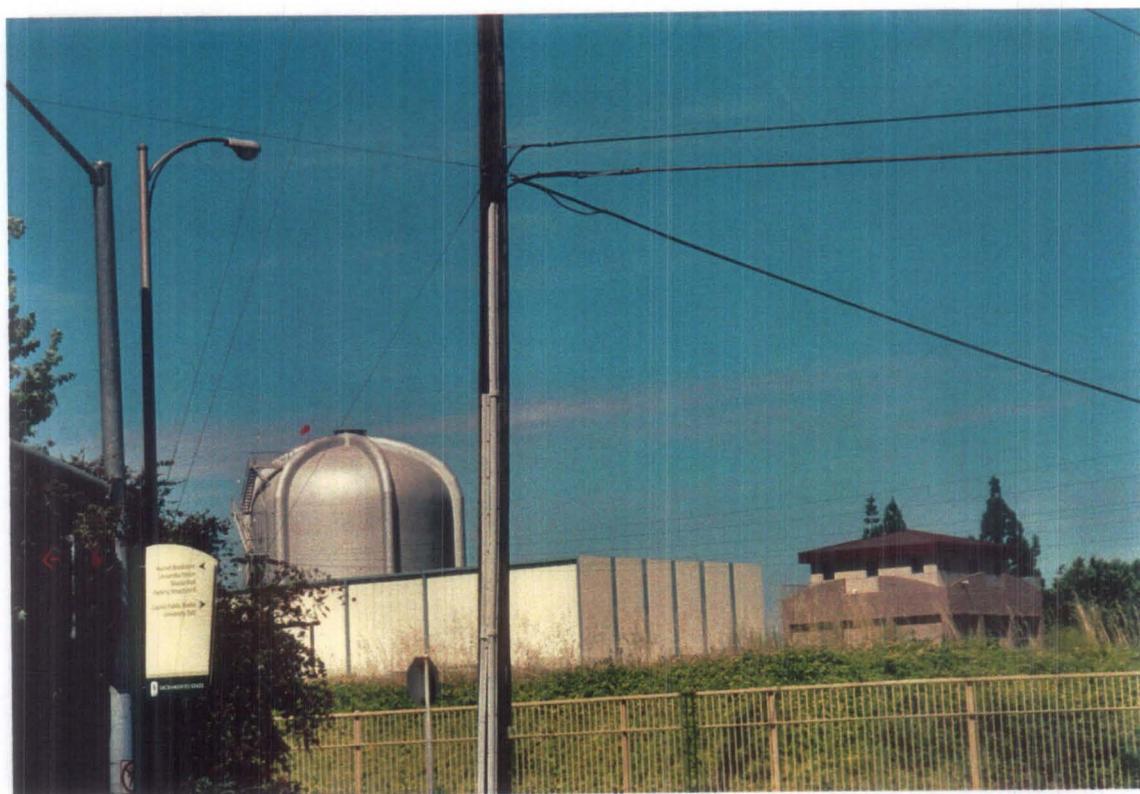
[6] Shingle Springs Opening in Sept. 2008 will become the 58th casino.

[7] NIGC Announces 2007 Indian Gaming Revenues - Press Release June 18, 2008, <http://www.nigc.gov/ReadingRoom/PressReleases/PressReleasesMain/PR93062008/tabid/841/Default.aspx>

[8] "Mexican drug cartels have been purposefully targeting rural Native American Reservations, both for the sale of meth and as distribution hubs (over 70% of Meth is now estimated to be smuggled from Mexico). Native Americans now experience the highest meth usage rates of any ethnic group in the nation." From the National Congress of American Indians- [http://www.ihs.gov/NonMedicalPrograms/DirInitiatives/Documents/Meth%20in%20Indian%20Country%20and%20Creative%20Tribal%20Solutions%202007\(2\)Heather%20Thompson.doc](http://www.ihs.gov/NonMedicalPrograms/DirInitiatives/Documents/Meth%20in%20Indian%20Country%20and%20Creative%20Tribal%20Solutions%202007(2)Heather%20Thompson.doc)

[9] Edward Sifuentes, North County Times, September 9, 2007. *Meth use a growing concern on Indian reservations*. Quote from Olin Jones, California Dept. of Justice. "Jones said Meth use is one of the most pressing problems Indian communities face." "Meth has been a real big issue in Indian Country and in all our nations," he said. http://www.nctimes.com/articles/2007/09/04/news/top_stories/1_03_019_3_07.txt

Waste Water Treatment Facility



Both individuals were asked to answer the following questions:

Where are your company's service lines located?
If the Soboba tribe annexes the lands in question to their reservation, how would your company service and maintain your existing lines?

June 25, 2008 at 12:43 pm

Lyle Treend, Southern California Edison, 951-202-4605 (cell)

Lyle stated that he is unsure of what load the Casino will request or need, should the reservation annexation be approved. He is also not sure of how the additional load demanded by the tribe will impact the surrounding communities until such time as he receives some concrete numbers from the tribe. He did advise that the tribe has requested a will-serve letter. When asked about the how the annexation of the lands would impact his company's ability to service and maintain their lines, he stated SCE would ask the BIA for an easement. As far as installing facilities for the new casino, this line would be installed and maintained, at the cost of the tribe itself, by SCE. Current facilities may need to be upgraded to support outlying communities.

June 25, 2008 at 12:59 pm

"Mrs. Flores," The Gas Company, 1-800-427-2000

I was told by Mrs. Flores that an easement would be secured if and when a building permit is pulled by the tribe. When asked where the gas lines are located, and if they are running along Lake Park to Soboba, I was told to ask the city... I was assured that outlying communities would not be affected, as easements would be secured.

They [SCE and the Gas Co] didn't seem to think it [building permits] was [were] a big deal. I specifically made a point to state in each conversation, "...if the land in question annexes, it will then basically be treated as though it were private property. How will you deal with this?" They simply seem to think that the tribe *will* be required to get building permits, and when they do, that's when they'll jump on 'em and demand their easements, etc. I don't believe either employee I spoke with "got it." [that the tribe doesn't need to have building permits]

Title: Study: Casinos increase crime: Casino revenues spent on police do not offset increase, author says
Source: Hesperia Star (CA); 06/06/2006
Document Type: Article
Accession Number: 2W62W62213778525
Persistent link to this record:
<http://search.ebscohost.com/login.aspx?direct=true&db=nfh&AN=2W62W62213778525&site=ehost-live>
Database: Newspaper Source

Study: Casinos increase *crime*: *Casino* revenues spent on police do not offset increase, author says

Jun. 6--Casinos raise the level of serious *crime* in a community over time, despite *casino* revenues spent on additional police, according to a new study.

In the lead-up to the March 2004 Proposition X vote in Hesperia on the proposed Timbisha-Shoshone *casino*, the exact opposite was argued by supporters of the *casino*: The *casino* would generate revenues for the city that would provide Hesperia with much-needed additional police.

The study, "Casinos, *Crime* and Community Costs," looked at all 3,165 counties in the United States from 1977 to 1996. Its conclusion: Five years after a *casino* opens, serious *crime* in the area goes up dramatically when compared to neighboring areas, even after adjusting for economic trends and other factors.

According to the study, five years after a *casino* opens, robbery in the community goes up 136 percent, aggravated assault is up 91 percent, auto theft is up 78 percent, burglary is up 50 percent, larceny is up 38 percent, rape is up 21 percent and murder is up 12 percent, compared to neighboring communities.

Crime-lowering effects, like additional police and the new jobs represented by a *casino* are overwhelmed by rising *crime* increased by the presence of the *casino*, according to the study.

Professor David B. Mustard of the Terry College of Business at the University of Georgia conducted the study with Baylor University Professor Earl Grinols.

"When these casinos open, often there was an increase in the number of police officers," Mustard said Friday. "Typically that happened when the *casino* opened, but it didn't go off into the future."

In other words, local officials normally do not continue to increase police staffing levels after the initial increases paid for with *casino*-related revenue.

"The *crime* suppression effects of a *casino* happen in the first year or so, the first year or two."

Previous studies had two major flaws, according to Mustard and Grinols: They either looked at too small of an area, or they did not correct for other factors, such as how the economy was doing independently of the opening of a *casino*.

"It just so happened that the **casino** boom was in the 1990s, but it also happens that **crime** peaked in 1991 and has been going down, and casinos have been going in since 1991."

Initially, though, the argument that **casino** revenues can lower local **crime** rates is correct, and the problem doesn't become apparent for a few years.

"The total effect is sort of flat over the beginning and grows over time," Mustard said. Exactly how bad it will get is hard to know, as the study only runs over five years, but the researchers did see at least partial data for subsequent years. "If anything, when we cut it off, it seemed to go up even more in years six and seven. ... By cutting it off at year five, we're probably undercutting [the rising **crime** rate] a bit."

Although not the focus of the study, the data also suggests that neighboring communities also see a rise in **crime** when a **casino** moves in next door. After the fourth or fifth year, all of the major **crimes** that increased in **casino** communities except murder had also risen by a statistically significant amount.

There was also no statistically significant decrease in **crime** in neighboring areas when a **casino** opened, suggesting the increase in **crime** in a **casino** area was not a matter of shifting criminal activity to the area, but instead that the **casino** created "new" **crime** instead.

Councilman Jim Lindley was one of three council members who voted in August 2003 to ratify a Municipal Services Agreement between the tribe and the developer that spelled out what the tribe would give to the city in return for their support. The city government has few, if any, legal means to prevent a **casino** from coming to the area, but both the state and federal governments take community response to a **casino** proposal into consideration when deciding whether or not to allow one to be built.

'ADDS FUEL TO THE CONTROVERSY'

"This just adds some more fuel to the controversy, obviously," Lindley said Friday. "It's been three years and nothing that either the tribe or the developer has presented to the city has happened. So, I am not opposed to taking another look at the **casino**. ... We should have had some sort of performance provision in the MSA, saying 'you need to break ground by X date,' and they haven't done it."

Residents who feel out of the loop as to what's happening with the proposed **casino** aren't alone: Lindley feels the same way. (The last official word on the **casino** was in May 2005, when Governor Arnold Schwarzenegger included Hesperia on a list of urbanized areas where he said he would not allow a **casino** to be built.)

"In terms of what's happening with the tribe, all I have is hearsay," he said. "I don't think they've made any progress since we tore the city apart voting on the MSA."

Time has not healed all wounds with Lindley, who said he would be open to changing the city council's official stance on a proposed **casino**.

"I would not be opposed to taking another look at the issue and going back to the citizens," he said. "The good thing about it is that it's not too late to do something about it, because the tribe hasn't done a thing."

What made economic sense in 2003 and 2004 makes less sense in 2006, with new businesses moving into Hesperia and more on the way, he said.

"The economics have changed, therefore the equation has changed in terms of whether or not we want a **casino**," said Lindley. "There's so much turmoil with the tribe and so much uncertainty with the developers that maybe it's not the right thing to do."

"I voted for the MSA [because], if they build it, I want the money," said Mayor Pro Tem Ed Pack. The MSA spells out what sort of revenue would be given the city of Hesperia once the **casino** is built. "The city does not vote to approve or disapprove on the **casino**."

City Council members had been told the **casino** would not bring more **crime** to the area than other major developments.

"The information we got: Jimmy Coronado [the captain of the Hesperia Station for the San Bernardino County Sheriff's Department], he talked to [police in Riverside County], which I think has more casinos than anybody," Pack said. "We were told, according to Jimmy -- and he wasn't a big supporter of a **casino** -- but the numbers he got from Riverside County was that the **casino** did not increase the **crime** in the areas where they were. They said that there was more **crime** near the shopping centers and the malls. ... It was like 8 to 1 with the mall [compared to] the casinos."

Dennis Nowicki was the mayor of Hesperia when the proposed **casino** first came to the public's attention in the summer of 2003 and was one of its most vocal supporters while in office. Friday, he would not comment on the new study without seeing it, but he had never previously had it "verifiably shown" that there was a statistical link between casinos and **crime**.

The study was news to Councilwoman Rita Vogler, but confirmed for her what she had previously felt about the proposed **casino**, she said. Vogler voted against the MSA in 2003.

"With gaming, it can be a fun and relaxing thing, but it can also be a terrible thing where they go in and take their rent check," Vogler said. "You only have to spend an afternoon at any one of the I

Indian casinos and you can see it.

"It's just not a good thing for Hesperia, that's the bottom line."

The full text of the study, Casinos, **Crime** and Community Costs, is available online at <http://www.terry.uga.edu/%7Edmustard/casinos.pdf>

Beau Yarbrough can be reached at beau@hesperiarstar.com or by telephone at 956-7108.

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Source: Hesperia Star (CA), Jun 06, 2006

Item: 2W62W62213778525

to get money; one in four assaults reported by pathological gamblers was directly or indirectly related to gambling. By comparison, low-risk, at-risk, or problem gamblers reported committing gambling-related robberies infrequently.

Drug dealing. Although they were no more likely to have been arrested on drug charges, compulsive or pathological gamblers were significantly more likely to have sold drugs than arrestees who fit the other gambling types. More than one-third of pathological gamblers said they had sold drugs, compared to 19.2 percent of problem gamblers, 20.2 percent of at-risk gamblers, and 16.1 percent of low-risk gamblers. The differences in those numbers were even greater among gamblers who reported having sold drugs specifically to fund their gambling or pay gambling debts. One in five pathological gamblers who had been arrested admitted having sold drugs to finance their gambling, compared to 4 percent among problem gamblers and less than 2 percent among at-risk gamblers.

Using speed. Not surprisingly, a significant proportion of compulsive or pathological

gamblers tested positive for one or more illegal drugs. Arrestees' urine samples were screened for hallucinogens such as marijuana, opiates such as heroin, cocaine, and methamphetamine ("speed"). Overall, 60 percent of arrestees interviewed in Las Vegas and 56 percent of those in Des Moines had at least one illegal drug in their urine samples. But pathological gamblers were no likelier to test positive for drugs than were other gambler types. Nor were there any significant differences in which drugs were found, with one exception. Pathological gamblers were more likely to test positive for methamphetamine, a drug taken as an "upper" to keep users alert and awake during hours- or even days-long gambling binges. Beyond drugs, nearly two-thirds of the pathological gamblers reported that they drank alcohol to the point of dependence. In fact, only 3.3 percent of all arrestees interviewed for this study who were pathological gamblers reported no drug or alcohol problems.

Again, not surprisingly, the study found a relationship between pathological gambling and crime and/or drug

and alcohol use. More than 43 percent of those interviewed who acknowledged pathological gambling and substance use also said they had committed an assault during the previous year. Nearly 40 percent had committed more than one theft in the past year, four times the number of arrestees without either a gambling or a substance use problem.

Approximately 38 percent of arrestees with both gambling and substance use problems reported having sold drugs, nearly eight times the number of those with no gambling or substance use problem.

Pathological gamblers reported that, on average, they committed their first crime around age 21, developed an alcohol problem by about 23 or 24, and began to have gambling problems in their mid- to late 20s. Gambling began after the onset of criminal and substance problems, not before. Nonpathological gamblers who said they had similar substance use problems and criminal activity reported a similar average age of onset for each of those problems. Men who were pathological gamblers were more likely to have committed a serious crime

at an earlier age than women who were pathological gamblers. Also, only 13 percent of pathological gamblers who admitted having a gambling problem said they sought treatment. And only 10 percent said they attended Gamblers Anonymous or similar meetings.

Policy implications

A number of conclusions and policy recommendations can be drawn from the study findings. Arrestees who report that they are or can be defined by their responses to interviews or questionnaires as compulsive or pathological gamblers are drawn disproportionately from the social and economic fringes of society. As legalized gambling spreads to States and localities that do not now permit gambling or have it only on a small scale, these jurisdictions must prepare to deal with the social ills engendered by problem gambling.

Criminals and those who use alcohol and illegal drugs to excess appear to be at greater risk for becoming compulsive or pathological gamblers. Few are likely to receive or seek treatment for

to get money; one in four assaults reported by pathological gamblers was directly or indirectly related to gambling. By comparison, low-risk, at-risk, or problem gamblers reported committing gambling-related robberies infrequently.

Drug dealing. Although they were no more likely to have been arrested on drug charges, compulsive or pathological gamblers were significantly more likely to have sold drugs than arrestees who fit the other gambling types. More than one-third of pathological gamblers said they had sold drugs, compared to 19.2 percent of problem gamblers, 20.2 percent of at-risk gamblers, and 16.1 percent of low-risk gamblers. The differences in those numbers were even greater among gamblers who reported having sold drugs specifically to fund their gambling or pay gambling debts. One in five pathological gamblers who had been arrested admitted having sold drugs to finance their gambling, compared to 4 percent among problem gamblers and less than 2 percent among at-risk gamblers.

Using speed. Not surprisingly, a significant proportion of compulsive or pathological

gamblers tested positive for one or more illegal drugs. Arrestees' urine samples were screened for hallucinogens such as marijuana, opiates such as heroin, cocaine, and methamphetamine ("speed"). Overall, 60 percent of arrestees interviewed in Las Vegas and 56 percent of those in Des Moines had at least one illegal drug in their urine samples. But pathological gamblers were no likelier to test positive for drugs than were other gambler types. Nor were there any significant differences in which drugs were found, with one exception. Pathological gamblers were more likely to test positive for methamphetamine, a drug taken as an "upper" to keep users alert and awake during hours- or even days-long gambling binges. Beyond drugs, nearly two-thirds of the pathological gamblers reported that they drank alcohol to the point of dependence. In fact, only 3.3 percent of all arrestees interviewed for this study who were pathological gamblers reported no drug or alcohol problems.

Again, not surprisingly, the study found a relationship between pathological gambling and crime and/or drug

and alcohol use. More than 43 percent of those interviewed who acknowledged pathological gambling and substance use also said they had committed an assault during the previous year. Nearly 40 percent had committed more than one theft in the past year, four times the number of arrestees without either a gambling or a substance use problem.

Approximately 38 percent of arrestees with both gambling and substance use problems reported having sold drugs, nearly eight times the number of those with no gambling or substance use problem.

Pathological gamblers reported that, on average, they committed their first crime around age 21, developed an alcohol problem by about 23 or 24, and began to have gambling problems in their mid- to late 20s. Gambling began after the onset of criminal and substance problems, not before. Nonpathological gamblers who said they had similar substance use problems and criminal activity reported a similar average age of onset for each of those problems. Men who were pathological gamblers were more likely to have committed a serious crime

at an earlier age than women who were pathological gamblers. Also, only 13 percent of pathological gamblers who admitted having a gambling problem said they sought treatment. And only 10 percent said they attended Gamblers Anonymous or similar meetings.

Policy implications

A number of conclusions and policy recommendations can be drawn from the study findings. Arrestees who report that they are or can be defined by their responses to interviews or questionnaires as compulsive or pathological gamblers are drawn disproportionately from the social and economic fringes of society. As legalized gambling spreads to States and localities that do not now permit gambling or have it only on a small scale, these jurisdictions must prepare to deal with the social ills engendered by problem gambling.

Criminals and those who use alcohol and illegal drugs to excess appear to be at greater risk for becoming compulsive or pathological gamblers. Few are likely to receive or seek treatment for



**Calls for Service and Arrest Analysis
for the
San Jacinto Police Department
(June 2004 – December 2007).**

In response to a community request, I have completed an analysis of the arrest statistics, response times, and police calls for service in this part of the city. This subdistrict is defined as the incorporated areas of the City of San Jacinto east of the Ramona Expressway. All calls for service do not result in a written report by responding officers. Incidents involving a felony crime, a theft, or any other crime as required by the FBI for Uniform Crime Report are required to be documented by department policy. Injury traffic collisions occurring on the roadway are also documented in accordance with state requirements. Non-criminal incidents may be documented at the discretion of the officer depending on the circumstances of each incident.

Arrest Statistics by Source

| | 6/04 - 12/04 | 1/05 - 12/05 | 1/06 - 12/06 | 1/07- 12/07 | Total |
|-----------------------------------|-------------------------|-------------------------|-------------------------|------------------------|--------------|
| Calls for Service | 0 | 2 | 2 | 5 | 9 |
| Proactive (Misd or Felony) | 5 | 17 | 36 | 54 | 112 |
| Citations | 3 | 31 | 146 | 309 | 489 |
| Total | 8 | 50 | 184 | 368 | 610 |

Calls for Service Summary

| Incident | 6/04 -12/04 | 1/05 - 12/05 | 1/06 - 12/06 | 1/07-6/07 | Total |
|--------------------|--------------------|---------------------|---------------------|------------------|--------------|
| Written | 17 | 25 | 34 | 35 | 111 |
| Non Written | 75 | 127 | 175 | 223 | 600 |
| Total | 92 | 152 | 209 | 258 | 711 |
| Monthly Avg | 13 | 13 | 17 | 22 | 23 |

Call Priority Descriptions for Response Time Chart:

- Priority 1 – Circumstances that pose or did pose a defined threat to life or property and involve a high level of violence.
- Priority 1A – Circumstances that pose or did pose a defined threat to human life or property.
- Priority 2 - Circumstances of an urgent, but not life threatening nature.
- Priority 3 - Circumstances which are neither urgent nor life threatening.
- Priority 4 - Calls regarding crimes that have occurred sometime in the past.

Calls for Service Detail (Written Reports)

| Incident | 6/04 -12/04 | 1/05 - 12/05 | 1/06 - 12/06 | 1/07-12/07 | Total |
|----------------------------|--------------------|---------------------|---------------------|-------------------|--------------|
| Unattended Death | 1 | 3 | | 3 | 7 |
| Lost Property | 1 | | | | 1 |
| Fraud | 1 | 2 | 1 | 3 | 7 |
| Attempt Suicide | 1 | 2 | 1 | | 4 |
| Annoying phone calls | | | | 1 | 1 |
| Vandalism | 5 | 2 | 1 | | 8 |
| Petty Theft | 1 | 3 | 3 | 3 | 10 |
| Grand Theft | 1 | 2 | 4 | 1 | 8 |
| Burglary - Vehicle | 2 | | 2 | 2 | 6 |
| Burglary - Residence | 2 | 2 | 4 | 3 | 11 |
| Domestic Violence | 1 | 1 | 2 | | 4 |
| Stolen Vehicle | 1 | 1 | 4 | 1 | 7 |
| Traffic Collision - Fatal | | | 1 | 1 | 2 |
| Traffic Collision - Injury | | 2 | 1 | 1 | 4 |
| Traffic Collision - PDO | | 1 | 3 | 2 | 6 |
| Hit and Run - Injury | | | 1 | | 1 |
| Hit and Run - PDO | | 1 | 1 | 1 | 3 |
| Disturbance | | 1 | | 2 | 3 |
| Drunk in Public | | 1 | | | 1 |
| Found Property | | 1 | | | 1 |
| Stolen Vehicle Recovery | | | 1 | 1 | 2 |
| DUI | | | 1 | | 1 |
| Poss. Of Drugs | | | | 2 | 2 |
| Battery | | | 1 | | 1 |
| Mentally Disabled | | | 1 | | 1 |
| Misc. Non Criminal | | | | 8 | 8 |
| Unlawful Entry | | | 1 | | 1 |
| Totals | 17 | 25 | 34 | 35 | 111 |

Written No

| Count of Incident Number Nat of Call | Year | | | | | | | | | | Grand Total |
|---|------|------|------|------|------|------|------|------|------|--|-------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | | |
| 911 | 2 | 6 | 5 | 11 | 11 | 6 | 3 | 7 | 14 | | 65 |
| Alarm | | | | | 1 | | | | | | 1 |
| Alarm - Robbery | | 1 | 2 | | 2 | | | 3 | 1 | | 9 |
| Alarm - Silent | | | | | 2 | | | | | | 2 |
| Annoying phone calls | 1 | | 1 | 3 | | 1 | 2 | | | | 8 |
| Area Check | | 1 | 1 | 1 | 2 | 28 | 7 | 2 | 1 | | 42 |
| Argument | 18 | 14 | 8 | 28 | 33 | 33 | 19 | 19 | 21 | | 193 |
| Argument - Domestic | 1 | | 1 | 1 | 2 | | | 1 | | | 6 |
| Arrest Warrant Service | 1 | 4 | | | 1 | 1 | 3 | 1 | | | 11 |
| Assist Other Dept. | 3 | 4 | 5 | 3 | 17 | 22 | 19 | 14 | 12 | | 99 |
| Assault with a deadly weapon | | | 1 | | | | 1 | 2 | 1 | | 5 |
| Battery | 1 | 5 | 3 | 16 | 7 | 6 | 14 | 10 | 9 | | 71 |
| Burglary | | 1 | 2 | 2 | | | 1 | | | | 6 |
| Burglary - Vehicle | | | | 4 | 3 | 4 | 2 | 7 | 1 | | 21 |
| Business and Profession Code Violation | | | | | | | | | 1 | | 1 |
| Check the welfare | | | | | 1 | 1 | 2 | | | | 4 |
| Child endangerment | | | | | 1 | | | | | | 1 |
| Civil Dispute | 2 | 1 | 1 | 1 | 2 | 5 | 5 | 8 | 2 | | 27 |
| Criminal Threats | | | | | | | 1 | | | | 1 |
| Cruelty to animal | | | | | 1 | | 1 | | | | 2 |
| Dependent Child | | 1 | | | 3 | | | | | | 4 |
| Discharging a firearm | | | | 1 | | 3 | | 2 | 3 | | 9 |
| Disoriented Subject | | | 1 | 1 | 1 | 2 | | 3 | | | 8 |
| Disturbing the Peace - Noise | | | | 2 | 1 | 1 | 4 | | 2 | | 10 |
| Domestic battery | | | | | 2 | | | | | | 2 |
| Drunk in Public | 5 | 5 | 2 | 5 | 14 | 11 | 6 | 12 | 13 | | 73 |
| DUI | | | | | | | | | 1 | | 1 |
| Embezzlement | | | 1 | | 3 | | 1 | | | | 5 |
| Fireworks | | 1 | | | | | | | | | 1 |
| Follow up investigation | 9 | 8 | 4 | 13 | 27 | 38 | 28 | 18 | 13 | | 158 |
| Found Property | | | | 1 | | | | | | | 1 |
| Fraud | 1 | 3 | 3 | 4 | 8 | 5 | 6 | 1 | 6 | | 37 |
| General Broadcast | | | 1 | 2 | 1 | | 3 | 1 | 1 | | 9 |
| Grand theft | | | | 1 | 2 | 1 | | | 1 | | 5 |
| Health and Safety Code Violation | 1 | 4 | 5 | 3 | | 4 | 2 | 5 | 1 | | 25 |
| Hit and Run | | | | 1 | | | | | 1 | | 2 |
| Illegal dumping | | | 1 | | | | | | | | 1 |
| Keep the Peace | | | | | 3 | | | | | | 3 |
| Kidnapping | | | | | 1 | | | | | | 1 |
| Lost Cell Phone | | | | | | | | | 4 | | 4 |
| Lost Property | | 6 | 3 | 4 | 11 | 11 | 20 | 8 | 6 | | 69 |
| Man Down | | | | | 1 | 2 | | | 1 | | 4 |
| Man with a gun | | | | | | | 1 | 1 | | | 2 |
| Mentally Disturbed Subject | | | | | 1 | 4 | 1 | 2 | 1 | | 9 |
| Misc. Criminal | 1 | | 1 | 1 | 1 | 3 | 5 | 3 | 3 | | 18 |
| Missing Person | | 1 | 1 | | 4 | 2 | 3 | | 1 | | 12 |
| Parhandling | | | | | | | | | 1 | | 1 |
| Parking Violation | | | | | | 1 | | | | | 1 |
| Patrol | | | | | | | | | 1 | | 1 |
| Petty theft | 6 | 1 | 2 | 8 | 8 | 12 | 15 | 14 | 13 | | 79 |
| Plane down | | | | | | | | | 1 | | 1 |
| Poss of Illegal Weapon | | | | | 1 | | | | | | 1 |
| Public Assist | 1 | 1 | 7 | 2 | 3 | 4 | 8 | 13 | 10 | | 49 |
| Pursuit | | | | | | 1 | | | | | 1 |
| Robbery | | | | | 1 | 1 | 1 | | | | 3 |
| Runaway - Located | | | | | | | 1 | | | | 1 |
| Shooting at occupied dwelling | 1 | | | 2 | | | | | 1 | | 5 |
| Shoplifter | | | 2 | | | | 2 | | | | 4 |
| Stolen Vehicle | 1 | 5 | 5 | 11 | 18 | 13 | 11 | 11 | 9 | | 84 |
| Suicide - Attempt | | | | | | | | | 1 | | 1 |
| Suspect Information | 1 | 8 | 2 | 5 | 5 | 10 | 10 | 10 | 8 | | 59 |
| Suspicious Activity | | | | | 1 | | | | | | 1 |
| Suspicious Circumstances | 3 | 4 | 4 | 12 | 14 | 19 | 13 | 12 | 22 | | 103 |
| Suspicious Person | 2 | 3 | 2 | 1 | | 1 | 5 | 3 | 3 | | 20 |
| Suspicious Vehicle | 1 | 12 | 3 | 4 | 7 | 11 | 1 | 6 | 6 | | 51 |
| Tamper with vehicle | | | | | | | 1 | | | | 1 |
| Temporary Restraining Order | | | | | 1 | | | | | | 1 |
| Trespassing | 6 | 4 | 1 | 3 | 6 | 6 | 19 | 18 | 8 | | 71 |
| Unattended Death | | | 1 | 1 | | 2 | 3 | | | | 7 |
| Vandalism | | | 3 | 1 | 2 | 2 | 3 | 2 | | | 13 |
| Vehicle Code Violation | | | | | | | 1 | | | | 1 |
| Vicious Dog | | | | | 1 | 1 | 1 | | | | 3 |
| Violation of a Restraining Order | | | | | 1 | | | | | | 1 |
| Welfare and Institutions Code | 1 | 1 | 1 | | | | 1 | | | | 4 |
| Grand Total | 69 | 105 | 86 | 159 | 239 | 278 | 256 | 219 | 207 | | 1618 |

Written Yes

| Count of Incident Number Nat of Call | Year | | | | | | | | | | Grand Total | |
|---|------|------|------|------|------|------|------|------|------|------|-------------|------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | | |
| Altering Serial Number on Firearm | 1 | 1 | | | | | | | | | | 2 |
| Annoying phone calls | | | | 1 | | 1 | | 1 | 1 | | | 4 |
| Argument | 2 | | | | 1 | | | | | | | 3 |
| Arrest Warrant Service | 19 | 17 | 24 | 17 | 18 | 21 | 35 | 16 | 18 | | | 185 |
| Assist Other Dept. | | | 1 | 3 | 1 | 3 | 4 | 2 | 3 | | | 17 |
| Assault with a deadly weapon | | | | 4 | 1 | 2 | 2 | | | | | 12 |
| Battery | 2 | 3 | 3 | 15 | 13 | 9 | 12 | 8 | 11 | | | 76 |
| Brandishing a weapon | 1 | | 1 | 1 | | | | | | | | 3 |
| Burglary | | 7 | | 3 | 6 | 1 | 6 | 2 | 3 | | | 28 |
| Burglary - Attempt | | | | | | | | 1 | 1 | | | 2 |
| Burglary - Vehicle | | | 1 | 3 | 2 | 5 | 3 | 8 | 1 | | | 23 |
| Business and Profession Code Violation | | 1 | | | | | 2 | 1 | | | | 4 |
| Carjacking | | | 2 | | | | | | | | | 2 |
| Child endangerment | | | | 2 | | | | | 1 | | | 3 |
| Citation | 1 | 7 | 1 | 6 | 2 | 2 | 9 | 7 | 10 | | | 45 |
| Civil Dispute | | 1 | | | | | | | | | | 1 |
| Counterfeit check | 3 | 5 | 4 | 4 | 5 | 2 | 1 | 1 | 3 | | | 28 |
| Criminal Threats | | 1 | | 1 | 1 | 1 | | 2 | | | | 6 |
| Cruelty to animal | | | | | 1 | | | | | | | 1 |
| Defrauding an Innkeeper | | | 1 | | | | | | | | | 1 |
| Domestic battery | | | | 3 | 3 | 4 | 4 | 4 | 3 | | | 21 |
| Drunk in Public | 6 | 3 | 2 | 13 | 22 | 18 | 22 | 16 | 29 | | | 131 |
| DUI | | 1 | | | | | | | | | | 1 |
| Elder Abuse | | | | | | | | | | | 1 | 1 |
| Embezzlement | | | 2 | 1 | | 1 | | | | | | 4 |
| False Identification | | | | 1 | 1 | | | | | | | 2 |
| False Gov. Document | | | | | | | 1 | | | | | 1 |
| False report of bomb | | | | | 3 | 1 | | 1 | 1 | | | 6 |
| False report of criminal offense | | 1 | | | | | | | | | | 1 |
| False use of credit card | 1 | 1 | | 1 | | 1 | 4 | 1 | 3 | | | 12 |
| Follow up investigation | 1 | | | | | | | | | | | 1 |
| Forged check | 1 | 3 | 1 | 1 | | | | | | | | 6 |
| Forgery | 4 | 2 | 4 | 2 | 3 | 1 | 1 | 3 | 1 | | | 21 |
| Forgery - Attempt | | | | | 1 | | | | | | | 1 |
| Found Property | 2 | 5 | 3 | 3 | 7 | 4 | 3 | 3 | 2 | | | 32 |
| Fraud | 3 | 6 | | | 1 | | | | | | | 10 |
| Grand theft | 1 | 2 | 4 | | 7 | 5 | 6 | 6 | 5 | | | 36 |
| Grand Theft - Attempt | | | | | | | | 1 | | | | 1 |
| Health and Safety Code Violation | 5 | 4 | | 3 | 6 | 3 | | 1 | | | | 22 |
| Identity Theft | | | | | 1 | | 1 | | 1 | | | 3 |
| Illegal dumping | | | 1 | | | | | | | | | 1 |
| Illegal gaming | | | | | | | 1 | 2 | | | | 3 |
| Indecent Exposure | 1 | | | | | | 1 | | | | | 2 |
| Industrial Accident | | | | | 1 | | | | | | | 1 |
| Kidnapping | | | | | | | | | | | 1 | 1 |
| Lost Property | 2 | 3 | 4 | 12 | 5 | 13 | 12 | 18 | 13 | | | 82 |
| Man/strawughter | | | | | | | | | | | 1 | 1 |
| Mayhem | | 1 | | | | | | | | | | 1 |
| Mentally Distrubed Subject | | | | | 3 | 1 | | 1 | | | | 5 |
| Misc. Criminal | | | 1 | | | | | | | | | 1 |
| Missing Person | | | | 1 | 1 | 4 | | 1 | 3 | | | 10 |
| Missing Person - Located | | | | | | | | 1 | | | | 1 |
| Murder - Attempt | 1 | | | 2 | | | 1 | | | | | 4 |
| PC453A | | | | | 1 | | | | | | | 1 |
| PC648 | 1 | | | | | | | | | | | 1 |
| Petty theft | 6 | 8 | 7 | 22 | 11 | 17 | 15 | 16 | 17 | | | 119 |
| Petty theft with pncr convictions | | | | | 1 | | 2 | | | | | 3 |
| Poss of Illegal Weapon | | | | 2 | 1 | 1 | | | | | | 4 |
| Poss of Loaded Firearm | | 1 | | 1 | 1 | | 1 | | | | | 4 |
| Poss. Of Drugs | 1 | 1 | 4 | 1 | 1 | 2 | 5 | 3 | 2 | | | 20 |
| Poss. Of Meth | 5 | 7 | 7 | 5 | 8 | 4 | 36 | 17 | 13 | | | 102 |
| Poss. Of Paraphernalia | | | 3 | 2 | 1 | 2 | 3 | 2 | | | | 13 |
| Poss. Of stolen property | | | 1 | 1 | 1 | 4 | 3 | 1 | 1 | | | 12 |
| Rape | | | | | | | 2 | | | | | 3 |
| Resist or Delay an Officer | | 1 | | | | | | 1 | | | | 4 |
| Robbery | | 2 | 2 | | | 2 | | 1 | 3 | | | 10 |
| Robbery - Attempt | | | | | 1 | | | | | | | 1 |
| Runaway | | | | | | | 1 | | | | | 1 |
| Runaway - Located | | | | | | | | | | | 1 | 1 |
| Sexual Assault | | | | | | 1 | | | | | | 1 |
| Shooting at occupied dwelling | | 1 | | 1 | | | | | | | | 2 |
| Stalking | | | | | | 1 | | | | | | 1 |
| Stolen Vehicle | 1 | 8 | 7 | 15 | 23 | 32 | 25 | 23 | 15 | | | 149 |
| Stolen Vehicle - Attempt | | | | | 1 | | | | | | | 1 |
| Stolen Vehicle - Recovery | | | | 1 | 6 | 14 | 9 | 8 | 1 | | | 39 |
| Suspended License | | | | | | | 3 | | | | | 3 |
| Suspicious Circumstances | | 2 | 1 | 1 | 4 | 6 | 2 | 2 | 2 | | | 20 |
| Suspicious Person | | | | | 1 | | | | | | | 1 |
| Temporary Restraining Order | 1 | | | | | | | | | | | 1 |
| Theft of lost property | | 1 | | 1 | 2 | 2 | 3 | 4 | 3 | | | 16 |
| Threats toward police | | 1 | | | | | | | | | | 2 |
| Towed Vehicle | | | | | 1 | | | | | | | 3 |
| Transportation of Drugs | | 2 | | 2 | 2 | 2 | 3 | 2 | 3 | | | 16 |
| Trespassing | 3 | 1 | 5 | 5 | 10 | 5 | 21 | 36 | 20 | | | 106 |
| Unattended Death | | 1 | | 1 | | | 1 | | | | | 3 |
| Under the influence of drugs | | 1 | 2 | 3 | 1 | | 1 | | 1 | | | 9 |
| Unlicensed Driver | | | | | | | 1 | | | | | 1 |
| Use of false documents | | 1 | | | | | | | | | | 1 |
| Vandalism | | 1 | 3 | 5 | 2 | 5 | 4 | 3 | 4 | | | 27 |
| Violation of Court order | | | 1 | | | | | | | | | 1 |
| Violation of Probation | | | | 1 | | | 2 | | | | | 3 |
| Grand Total | 75 | 115 | 103 | 173 | 196 | 203 | 277 | 226 | 210 | | | 1578 |

| | |
|---------|-----|
| Written | Yes |
|---------|-----|

| Count of Incident Number Nat of Call | Year | | | | | | | | | |
|---|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|-------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | Grand Total |
| Altering Serial Number on Firearm | 1 | 1 | | | | | | | | 2 |
| Arrest Warrant Service | 19 | 17 | 24 | 17 | 18 | 21 | 35 | 16 | 18 | 185 |
| Assault with a deadly weapon | | | | 4 | 1 | 2 | 2 | | 3 | 12 |
| Battery | 2 | 3 | 3 | 15 | 13 | 9 | 12 | 8 | 11 | 76 |
| Brandishing a weapon | 1 | | 1 | 1 | | | | | | 3 |
| Burglary | | 7 | | 3 | 6 | 1 | 6 | 2 | 3 | 28 |
| Burglary - Attempt | | | | | | | 1 | 1 | | 2 |
| Burglary - Vehicle | | | 1 | 3 | 2 | 5 | 3 | 8 | 1 | 23 |
| Carjacking | | | 2 | | | | | | | 2 |
| Citation | 1 | 7 | 1 | 6 | 2 | 2 | 9 | 7 | 10 | 45 |
| Criminal Threats | | 1 | | 1 | 1 | 1 | | 2 | | 6 |
| Drunk in Public | 6 | 3 | 2 | 13 | 22 | 18 | 22 | 16 | 29 | 131 |
| DUI | | 1 | | | | | | | | 1 |
| Embezzlement | | | 2 | 1 | | 1 | | | | 4 |
| Grand theft | 1 | 2 | 4 | | 7 | 5 | 6 | 6 | 5 | 36 |
| Illegal dumping | | | 1 | | | | | | | 1 |
| Illegal gaming | | | | | | | 1 | 2 | | 3 |
| Indecent Exposure | 1 | | | | | | 1 | | | 2 |
| Kidnapping | | | | | | | | | 1 | 1 |
| Manslaughter | | | | | | | | | 1 | 1 |
| Mayhem | | 1 | | | | | | | | 1 |
| Misc. Criminal | | | 1 | | | | | | | 1 |
| Murder - Attempt | 1 | | | 2 | | | 1 | | | 4 |
| Petty theft | 6 | 8 | 7 | 22 | 11 | 17 | 15 | 16 | 17 | 119 |
| Petty theft with prior convictions | | | | | 1 | | 2 | | | 3 |
| Poss of Illegal Weapon | | | | 2 | 1 | 1 | | | | 4 |
| Poss of Loaded Firearm | | 1 | | 1 | 1 | | 1 | | | 4 |
| Poss. Of Drugs | 1 | 1 | 4 | 1 | 1 | 2 | 5 | 3 | 2 | 20 |
| Poss. Of Meth | 5 | 7 | 7 | 5 | 8 | 4 | 36 | 17 | 13 | 102 |
| Poss. Of Paraphernalia | | | 3 | 2 | 1 | 2 | 3 | 2 | | 13 |
| Poss. Of stolen property | | | 1 | 1 | 1 | 4 | 3 | 1 | 1 | 12 |
| Rape | | | | | | | 2 | | 1 | 3 |
| Robbery | | 2 | 2 | | | 2 | | 1 | 3 | 10 |
| Robbery - Attempt | | | | | 1 | | | | | 1 |
| Sexual Assault | | | | | | 1 | | | | 1 |
| Shooting at occupied dwelling | | 1 | | 1 | | | | | | 2 |
| Stalking | | | | | | 1 | | | | 1 |
| Stolen Vehicle | 1 | 8 | 7 | 15 | 23 | 32 | 25 | 23 | 15 | 149 |
| Stolen Vehicle - Attempt | | | | | 1 | | | | | 1 |
| Suspicious Circumstances | | 2 | 1 | 1 | 4 | 6 | 2 | 2 | 2 | 20 |
| Suspicious Person | | | | | 1 | | | | | 1 |
| Theft of lost property | | 1 | | 1 | 2 | 2 | 3 | 4 | 3 | 16 |
| Threats toward police | | 1 | | | | | | | 1 | 2 |
| Transportation of Drugs | | 2 | | 2 | 2 | 2 | 3 | 2 | 3 | 16 |
| Trespassing | 3 | 1 | 5 | 5 | 10 | 5 | 21 | 36 | 20 | 106 |
| Unattended Death | | 1 | | 1 | | | 1 | | | 3 |
| Under the influence of drugs | | 1 | 2 | 3 | 1 | | 1 | | 1 | 9 |
| Vandalism | | 1 | 3 | 5 | 2 | 5 | 4 | 3 | 4 | 27 |
| Violation of Probation | | | | 1 | | | 2 | | | 3 |
| Grand Total | 49 | 81 | 84 | 135 | 144 | 151 | 228 | 178 | 168 | 1218 |

| | |
|---------|----|
| Written | No |
|---------|----|

| Count of Incident Number Nat of Call | Year | | | | | | | | | Grand Total |
|---|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|-----------|-------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | |
| Alarm - Robbery | | 1 | 2 | | 2 | | | 3 | 1 | 9 |
| Arrest Warrant Service | 1 | 4 | | | 1 | 1 | 3 | 1 | | 11 |
| Assault with a deadly weapon | | | 1 | | | | 1 | 2 | 1 | 5 |
| Battery | 1 | 5 | 3 | 16 | 7 | 6 | 14 | 10 | 9 | 71 |
| Burglary | | 1 | 2 | 2 | | | 1 | | | 6 |
| Burglary - Vehicle | | | | 4 | 3 | 4 | 2 | 7 | 1 | 21 |
| Criminal Threats | | | | | | | 1 | | | 1 |
| Discharging a firearm | | | | 1 | | 3 | | 2 | 3 | 9 |
| Disturbing the Peace - Noise | | | | 2 | 1 | 1 | 4 | | 2 | 10 |
| Drunk in Public | 5 | 5 | 2 | 5 | 14 | 11 | 6 | 12 | 13 | 73 |
| DUI | | | | | | | | | 1 | 1 |
| Embezzlement | | | 1 | | 3 | | 1 | | | 5 |
| Grand theft | | | | 1 | 2 | 1 | | | 1 | 5 |
| Hit and Run | | | | 1 | | | | | 1 | 2 |
| Illegal dumping | | | 1 | | | | | | | 1 |
| Keep the Peace | | | | | 3 | | | | | 3 |
| Kidnapping | | | | | 1 | | | | | 1 |
| Man with a gun | | | | | | | 1 | 1 | | 2 |
| Misc. Criminal | 1 | | 1 | 1 | 1 | 3 | 5 | 3 | 3 | 18 |
| Petty theft | 6 | 1 | 2 | 8 | 8 | 12 | 15 | 14 | 13 | 79 |
| Poss of Illegal Weapon | | | | | 1 | | | | | 1 |
| Pursuit | | | | | | 1 | | | | 1 |
| Robbery | | | | | 1 | 1 | 1 | | | 3 |
| Shooting at occupied dwelling | 1 | | 1 | 2 | | | | | 1 | 5 |
| Stolen Vehicle | 1 | 5 | 5 | 11 | 18 | 13 | 11 | 11 | 9 | 84 |
| Suspicious Activity | | | | | 1 | | | | | 1 |
| Suspicious Circumstances | 3 | 4 | 4 | 12 | 14 | 19 | 13 | 12 | 22 | 103 |
| Suspicious Person | 2 | 3 | 2 | 1 | | 1 | 5 | 3 | 3 | 20 |
| Suspicious Vehicle | 1 | 12 | 3 | 4 | 7 | 11 | 1 | 6 | 6 | 51 |
| Tamper with vehicle | | | | | | | 1 | | | 1 |
| Trespassing | 6 | 4 | 1 | 3 | 6 | 6 | 19 | 18 | 8 | 71 |
| Unattended Death | | | 1 | 1 | | 2 | 3 | | | 7 |
| Vandalism | | | 3 | 1 | 2 | 2 | 3 | 2 | | 13 |
| Grand Total | 28 | 45 | 35 | 76 | 96 | 98 | 111 | 107 | 98 | 694 |

| | |
|---------|-----|
| Written | Yes |
|---------|-----|

| Count of Incident Number | Year | | | | | | | | | Grand Total |
|--------------------------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|------------|-------------|
| Nat of Call | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | Grand Total |
| Battery | 2 | 3 | 3 | 15 | 13 | 9 | 12 | 8 | 11 | 76 |
| Burglary | | 7 | | 3 | 6 | 1 | 6 | 2 | 3 | 28 |
| Burglary - Vehicle | | | 1 | 3 | 2 | 5 | 3 | 8 | 1 | 23 |
| Citation | 1 | 7 | 1 | 6 | 2 | 2 | 9 | 7 | 10 | 45 |
| Drunk in Public | 6 | 3 | 2 | 13 | 22 | 18 | 22 | 16 | 29 | 131 |
| Grand theft | 1 | 2 | 4 | | 7 | 5 | 6 | 6 | 5 | 36 |
| Petty theft | 6 | 8 | 7 | 22 | 11 | 17 | 15 | 16 | 17 | 119 |
| Poss. Of Meth | 5 | 7 | 7 | 5 | 8 | 4 | 36 | 17 | 13 | 102 |
| Stolen Vehicle | 1 | 8 | 7 | 15 | 23 | 32 | 25 | 23 | 15 | 149 |
| Trespassing | 3 | 1 | 5 | 5 | 10 | 5 | 21 | 36 | 20 | 106 |
| Vandalism | | 1 | 3 | 5 | 2 | 5 | 4 | 3 | 4 | 27 |
| Grand Total | 25 | 47 | 40 | 92 | 106 | 103 | 159 | 142 | 128 | 842 |

| | |
|---------|----|
| Written | No |
|---------|----|

| Count of Incident Number | Year | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|-------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | Grand Total |
| Battery | 1 | 5 | 3 | 16 | 7 | 6 | 14 | 10 | 9 | 71 |
| Burglary | | 1 | 2 | 2 | | | 1 | | | 6 |
| Burglary - Vehicle | | | | 4 | 3 | 4 | 2 | 7 | 1 | 21 |
| Drunk in Public | 5 | 5 | 2 | 5 | 14 | 11 | 6 | 12 | 13 | 73 |
| Grand theft | | | | 1 | 2 | 1 | | | 1 | 5 |
| Petty theft | 6 | 1 | 2 | 8 | 8 | 12 | 15 | 14 | 13 | 79 |
| Stolen Vehicle | 1 | 5 | 5 | 11 | 18 | 13 | 11 | 11 | 9 | 84 |
| Trespassing | 6 | 4 | 1 | 3 | 6 | 6 | 19 | 18 | 8 | 71 |
| Vandalism | | | 3 | 1 | 2 | 2 | 3 | 2 | | 13 |
| Grand Total | 19 | 21 | 18 | 51 | 60 | 55 | 71 | 74 | 54 | 423 |



Gambling with Our Future:
Casino San Pablo's Impact on Local Communities
One Year After the Introduction of Slot Machines

Prepared by
The East Bay Coalition Against Urban Casinos
www.StopUrbanCasinos.org

Introduction

The Lytton Band of Pomo Indians first installed slot machines into Casino San Pablo in August of 2005. They argued that these machines would not create the criminal, social and societal problems about which the casino's opponents were concerned. The findings of this report clearly refute all claims of little or no negative impacts from the introduction of slot machines to the casino. Since the 2005 introduction of slot machines there have been increases in police and ambulance calls to the casino as well as increases in crime both at the casino and within the surrounding neighborhoods. These negative effects on the local communities began to occur very rapidly, and according to studies conducted on other casino communities, additional problems may become visible in the near future.

Key Findings

The installation of slot machines at Casino San Pablo has resulted in a significant rise in calls for emergency service to the casino and has led to increases in specific crimes within the communities surrounding the casino. This report provides a brief history of the casino's use of gaming devices, and utilizing data from police and dispatching records, details the net increases in both emergency calls and crime.

These increases have led to a larger negative impact to the surrounding communities than can be captured by numbers. A scan of 2005 & 2006 news coverage discovered several stories of crime related to the casino, two of which are highlighted at the end of this report. These examples underscore the fact that the remarkable raw data gathered cannot portray a comprehensive picture of the increases in criminal activity. The data provides quantifiable evidence of crime increases; however, the ripple effect within these communities extends far beyond what the numbers explain.

In their report, *The Social and Economic Impact of Urban Casinos*, William Evans and Julie Topoleski found that four years after a casino opens bankruptcy rates, violent crime, auto thefts and larceny rates increase 10% in counties with a casino.¹ Furthermore, a 2006 study released by Attorney General Bill Lockyer suggests that incidents of rape, murder and other types of violent crimes increase in communities with casinos.² The data included in this report supports Lockyer's contention that the introduction of casinos and slot machines results in negative impacts on the neighborhoods in which they are located.

Emergency Dispatch Calls to Casino San Pablo: 2004-2006

**Emergency calls to casino
increased: 341%**

**Ambulance calls to the
casino increased: 233%**

**Increase in trespassing calls
near casino: 343%**

*Data obtained from City of Richmond
Emergency Dispatch, City of San Pablo
Police Department, and Contra Costa Health
Department*

¹ Evans, William. Topoleski, Julie, *The Social and Economic Impact of Urban Casinos*. The National Bureau of Economic Research. No. 9198. September 2002.

² Simmons, Charlene. *Gambling in The Golden State: 1998-Forward*. California Research Bureau. May 2006.

The communities of San Pablo and Richmond have had to contend with increases in crime, traffic and medical emergencies as a result of the casino. The potential negative impact of building two additional, Las Vegas-size casinos in North Richmond and Pointe Molate combined with the continued expansion of Casino San Pablo would further exacerbate the negative consequences for East Bay communities.

Background

Casino San Pablo operated as a non-tribal card room until October of 2003 when control of the site was transferred to the federal government in order to be held in trust for the Lytton Band of Pomo Indians. The Lyttons had originally planned to place 5,000 slot machines, convention center and hotel into the casino. After objections were raised and the state legislature refused to allow large scale casino operations in the Bay area to be run by tribes with no historical land claims, that attempt failed.

On August 1, 2005, the Lytton Tribe installed 500 slot machines in Casino San Pablo. The number of machines was increased to 800 machines in early 2006, then to 1,048 machines in September of 2006. The Lytton Tribe argued that these slot machines operate as Class II bingo games under federal law and therefore can be operated without a state compact. The decision to install the Class II slot machines has resulted in a lack of regulation, no payments to the state, removed the requirement of community impact reviews and allowed the casino to operate without state and local approval.³

The opacity of a Class II slot machine definition in the law has led to problems regulating these machines and prompted concerns on the federal level, provoking the National Indian Gaming Commission (NIGC) to consider reforming the laws that govern the machines. These proposed regulations would stipulate that the machines being operated at Casino San Pablo are not class II gaming devices and cannot be legally operated without a compact. Casino San Pablo's use of these machines has fundamentally changed the environment both in the Casino and in the surrounding urban areas.

Methodology

The data for this report comes from two primary sources: the City of San Pablo Police Department and the City of Richmond's dispatching center. The documents obtained were made available through requests for public information and have been supplied in total by the above mentioned law enforcement agencies. The data being utilized extends from 2004 through 2006, allowing examination of both a year before and a year after the inception of the new gaming devices.

Results

³ Rose, Nelson. *Bingo or A Casino? Class II Gaming Machines in San Pablo*. 2005. Pg 4.

The data for this section is divided into three subcategories. The first examines the increases in the number of calls for emergency service to both law enforcement and for emergency medical care. These drastic increases result in a higher demand on the public service agencies in the communities of Richmond and San Pablo. The second shows the increases of specific crimes at the casino. The third section utilizes dispatching history to document the increases in crime within the neighborhoods surrounding the casino.

Emergency Responses at Casino

Police, Fire and EMS responses *increased* after the installation of the slot machines (2004-2006).

Emergency calls increased from 203 in 2004 to 895 in 2006. Ambulance calls increased from 24 in 2004 to 80 in 2006.

*See Chart 1 & 2

Increases in Emergency Calls to the Casino: 341%

Increases in Ambulance Calls to the Casino: 233%

Crimes Occurring at Casino

Increases in specific types of crime *at* Casino San Pablo (2004-2006):

Vehicle theft increased from 14 in 2004/2005 to 53 in 2005/2006; Disturbance calls increased from 36 in 2004/2005 to 115 in 2005/2006; Burglary calls increased from 7 in 2004/2005 to 24 in 2005/2006.

*See Chart 3

Crime Increases at the Casino:

Vehicle Theft: 279%
Disturbance: 219%
Burglary: 243%

Crime in Neighborhoods Surrounding Casino

Increases in crime *at* the casino *and the* surrounding areas 2004-2006:

This section examines the increases in police calls both to Casino San Pablo and the communities adjacent to the casino. The data was provided in the form of crime reports from the San Pablo Police Department and from dispatch information from the Richmond Police Department. The geographic regions were selected based on a one mile or less proximity to Casino San Pablo, which includes North and East Richmond and Southern San Pablo.

Crime Increases at the Casino and in Surrounding Areas:

Trespassing: 343%
Drunk in Public: 100%
Drug Possession: 200%

Trespassing calls increased from 14 in 2004 to 62 in 2006; public drunkenness calls increased from 14 in 2004 to 28 in 2006; Drug possession calls increased from 6 in 2004 to 18 in 2006.

*See Chart 4

News Highlights

November 15, 2006 - "2 years for Sacramento woman in ID theft cases"

News reports by Henry Lee of the *San Francisco Chronicle* outline how a Sacramento woman became involved in an extensive identity theft scheme and used Casino San Pablo to gather cash advances using stolen credit cards.⁴ Penisha Cherie Williams used stolen financial information to receive credit cards and obtained between \$30,000 and \$70,000 in cash advances, credit purchases and withdrawals from banks and casinos.⁵

June 26, 2006 - "Arrest in bank robbery spree"

As reported by the *Marin Independent Journal* in June of 2006, a man described by the FBI as a "serial bank robber" and suspected of more than a dozen bank robberies in the Bay Area was arrested at the Casino San Pablo.⁶ James Moffit was taken into custody after officers recognized his picture on surveillance photos. Suspected of 15 bank robberies throughout the Bay Area, Moffit was captured as he entered the casino at 4 a.m.

October 3, 2005 - "Woman loses casino winnings in ATM robbery"

According to the *Fairfield Daily Republic* a woman was robbed of her winnings from Casino San Pablo she tried to deposit it in an ATM Sunday morning following a long night of gambling at the casino. According to Fairfield police, the woman was likely followed from inside the casino and later assaulted and robbed at a more isolated location. The woman's wrist was injured in the attack.

All three of these cases provide examples of how the casino fundamentally alters the environment in which it is located. The casino provides a myriad of opportunities for criminal activity and has the potential to attract a larger segment of the criminal population, increasing the possibility of economic, property and violent crimes to occur.

⁴ Lee, K. Henry. *2 Years for Sacramento Woman in ID Theft Cases*. *San Francisco Chronicle*. November 15, 2006.

⁵ McGregor W. Scott. *Sacramento County Woman Plead Guilty to Aggravated Identity Theft*. United States Attorney Eastern District. September 12, 2006, News Release.

⁶ Wolfcale, Joe. *Arrest in Bank Robbery Spree*. *Marin Independent Journal*. June 24, 2006.

Appendices

Chart 1:

911 Calls to Casino San Pablo

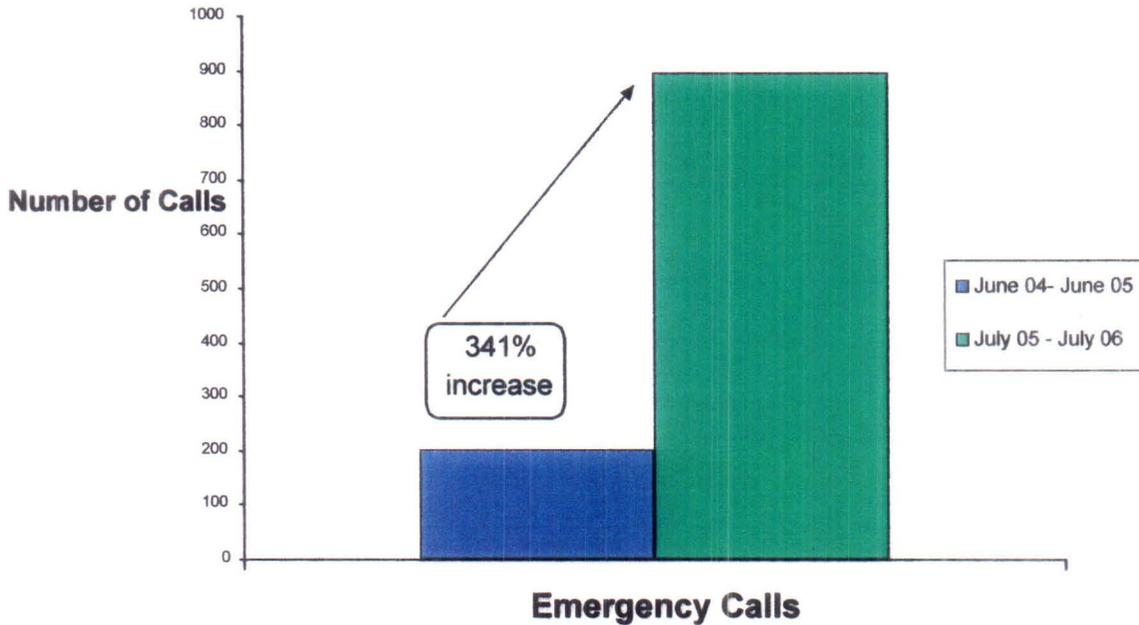


Chart 2:

Ambulance Calls to Casino San Pablo

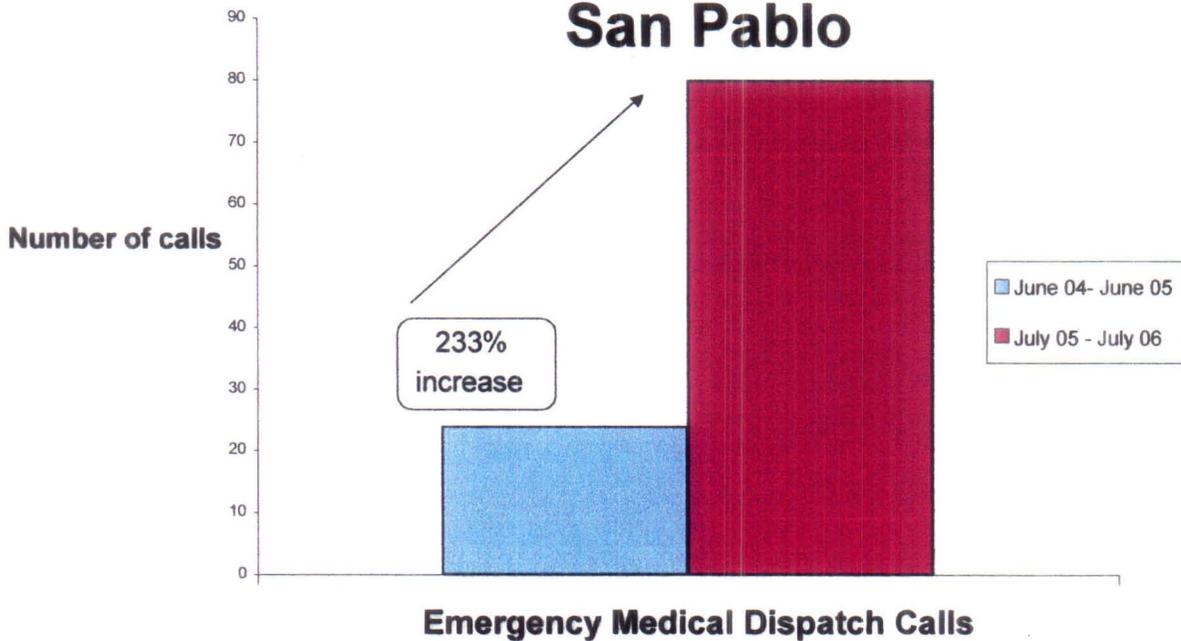


Chart 3:

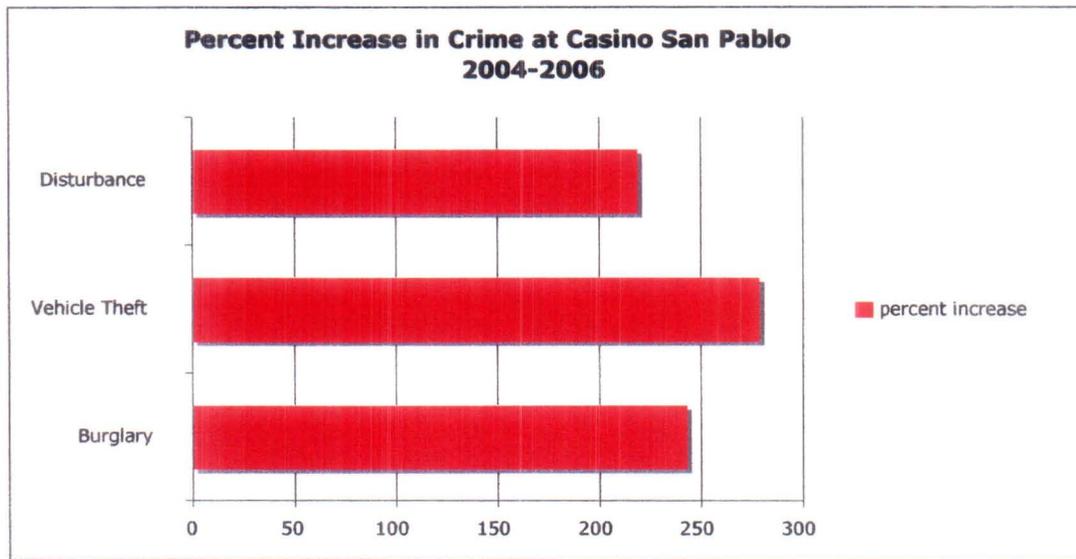
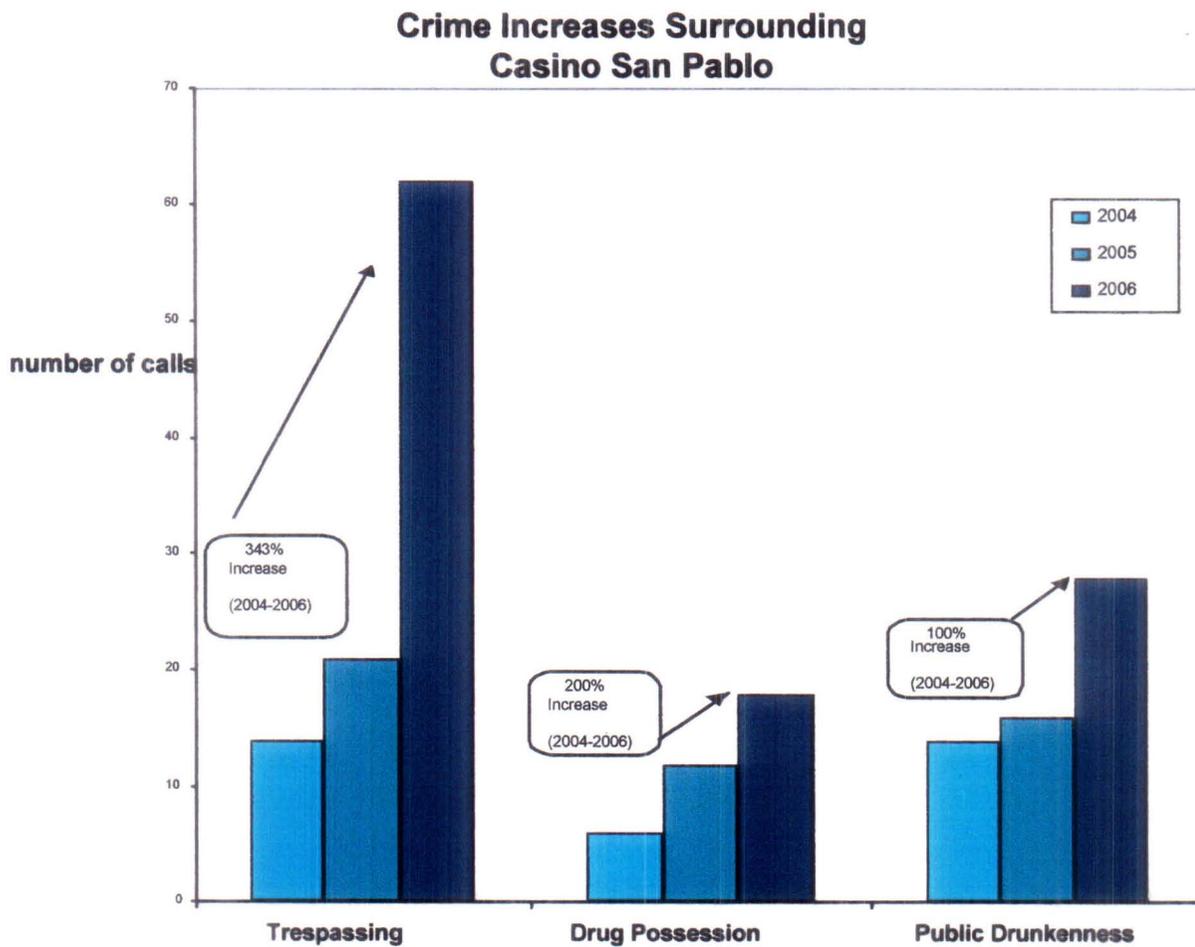


Chart 4:



Tribe, deputies trade blame



WILLIAM WILSON LEWIS III/THE PRESS-ENTERPRISE

An unidentified woman is comforted by a fellow tribal member on the Soboba Indian Reservation. A lengthy gunbattle Monday night between suspects and sheriff's deputies resulted in the deaths of two suspects, the second and third deaths there in a week.

SHOOTING INCIDENT

DEC. 2, 2007: A CHP officer trades gunfire with a suspect in a car during a high-speed chase from Interstate 10 at Oak Valley Parkway to Castille Canyon Road on the Soboba Indian Reservation.

DEC. 28, 2007: Gordon Davis Arres, a reservation resident, is shot and killed by a sheriff's deputy after two deputies stop the vehicle in which he is riding in Hemet.

31, 2007: Two Riverside County sheriff's deputies suffer minor injuries when shots are

fired at their patrol car near Castille Canyon Road and Soboba Road.

APRIL 15, 2008: Shots are fired at pursuing police officers near the Soboba Casino. Officers do not return fire. No one is injured.

MAY 8, 2008: Deputies shoot and kill Eli Morillo about 12:15 a.m. in the area near Castille Canyon and Soboba roads.

MONDAY: Sheriff's deputies shoot two people to death after responding to a 6:20 p.m. report of gunfire at a security kiosk at the reservation's entrance.



A sheriff's cruiser's rear window is shattered by bullets.

SOBOBA SHOOTINGS: A day after gunfire, tension is high between Indian and sheriff's officials.

BY JOSE ARBALLO JR.
AND STEVE FETBRANT
THE PRESS-ENTERPRISE

SOBOBA INDIAN RESERVATION — The fatal shooting of two tribal members Monday has strained already tense relations between the Soboba tribe and the Riverside County Sheriff's Department, with each side blaming the other for the worsening situation.

A man and a woman who investigators say were armed with illegal assault rifles were shot to death Monday evening during a gunbattle with SWAT officers in a rugged area of the reservation east of San Jacinto, Sheriff's Department spokesman Sgt. Dennis Gutierrez said.



ON THE WEB

■ A Soboba leader and sheriff's spokesman discuss recent shootings at reservation.
PE.com

The man was identified as San Jacinto resident Joseph Arres, 36, who is a tribal member, Gutierrez said. The name of the woman, also a tribal member, will be released when investigators can confirm her identity, Gutierrez said.

It was the second fatal shooting involving deputies and members of the tribe within a week. On Thursday, deputies shot and killed 26-year-old Eli Morillo as they investigated gunfire and found themselves under attack, authorities said. Morillo was the second member of his family to die in a gunfight with deputies. His brother, Peter Morillo, 27, died in October 2002, at a Valle Vista house after barricading himself inside.

SEE **SOBOBA**/BACKPAGE

SOBGBA: Two killed Monday

CONTINUED FROM A1

Their mother, Rosemary Morillo, has served as a Tribal Council member and was chairwoman until earlier this year.

Violent encounters have been escalating for months and tensions between the two sides show no signs of abating.

Tribal officials say deputies have been heavy-handed in their investigations into the shootings, including closing off the reservation for hours each time.

Tribal Chairman Robert "Bobby" Salgado said several times since Monday that he believed deputies would "shoot first and ask questions later."

Riverside County Sheriff Stanley Sniff called Salgado's "shoot first" assertion absurd. He said the inflammatory rhetoric coming from tribal leaders is harmful and could make an already tense situation worse. Sniff said tribal leaders are doing little to control a small segment of the tribe that is responsible for the violence.

"Most of the tribal members want nothing to do with what is happening," Sniff said Tuesday by telephone from Washington, D.C. "There is a small lawless element within the community that seemingly is out of control. The tribal leadership needs to take control and make it known that this type of violence against their own members and members of law enforcement will not be tolerated."

County Supervisor Jeff Stone weighed in Tuesday during a Board of Supervisors meeting. Stone, whose Third District includes the reservation, said sher-

iff's officials have told him directly there appears to be some tribal members who apparently planned ambushes on members of the Sheriff's Department.

On Tuesday, Stone publicly called on tribal leaders to meet with him and sheriff's representatives as quickly as possible to find a solution to escalating tensions on the reservation.

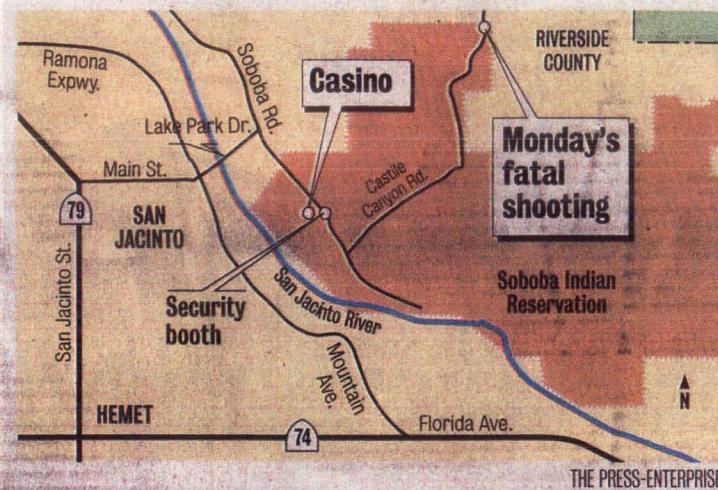
At least one effort Tuesday ended with hard feelings.

Representatives from both sides planned to meet in the afternoon not far from the rugged hills where the shooting took place. Tribal council members and sheriff's administration shook hands as they prepared to sit, but the meeting abruptly ended when Salgado — while uttering a profanity — demanded that Capt. Glen Worby, commander of the nearby Valle Vista station, not take part in the gathering. Assistant Sheriff Patrick McManus informed Salgado that Worby needed to be there or there would be no meeting. Salgado reaffirmed his position and the three administrators left.

TWO DIE IN SHOOTOUT

At about 6:20 p.m. Monday, deputies responded to a 911 call about an assault with a deadly weapon at a guard shack at the reservation entrance, Gutierrez said. The callers said two tribal security members were being fired upon as they manned the booth on Soboba Road, just south of the Soboba Casino.

The sheriff's helicopter arrived and the shooters began



firing at the helicopter, according to the Sheriff's Department. The helicopter was not struck but six shots were fired, they said.

Deputies also drove near the security booth and came under fire, Gutierrez said. The exchange of bullets lasted about one hour.

The department's Special Enforcement Bureau went to the area and was met with gunfire as well. Five deputies shot back during the initial exchange, Gutierrez said, while four SEB team members fired at the suspects as they fled northeast into the foothills near the tribal sports complex, about four miles from Soboba Road. The two were fatally shot.

Nine deputies have been placed on paid administrative leave, which is routine.

Arres is the fourth tribal member since December to be killed by deputies.

On Dec. 28, Gordon David Arres, 26, was shot and killed after two deputies stopped the vehicle he was riding in on Whittier Avenue in Hemet. Arres jumped out and ran. A deputy

pursued Arres on foot and fired at him after reportedly seeing the man take a handgun from his waistband, according to a Riverside County coroner's office report. Authorities have not said whether a gun was found.

It is unclear whether the man shot Monday is related to Gordon David Arres.

RIISING TENSIONS

Salgado said the situation over the last week has escalated to war-like proportions and blamed the Sheriff's Department for sending large contingents of deputies onto the reservation to respond to shots.

The tribe is asking for an independent investigation into the two most recent shootings.

Salgado continued to take issue with the department keeping residents from reaching their homes for hours when the shoot-out was miles from the reservation's core, near Soboba and Castile Canyon roads. He also was angry that authorities made students come out of the Noli School gymnasium single-

JURISDICTION

Public Law 280 requires sheriff's departments to respond to crime on a reservation. But most sheriff's departments don't regularly patrol reservations to meet residents or prevent crime. The public law, passed in 1953, transferred police responsibilities on reservations from the federal government to the states and subsequently local police departments.

file at gunpoint and checked each for weapons.

Salgado and other tribal officials escorted members of the news media from the parking lot of Soboba Casino to the shooting site near The Oaks resort at the end of Castile Canyon Road. By late morning, the bodies of Arres and the woman, which were hidden behind a ridge, were still on the

scene in the hills near the resort compound. The road there was cordoned off by deputies, armed with assault rifles, standing guard beside patrol cars.

During an impromptu news conference in front of the barricade, Salgado said relations between the tribe and Sheriff's Department had seriously deteriorated. Asked whether the tribe and law enforcement are at war, he said, "I would think there is like a war."

These guys (deputies) are here to shoot first and ask questions (afterward)," Salgado added.

"We have an obligation to protect the public," Sniff said. "We cannot shirk that responsibility."

Staff writers Kimberly Trone and Michelle DeArmond contributed this report.

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Reach Steve Fetbrandt at 951-763-3473 or sfetbrandt@PE.com

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Soboba member killed in gun battle with deputies

   Download story podcast

10:55 PM PDT on Thursday, May 8, 2008

By JOSE ARBALLO JR., STEVE FETBRANDT, AND MICHELLE DeARMOND
The Press-Enterprise

Video: Deputies search for suspects in shooting at Soboba

Slideshow: Shooting on the Soboba Reservation

SOBOBA INDIAN RESERVATION - An early-morning gun battle with sheriff's deputies left a member of a prominent Soboba tribal family dead Thursday, prompting authorities to seal off the rustic reservation all day and frustrating the tribal chairman.

Riverside County sheriff's deputies were patrolling the reservation when someone began shooting at them with assault rifles just after midnight, said Investigator Jerry Franchville.

A shootout ensued, leaving Soboba tribal member Eli Morillo dead and sparking a massive air and ground search for two people on the reservation near San Jacinto, authorities said.

Story continues below



Paul Alvarez/The Press-Enterprise
A Riverside County Sheriff's Department SWAT team member wears a "ghillie" suit to blend in with the terrain on the Soboba Indian Reservation, where two people were being sought Thursday.

It was the third time in six months that there was gunfire involving officers on the reservation, although this was the first time that someone had been hit.

Morillo, 26, was the second member of his family to die in a gunfight with deputies. His brother, Peter Morillo, 27, died in October 2002 at a Valle Vista house after barricading himself inside. Their mother, Rosemary Morillo, has served as a Tribal Council member and was chairwoman until earlier this year.

Rosemary Morillo did not return messages left on her cell phone Thursday.

Chairman Frustrated

Soboba Chairman Robert Salgado, speaking by telephone from his home on the reservation, said he had few details about the shooting and search. The longtime tribal leader said he was frustrated by authorities' refusal to share information with him and by their lockdown of the reservation. Tribal security vehicles and sheriff's patrol cars blocked off access to and from the reservation. Residents were told they could not leave the reservation or return if they had left prior to the shooting.

He said the Soboba Casino remained open Thursday.

Salgado said authorities need to tell tribal leaders what's happening on their reservation so the two parties can work together.

"We're not a big reservation. We know who's who," he said. "We're not here to overpower the Sheriff's Department. We're here to work with them."

Salgado said he spoke with the Bureau of Indian Affairs on Thursday and plans to call for a meeting with the Riverside County Sheriff's Department, the U.S. Department of Justice and the Bureau of Indian Affairs to get better coordination in the future.

"I think we're here to protect the health, safety and welfare of everyone here," Salgado said. "I don't think the council would be one to protect somebody who is wanted."

Story continues below



Paul Alvarez/The Press-Enterprise

A Riverside County Sheriff's Department armored truck arrives at the Soboba Indian Reservation hours after a man was killed during shootout with deputies. A search for two people continued.

Sheriff Stanley Sniff defended the actions of his investigators, saying they did the best job they could with a dangerous and changing situation. The top priority, he said, is making sure that the safety of deputies is maintained, and sometimes that means the dissemination of information is limited.

He said tribal officials were given two briefings during the day, although he conceded that those might not have come as soon as they may have wanted.

"We try and be as reasonable as we can," Sniff said. "It is not perfect."

Sniff said he would welcome a meeting like that Salgado described.

The deputies involved in the shooting were placed on paid administrative leave in accordance with department policy. Deputy Herlinda Valenzuela, a department spokeswoman, said Thursday night that she did not have the number of deputies affected.

Nighttime Firefight

Around 12:15 a.m. Thursday, deputies patrolling along Soboba Road near Castile Canyon Road heard shots fired and went to investigate, Franchville said.

As the deputies approached the intersection of Soboba and Castile Canyon roads, they heard more shots, he said, and believing they were targets, they called for backup.

The area has been the site of several recent incidents involving gunfire between individuals and deputies. The reservation is in a rugged area at the foot of the San Jacinto Mountains.

At one point, an "11-99" -- the radio code meaning an officer was under fire and needed help -- was broadcast, prompting a massive response from various police agencies in the region.

"Shortly after they took cover and hunkered down, they realized they were taking fire from a different angle," Franchville said. "We think either the person or group that was shooting actually moved so the deputies would have a difficult time getting a bead on them or even flank them, re-engage and start shooting some more."

Franchville said two people eventually approached deputies with assault rifles and opened fire. A third person was also seen, but it was unknown whether he was also armed.

"There was a barrage of fire exchanged, and one suspect was killed," he said. The other two people fled.

A gun recovered from the scene appears to be an AR-15 assault rifle, Franchville said.

Sheriff's officials set up a command post in motor homes in a vacant corner of the parking lot at Soboba Casino. Uniformed and plainclothes deputies milled about throughout the day as a sheriff's helicopter circled low above the intersection of Soboba and Castile Canyon roads about a mile away.

Franchville said at any given time, about 40 department members were involved in the investigation, securing the area and searching for the two people being sought.

Franchville said investigators are looking into whether the deputies were deliberately lured into a shootout or ambush.

Salgado said he had just started to go to sleep shortly after midnight when deputies swarmed the reservation. He said deputies even pulled guns on him when he and his sister, Rose Salgado, went out to talk to authorities.

Salgado said he spent much of the night and day fielding phone calls from confused tribal members and trying to figure out what to do about children left unsupervised because their parents were detained and about school buses that were scheduled to enter and leave the reservation.

Crime Troubles

The tribe has had an economic boom in recent years because of the expansion of the casino, which has helped pay for upgrades to the 6,000-acre reservation's infrastructure and to develop several nongaming businesses.

Yet prosperity hasn't prevented violence on the reservation. In two incidents, one on New Year's Eve and another in April, shots were fired at deputies at the end of pursuits in the area, according to

authorities.

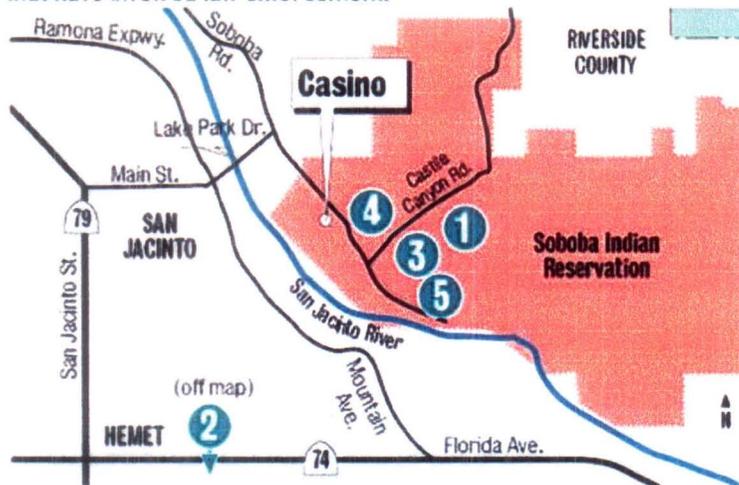
The rate of reported crime on the Soboba Indian Reservation has generally declined over the past two years, according to figures compiled by the Riverside County Sheriff's Department.

Yet a spike in crimes earlier this year prompted CalFire to change its policy and require firefighters to wait for a sheriff's deputy escort before responding to emergency calls on the reservation. That policy has since been lifted.

In October 2002, Peter Morillo was killed in a gun battle with deputies who had gone to a Valle Vista home to check on the welfare of two children. He died after being struck in the abdomen, and his body was discovered when deputies burst into the home. Deputies Anthony Aguirre and David Kurylowicz were injured, but they recovered and returned to duty.

Story continues below

FATAL ENCOUNTER: The shooting of a 26-year-old man is the latest in a series of violent incidents on the Soboba Indian Reservation that have involved law enforcement.



1 Dec. 2, 2007, A CHP officer trades gunfire with a suspect in a car during a high-speed chase from Interstate 10 at Oak Valley Parkway to Castile Canyon Road on the Soboba Indian Reservation.

2 Dec. 28, 2007, Gordon Davis Arres, a reservation resident, is shot and killed by a sheriff's deputy after two deputies stop the vehicle he is riding in on Whittier Avenue near Dartmouth Street in Hemet.

3 Dec. 31, 2007, Two Riverside County sheriff's deputies suffer minor injuries when shots are fired at their patrol car during a vehicle pursuit that ends near Castile Canyon Road and Soboba Road.

4 April 15, 2008, Shots are fired at pursuing police officers near the Soboba Casino. Officers do not return fire. No one is injured.

5 May 8, 2008, deputies shoot and kill Eli Morillo about 12:15 a.m. in the area near Castile Canyon and Soboba roads.

SOURCE: RIVERSIDE COUNTY SHERIFF'S DEPARTMENT, HEMET POLICE DEPARTMENT

THE PRESS-ENTERPRISE

Over the past six months, there has been a series of violent incidents that either involved tribal members

or ended on the reservation:

April 15, 2008: Shots are fired at pursuing police officers near the Soboba Casino, although no one was injured. Hemet police said at about midnight, officers pursued a late-model Chevrolet pickup starting near Menlo Avenue and State Street. Police said the truck traveled up to 100 mph through city streets and eventually headed toward the Soboba Indian Reservation.

Dec. 31, 2007: Two sheriff's deputies suffered minor injuries when shots were fired at their patrol car during a vehicle pursuit that ended near Castile Canyon and Soboba roads. Investigators did not know how many people may have been involved in the shooting.

Dec. 28, 2007: Gordon Davis Arres, 26, was shot and killed by a sheriff's deputy after two deputies stopped the vehicle he was riding in on Whittier Avenue in Hemet. Arres jumped out and ran. A deputy pursued Arres on foot and fired at him after reportedly seeing the man take a handgun from his waistband, according to a Riverside County coroner's office report. Authorities have not said whether a gun was found.

Dec. 2, 2007: a California Highway Patrol officer traded gunfire with a person inside a car carrying four people during a high-speed chase from Interstate 10 in Yucaipa to Castile Canyon Road on the reservation. The chase ended off Castile Canyon Road, where a CHP officer fired at the car. No one was injured.



Two dead in second gunbattle in a week on Soboba land

 TO LISTEN TO STORY 
 Download story podcast

11:59 PM PDT on Monday, May 12, 2008

By JOSE ARBALLO JR. and JESSICA LOGAN
The Press-Enterprise

Sheriff's deputies shot two people to death Monday night in the second fatal shooting on the Soboba Indian Reservation in a week, authorities said.

Deputies responded to a 6:20 p.m. report of a shooting at a security kiosk at the reservation's entrance less than a quarter mile south of the casino, said Riverside County sheriff's Sgt. Dennis Gutierrez.

Several gunshots hit the building, Gutierrez said.

When deputies arrived at the reservation east of San Jacinto, they found themselves under gunfire from two or more suspects, Gutierrez said.

They became engaged in a gunbattle that lasted about an hour, Gutierrez said.

A second exchange of gunfire started when the sheriff's SWAT team arrived. Team members killed both suspects, Gutierrez said.

A total of nine deputies and SWAT team members were involved in the two gunbattles, Gutierrez said.

The names of those killed were not available late Monday.

Tribal Chairman Robert "Bobby" Salgado urged tribal members late Monday to stay indoors and not confront officers, saying that he did not trust the Sheriff's Department.

He said he was worried they would shoot first and ask questions later.

Salgado repeated many of the same complaints he made following last week's shooting about the lack of communication with the Sheriff's Department.

Salgado said the relationship between the tribe and the department soured since the tribal council voted to end its contract because the law-enforcement agency was not doing its job.

He also complained that sheriff's officials indicated they did not recognize Salgado's authority as tribal

chairman.

When officers arrived following the kiosk shooting, they quickly sealed off Soboba Road, the only road into the reservation. A law-enforcement helicopter buzzed overhead as more and more officers flooded the reservation in police vehicles.

A row of ambulances gathered along the edge of the casino parking lot, waiting for clearance to enter.

People who were not allowed to enter the reservation gathered in the parking lot waiting to see the results.

This is the latest of six shootings involving peace officers either on or near the reservation in as many months.

On Thursday, Eli Morillo, 26, became the second member of his family to die in a gunfight with deputies. His brother, Peter Morillo, 27, died in 2002 at a Valle Vista house after barricading himself inside.

Rosemary Morillo, their mother, was a tribal council member and until last year was chairwoman.

On Dec. 28, Gordon Davis Arres, 26, a reservation resident, was shot and killed by sheriff's deputies during a traffic stop on Whittier Avenue in Hemet.

Two sheriff's deputies received minor injuries when they were shot days later on Dec. 31 during a pursuit near Castile Canyon and Soboba roads.

Reach Jessica Logan at 951-368-9466 or jlogan@PE.com

Reach Jose Arballo Jr. at 951-368-9280 or jarballo@PE.com

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Chase incidents run counter to declining crime on Soboba Reservation

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08:11 AM PST on Wednesday, January 23, 2008

By **JOSE ARBALLO JR.**
The Press-Enterprise

While there may have been a recent surge in violent incidents, the rate of reported crime on the Soboba Indian Reservation has generally dropped over the past two years, according to figures compiled by the Riverside County Sheriff's Department.

The spike in recent crimes, including a chase that ended up with deputies being fired upon, prompted CalFire to change policy and require its firefighters to wait for a sheriff's escort before responding to emergency calls on the reservation east of San Jacinto.

But a review of reported crime in 2006 and 2007 shows that calls for service dropped to 255 from 312 overall. In the same years, overall assaults also dropped to six from eight. Burglaries declined to eight in 2007 from 13 the previous year, while theft-related incidents dipped to 26 from 28. Drug-related calls dropped to 21 in 2007 from 36 in 2006.

Story continues below



Paul Alvarez / The Press-Enterprise

Henry Garcia, left, and Willie Salvador work on the foundation of a new guard shack on the Soboba Indian Reservation on Tuesday. Tribal officials are taking steps that they hope will improve security on the reservation, including the guard shack on Soboba Road that will limit access to the reservation.

There were increases in two categories, misdemeanor batteries, which rose to 15 in 2007 from eight the previous year, and robberies, which increased to three from two.

The reduction in crime has taken place since the 500-member tribe canceled its contract for law-enforcement services with the Sheriff's Department. The agency in 2005 signed a five-year contract with

the tribe for a deputy to patrol the reservation exclusively, but tribal officials abruptly canceled the \$400,000 annual agreement in August 2006, saying the tribe was not getting its money's worth.

Rose Salgado, a member of the tribal council and part of a longtime influential family, said she was surprised about the reduction in crime, given what was being said about the recent incidents.

"That is a good thing," Salgado said of the drop in crime. "I believe the recent incidents were very isolated and not reflective of what is happening."

Officials from CalFire said the policy change was prompted, in part, by a recommendation from the Sheriff's Department, which provides law-enforcement services for the reservation. The reservation is patrolled as part of the larger unincorporated area covered by the department's Valle Vista station.

The new policy does not include emergency calls from the Soboba Casino, where firefighters will proceed in as usual.

In an incident earlier this month, two deputies were fired at when a vehicle chase ended on the reservation. The unidentified driver had not yielded when a deputy tried to make a routine traffic stop on Castile Canyon Road northeast of Soboba Road, and the vehicle was pursued. Investigators have not determined why the driver did not yield.

Broken windshield glass grazed one of the deputies, but no medical attention was needed, authorities said.

The chase was similar to one in December that involved California Highway Patrol officers. In that incident, a CHP officer traded gunfire during a high-speed pursuit that started in Beaumont and ended on the reservation.

Lt. Kevin Vest, who serves as police chief in San Jacinto, said it is likely the recommendation to CalFire reflected the recent upswing in criminal activity, rather than any long-term analysis of crime on the reservation.

Salgado said tribal officials are worried because the policy change means response times for emergency calls, now about six minutes, likely will increase to as long as 15 minutes or longer.

There are 10 to 40 calls for service a month from the reservation, according to one CalFire estimate.

Salgado said tribal officials are talking to CalFire representatives in hopes of getting the policy reversed or modified.

It is not uncommon for firefighters to wait -- called staging -- for deputies to clear the scene of an emergency call in which the safety of responders is an issue, such as a shooting or a domestic violence call. But other medical aid calls, such as those involving a heart attack or a disoriented person, generally do not require firefighters to wait for an escort.

There was a similar policy in place over the years whenever an upswing in violence occurred on the reservation. During the 1970s, a CDF squad and fire engine were shot at as firefighters responded to a call on the reservation.

Salgado said tribal officials are taking steps they hope will improve security on the reservation,

including the construction of a guard shack on Soboba Road that will limit access to the reservation. The facility, located between the casino and the tribal hall, is expected to be completed next month, Salgado said.

"We'll have better control over who enters the reservation," Salgado said. "That should be something that helps, too."

The structure is similar to one on the Morongo Reservation that limits access to the reservation near Cabazon.

Soboba tribal officials have long argued that much of the crime on the reservation is committed by outsiders who make their way onto the reservation.

While the issue of outsider crime can be debated, Vest said limiting access to the Soboba Reservation will likely help reduce crime.

Reach Jose Arballo Jr. at 951-368-9280 or by email at jarballo@PE.com



Comments 62 | Recommend 2

Access to Indian land varies

Locally, most law enforcement units gets unfettered admittance



09:57 PM PDT on Monday, August 4, 2008

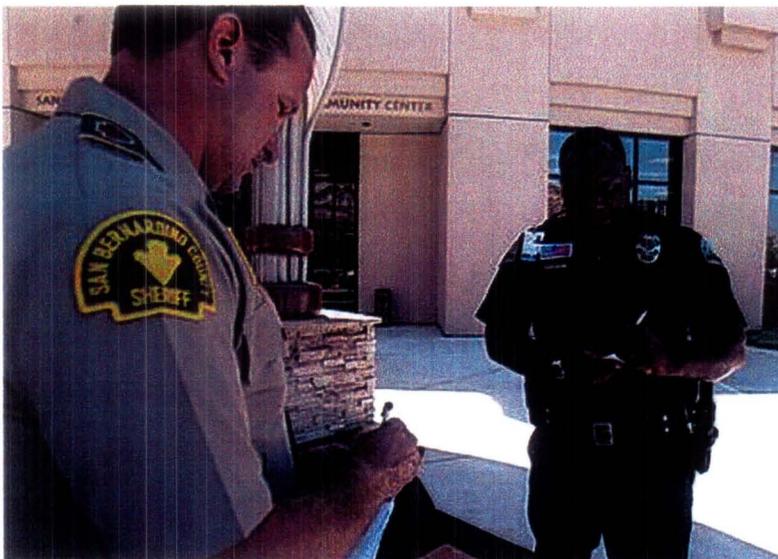
By MICHELLE DeARMOND and JOSE ARBALLO JR.
The Press-Enterprise

In a fight over who can control law enforcement access to the Soboba Indian Reservation, both sides are using the same public law to claim they are right.

Public Law 280 mandates that California and a handful of other states police Indian reservations. In states not covered by that law, a tribe's status as a sovereign nation means the tribe enforces laws through its own police agencies or leaves it to federal authorities to do so.

The Soboba tribe's relationship with local law enforcement has become increasingly contentious. Deputies killed three tribal members in shootouts this spring on the reservation. County leaders called last week for the tribal chairman to step down.

Story continues below



Paul Alvarez / The Press-Enterprise
A sheriff's deputy and an Indian reservation public safety

officer share notes recently. Most Inland tribes report similar cooperation.

Federal investigators are inspecting the casino this week after warning it could be shut down because of violence on the reservation.

Now the tribe and the sheriff are locked in dispute over whether deputies have to check in with tribal security guards before entering the reservation for nonemergency calls. Both sides contend the 55-year-old federal law supports their position.

The debates are not new and there's no one-size-fits-all answer for tribes in Public Law 280 states, said Carole Goldberg, a UCLA law professor who studies the law.

Despite the disagreement between the Sheriff's Department and Soboba tribe, several Inland tribes have found ways to work smoothly with law enforcement. Some have signed million-dollar contracts to pay the cost of additional patrols. Others don't sign contracts but welcome and work cooperatively with law enforcement.

Goldberg found in a recent study that many reservation residents in Public Law 280 states are unhappy with local law enforcement. Tribal members often feel their culture or leaders are disrespected by law enforcement, she said.

"It's a combination of both a feeling of non-responsiveness ... and a concern that when they do arrive that they conduct themselves in inappropriate ways," Goldberg said.

Soboba Chairman Robert "Bobby" Salgado complained in the wake of the fatal shootings in May that law enforcement didn't respect his authority as the elected leader of a sovereign nation and kept him in the dark about their investigations.

Many of the problems stem from different interpretations of Public Law 280.

Even the U.S. Bureau of Indian Affairs' Inland representative, Jim Fletcher, said recently that the law has been "so litigated (and) written so poorly" that his office is asking its attorneys to research it for him.

Soboba Security

Fletcher's request came in response to the ongoing dispute between the Soboba Band of Luiseño Indians and the Sheriff's Department. The department said no other tribe in the county interprets the law the way Soboba does.

Fletcher said last week he was requesting the formal legal opinion and hopes to have it by next week.

Soboba requires deputies to check in with tribal security guards when visiting the reservation on nonemergency business and often has guards escort the deputies.

Most deputies arriving at other Riverside County reservations simply are waved through when they arrive at the entrance, said Riverside County Sheriff Stanley Sniff.

Salgado said he believes deputies don't have the right to come onto his reservation for nonemergency

calls without having the tribe's guards verify the deputies' identities and reasons for coming to the reservation.

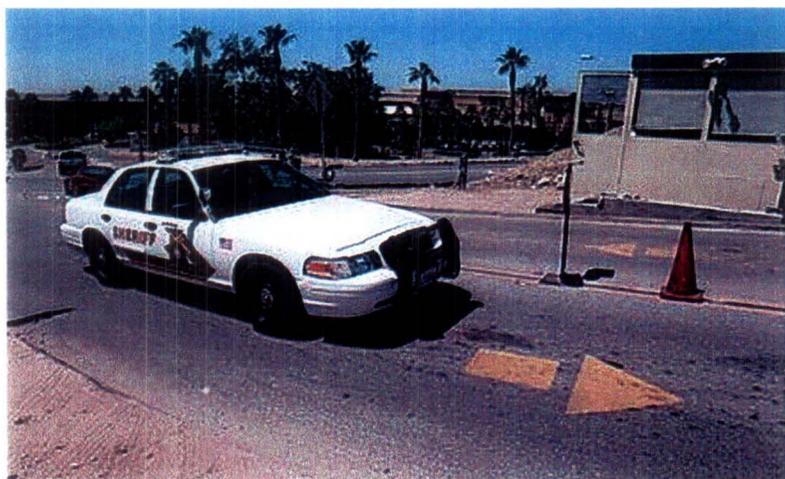
"I think it's probably going to take some time for them to realize ... that there's more to it -- Public Law 280 -- than they really realize," he said.

Salgado has scheduled a public forum for Aug. 11 to discuss Public Law 280 and has invited Sniff and other local leaders to attend.

Goldberg will be there to explain the law, he said.

Sniff said he won't attend, saying he already understands the law.

Story continues below



Keeping the Peace

Elsewhere in Riverside County, the Morongo Band of Mission Indians has a contract with the Riverside County Sheriff's Department for service on the reservation. The five-year agreement started Oct. 1, 2007, and will cost Morongo \$994,000 for the current fiscal year.

Patrick Dorinson, a public relations consultant for the tribe, said the arrangement has been a good one.

"This agreement is working out for all parties," he said. "As questions arise, we'll work through them with officials."

Riverside County had a contract for one year with the Soboba Band of Luiseño Indians. The deal was signed for five years but the tribe canceled it in August 2006. The tribe complained that it was not getting the level of service it wanted.

At the time, then-Sheriff Bob Doyle credited his deputies with making numerous arrests, seizing firearms and illegal fireworks, and recovering more than \$500,000 worth of stolen vehicles from the Soboba reservation.

The relationship between Soboba and the Riverside County Sheriff's Department deteriorated after the

cancellation of the agreement. Two shootouts between deputies and tribal members in May ended in the deaths of three Soboba Indians.

The tribe and the Sheriff's Department have since signed a memorandum outlining an understanding to communicate better, but Soboba is not interested in signing a contract with the department, tribal officials have said.

Checkerboard Patrols

Farther east in the Coachella Valley, the Agua Caliente Band of Cahuilla Indians interacts primarily with three cities: Palm Springs, Cathedral City and Rancho Mirage. The tribe's reservation is laid out in a checkerboard fashion, meaning it's broken into segments with nontribal land in between the squares of reservation land.

That geography and the tribe's long-standing relationship with local law enforcement agencies have made for virtually seamless arrangements in which local police move on and off the reservation with no change in their function, said Agua Caliente Chairman Richard Milanovich.

"We don't have a wall up or a fence up," he said. "The relationship that we have with the three cities and the county -- it can't get any better. We're very fortunate."

The tribe doesn't have a contract with any agency but helps cover the cost of policing the reservation. The tribe's Spa Casino sits in downtown Palm Springs, and the tribe has a second casino near Rancho Mirage.

In San Bernardino County, the San Manuel Band of Mission Indians recently renewed its contract with the Sheriff's Department, announcing a \$1.2 million contract, guaranteeing 24-hour deputy patrols for the next year.

The agreement renews a contract the tribe and the San Bernardino County Sheriff's Department have had for a couple years, although San Manuel has paid for supplemental law-enforcement coverage from deputies for several years without a formal contract.

The latest San Manuel agreement, which took effect July 1, pays for six deputies, a sergeant, equipment and overhead costs, said Jerry J. Paresa, San Manuel's executive director of governmental relations. Deputies use vehicles with tribal logos.

Deputies are collaborating with the tribe's security force and casino gaming commission, he said. Additionally, tribal Chairman James Ramos has met with members of the Sheriff's Department since taking office April 1 to teach them about tribal culture and history.

Sgt. Dave Phelps, spokesman with the Bernardino County Sheriff's Department, said the contract with the San Manuel tribe has helped improve communication between the department and the tribe.

 Phelps said the contract also shows that the tribe cares about the surrounding community and is serious about fighting crime.

"It has been a positive experience," he said.

Reach Michelle DeArmond at 951-368-9441 or mdearmond@PE.com

From: cherylschmit@att.net (cherylschmit@att.net)
To: cherylschmit@att.net
Date: Monday, October 20, 2008 10:34:56 AM
Subject: Soboba Band facing public scrutiny

Soboba Band facing public scrutiny

By Victor Morales, Today correspondent

Story Published: Oct 20, 2008

Story Updated: Oct 17, 2008 <http://www.indiancountrytoday.com/national/southwest/01168854.htm>

SAN JACINTO, Calif – The Soboba Band of Luiseño Indians' dispute with a local sheriff over access to Indian land appears to have led to some negative public reaction after the sheriff's claims that the reservation was unsafe and then followed by criminal incidents at the reservation.

Despite a longstanding tradition, a local school district canceled classroom visits to the tribe's pow wow in September, citing safety concerns. It was the latest sign that the Soboba's public image may be deteriorating among local residents

"The school buses were ordered and we were all set, but after discussing it with our local police chief we decided to cancel," said Dennis Bixler, director of student support for the San Jacinto Unified School District. "It was certainly not something we wanted to do."

The district's concerns stemmed from two separate incidents at the 3,172-acre reservation that allegedly involved tribal members arrested for violent crimes. Riverside County Sheriff's Department deputies entered the reservation and made the arrests, according to news releases

(Two other tribal members were arrested on the reservation Sept. 24 for their alleged involvement in a vehicle pursuit and drive-by shooting, according to a sheriff's department press release)

No incidents were reported during the three-day pow wow, and attendance did not suffer, said Mike Hiles, Soboba's public information officer. Hiles attended the pow wow and said "thousands" showed up

The string of bad developments for the Soboba began in July, when Riverside County Sheriff Stanley Sniff wrote to the National Indian Gaming Commission requesting that Soboba's gaming operations be halted over safety concerns. Sniff's request came after protesting Soboba Chairman Robert Salgado's policy of having deputies check in with tribal security before entering the reservation for nonemergency calls. In the letter, the sheriff said Salgado was obstructing deputies, who are required to enforce state law

Public Law 280, an increasingly controversial

Wrongful death claim

Meanwhile, family members of the tribal members killed by deputies in the May shootout filed a wrongful death claim against the sheriff's department, their attorney said Aug. 25.

The tort claim notice, the initial legal procedure toward suing a governmental agency when they are rejected, was filed Aug. 20 and claims Tamara Angela Hurtado, 29, was unnamed when deputies shot and killed her May 12. Sheriff's department authorities have disputed that, saying she and 36-year-old Joseph Arres, Soboba, were armed and shot first.

The claim did not specify any damages sought, said the Hurtado family's attorney, Jack L. Schwartz of Los Angeles.

He said the expected outcome, however, will be the same as that of the other two tort claims he has filed against the

termination-era law, gives criminal jurisdiction to non-Indian law enforcement in some states. The Soboba hosted an open forum in August to discuss the adequacy of the law

Salgado has said he is not prohibiting deputies from entering the reservation, but trying to monitor deputies after three tribal members died in shootouts with deputies in May.

sheriff on behalf of the families of two other Sobobas killed in confrontations with deputies.

"I expect them to ignore it."

Schwartz said the county has 45 days to respond. Plans if the claim is rejected are pending.

"We won't know what we are doing until we finish our investigation."

Since Sniff's request in July, the citizens casino watchdog group Stand Up for California has asked California Gov. Arnold Schwarzenegger for an investigation of the tribe's casino for allegedly breaching its 1999 compact that prohibits gaming in a manner that endangers public, according to its director, Cheryl Schmit.

And the National Sand Drag Association, an Arizona racing organization, has pulled out its races from the reservation because of safety concerns, according to reports in area newspapers.

According to Sniff, crime statistics indicate the reservation has a disproportionately higher rate of crime when compared to nearby communities

The reservation leads its two neighboring communities that are serviced by deputies in four crime types, according to statistics provided by the sheriff's department. They include 14.55 aggravated assault crimes per 1,000 people in 2007 at the reservation, compared to 4.27 and 4.63 in unincorporated Hemet and San Jacinto, respectively

Crime Statistics

Hiles declined to comment on the claims, saying he did not have authorization, and tribal officials could not be reached.



| Recommended

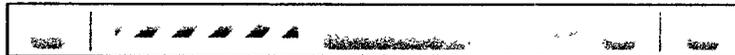
Schools pass on Soboba powwow; tribe says attendees should feel safe

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AUDIO

01:41 PM PDT on Sunday, September 21, 2008

By HERBERT ATIENZA
The Press-Enterprise

Loading Video...



Video: 12th annual Soboba Powwow



Photo Gallery: 12th annual Soboba Powwow

SOBOBA INDIAN RESERVATION - Steps have been taken to assure safety and security during the 12th annual Soboba Powwow this weekend, tribal officials say.

The assurances came after officials from San Jacinto School District declined to send elementary school students to the powwow's traditional pre-opening visit hosted by the tribe.

The reasons for San Jacinto's absence from the event are unclear. Tribal officials say they received word from San Jacinto district officials that the students were not coming because of safety concerns. San Jacinto schools Superintendent Shari Fox and other district officials could not be reached for comment Friday.

Students from the Hemet Unified School District also did not attend. Soboba Vice Chairwoman Rosemary Morillo said the tribe did not receive a response to an invitation sent to the school district.

Mary Wulfsberg, Hemet Unified deputy superintendent for educational services, said that elementary schools in the district received an invitation from Soboba Indian Reservation to attend Friday's event, but she did not know how many schools, if any, sent students. Such a decision would have been made by each individual school, Wulfsberg said.

Morillo was disappointed the students didn't show up. Students from the local elementary schools have attended the powwow each of the past five years.

She said the tribe would have appreciated hearing sooner of the San Jacinto district's decision not to participate.

"I think common courtesy would be not to tell someone on the day itself," she said.

San Jacinto School Board President John Norman said he was not aware that the students did not attend.

"We have not set a policy as a board not to let the students go. However, we have told administrators to use their discretion," he said. He said the school district "errs on the side of safety."

Security on the Soboba reservation has been in the spotlight in recent months after a series of shootings by Riverside County sheriff's deputies that left three tribal members dead. Another group, the Arizona-based National Sand Drag Association, pulled its races from the reservation, citing safety concerns.

Morillo said people attending the powwow should feel safe.

Thousands of people are expected to take part in the three-day celebration, which started Friday. More than 600 performers from throughout the U.S. and Canada are expected.

Morillo said tribal patrols and security guards would be in place to make sure it's a peaceful event. He said volunteers with badges would also assist anyone needing help. A medical mobile van would be on hand, she said.

Also, she said, the tribe would strictly enforce a policy prohibiting firearms, alcohol or drugs during the powwow.

"We cover all the bases," Morillo said.

Staff writer Imran Vittachi contributed to this report.

Reach Herbert Atienza at 951-763-3464 or

RIVERSIDE COUNTY
STANLEY SNIFF SHERIFF



Sheriff

PO BOX 512 • RIVERSIDE CALIFORNIA 92502 • (951) 955-2100 • FAX (951) 955-2428

July 28, 2008

National Indian Gaming Commission
Philip N. Hogen, Chairman
1441 L. Street NW
Suite 9100
Washington, DC 20005

Dear Chairman Hogen:

I am writing to you to formally express my safety concerns on behalf of the public and our state, county and local law enforcement officers. I do this as a direct result of recent actions taken by the Tribal Council of the Soboba Band of Luiseno Indians, located within Riverside County, California.

It is my recommendation that the Commission suspend their gaming operations unless and until the Tribal Council allows unhindered and unrestricted access by law enforcement authorities onto the reservation to enforce State of California criminal statutes.

As you are already aware, we have been in negotiations with the tribal council over the past few months and recently signed an agreement with them on July 7, 2008 that deals with collaborative efforts, but does not impact state criminal law enforcement pursuant to Public Law 280. Since that date, the Tribal Council has directed its tribal security (no state peace officer status or powers) and other tribal personnel to block, impede, delay and obstruct law enforcement officers coming onto the reservation for legitimate law enforcement business on behalf of the public.

California, like other states, has a series of overlapping jurisdictions among those agencies that enforce state criminal statutes. These include state, county and local municipal agencies that routinely interface with one another and our courts within our criminal justice system.

Although the actions of the Soboba Tribal Council are narrowly aimed at the Riverside County Sheriff's deputies in that jurisdiction, their actions have an adverse impact on a large number of other law enforcement agencies that also have jurisdiction in enforcing criminal law on the reservation: these include the California Highway Patrol (CHP), city police departments, DA Investigators, county probation, state parole, state bureau of narcotics enforcement (BNE) and other duly authorized law enforcement agencies enforcing criminal statutes under the authority of the state Penal Code.

After these restrictions were unilaterally noticed to Sheriff's officials, the Riverside County Sheriff's Department notified the Tribal Council that attempts to delay, obstruct or block law enforcement officers in the performance of their duties was a criminal offense in the State of California, and subjected those doing so to arrest and prosecution. The Tribal Council, although warned, has continued this month with guidance to their staff that places them in direct conflict with law enforcement, raising safety concerns for the public and for law enforcement officers.

The Soboba Tribal Council has attempted to blur the issue by indicating that access to the casino area is unrestricted while the contiguous reservation area will be closed to law enforcement authorities without permission to enter. This is really a distinction without difference, especially in light of the crime patterns that exist, including the recent incidents that have occurred there in recent months.

These Tribal Council actions create safety issues and place at equal risk, tribal members, their employees, and the thousands of members of the public that are patrons of the tribal businesses. It is our belief that their restrictions attempt to not only impede law enforcement officers in performing their legal responsibility, but also create potentially imminent jeopardy to the public.

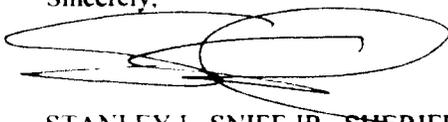
The law enforcement position here is that all three of these groups of citizens are entitled to equal protection under state criminal law, and the standards of law enforcement practices are and ought to be the same.

In addition, there are already articulated safety concerns among communities bordering tribal lands. Our review of the history of crime incidents on the reservation, and a seeming trend for tribal members engaging law enforcement officers from a variety of agencies with high-power firearms, underscores our safety concerns on behalf of the public and officers from all agencies.

I do not take this request lightly and have steered clear of the gaming issue while productive working group discussions occurred during May and June. I have also directly stated to the tribal chairman the law enforcement requirement for unhindered access to the reservation so that public and officer safety is maintained, and our criminal investigations are not compromised.

Whether state, county or municipal law enforcement agency, we simply cannot accept the restrictions recently imposed by the Tribal Council. I therefore now appeal to you on behalf of Riverside County law enforcement and the public.

Sincerely,



STANLEY L. SNIFF JR., SHERIFF-CORONER

SS:nt

Enclosures:

LA Times Article, dtd 10 June 08

Riverside County Sheriff's Department Agreement with Soboba, dtd 7 July 08

11-19-08 - Event 212

63



VALERIE DETWILER / The Valley Chronicle

IN PURSUIT: SWAT and other law enforcement closed the bridge on Main Street west of Lake Park Drive in San Jacinto on Wednesday as they located a suspect in a carjacking on the Soboba Indian Reservation.

Soboba man arrested in carjacking

By CHARLES HAND
THE VALLEY CHRONICLE

A resident of the Soboba Indian Reservation was arrested for carjacking Wednesday after a SWAT search.

Riverside County Sheriff's Department deputies were called to the reservation about 6:30 a.m. to investigate the theft

at gunpoint of a truck, said Sgt. Dave Kurylowicz in a news release.

A man who said he was doing construction on the reservation reported that he was confronted by three people, one carrying a rifle and another a handgun, who stole his orange truck.

Deputies sealed off the reservation and called in the Special Enforcement Bureau.

Two suspects were located about 5 p.m.

One was released and the other arrested.

Booked into the Southwest Detention Center was Anthony Del Rio, 18.

The investigation into the carjacking continues, according to Kurylowicz, who said anyone with information should call investigator Greg Harrell at 791-3400.

SOBOBA

CONTINUED FROM C1

response deployed to address the incident," said a statement from the tribe that singled out Worby. "Despite the tactic, the Tribe worked for a more diplomatic and uneventful surrender."

The Soboba Casino remained open through the day and the police activity did not deter visitors as the parking lot remained full.

Golfers on the Soboba Springs course continued their rounds.

The roads were reopened by Wednesday evening.

The Sheriff's Department and the Soboba tribe have been at odds over access to the reservation.

In July, Sheriff Stanley Sniff called for the casino to be closed over safety concerns and threatened to bring criminal charges against anyone who



PAUL ALVAREZ/THE PRESS-ENTERPRISE

The sheriff's SWAT team is called in to help search for tribal members suspected in a carjacking. Authorities blocked off the Ramona Expressway at Lake Park Drive to facilitate the search.

impeded deputies in their duties.

In recent months, both sides have reported a cooperative relationship. Sheriff's deputies

must continue to check in at the entrance unless in hot pursuit or responding to a 911 call.

Reach John Asbury at 951-763-3451 or jasbury@PE.com



PAUL ALVAREZ/THE PRESS-ENTERPRISE

The Riverside County Sheriff's Department SWAT team prepares to search for Soboba Indian Reservation tribal members suspected in an armed-carjacking of a construction crew near Hemet. The construction crew was not injured.

Deputies storm reservation

SOBOBA: An armored vehicle is part of the arsenal used after a reported carjacking. One arrest is made.

BY JOHN ASBURY
THE PRESS-ENTERPRISE

SOBOBA INDIAN RESERVATION — Riverside County sheriff's deputies searched for three carjacking suspects Wednesday on the Soboba Indian Reservation.

Authorities were called to the reservation by a construction crew working there who reported being carjacked by three men about 6:30 a.m. at gunpoint.

The crew was approached by the men, one armed with a handgun, another with a rifle, who stole their work truck,

ON THE WEB

■ Watch scenes from Wednesday's police action at the Soboba Reservation. PE.com



sheriff's Sgt. Dennis Gutierrez said.

The construction crew was not injured and tribal government assisted law enforcement searching the reservation for the carjackers.

For most of the day, dozens of sheriff's deputies and a SWAT team blocked off Lake Park Drive from the Ramona Expressway to Soboba Road as the Sheriff's Department established a command post to prepare to enter the reservation.

Three sheriff's helicopters

scanned the reservation throughout the day.

By midafternoon, the sheriff's Special Enforcement Bureau SWAT team and a tanklike armored vehicle equipped with a battering ram rolled onto the reservation.

At 5 p.m., deputies arrested one man and interviewed and released another person.

Anthony Del Rio, 18, a resident of the Soboba Reservation, was arrested on suspicion of carjacking, Sgt. David Kurylowicz said in a report. He said more arrests are expected.

Sheriff's Capt. Glenn Worby said Wednesday's response was an appropriate measure for the situation and said operations of that scale have been used for

similar investigations using support vehicles and SWAT teams.

"We treated this with the correct response given the threat to the tribe, the public safety and law enforcement," Worby said. "Every situation is different, and the tribe is not treated differently than anyone else. We would absolutely use the same response if the situation called for it."

Tribal officials said they assisted sheriff's deputies to identify the suspects and arranged for what they described as the "surrender and arrest of a non-tribal member."

"The Tribe was surprised by the show of tanks and scale of
See **SOBOBA/C6**



National Drug Intelligence Center
Indian Country Drug Threat Assessment 2008
 June 2008

Appendix C. Policing and Law Enforcement in Indian Country

The administration of criminal justice throughout Indian Country is overseen by the Bureau of Indian Affairs and authorized pursuant to the public law and statutory regulations set forth in Table 15.

Table 15. Law Enforcement Jurisdiction in Indian Country

| Offender | Victim | Jurisdiction Not Conferred Under Public Law 280, 18 U.S.C. § 1162 |
|------------|------------|--|
| Non-Indian | Non-Indian | State jurisdiction is exclusive of federal and tribal jurisdiction. |
| Non-Indian | Indian | Federal jurisdiction under 18 U.S.C. § 1152 is exclusive of state and tribal jurisdiction. |
| Indian | Non-Indian | If listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but not of the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is assimilated. If not listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but not of the tribe, under 18 U.S.C. § 1152. If the offense is not defined and punished by a statute applicable within the special maritime and territorial jurisdiction of the United States, state law is assimilated under 18 U.S.C. § 13. |
| Indian | Indian | If the offense is listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but not of the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is assimilated. If not listed in 18 U.S.C. § 1153, tribal jurisdiction is exclusive. |
| Non-Indian | Victimless | State jurisdiction is exclusive, although federal jurisdiction may attach if an impact on individual Indian or tribal interest is clear. |
| Indian | Victimless | There may be both federal and tribal jurisdiction. Under the Indian Gaming Regulatory Act all state gaming laws, regulatory as well as criminal, are assimilated into federal law, and exclusive jurisdiction is vested in the United States. |
| Offender | Victim | Jurisdiction When Conferred Under Public Law 280, 18 U.S.C. § 1162 |
| Non-Indian | Non-Indian | State jurisdiction is exclusive of federal and tribal jurisdiction. |
| Non-Indian | Indian | <i>Mandatory</i> —state has jurisdiction exclusive of federal and tribal jurisdiction. <i>Optional</i> —state and federal government have jurisdiction. There is no tribal jurisdiction. |
| Indian | Non-Indian | <i>Mandatory</i> —state has jurisdiction exclusive of federal government but not necessarily of the tribe. <i>Optional</i> —state has concurrent jurisdiction with the federal courts and tribal courts. |
| Indian | Indian | <i>Mandatory</i> —state has jurisdiction exclusive of the federal government but not necessarily the tribe. <i>Optional</i> —state has concurrent jurisdiction with tribal courts for all offenses and concurrent with federal courts for those listed in 18 U.S.C. § 1153. |
| Non-Indian | Victimless | State jurisdiction is exclusive, although federal jurisdiction may attach in an option state if impact on individual Indian or tribal interest is clear. |
| Indian | Victimless | There may be concurrent state, tribal and, in an option state, federal jurisdiction. There is no state regulatory jurisdiction. |

Source http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00689.htm,
<http://tribaljurisdiction.tripod.com/id8.html>

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Policing resources available to large geographically remote reservations is limited. Law enforcement officials throughout Indian Country indicate that tribal law enforcement agencies possess significantly fewer law enforcement resources (equipment and manpower) than their counterparts in non-Indian communities. This greatly impedes the officials' ability to provide sufficient law enforcement coverage in remote areas of reservations and to support criminal drug investigations.

The availability and allocation of correctional resources in Indian Country are limited. Approximately 82 detention facilities currently exist in Indian Country; they are located on 57 reservations throughout the country. Only 27 of the facilities can be used to house juvenile offenders. Of the 82 facilities, 20 are operated by BIA and 62 are operated by individual tribes. Despite the fact that correctional facilities are located within reservations, law enforcement officials must travel significant distances to house offenders.

Federal agency involvement in Indian Country is an integral part of its criminal investigative and justice systems. The FBI is the principal federal law enforcement agency that investigates major crimes including homicide, sexual abuse, and felony assaults in Indian Country. A critical component of the FBI's efforts in Indian Country is its Safe Trails Task Force (STTF) program, which unites the FBI with other law enforcement agencies in a collaborative effort to combat the problem of violent crime and drug trafficking in Indian Country. Participating agencies include FBI, DEA, BIA, ATF, tribal police departments, and state and local law enforcement agencies. Currently, 19 STTFs are funded, and planning for additional task forces is underway.

Safe Trails Task Force Locations

Bismarck-Mandan Safe Trails Task Force (Bismarck, ND)
Blackfeet Safe Trails Task Force (Browning, MT)
Crow/Northern Cheyenne Safe Trails Task Force (Billings, MT)
Fort Apache Safe Trails Task Force (Lakeside-Pinetop, AZ)
Fort Peck Safe Trails Force (Glasgow, MT)
Headwaters Safe Trails Task Force (Bemidji, MN)
Menominee Indian Reservation Task Force (Green Bay, WI)
Nebraska Safe Trails Task Force (Sioux City, IA)
New Mexico Safe Trails Task Force (Gallup, NM)
Northern Plains Safe Trails Task Force (Pierre, SD)
Northwest Washington Safe Trails Task Force (Everett, WA)
Sacramento Indian Gaming Safe Trails Task Force (Sacramento, CA)
Salish Safe Trails Task Force (Spokane, WA)
Tohono O'odham Safe Trails Task Force (Tucson, AZ)
Tri-Agency Safe Trails Task Force (Havre, MT)
Upper Peninsula Safe Trails Task Force (Marquette, MI)
Utah Navajo Violent Crimes Task Force (Monticello, UT)
Warm Springs Safe Trails Task Force (Bend, OR)
Western Nevada Safe Trails Task Force (Reno, NV)

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[To Publications Page](#) [To Home Page](#)

End of page.

Change - # of gray areas in PL280 on the exercise of police obligations

Environment – Preserve Cultural Resources/EIS Concerns

- No evidence of claim that adjacent land was tribal land, other than possibly used for encampments or hunting/food gathering area.
- Previously, believed that tribal representatives have said no historic sites or artifacts in annexation area.
- Tribe has obtained land in vicinity equaling close to 10,000 acres according to public record.
- Tribe has built significant facilities on existing reservation for cultural preservation including Cham-Mix Poki' and Noli School plus preserving the Catholic chapel.
- The proposed transfer will NOT provide any additional cultural resources or preserve historic sites. The entire area of the transfer is proposed to be used as a construction site for commercial development (buildings and pavement).
- Language in the State's 1999 compacts with gaming tribes intended to mitigate the environmental impact of large casino construction projects has proven to be vague and largely unenforceable. (emphasis added) (1)
- Concerns have been raised around the State about the sufficiency of some tribal environmental impact reports and mitigation efforts, particularly relating to wastewater, groundwater depletion, endangered species, water contamination, grading of land and dangerous road conditions. (All concerns in this project.) Casinos' large scale developments have changed the character of some rural areas. San Diego County concluded that, In general the Environmental Assessments prepared for individual proposed gaming facilities have not provided the level of detail the County requires of projects under its jurisdiction, and have not included factual analysis to support the conclusions that the tribal projects did not have significant impacts on the community character of the surrounding areas. (1)

Source: California Research Bureau; *Gambling in the Golden State 1998 Forward*. By Charlene Wear Simmons, Ph.D. (Requested by Attorney General Bill Lockyer. May 2006

(1) Page 77

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Source: California Research Bureau; *Gambling in the Golden State 1998 Forward*. By Charlene Wear Simmons, Ph.D. (Requested by Attorney General Bill Lockyer. May 2006

(1) Page 77

SOBOBA BAND OF LUISEÑO INDIANS

P.O. BOX 487 SAN JANCINTO, CA 92581 (951) 654-2765

66

RESOLUTION

RES. NO. CR07-HSFTTAPP-32

RE: Submission of the Horseshoe Grande Fee-To-Trust Application to the United States Department of the Interior, Bureau of Indian Affairs

WHEREAS, the Soboba Band of Luiseño Indians, is organized under the Tribal Constitution enacted October 2, 1993; and

WHEREAS, the Tribal Council of the Soboba Band of Luiseño Indians purchased the following properties, now known as the Horseshoe Grande property, comprising total acreage of approximately 534.91² acres:

Approximately 72.16 acres, purchased from Osborne Development Corp., a California corporation, on June 22, 2001;

Approximately 9.52 acres, purchased from Rudolph W. Metz, a widower, and Carl Grindle and Marion Grindle, husband and wife, who acquired title as GRIMA, a partnership, on December 13, 2001;

Approximately 10.17 acres, purchased from Christina Reltz, Executrix for the Estate of Margaret Van Luven, on December 14, 2001;

Approximately 37.34 acres, purchased from the Shepard Management Services, A California Limited Partnership on December 4, 2001;

Approximately 149.30 acres, purchased from the Soboba Springs Royal Vista Golf Course, Inc., on December 9, 2004

Approximately 11.39 acres, purchased from the AtVantage Group, Inc., on June 22, 2006;

Approximately 245.03 acres, purchased from the Ramijak Family Trust, on January 4, 2007; and

WHEREAS, the Soboba Band of Luiseño Indians requests that the Government of the United States of America, Department of the Interior, Bureau of Indian Affairs, accept in trust for the Tribe the 34 parcels set out above, more particularly described as follows:

APN 433-120-023, APN 433-140-030, APN 433-140-001, APN 433-140-024 APN 433-140-026, APN 433-140-020, APN 433-140-042, APN 433-140-044, APN 433-140-045, APN 433-140-046, APN 433-140-047, APN 433-140-048, APN 433-140-049, APN 433-120-009, APN 433-120-008; APN 433-100-013, APN 433-100-002, APN 433-100-014, APN 433-100-015, APN 433-110-013, APN 433-120-031, APN 433-140-022, APN 433-140-031, APN 433-140-041, APN 433-080-002, APN 433-080-005, APN 433-080-006, APN 433-080-007, APN 433-080-010, APN 433-080-011, APN 433-030-013, APN 433-030-015, APN 433-030-016, and APN 433-030-017; and

WHEREAS, the Soboba Band of Luisefio Indians proposes to use the existing structures for Tribal self-sufficiency, economic development, and self-determination purposes in as-is condition; and

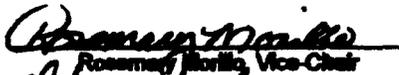
WHEREAS, the Soboba Band of Luisefio Indians plans to develop a hotel, casino, tribal fire house and police station, wastewater treatment facility, as well as, the on-going development of the Soboba Springs golf club house,

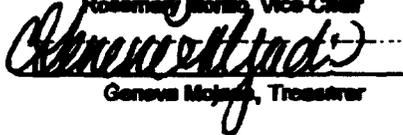
THEREFORE BE IT RESOLVED, the Tribal Council of the Soboba Band of Luisefio Indians authorizes Tribal Chairman, Robert Salgado Sr., to submit a Fee-to-Trust Application to the Government of the United States, Department of the Interior, Bureau of Indian Affairs, and to execute Grant Deeds conveying the subject properties to the United States of America to be held in trust status for the Soboba Band of Luisefio Indians. .

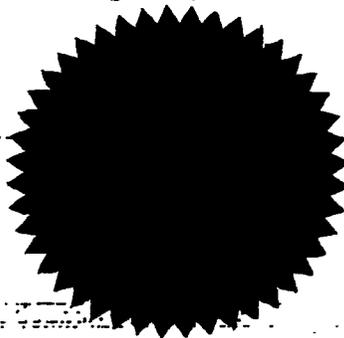
CERTIFICATION

We the elected members of the Tribal Council of the Soboba Band of Luisefio Indians do hereby certify that the foregoing Resolution was adopted by the Soboba Tribal Council at a duly held meeting convened on the Soboba Indian Reservation on July 24, 2007 by a vote 4 "FOR", 0 "AGAINST", and "0" "ABSTAINING", and such Resolution has not been rescinded or amended in any way.

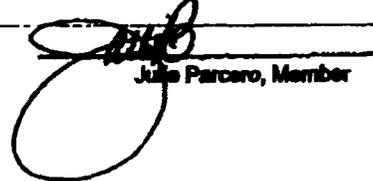
Robert Salgado Sr., Chairman


Rosemary Florillo, Vice-Chair


Geneva Molina, Treasurer




Rose Salgado, Secretary


Julia Parcaro, Member



<http://www.epa.gov/fedrgstr/EPA-IMPACT/2007/December/Day-14/i24293.htm>

Last updated on Monday, December 31st, 2007

Federal Register Environmental Documents

You are here: [EPA Home](#) [Federal Register](#) [FR Years](#) [FR Months](#) [FR Days](#) [FR Documents](#) Notice of Intent To Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians' Proposed Trust Acquisition and Casino/Hotel Project, City of San Jacinto, Riverside County, CA

Notice of Intent To Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians' Proposed Trust Acquisition and Casino/Hotel Project, City of San Jacinto, Riverside County, CA

[Federal Register: December 14, 2007 (Volume 72, Number 240)]
[Notices]
[Page 71146-71147]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14de07-58]

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians' Proposed Trust Acquisition and Casino/Hotel Project, City of San Jacinto, Riverside County, CA

AGENCY: Bureau of Indian Affairs, Interior.
ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in cooperation with the Soboba Band of Luiseño Indians (Tribe), intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed fee-to-trust land acquisition and casino and hotel project (Proposed Action) located within the City of San Jacinto, Riverside County, California. The purpose of the Proposed Action is to improve the tribal economy in order to better enable the

[[Page 71147]]

Tribe to provide governmental services, perform governmental functions, create jobs and career opportunities for tribal members and develop programs that would assist tribal members to attain economic self-sufficiency. This notice also announces a public scoping meeting to identify potential issues, alternatives and content for inclusion in

the EIS.

DATES: Written comments on the scope of the EIS must arrive by January 22, 2008. The public scoping meeting will be held January 8, 2008, from 6 p.m. to 8 p.m., or until all those who register to make statements have been heard.

ADDRESSES: You may mail or hand carry written comments to Ms. Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

The public scoping meeting will be held at the Hemet Public Library, 2nd floor, 300 E. Latham, Hemet, California 92543.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

SUPPLEMENTARY INFORMATION: The Tribe proposes that 289.88± acres of land located within the City of San Jacinto, Riverside County, California, be acquired into trust for the Tribe. The land is located in the foothills on the west side of the San Jacinto Mountains that separate the San Jacinto River Basin to the west from the Coachella Valley to the east, and adjacent to the San Jacinto River.

Of the 289.88± acres, 35 to 40 acres are proposed for development. The remaining acreage would remain in its current state, which consists of an existing golf course (156.36 acres) and maintenance facility, and on-going club house development. The proposed new development would consist of a 90,000± square foot casino facility with 70,000± square foot gaming floor, various food and beverage establishments, conference space, spa, and four retail establishments; a 300-room, 224,000± square foot hotel; a multi-level, 2200 space parking garage; a tribal fire station; a wastewater treatment plant; and supporting facilities. The new gaming facility would replace the existing one located on reservation lands.

Access to the site would be via Lake Park Drive and Soboba Road, by way of a new access point/driveway. The proposed hotel and casino complex would be generally located at the intersection of Soboba Road and Lake Park Drive and abut the existing golf course. The proposed wastewater treatment plant and fire station would be on the southern side of Lake Park Drive.

The Soboba Band of Luiseño Indians is a federally recognized Indian tribe governed by a tribal council consisting of five members, under a federally approved constitution. The Tribe currently has a federally approved tribal-state gaming compact with the State of California.

Public Comment and Solicitation

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal

identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with section 1501.7, 1506.6 and 1508.22 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary--Indian Affairs by 209 DM 8.1.

Dated: November 9, 2007.

Carl J. Artman,
Assistant Secretary--Indian Affairs.
[FR Doc. E7-24293 Filed 12-13-07; 8:45 am]
BILLING CODE 4310-W7-P

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|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Notices | 2008 | 2007 | 2006 | 2005 | 2004 | 2003 | 2002 | 2001 | 2000 |
| For | 1999 | 1998 | 1997 | 1996 | 1995 | 1994 | | | |

From: Mike Hiles (mhiles@mphpr.com)
To: Patty Mayne
Date: Wednesday, January 9, 2008 8:09:33 AM
Subject: <no subject>

Not sure if you're in town or not, but here is Steve's coverage:

Soboba hotel-casino proposal has early opposition

10:00 PM PST on Tuesday, January 8, 2008
 By STEVE FETBRANDT

The Press-Enterprise

HEMET - Concerns about traffic and noise pollution, declining property values, public safety and other issues dominated Tuesday's federal fact-finding session into the Soboba Band of Luiseño Indians' proposal to build a new hotel-casino complex on property bordering the reservation.

The hearing, hosted by the U.S. Bureau of Indian Affairs, drew more than 200 residents, tribal members and civic leaders to the Hemet Public Library.

Most of the speakers objected to the plan. Many live near the proposed hotel/casino on either side of Soboba Road or in the Soboba Springs Mobile Estates retirement community on Lake Park Drive.

At issue is the tribe's request to bring 535 acres of land it already owns into federal trust status, which would make it part of the reservation, so it can then develop the property commercially. The area includes the southeast corner east of Lake Park Drive and extends northwestward almost three-quarters of the way to Sanderson Avenue along Soboba Road.

Portions of the property are within San Jacinto city and Riverside County jurisdiction.

Tribal attorney Karl Johnson said the Federal Register incorrectly listed the total acreage as 290 acres.

The tribe wants to build a 90,000-square-foot casino, with a 70,000-square-foot gambling floor; a 300-room, 224,000-square-foot hotel; a 2,200-space parking garage; restaurants, shops and a spa; and other projects, including a tribal fire station and a wastewater treatment plant. The casino would replace the existing one on reservation land farther southeast on Soboba Drive.

Patrick O'Mallan, environmental protection specialist for the bureau's Pacific region, said Tuesday's gathering was the first step in a process that could last several years. The purpose was to receive public input about environmental issues that need to be addressed.

Before the meeting, O'Mallan said no other California tribe has been allowed to put land in trust for the purpose of operating a casino. He said he was not sure about tribes in other parts of the country. The decision ultimately rests with the U.S. secretary of the Interior, he said.

Hal Retzlaff, who lives in the Soboba Springs development, said he opposes the plan.

"We do not need or want a Las Vegas-style casino at our front doors," he said. "This project will change the environment forever (with) noise and traffic. We'd be living in virtually 24 hours of daylight."

Valle Vista resident Len Sousa said neighbors deserve the right to enjoy the peaceful use of their homes.

Maritza Weckman, who lives in the 254-home mobile-home park on Lake Park Drive, said the project would destroy her view of the mountains, cause light pollution, increase traffic and create general inconvenience for residents.

Don Leslie, a retired fire chief who lives near the entrance to the Soboba Springs Country Club, said he is concerned about police, fire engines and ambulances being able to get to residents.

"But I still believe there is a way to work with the tribe in a way where we can mitigate a lot of these things," he said.

Valle Vista resident Clyde Osborne said gambling is a fact of life in California.

"This project can bring a 300-bed hotel, convention center facilities, a fire station and parking garage," he said. "The building trades are suffering. They'll welcome these projects."

★ because that's not who they apply for. (Rosebud this)

From: EPA Public Access Customer Service (publicaccess@mailca.custhelp.com)
To: noahdjnanny@yahoo.com
Date: Wednesday, January 9, 2008 11:03:19 AM
Subject: (002152041) FedReg Site: Other [Incident: 080107-000073]

Thank you for your inquiry to the EPA Web site. Below is a summary of your request and our response.

If this response doesn't fulfill your information need, you may reopen the request within the next 7 days.

Thank you for allowing us to be of service to you.

Subject

(002152041) FedReg Site: Other

Discussion Thread

Response (Public Access)

01/09/2008 02:03 PM

Thank you for your inquiry to the EPA Web site. Your request has been received by the Headquarters Public Access Service, a contractor operated reference and referral service.

You asked where to find a Federal Register notice for an EIS for Soboba Indians. The URL you submitted with your comment was incorrect.

We found the correct URL for this EIS at:

Notice of Intent To Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians' Proposed Trust Acquisition and Casino/Hotel Project, City of San Jacinto, Riverside County, CA

<http://www.epa.gov/fedrgstr/EPA-IMPACT/2007/December/Day-14/i24293.htm>

A PDF version of this document is available at <http://edocket.access.gpo.gov/2007/pdf/e7-24293.pdf> (2 pp.)

If this is not the Federal Register notice you were looking for, you can view all of the Federal Register notices for December 14, 2007, at <http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2007/December/Day-14/contents.htm>

Public Access Service, operated by ASRC Management Services
EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W. (3404T)
Washington, DC 20460
Fax: (202) 566-0574

envsubset@epamail.epa.gov

Customer (Entered by Public Access)

01/07/2008 04:23 PM

00b-comment_url

<http://www.epa.gov/fedrgstr/EPA-IMPACT/2007/December/DAY-14/i24293.htm>

COMMENTS

This register notification was incorrect in the number of acres requested for EIS for Soboba Indians. I couldn't find a corrected fed. reg. entry that the tribe supposedly has sent. Could you direct me to it?

SUBMIT

YAHOO! MAIL

Print - Close Window

Subject: RE: Soboba Casino & Land trust
Date: Wed, 15 Aug 2007 16:02:28 -0600
From: "Karl Johnson" <kjohnson@luebbenlaw.com>
To: "Patty Mayne" <noahdjnanny@yahoo.com>

Ms Mayne:

I received your voicemail, and it is good to hear from you. I would like to be able to provide answers to all your questions by the date of publication of your next newsletter, if I have time to make that deadline. Could you please let me know when you expect it to be distributed?

Karl E. Johnson
 Luebben Johnson & Barnhouse LLP
 7424 4th Street NW
 Los Ranchos de Albuquerque, NM 87107
 505-842-6123 ext. 403 (telephone)
 505-842-6124 (facsimile)
 kjohnson@luebbenlaw.com
 www.luebbenlaw.com

*Sent 16:25
 Please be assured there are no public comment periods currently open, much less any deadlines set, for anything at all concerning the Soboba Tribe.*

From: Patty Mayne [mailto:noahdjnanny@yahoo.com]
Sent: Wednesday, August 15, 2007 3:25 PM
To: Karl Johnson
Subject: Soboba Casino & Land trust

Hi Mr. Johnson,

I called you today and left a message, but I will email you also. The last time we emailed, you were kind to respond to my questions. I met with Tobin White and took a tour of the reservation, however, I have been unsuccessful in contacting him either by phone or email.

We live in the community joining the golf course and new clubhouse, which are beautiful. I am now one of the three community Architectural and Landscaping committee members and have put out a monthly newsletter to better inform the community on various issues. My purpose is to state just the facts and not hearsay. Could you help me with the facts?

1. Has the tribe submitted a "Land in Trust" application to the BIA, Southern California Office?
2. If so, where is the land and what are the parcel numbers?
3. Has the tribe had a preliminary meeting or submitted an architectural drawing of a proposed hotel and convention center on one of those pieces of land? My understanding is that it is the land on the corner of Soboba Road and Lake Park Drive adjoining the golf course.
4. What are the plans for the horseshoe land around the mobil home park?
5. Has the tribe notified the public of their plans through newspaper articles, meetings, posted notices on the land in question?
6. Does the tribe plan on putting a casino inside that proposed hotel?
7. Tobin told us in a community meeting that the tribe gives \$120,000 to the county, or city, I'm not sure which, to be used just for San Jacinto. The city denies that. He was supposed to explain that to me and has not.
8. Regarding TASIN money, do you know why the tribe did not fund the speed monitors that Lt. Vest, Sheriff's Department, San Jacinto, requested in 2006 and 2007? Yet, \$300,000 plus was given to the City of Hemet to totally redo Cawston Avenue several miles away? Hemet has received a lot more money from the tribe, both TASIN and directly, than San Jacinto, the city they are in and our area, which is the most affected by the casino traffic etc. (In your last email to me you said the city decides how the money is used, but it is actually the tribe who funds certain requests or does not fund them).
9. What were the fault zone testing results on both parcels on either side of Lake Park Drive?
10. According to the California Tribal State Compact, Section 10.8.2, tribes are mandated to inform the off-

reservation communities impacted by a project, to inform those communities of all plans including any excavation, building, plans, etc. Has the tribe done this?

II. Will the tribe conduct community meetings for the three communities affected by their plans, Lake Park Mobil Home Park, Soboba Country Club Homes, and the homes on the top of the hill in unincorporated Riverside County, and when and where will those meetings be held.

Our goals as a community are not to necessarily view the development of a hotel on that land as negative, but we do want to be informed and participate in the development process from right now. We want to give input on all aspects before they are decided and put in place. This is the law, as I understand it, from the Tribal Compact. If it is not, please correct me.

Thank you for taking the time to respond to these questions. I hope I can give our communities some facts in the next newsletter.

Sincerely, Patricia Mayne

Need a vacation? [Get great deals to amazing places on Yahoo! Travel.](#)



Print - Close Window

Subject: RE: Soboba Newsletter
Date: Fri, 5 Oct 2007 15:57:24 -0600
From: "Karl Johnson" <kjohnson@luebbenlaw.com>
To: "Patty Mayne" <noahdjnanny@yahoo.com>

Sorry to say not yet. After next week I will be on vacation until November 5 but if you will check back with me then I might be able to provide some answers for your next issue.

Karl E. Johnson
Luebben Johnson & Barnhouse LLP
7424 4th Street NW
Los Ranchos de Albuquerque, NM 87107
505-842-6123 ext. 403 (telephone)
505-842-6124 (facsimile)
kjohnson@luebbenlaw.com
www.luebbenlaw.com

From: Patty Mayne [mailto:noahdjnanny@yahoo.com]
Sent: Tuesday, October 02, 2007 6:52 PM
To: Karl Johnson
Subject: Soboba Newsletter

Hi Mr. Johnson,

I am putting together the November issue of the newsletter and sending it by October 10th. We had several questions which I believe you still have. Do you have any answers to those questions for this newsletter?

Thank you, Patty

Pinpoint customers **who are looking for what you sell.**

From: Karl Johnson (kjohnson@luebbenlaw.com)
To: Patty Mayne
Date: Wednesday, November 21, 2007 4:22:28 PM
Subject: RE: Soboba newsletter

Sorry - there are still no concrete decisions or plans to announce, but I will let you know when there are.

I hope you have a fine Thanksgiving & I will be back in touch just as soon as I can.

Karl E Johnson
 Luebba Johnson & Barnhouse LLP
 17424 4th St. N.W.
 Los Ranchos de Albuquerque NM 87107
 505-842-6123 ex. 403
 6124 FAX
 www.luebbenlaw.com

From: Patty Mayne [mailto:noahdjnanny@yahoo.com]
Sent: Monday, November 19, 2007 3:15 PM
To: Karl Johnson
Subject: Soboba newsletter

Hi Mr. Johnson,

It has been a while, but we are still waiting to hear from the tribe on the questions we asked several months ago. Our newsletters have been going out, but we have no answers to our questions and no information from our neighborhood tribe. We want to keep up the dialogue and work together for the betterment of the community. Please let us know how we can do that. The December newsletter has gone to the printer, but I'm working on the January one and would love to devote it to the tribe.

Thanks,
 Patty Mayne

Be a better sports nut! Let your teams follow you with Yahoo Mobile.

noahdjnanny Offline
Sign Out My Account, Mail Classic

Yahoo! My Yahoo! News Search the Web

Search

Check Mail New Home Inbox 15 messages

Search Mail Go Delete Reply Forward Spam Move Print More Actions View

| | From | Subject | Date | Size |
|--|---------------------------|---|-----------------------|------|
| | customerservice@NFLS | Order Confirmation for Order 96971 | Tue, 12/18/07 4:09 PM | 4KB |
| | LL.Bean Orders | Your L.L.Bean Shipping Confirmation | Tue, 12/18/07 3:14 PM | 13KB |
| | customerservice@nflshop.c | Your www.nflshop.com order was submit | Tue, 12/18/07 3:05 PM | 5KB |
| | Kevin Vest | Re: Soboba Newsletter | Mon, 12/17/07 3:35 PM | 34KB |
| | Shop@Signals.com | Signals Shipping Confirmation | Sat, 12/15/07 2:01 AM | 3KB |
| | Karl Johnson | RE: Soboba newsletter | Fri, 12/14/07 4:21 PM | 83KB |
| | LL.Bean Orders | Your L.L.Bean Order (might contain gift i | Fri, 12/14/07 3:06 PM | 33KB |
| | Shop@Signals.com | Information About Your Signals Order | Fri, 12/7/07 7:04 PM | 2KB |

RE: Soboba newsletter

Karl Johnson <kjohnson@hsabbenlaw.com> View To: Patty Mayne <noahdjnanny@yahoo.co...> Cc: Tobin White <twhite@soboba-nsn.gov>
no fr 121407 pdf (54KB)

My Folders Add

Sisters On The Fly troubleshooting Troubleshooting

Get movie box & showtimes now!

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30-yr fixed as low as 5.5%*

Dear Ms. Mayne

I had hoped to be able to give you advance notice of the Tribe's plans, but I was unable to talk about it publicly until the notice appeared in the Federal Register today, when I unfortunately was out of the office until a short while ago! I just got off the phone with Tobin White, however, and when I told him I planned to co encouraged me to do so and asked me to give you his regards

In any case, the notice explains conceptually what the Tribe is planning on the Horseshoe property, and I invite you to call me if you would like to discuss it for the notice incorrectly states the acreage as 289+ acres when it is really 534+ acres, including the golf course and some downstream riverbed property

I look forward to speaking with you soon

Karl

From: Karl Johnson
Sent: Wednesday, November 21, 2007 5:22 PM
To: 'Patty Mayne'
Subject: RE: Soboba newsletter

Ms. Mayne

TODAY 12/18 No events. Click the plus sign to add an event

Hi Patty,

Wanted to get back to you on your questions/concerns.

- The Public Notice was sent to the City of San Jacinto web site for posting, but I have yet to see it on there. I have a call in to follow-up
- In light of learning of your concern and subsequent request RE the LA Times. I've sought to place the ad in this weekend's paper, but their deadline was too soon for me to possibly obtain the approval necessary. One of the additional delays is that the ad text needed to be revised to include the location of the proposed fee-to-trust property
- We are posting notices tomorrow morning in Hill Community, the Lake Park Mobile Home Park, and the Soboba Springs Homes
- Site postings are going up tomorrow
- RE the Federal Register notice, the BIA made the call to correct thru the local noticing (ads) - what about non/locals info

Answers to your other questions would best be addressed by Karl Johnson, whom I believe you've been in contact

Please let me know how I may be more helpful and thanks for your help!

Mike

On 1/2/08 1 09 PM, "Patty Mayne" <noahdjnanny@yahoo.com> wrote

I copied your info down incorrectly, so I am resending with the correct info. Patty

----- Forwarded Message -----

From: Patty Mayne <noahdjnanny@yahoo.com>
 To: mihels@mph.pr.com
 Sent: Wednesday, January 2, 2008 1:04:38 PM
 Subject: Info from Patty Mayne, Soboba resident

Mr. Hiels,

The reason I am concerned about notification for this latest land-to-trust application, is that we as a community adjacent to the now proposed land-to-trust application did not receive notification about the last piece of property put into trust submitted on July 31, 2007 for 157 acres east of Castelo (sp?)Canyon Rd. at the far end of the reservation. Supposedly our mayor of San Jacinto knew, but didn't think it was an issue for us. It definitely was an issue as even more traffic is generated at their Oaks Facility near this newly trusted land. **Has that land been put into trust?**

Then I receive information from Karl Johnson, the tribe's lawyer, with an attachment of the Federal Register 12/14 notice. I started telling everyone, but wouldn't have known anything prior to your first announcement 12/22 in the Press Enterprise which I don't get. The notice was tucked away in the PAGE section of the paper, easily overlooked. Most people saw the article by the journalist who was called and told about the development. In that article, 12/14, Rose Salgado stated they wanted to "annex the site not necessarily to allow a casino there. This is in direct conflict with the federal register application for a hotel/casino complex. This is the type of communication that confuses the neighborhoods who must make comments on the application. **Has the federal register been update with the correct acreage information and has that information gone out the the public with a new response date?**

The federal register was incorrect in it's acreage information and gave a name to contact with questions. He was on vacation from Dec. 16 to Dec. 26. I did call him on the 15th with a request to put the information in the L.A. Times, Riverside County edition, and to post notification on the parcels in question. He said he would do that and as of now, I don't think that has been done. **Has notification been posted on the parcels?**

Tobin White had stated several months ago that if anything were to be proposed, notices would be put on the land. He had also stated that only a hotel would go on the land at the corner of Lake Park and Soboba Road.

There are almost 500 residents in three neighborhoods surrounding these proposed land-to-trust sites. If you google the clubhouse or our address, 1766 Carrera Drive, San Jacinto, 92583 you will see the three communities. There are the Hill Community in Riverside County off Soboba Road, the Lake Park Mobile Home Park off Lake Park Drive, and the Soboba Springs Homes off Soboba Road adjacent to the golf course. **Notices should have been put out to these three communities.** I put out a monthly newsletter to Soboba Springs (that also gets to the Hill community and the mobile home park), there is an Association President at the Mobile Home Park and there is a concerned citizen in the Hill homes that could notify everyone. A sign could have been placed at the entry to each community. I am surprised that this was not on the BIA list of possible notification procedures since these communities are within a short distance of the land and are *directly impacted* by this proposal. They are within the 300 feet for required notification.

Also, was anything **posted on the City of San Jacinto website?**

I hope that now we will get more information in a timely manner. I would like for you to give me **information to put in the February newsletter** that I must send off by January 10th and continue to update us on this very important issue of erecting a hotel and moving the casino to our neighborhood.

Thank you for contacting me,
 Patty

Never miss a thing Make Yahoo your homepage <http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs>

Never miss a thing Make Yahoo your homepage <http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs>

Soboba Band of Luiseño Indians Horseshoe Grande Fee-to-Trust Casino and Hotel Project

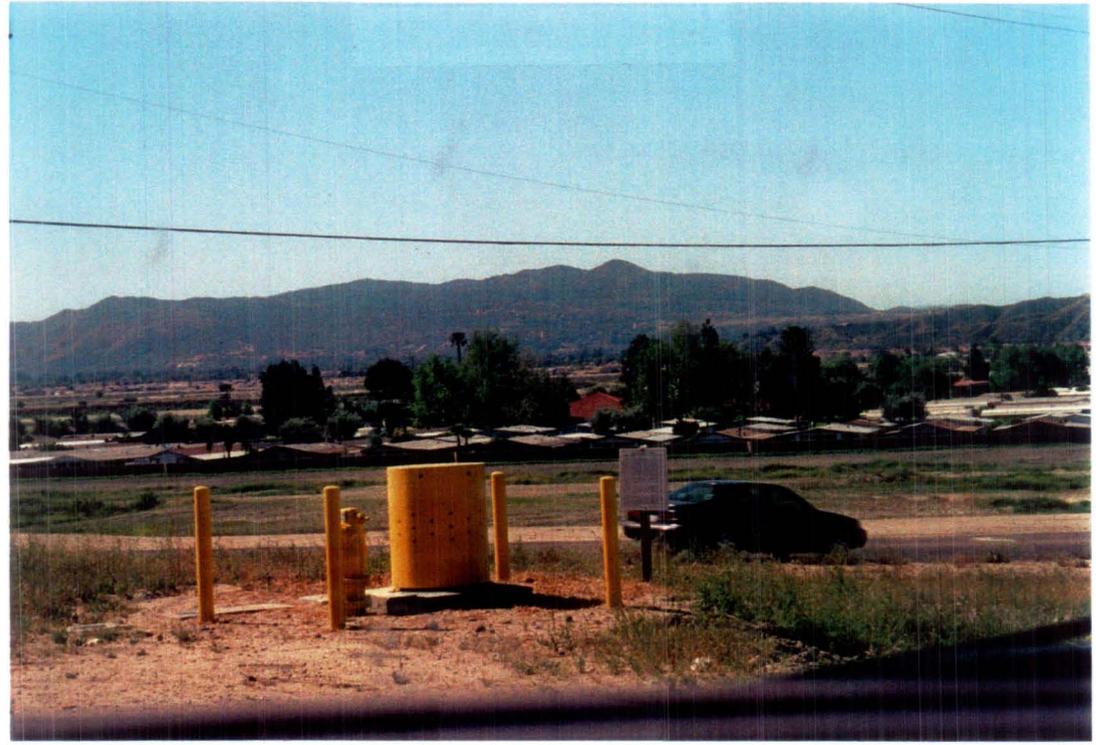
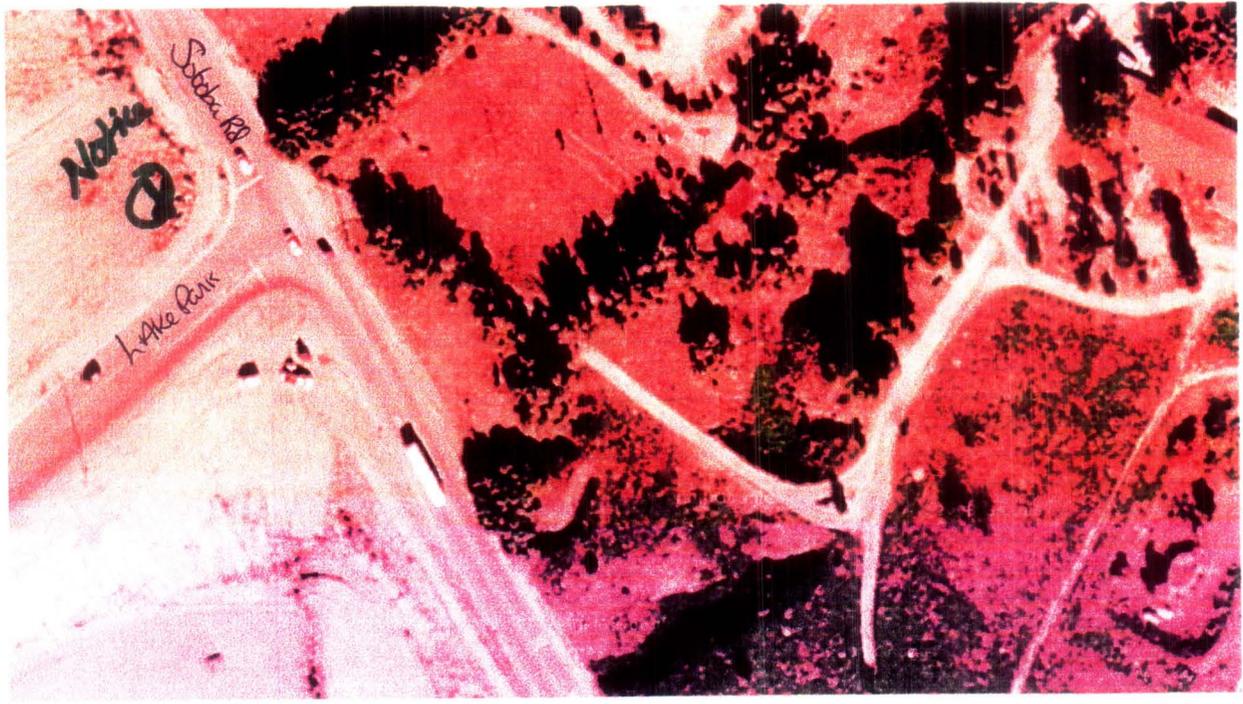
The Soboba Band of Luiseño Indians (Tribe) is proposing the transfer of 534.91 acres owned in fee title by the Tribe to federal trust status. (Please note that a Notice of Intent to perform an EIS was published in the Federal Register on December 14, 2007, and erroneously identified the project site as being 289.88 acres in size. The correct acreage is 534.91 acres). The new trust land would be used for a gaming and hotel project, which would include a new casino facility (replacing the existing casino) and 250-300 room hotel, four restaurants, four retail establishments, events center, convention space, and spa and fitness center. The other proposed developments will not be attached to the hotel/casino facility and include a tribal fire station, 12-pump gas station & convenience store, and 1.2± million gallon wastewater treatment plant and supporting facilities (i.e. parking garage). Of the 534.91± acres, 45 to 55 acres are proposed for development.

The Bureau of Indian Affairs (BIA) is the lead agency responsible for preparing an Environmental Impact Statement (EIS) that assesses the proposed action's effects on the immediate and surrounding environment. As part of the EIS process, a public meeting is held to allow citizens an opportunity to voice their opinions. These comments assist in shaping the draft EIS.

The public scoping meeting for this project is to be held on January 8, 2008 at the Hemet Public Library, 2nd Floor, 300 E. Latham, Hemet, CA from 6 to 8 p.m. Written comments can also be sent to Ms. Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825. To ensure proper consideration in preparation of the draft EIS, written comments should be received by January 22, 2008.

Individual commenters may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act [5 U.S.C. § 552 *et seq.*], you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. Anonymous comments will not, however, be considered. All submission from organizations and business, and from individuals identifying themselves as representatives or officials of organizations and businesses, will be made available for public inspection in their entirety.

Google Maps Address



SOBOBA TRIBE'S FEE-TO TRUST RESEARCH PROJECT

TOPIC: Residential communities' potential "islands"

FACTS:

*If fee-to-trust transfer takes place as shown in application three existing residential communities will become "islands".(1)

*Numerous contacts with City of San Jacinto, County of Riverside and LAFCO officials has led to the realization that only the BIA can protect our homes from being "isolated".

*The total number of homes at risk is 385.

(1) See map defining showing the "impacted" communities



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SAN JACINTO RIVER

92583

THE COUNTRY CLUB AT SOBOBA SPRINGS

#1 Island Soboba Heights 38 Homes

11 HOT SPRINGS

#2 GOLF COURSE Homes-Villas 100 Homes

Proposed New Hotel/Casino

Soboba Springs #3 Mobile Homes - 254

SOBOBA CASINO

EXISTING CASINO

OLMSTEAD ST

RAMONA EXPWY

SOBOBA RD

PUMMEL CIR

BRIDLE RD

SAN JOSE DR
VIEW DR
GRANITE DR
CHABELLA DR

MESSINA DR
BERGAMO DR
TORINO AV
VERONA AV
CARRERA DR

LAS PALMAS CT

BURT AVE

CYPRESS AV

E ARTESIA ST

PEACH ST

E 1ST ST

2ND ST

E 3RD ST

E MAIN ST

5TH ST

5TH ST

ROSA RIO AV

CECELIA DR

SALAM PL

REWARD ST

1ST ST

1ST ST

N CAMINO LOS BANOS ST

SNOWBERRY CT

LILY LN

ELDERBERRY

PRICKLY PEAR LN

SEDUM AVE

PRICKLY PEAR LN

TRUTH ST

FAITHFUL

DORNA WY

ANDY AV

E 7TH ST

1TH ST

COURT

REWARD ST

MISTLETOE PARK

NORTH MOUNTAIN MIDDLE SCHOOL

80

13

50

From: cherylschmit@att.net (cherylschmit@att.net)
To: 'Patty Mayne'
Date: Monday, January 5, 2009 10:00:18 AM
Subject: Crime - Victims on reservation frustrated by inaction

Patty: This was into today's news articles but from Montana – found it interesting due to your situation of potentially becoming land locked within the Rez. Thought you might want it for an example, should the tribe or the BIA offer to do law enforcement. Cheryl

Victims on reservation frustrated by inaction

EAST GLACIER — How can a business survive in a community that seems at times to border on lawlessness, Brian Kelly wonders

"I feel like I'm surrounded by Somali pirates who can come in and take my ship any time they want to — and no one is helping," said Kelly, who owns Glacier Village Restaurant in East Glacier, the Izaak Walton Inn in Essex and Eddy's in West Glacier

"Without some level of accountability and competence, you can't have economic development here," he said

Kelly is a former Chicago firefighter who sold everything he had a few years ago to come Montana and live out his dream

Instead, he's caught in a nightmare that has been described as "sovereign anarchy "

When the Bureau of Indian Affairs took over the Blackfeet Tribal Police Department five years ago, it brought in 35 police officers

Today, there are five BIA officers, with nine new tribal officers training with them, to patrol the 1.5-million-acre Blackfeet Indian Reservation. Additional support could be available from the Glacier County Sheriff's Office, but the tribe has banned deputies from enforcing state laws on the reservation

Kelly wasn't aware of the law enforcement situation when he bought the restaurant in East Glacier early last year. One of his big goals in doing so was to bring jobs to the reservation

"I pride myself on being one of the largest employers of American Indians on the reservation," Kelly said. "Eighty percent of my staff at the restaurant was enrolled Blackfeet, including all but one of my managers "

So it was a huge shock Sept. 1 when employees opened the restaurant and found a huge mess

"It was totally an inside job," Kelly said. "Someone let themselves in with a key — there was no sign of forced entry — and went straight to the security system and disabled it. Then they went to my office and opened two safes with a combination that only my managers know "

Kelly said he lost \$8,000 in cash — a personal loss because his insurance policy didn't carry a theft provision. However, it was the malicious vandalism that hurt the worst

"They busted all my etched glass," he said. "They poured paint all over my tables and the floor. And they went into my gift shop, took all my sweatshirts, put them in a pile on the floor and poured paint over them "

"Why would someone do that to me?" he asked

Kelly said the vandalism was estimated at \$18,000, bringing his total loss to about \$26,000

When he called the Glacier County Sheriff's Office, he was told that it lacks jurisdiction to investigate crime on the reservation, which occupies more than 70 percent of the county. Instead, the BIA and FBI investigated the crime, but Kelly said he never heard from them after the initial report

"They have to know who did it, but no one is doing anything," Kelly said. "It's just a finger-pointing exercise. The BIA told me they wanted to give a lie-detector test, but they didn't have the right equipment — only the FBI has polygraphs — and no one at the FBI will even return a phone call "

Kelly is now regrouping, trying to figure out what to do next

"I could put in a better security system, but what good would that do if no one is willing to arrest or prosecute anyone?" Kelly asked

He thought about buying an insurance policy to cover his losses, but then realized that the cost would be prohibitive — if he could find an insurance company willing to write such a policy.

Kelly said he also owns a couple lots behind the restaurant, where he was contemplating building a motel — an investment he is reconsidering

"I'm at a loss," Kelly said. "I honestly don't know what to do next.

"My whole desire was to help grow economic development through infrastructure and jobs, but I don't feel safe doing that any more," he said

According to the Montana Board of Crime Control, the number of incidents of major crime on the Blackfeet Indian Reservation was about seven times the national average in 2005, the latest year for which the agency has statistics.

America's index crime rate, a combination of the seven most serious crimes — homicide, rape, robbery, aggravated assault, burglary, motor vehicle theft and grand larceny — was 2,575 index crimes per 100,000 people. On the Blackfeet Reservation, it was 16,465 crimes for every 100,000 residents

The FBI has three full-time agents stationed in Browning.

"They have a heavy, heavy caseload because they have to handle all the major crime on the Blackfeet Indian Reservation," said regional FBI spokesman Juan Becerra in Salt Lake City

The bulk of the law enforcement work on the reservation falls on the shoulders of the BIA police force, which was welcomed by many residents early in 2003, when the agency decided that the reservation police force needed to be replaced. At the time, many residents view the tribal police force as ineffective

After the decision, teams of BIA lawmen swept into Browning and replaced the tribal police force with 35 officers from across the West.

Attitudes toward the BIA officers have changed in recent years as their numbers dwindle. Rodney "Fish" Gervais, the tribe's designated spokesman on law enforcement, said only five BIA officers currently work on the reservation, as the federal agency prepares to turn over law enforcement responsibilities back to the tribe

"And we have nine tribal police officers training with them, so that brings our total to 14," said Gervais, a member of the Blackfeet Business Council's Law and Order Committee. "The tribe has taken action to take control of our law enforcement back, but we're doing it cautiously"

The planned change back to a tribal police presence came about because of the tribe's determination to restructure its government, a process that tribal councilmen hope will be complete by June, Gervais said.

That also is one of the reasons the tribe took back the commission cards from Glacier County deputy sheriffs in October, effectively denying them the right to enforce state law on the reservation

"Before we grant any more commission cards, we're going to do background checks and really scrutinize the applicants," Gervais said "Now we're looking at government-to-government relationships that will strengthen our tribal sovereignty."

The Blackfeet Tribe is setting up meetings with officials from the Confederated Salish-Kootenai Tribes and the tribes of the Fort Peck Indian Reservation to pick their brains about how to operate a more effective police force

The Fort Peck tribes were among the first in America to cross-deputize its police officers with sheriff's deputies from Roosevelt County so each agency could help enforce the other's laws, said Roosevelt County Attorney Ryan Rusche

"For a number of years, we've had a fairly progressive relationship with the tribe that has worked well," he said

That's in contrast to the relationship between the Blackfeet Tribe and Glacier County, which is floundering

"They have ignored our letters advising them of tribal concerns regarding police abuses and misconduct in situations in which they have no authority," Gervais said of Glacier County officials

That disconnect leaves reservation residents feeling unprotected

"A lot of under-aged kids are being assaulted by adults, and there is no recourse," reservation resident Alex Gladstone said

"My son was assaulted at a wedding that had moved to another location," he said "He was 19 at the time, and an adult about 45 years old blindsided him and broke his jaw Another one of his cousins was stabbed 16 times, but survived it

"Both incidents were reported, but the police (on the reservation) determined there had been drinking involved in both cases and decided to do nothing about it," Gladstone said

Harold Gray, who adopted an Indian name, Long Standing Bear Chief, said his checkbook was stolen He reported the theft, but was later charged with writing bad checks on the account

"Things have gotten so bad in the view of myself and others that we are forming a human rights organization outside of tribal government," he said. "A lot of human rights are being trampled on here."

David Dragonfly just shakes his head as he contemplates criminal justice on the Blackfeet Reservation

"People just do anything they want to around here because they know they can get away with it," he said.

His son also was assaulted a couple of years ago, he said, "but no one is stepping forward because they know no one will do anything about it "

Sometimes the victims even get jailed, Dragonfly said

"The first guy who calls the cops is assumed to be the victim, so some criminals will call the cops first and get the victims thrown in jail," he said

His son recently had an argument with another family, after which the windows in Dragonfly's car were busted out with a tire iron in the middle of the day, he said, adding that the BIA police force did nothing

"This is just like Mexico, except for the weather," Dragonfly said

When discussing the reservation's criminal justice system, Sandra Watts, head of the tribe's legal department, notes the existence of Montana Law 46-30-101, which empowers the governor to deal with the chairman of a recognized Indian tribe on matters such as extradition and law enforcement

But there are two problems, she said

Since the tribe is sovereign under federal law, it is not obligated to obey state laws, and the process is too cumbersome

"Instead of going through the governor, why can't we do it ourselves?" she asked "It would be a matter of mutual respect to have government-to-government agreements "

Such agreements would then be binding on the tribes, she said

According to some tribal officials, negotiations with other governments need to replace the finger-pointing and political posturing that have become the norm

"I really wish that we could have a safe forum, one in which we could all sit down together in safety to discuss our differences, voice our concerns and work toward finding solutions," Watts said

Reach Tribune Projects Editor Eric Newhouse at 791-1485, 800-438-6600 or



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
 Pacific Regional Office
 2800 Cottage Way
 Sacramento, California 95825

FEB 4 - 2008

Ms. Patty Mayne
 1766 Carrera Dr.
 San Jacinto, CA 92583

Subject: Notice of Intent (NOI) to Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians

Dear Ms. Mayne:

The Bureau of Indian Affairs (BIA), is in receipt of your letter dated December 30, 2007, regarding the BIA's NOI published in the Federal Register on December 14, 2007, for preparation of a Environmental Impact Statement (EIS), for the Soboba Band of Luiseño Indians proposed trust acquisition and subsequent development of a hotel/casino. Our notice incorrectly stated the proposed conveyance of 289.88± acres into trust whereas the correct acreage is 534.91± acres.

The BIA regrets any confusion this may have caused you and interested parties alike, however, in part of BIA's effort to inform the public of the proposed undertaking, local notifications reflecting the actual acreage were published in the various media entities and locations provided: The Press-Enterprise on December 21 & 22, 2007, and January 3 and 4, 2008; posting's at the Hemet Public Library, Valle Vista Library, and Riverside Library-San Jacinto Branch, on December 27, 2007 and January 4, 2008, respectively; posting's in the following neighboring communities: Hill Community, Lake Park Mobile Homes and the Soboba Springs Homes; and in the City of San Jacinto web site on January 3, 2008. A copy of the notification is enclosed. In so doing, the BIA has provided adequate recourse to the NOI misprint and thereby disagrees with your request for the republication of the NOI.

The comment period for the NOI requires a minimum of 30 days. Publication of the NOI in the Federal Register was December 14, 2007 with the comment period ending on January 22, 2008, exceeding the 30-day requirement. The notice is published in accordance with sections 1501.7, 1506.6 and 1508.22 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary – Indian Affairs by 209 DM 8.1.

Additionally, all other issues and concerns mentioned in your letter will be incorporated into the Scoping Report and made available to all interested parties who either attended the scoping hearing or provided comments to the proposal. Based on comments received during scoping, a Draft Environmental Impact Statement (DEIS) will be prepared and made public. The DEIS will provide the public and interested parties alike opportunity to comment on the proposed project once again.

If you have any questions or need additional information, please contact Patrick O'Mallan, Environmental Protection Specialist, at (916) 978-6044, or John Rydzik, Chief, Division of Environmental, Cultural Resources Management and Safety, at (916) 978-6042.

Sincerely,

Acting

/s/ Amy L. Dutschke

Acting Regional Director
Bureau of Indian Affairs

Enclosures

cc: Chairperson, Soboba Reservation

LOST REVENUE

County of Riverside and the City of San Jacinto

Public Records from the County Recorders Office, show documentation of the 36 private Land parcels owned in Fee Title by the Soboba Band of Luiseno Indians.

These 36 parcels consist of 978.83 acres, the Zoning is varied from Residential to Recreational to Commercial.

With total property taxes for 2008-2009 of \$ 399,788.00, I repeat \$ 399,788.00 dollars of LOST REVENUE to the County and to our City.

The Tribes application to the B.I.A. to transfer this FEE land into Trust land would eliminate this revenue. The land would become Reservation land and exempt from property taxes as well as sales tax, liquor tax and Bed tax from the proposed Hotel.

We cannot allow this land transfer to be approved.

Thank you,

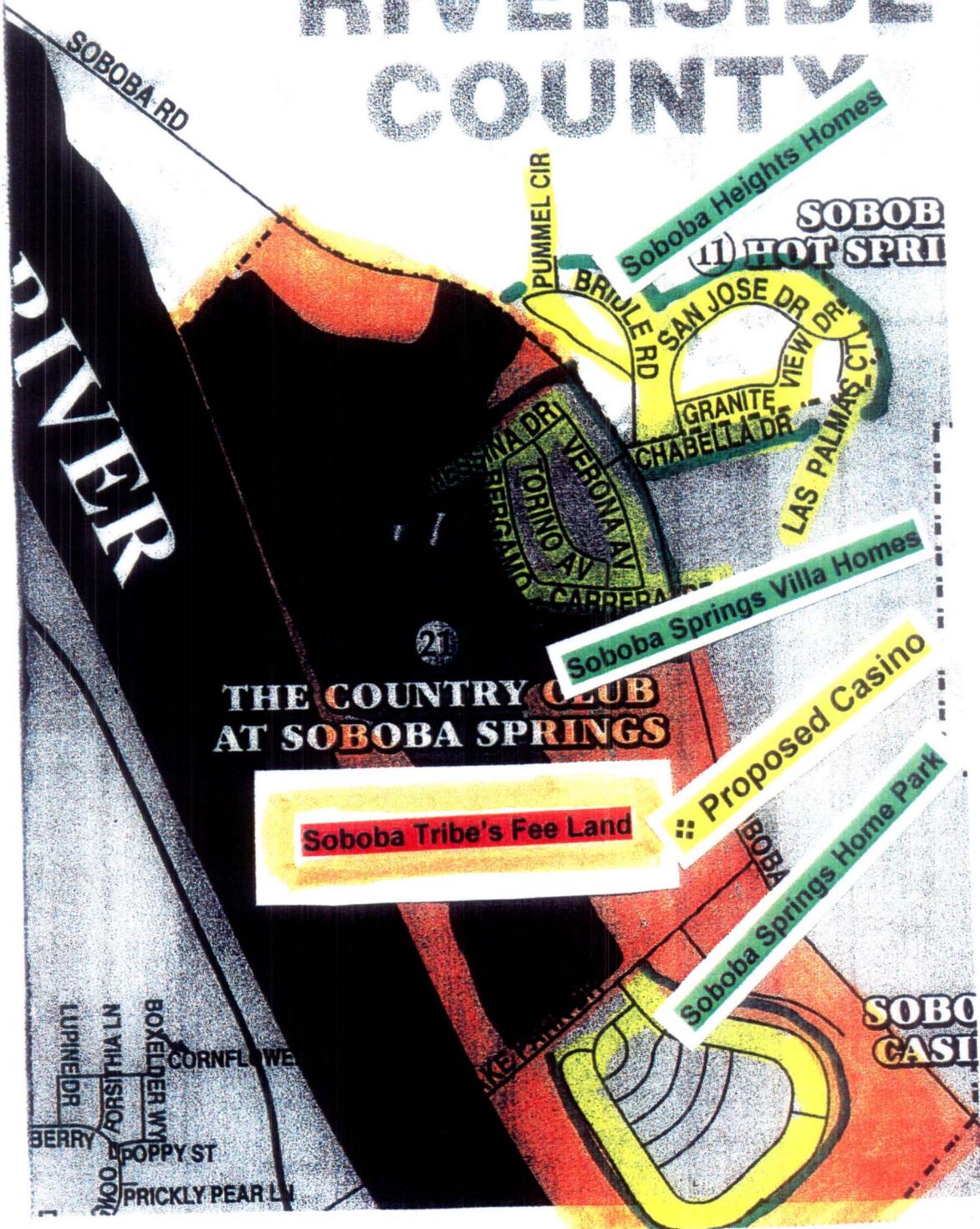
Beverly Williams on behalf of S.O.C. (Save Our Communities)
February 19, 2009

§

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RIVERSIDE COUNTY



SOBOBA RD

Soboba Heights Homes

SOBOBA HOT SPRINGS

Soboba Springs Villa Homes

Proposed Casino

Soboba Springs Home Park

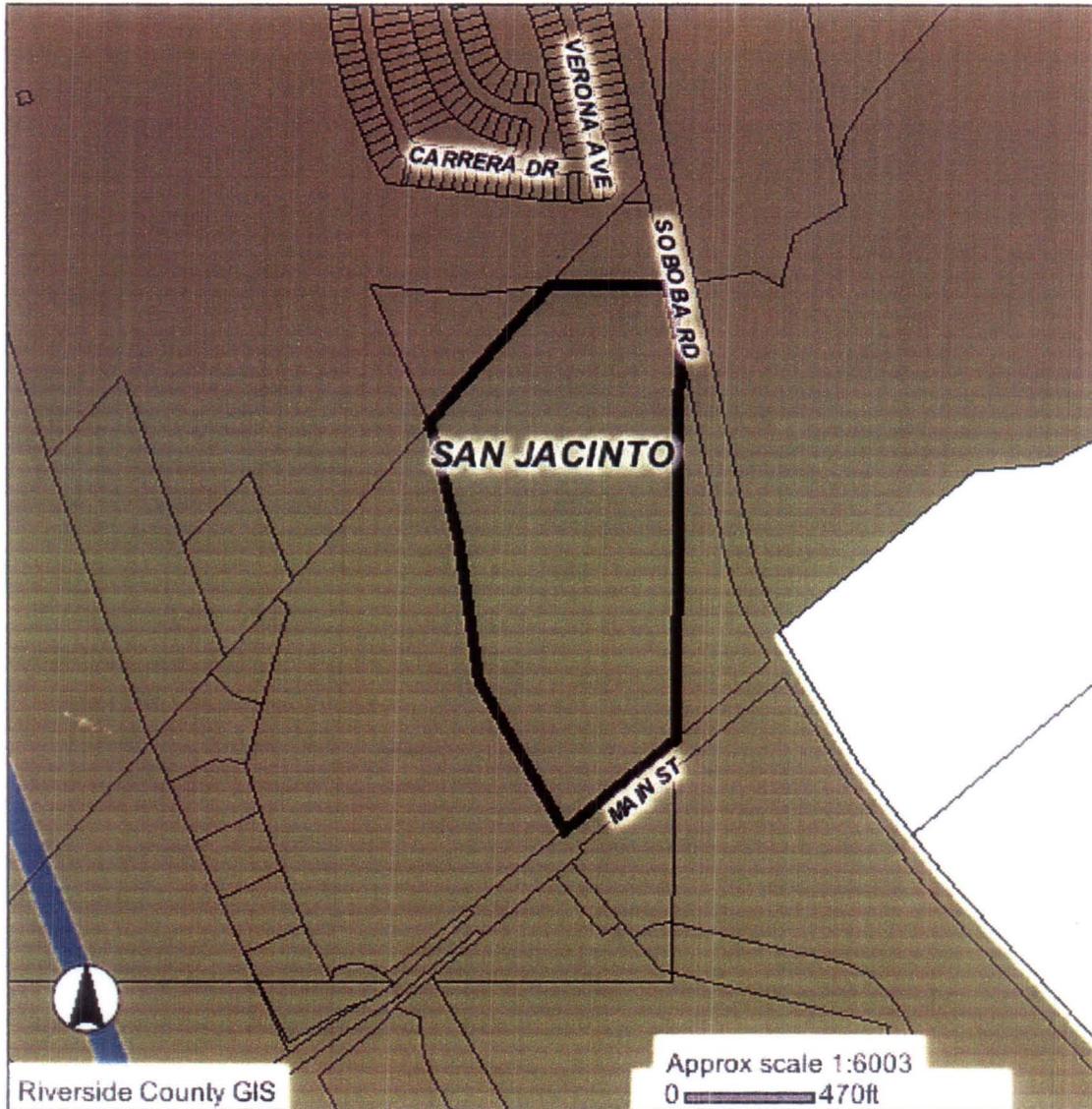
Soboba Tribe's Fee Land

THE COUNTRY CLUB AT SOBOBA SPRINGS

LUPINE DR
BERRY
2000
N. VILLASIA LN
BOXELDER WM
CORNFLOWER
POPPY ST
PRICKLY PEAR LN

SOBOBA CASINO

RIVERSIDE COUNTY GIS



Selected parcel(s):
433-140-030

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT
This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Wed Jun 11 16:14:21 2008

#30

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|--------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 09/18/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$19,860 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Commercial |
| Tax Billing Zip: | 92581 | Universal Land Use: | Commercial Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Rd | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-030 | Total Assessment: | \$1,682,539 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$19,860 | Legal Description: | 29.15 Acres M/L In Por Pars 1 & 2 Pm 123/022 Pm 19805 |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$1,682,539 | | |

Characteristics:

| | | | |
|------------|-------|------------|-----------|
| Lot Acres: | 29.15 | Lot Sq Ft: | 1,269,774 |
|------------|-------|------------|-----------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 09/18/1995 | Deed Type: | Trustee Deed |
| Document No: | 306223 | Owner Name: | Soboba Band Of Luiseno Indians |

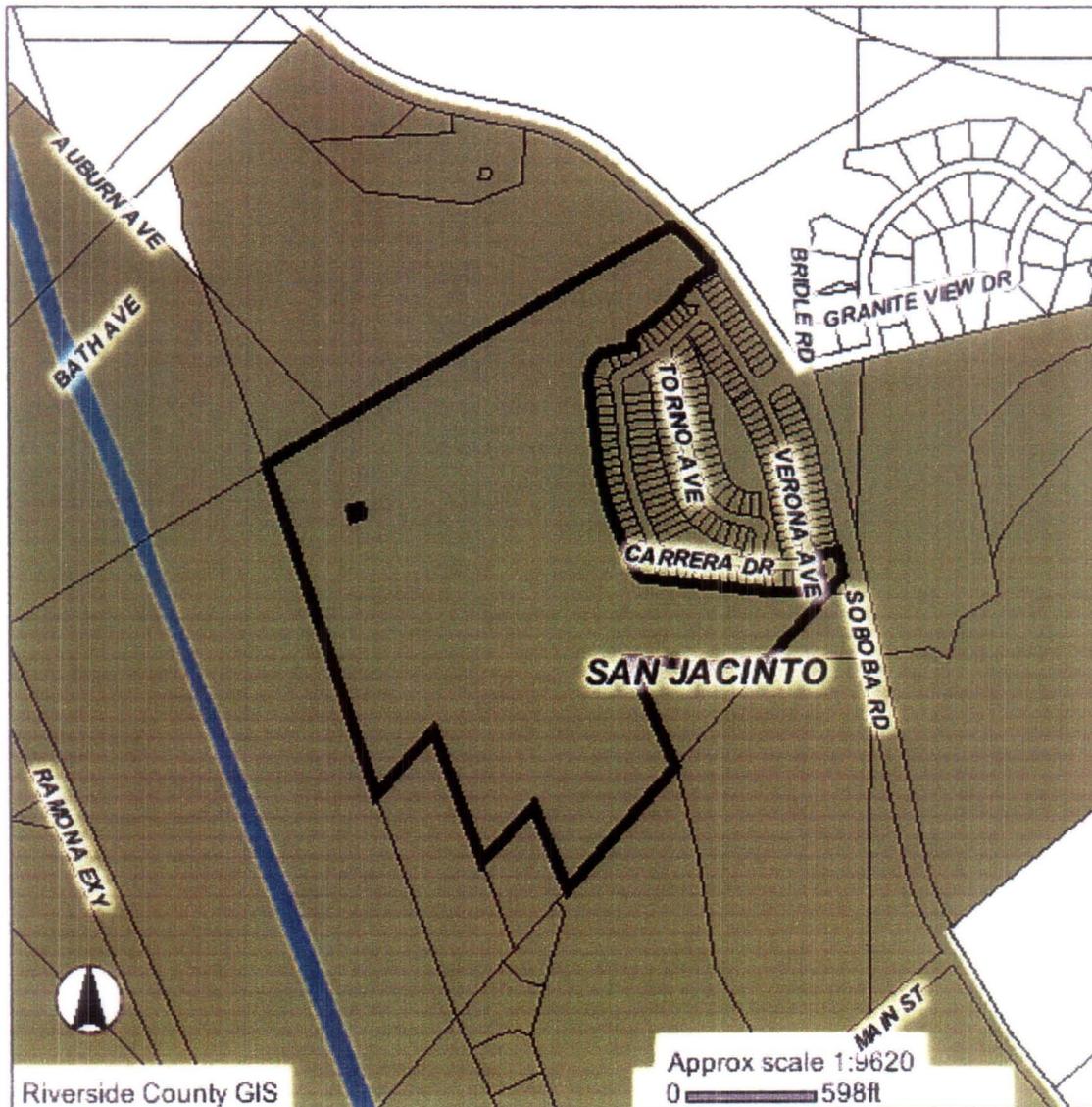
Sales History:

| | | |
|-----------------|------------------------------|------------------------|
| Recording Date: | 09/18/1995 | 12/09/1991 |
| Buyer Name: | Shepherd Management Services | Lake Park Venture Ltd |
| Document No: | 306223 | 425992 |
| Document Type: | Trustee Deed | Partnership Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

The data within this report is compiled by First American CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality

RIVERSIDE COUNTY GIS



Selected parcel(s):
433-120-031

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Wed Jun 11 16:19:28 2008

31

Property Details

For Property Located At
1020 Soboba Rd
San Jacinto, CA 92583-2924
Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$102,543 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|-------------------|------------------|----------------|--------|
| Panel Date: | 05/17/1990 | TGNO: | 781-F7 |
| Flood Zone Panel: | 0650560005D | Census Tract: | 435.10 |
| Flood Zone Code: | X | Carrier Route: | C004 |
| School District: | San Jacinto Unif | | |

Tax Info:

| | | | |
|----------------------|-------------|--------------------|--|
| Tax ID: | 433-120-031 | Total Assessment: | \$8,653,342 |
| Tax Year: | 2008 | % Improv: | 15% |
| Annual Tax: | \$102,543 | Tax Area: | 10080 |
| Assessment Year: | 2008 | Legal Description: | 76.39 Acres M/L In Por Lots 4 & 5 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo And Por Pars 1 & 2 Pm 123/022 Pm 19805 |
| Land Assessment: | \$6,526,375 | Lot Number: | 4 |
| Improved Assessment: | \$1,309,181 | | |

Characteristics:

| | | | |
|------------|-------|------------|-----------|
| Lot Acres: | 76.39 | Lot Sq Ft: | 3327548.4 |
|------------|-------|------------|-----------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

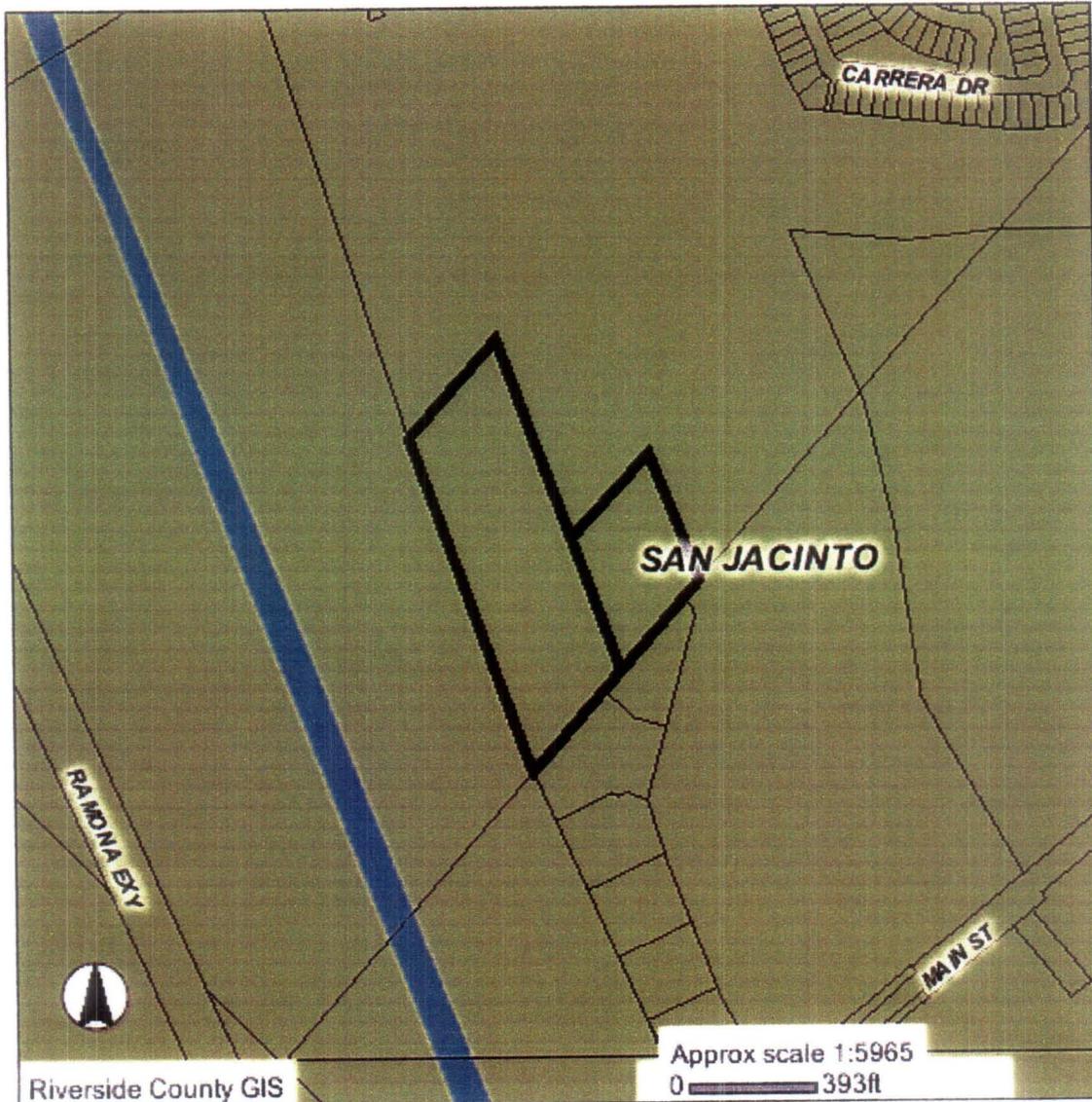
Sales History:

| | | |
|-----------------|--------------------------------|---|
| Recording Date: | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No. | 978974 | 39536 |
| Document Type | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
 SoCalMLS

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RIVERSIDE COUNTY GIS



Selected parcel(s):
 433-120-008 433-120-009

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT
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Property Details

For Property Located At

#8

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/14/2001 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$4,638 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|-------------------|-------------|------------------|------------------|
| Zoning: | Ra | Flood Zone Code: | X |
| Panel Date: | 05/17/1990 | School District: | San Jacinto Unif |
| Flood Zone Panel: | 0650560005D | TGNO: | 781-E6 |

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-120-008 | Total Assessment: | \$391,648 |
| Tax Year: | 2008 | Tax Area: | 10071 |
| Annual Tax: | \$4,638 | Legal Description: | 7.87 Acres M/L In Por Lot 4 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 4 |
| Land Assessment: | \$391,648 | | |

Characteristics:

| | | | |
|------------|----------|--------|--------------|
| Lot Acres: | 7.87 | Water: | Type Unknown |
| Lot Sq Ft: | 342817.2 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/14/2001 | Deed Type: | Grant Deed |
| Settle Date: | 11/05/2001 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$450,000 | Seller: | Vanluven Margaret |
| Document No. | 624157 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|-------------------|-------------------|-----------------------------------|
| Recording Date: | 12/14/2001 | 12/18/1989 | 12/18/1989 | More History 10/19/1988 |
| Sale Price: | \$450,000 | | | |
| Nominal: | | Y | Y | Y |
| Buyer Name: | Soboba Band Of Luiseno Indians | Vanluven Margaret | Vanluven Margaret | Vanluven Margaret |
| Seller Name: | Vanluven Margaret | Vanluven Margaret | Vanluven Margaret | Vanluven Margaret |
| Document No: | 624157 | 440452 | 440449 | 302737 |
| Document Type: | Grant Deed | Grant Deed | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$1,356 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|------------------|------------------|-------|--------|
| Zoning: | A1 | TGNO: | 781-E6 |
| School District: | San Jacinto Unif | | |

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-120-009 | Total Assessment: | \$114,457 |
| Tax Year: | 2008 | Tax Area: | 10071 |
| Annual Tax: | \$1,356 | Legal Description: | 2.30 Acres In Por Lot 4 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo 4 |
| Assessment Year: | 2008 | Lot Number: | 4 |
| Land Assessment: | \$114,457 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | 2.3 | Water: | Type Unknown |
| Lot Sq Ft: | 100,188 | Sewer: | None |

Last Market Sale:

Owner Name: Soboba Band Of Luiseno Indians

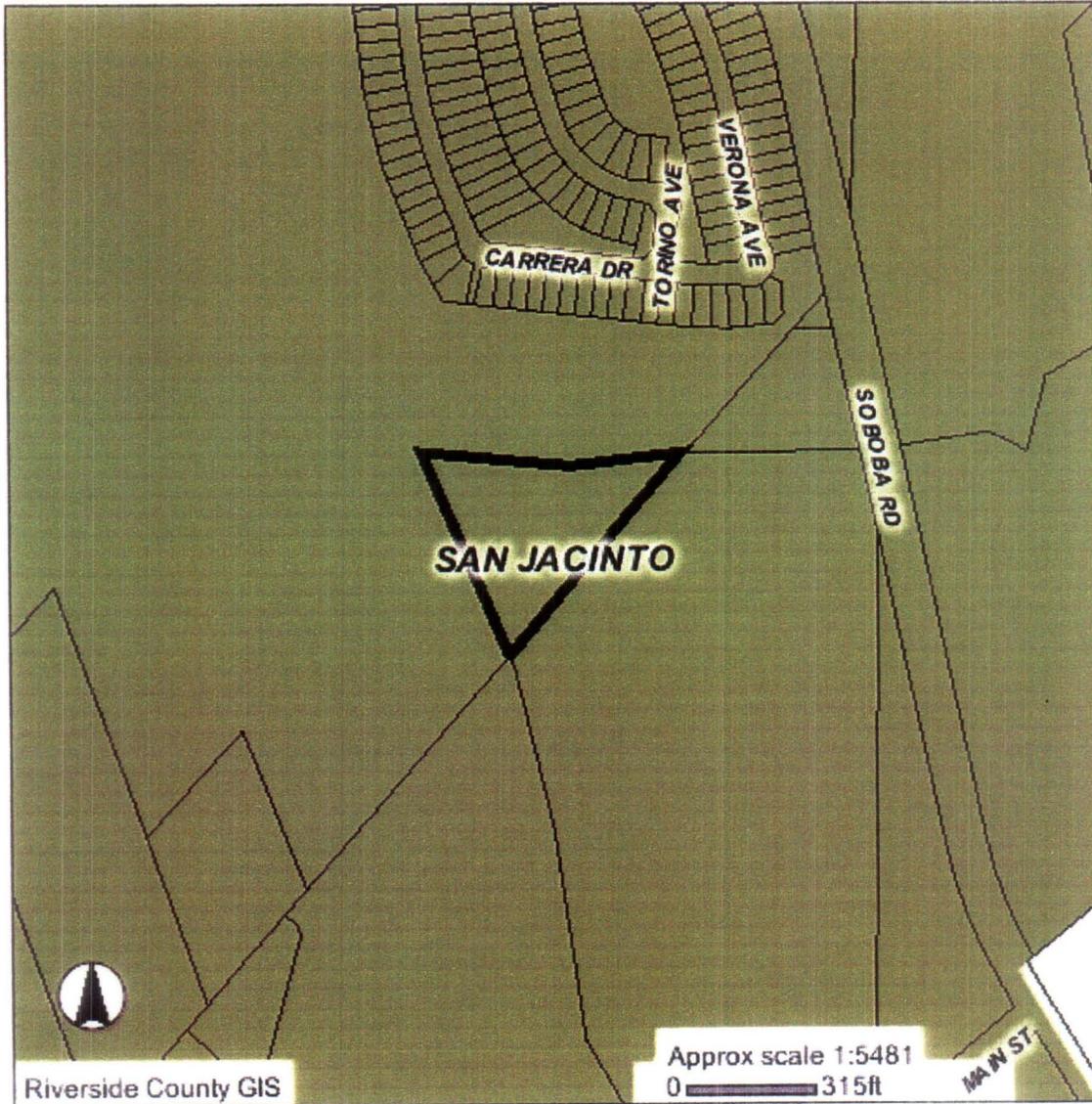
Sales History:

| | | |
|-----------------|-------------------|-------------------|
| Recording Date: | 12/18/1989 | 10/19/1988 |
| Nominal: | Y | Y |
| Buyer Name: | Vanluven Margaret | Vanluven Margaret |
| Seller Name: | Vanluven Margaret | Vanluven Margaret |
| Document No: | 440450 | 302735 |
| Document Type: | Grant Deed | Grant Deed |

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SoCalMLS

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RIVERSIDE COUNTY GIS



Selected parcel(s):
433-120-023

LEGEND

SELECTED PARCEL

PARCELS

SAN JACINTO

IMPORTANT

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Property Details

For Property Located At

#23

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|--------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 09/18/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$2,453 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Commercial |
| Tax Billing Zip: | 92581 | Universal Land Use: | Commercial Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Ra | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-120-023 | Total Assessment: | \$195,693 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$2,453 | Legal Description: | 3.25 Acres M/L In Por Pars 1 & 2 Pm 123/022 Pm 19805 |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$195,693 | | |

Characteristics:

| | | | |
|------------|------|------------|---------|
| Lot Acres: | 3.25 | Lot Sq Ft: | 141,570 |
|------------|------|------------|---------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 09/18/1995 | Deed Type: | Trustee Deed |
| Document No: | 306223 | Owner Name: | Soboba Band Of Luiseno Indians |

Sales History:

| | |
|-----------------|------------------------------|
| Recording Date: | 09/18/1995 |
| Buyer Name: | Shepherd Management Services |
| Document No: | 306223 |
| Document Type: | Trustee Deed |

Mortgage History:

| | |
|------------------|--------------|
| Mortgage Date: | 05/22/1989 |
| Mortgage Amt: | \$2,500,000 |
| Mortgage Lender: | Sanwa Bk/Ca |
| Mortgage Type: | Conventional |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#9

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$1,356 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|------------------|------------------|-------|--------|
| Zoning: | A1 | TGNO: | 781-E6 |
| School District: | San Jacinto Unif | | |

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-120-009 | Total Assessment: | \$114,457 |
| Tax Year: | 2008 | Tax Area: | 10071 |
| Annual Tax: | \$1,356 | Legal Description: | 2.30 Acres In Por Lot 4 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 4 |
| Land Assessment: | \$114,457 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | 2.3 | Water: | Type Unknown |
| Lot Sq Ft: | 100,188 | Sewer: | None |

Last Market Sale:

Owner Name: Soboba Band Of Luiseno Indians

Sales History:

| | | |
|----------------|-------------------|-------------------|
| Recording Date | 12/18/1989 | 10/19/1988 |
| Nominal | Y | Y |
| Buyer Name | Vanluven Margaret | Vanluven Margaret |
| Seller Name: | Vanluven Margaret | Vanluven Margaret |
| Document No | 440450 | 302735 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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RIVERSIDE COUNTY GIS



433-100-002

Selected parcel(s):

433-100-013 433-100-014 433-100-015

LEGEND



SELECTED PARCEL



PARCELS



WATER BODIES



SAN JACINTO

IMPORTANT

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Property Details

For Property Located At

#2

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-----------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 06/22/2006 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$2,079 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Lot |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | R2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-100-002 | Total Assessment: | \$178,948 |
| Tax Year: | 2008 | Tax Area: | 10072 |
| Annual Tax: | \$2,079 | Legal Description: | .68 Acres M/L In Por Lot 2 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 2 |
| Land Assessment: | \$178,948 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | .68 | Water: | Type Unknown |
| Lot Sq Ft: | 29620.8 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 06/22/2006 | Deed Type: | Grant Deed |
| Settle Date: | 05/16/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| → Sale Price: | \$2,880,000 | Seller: | Atvantage Group Inc |
| Document No. | 451539 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|---------------------|--------------------------------------|------------------------|
| Recording Date: | 06/22/2006 | 11/18/2005 | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$2,880,000 | \$1,250,000 | \$650,000 | |
| Buyer Name: | Soboba Band Of Luiseno Indians | Atvantage Group Inc | Ciernia James R & Mary E Co-Trustees | Lake Park Venture Ltd |
| Seller Name: | Atvantage Group Inc | Ciernia Trust | Brookfield Inc | |
| Document No: | 451539 | 960231 | 222644 | 425992 |
| Document Type: | Grant Deed | Grant Deed | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | | |
|------------------|----------------------|---------------|---------------|
| Mortgage Date: | 11/18/2005 | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$1,150,000 | \$235,000 | \$175,000 |
| Mortgage Lender: | Private Individual | Lender Seller | Lender Seller |
| Mortgage Type: | Private Party Lender | Conventional | Conventional |

Courtesy of Beverly Williams SoCalMLS

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Property Details

For Property Located At

#14

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 06/22/2006 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$19,062 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

School District: San Jacinto Unif

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-100-014 | Total Assessment | \$1,643,832 |
| Tax Year: | 2008 | Tax Area: | 10072 |
| Annual Tax: | \$19,062 | Legal Description: | 6.25 Acres M/L In Por Lot 1 Mb 008/005 Hot Springs Tr |
| Assessment Year | 2008 | Lot Number: | 1 |
| Land Assessment: | \$1,643,832 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | 6.25 | Water: | Type Unknown |
| Lot Sq Ft: | 272,250 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 06/22/2006 | Deed Type: | Grant Deed |
| Settle Date: | 05/16/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$2,880,000 | Seller: | Atvantage Group Inc |
| Document No: | 451539 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|---------------------|--------------------------------------|------------------------|
| Recording Date: | 06/22/2006 | 11/18/2005 | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$2,880,000 | \$1,250,000 | \$650,000 | |
| Buyer Name: | Soboba Band Of Luiseno Indians | Atvantage Group Inc | Ciernia James R & Mary E Co-Trustees | Lake Park Venture Ltd |
| Seller Name: | Atvantage Group Inc | Ciernia Trust | Brookfield Inc | |
| Document No: | 451539 | 960231 | 222644 | 425992 |
| Document Type: | Grant Deed | Grant Deed | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | | |
|------------------|----------------------|---------------|---------------|
| Mortgage Date: | 11/18/2005 | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$1,150,000 | \$235,000 | \$175,000 |
| Mortgage Lender: | Private Individual | Lender Seller | Lender Seller |
| Mortgage Type: | Private Party Lender | Conventional | Conventional |

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SoCalMLS

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Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 06/22/2006 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$13,609 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

School District: San Jacinto Unif

Tax Info:

| | | | |
|------------------|-------------|-------------------|---|
| Tax ID: | 433-100-013 | Total Assessment: | \$1,173,571 |
| Tax Year: | 2008 | Tax Area: | 10072 |
| Annual Tax: | \$13,609 | Legal Description | 4.46 Acres M/L In Por Lot 3 Mb 008/005 Hot Springs Tr |
| Assessment Year: | 2008 | Lot Number: | 3 |
| Land Assessment: | \$1,173,571 | | |

Characteristics:

| | | | |
|------------|----------|--------|--------------|
| Lot Acres: | 4.46 | Water: | Type Unknown |
| Lot Sq Ft: | 194277.6 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 06/22/2006 | Deed Type: | Grant Deed |
| Settle Date: | 05/16/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$2,880,000 | Seller: | Atvantage Group Inc |
| Document No | 451539 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|---------------------|--------------------------------------|------------------------|
| Recording Date: | 06/22/2006 | 11/18/2005 | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$2,880,000 | \$1,250,000 | \$650,000 | |
| Buyer Name: | Soboba Band Of Luiseno Indians | Atvantage Group Inc | Ciernia James R & Mary E Co-Trustees | Lake Park Venture Ltd |
| Seller Name: | Atvantage Group Inc | Ciernia Trust | Brookfield Inc | |
| Document No: | 451539 | 960231 | 222644 | 425992 |
| Document Type: | Grant Deed | Grant Deed | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | | |
|------------------|----------------------|---------------|---------------|
| Mortgage Date: | 11/18/2005 | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$1,150,000 | \$235,000 | \$175,000 |
| Mortgage Lender: | Private Individual | Lender Seller | Lender Seller |
| Mortgage Type: | Private Party Lender | Conventional | Conventional |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

Riverside County**Owner Info:**

| | | | |
|---------------------------|--------------------------------|---------------------|-----------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 06/22/2006 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$2,079 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Lot |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | R2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-100-002 | Total Assessment: | \$178,948 |
| Tax Year: | 2008 | Tax Area: | 10072 |
| Annual Tax: | \$2,079 | Legal Description: | .68 Acres M/L In Por Lot 2 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 2 |
| Land Assessment: | \$178,948 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | .68 | Water: | Type Unknown |
| Lot Sq Ft: | 29620.8 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 06/22/2006 | Deed Type: | Grant Deed |
| Settle Date: | 05/16/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$2,880,000 | Seller: | Atvantage Group Inc |
| Document No: | 451539 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|---------------------|--------------------------------------|------------------------|
| Recording Date: | 06/22/2006 | 11/18/2005 | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$2,880,000 | \$1,250,000 | \$650,000 | |
| Buyer Name: | Soboba Band Of Luiseno Indians | Atvantage Group Inc | Ciernia James R & Mary E Co-Trustees | Lake Park Venture Ltd |
| Seller Name: | Atvantage Group Inc | Ciernia Trust | Brookfield Inc | |
| Document No: | 451539 | 960231 | 222644 | 425992 |
| Document Type: | Grant Deed | Grant Deed | Grant Deed | Partnership Grant Deed |

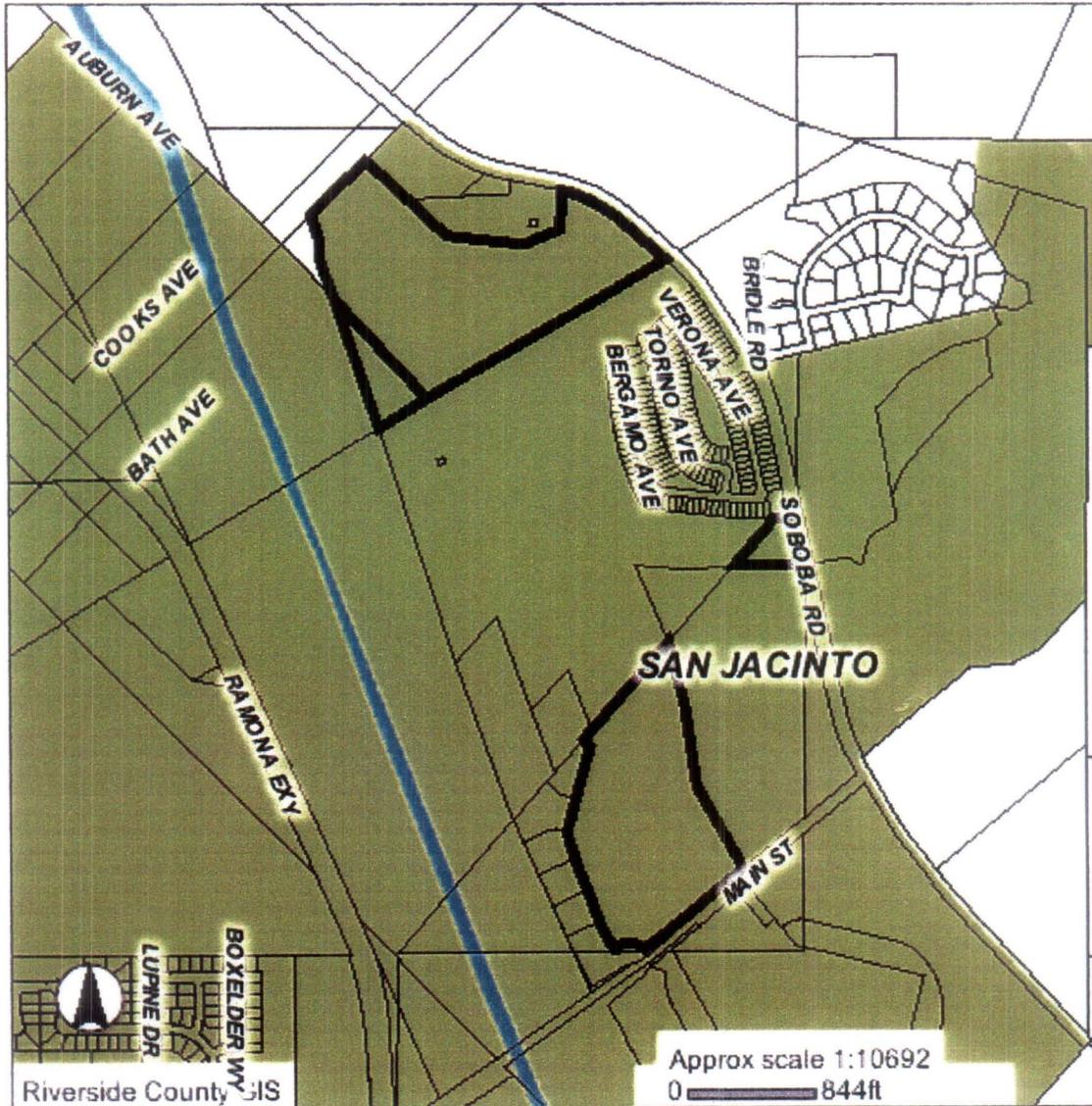
Mortgage History:

| | | | |
|------------------|----------------------|---------------|---------------|
| Mortgage Date: | 11/18/2005 | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$1,150,000 | \$235,000 | \$175,000 |
| Mortgage Lender: | Private Individual | Lender Seller | Lender Seller |
| Mortgage Type: | Private Party Lender | Conventional | Conventional |

Courtesy of Beverly Williams
SoCaMLS

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Horseshoe Grande Project



Selected parcel(s):
 433-100-015 433-110-013 433-140-031 433-140-041 *433-140-001*

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT

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REPORT PRINTED ON...Wed Jun 11 15:20:54 2008

Property Details

#15

For Property Located At
22151 Soboba Rd
San Jacinto, CA 92583
Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$51,938 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|---------------------|------------------|----------------|--------|
| → Flood Zone Panel: | 06038N0001N | TGNO: | 811-F1 |
| → Flood Zone Code: | N | Census Tract: | 435.10 |
| School District: | San Jacinto Unif | Carrier Route: | C004 |

Tax Info:

| | | | |
|----------------------|-------------|--------------------|---|
| Tax ID: | 433-100-015 | Total Assessment: | \$4,439,717 |
| Tax Year: | 2008 | % Improv: | 27% |
| Annual Tax: | \$51,938 | Tax Area: | 10080 |
| Assessment Year: | 2008 | Legal Description: | 39.18 Acres In Por Lots 1 & 3 Mb 008/005 Hot Springs Tr And Por Par 2 Pm 123/022 Pm 19805 |
| Land Assessment: | \$3,263,187 | Lot Number: | 1 |
| Improved Assessment: | \$1,176,530 | | |

Characteristics:

| | | | |
|------------|-------|------------|-----------|
| Lot Acres: | 39.18 | Lot Sq Ft: | 1706680 8 |
|------------|-------|------------|-----------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No: | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

Sales History:

| | | |
|----------------|--------------------------------|---|
| Recording Date | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name: | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No: | 978974 | 39536 |
| Document Type | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#13

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$6,677 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|---------|------|------------------|------------------|
| Zoning: | A210 | School District: | San Jacinto Unif |
|---------|------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-110-013 | Total Assessment: | \$543,862 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$6,677 | Legal Description: | 3.72 Acres M/L In Por Par 2 Pm 123/022 Pm 19805 |
| Assessment Year: | 2008 | Lot Number: | 2 |
| Land Assessment: | \$543,862 | | |

Characteristics:

| | | | |
|------------|------|------------|----------|
| Lot Acres: | 3.72 | Lot Sq Ft: | 162043.2 |
|------------|------|------------|----------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No: | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

Sales History:

| | | |
|-----------------|--------------------------------|---|
| Recording Date: | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name: | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No: | 978974 | 39536 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#31

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$6,449 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Rd | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-031 | Total Assessment: | \$543,862 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$6,449 | Legal Description: | 1.71 Acres M/L In Por Par 2 Pm 123/022 Pm 19805 |
| Assessment Year: | 2008 | Lot Number: | 2 |
| Land Assessment: | \$543,862 | | |

Characteristics:

| | | | |
|------------|------|------------|---------|
| Lot Acres: | 1.71 | Lot Sq Ft: | 74487.6 |
|------------|------|------------|---------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No: | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

Sales History:

| | | |
|-----------------|--------------------------------|---|
| Recording Date: | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name: | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No: | 978974 | 39536 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At
22151 Soboba Rd
San Jacinto, CA 92583
Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$25,818 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|-------------------|------------------|----------------|--------|
| Flood Zone Panel: | 06038N0001N | TGNO: | 811-F1 |
| Flood Zone Code: | N | Census Tract: | 435.10 |
| School District: | San Jacinto Unif | Carrier Route: | C004 |

Tax Info:

| | | | |
|----------------------|-------------|--------------------|--|
| Tax ID: | 433-140-041 | Total Assessment: | \$2,201,987 |
| Tax Year: | 2008 | % Improv: | 1% |
| Annual Tax: | \$25,818 | Tax Area: | 10080 |
| Assessment Year: | 2008 | Legal Description: | 28.15 Acres M/L In Por Pars 1, 2 & 3 Pm 123/022 Pm 19805 |
| Land Assessment: | \$2,175,457 | Lot Number: | 1 |
| Improved Assessment: | \$26,530 | | |

Characteristics:

| | | | |
|------------|-------|------------|-----------|
| Lot Acres: | 28.15 | Lot Sq Ft: | 1,226,214 |
|------------|-------|------------|-----------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No: | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

Sales History:

| | | |
|-----------------|--------------------------------|---|
| Recording Date: | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name: | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No: | 978974 | 39536 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

#1

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|--------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 09/18/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$3,579 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Commercial |
| Tax Billing Zip: | 92581 | Universal Land Use: | Commercial Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | R4 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-001 | Total Assessment: | \$303,665 |
| Tax Year: | 2008 | Tax Area: | 10079 |
| Annual Tax: | \$3,579 | Legal Description: | 4.94 Acres M/L In Por Par 1 Pm 123/022 Pm 19805 |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$303,665 | | |

Characteristics:

| | | | |
|------------|----------|--------|------|
| Lot Acres: | 4.94 | Water: | None |
| Lot Sq Ft: | 215186 4 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 09/18/1995 | Deed Type: | Trustee Deed |
| Document No: | 306223 | Owner Name: | Soboba Band Of Luiseno Indians |

Sales History:

| | | |
|-----------------|------------------------------|------------------------|
| Recording Date: | 09/18/1995 | 12/09/1991 |
| Buyer Name: | Shepherd Management Services | Lake Park Venture Ltd |
| Seller Name: | | Soboba Associates |
| Document No: | 306223 | 425992 |
| Document Type: | Trustee Deed | Partnership Grant Deed |

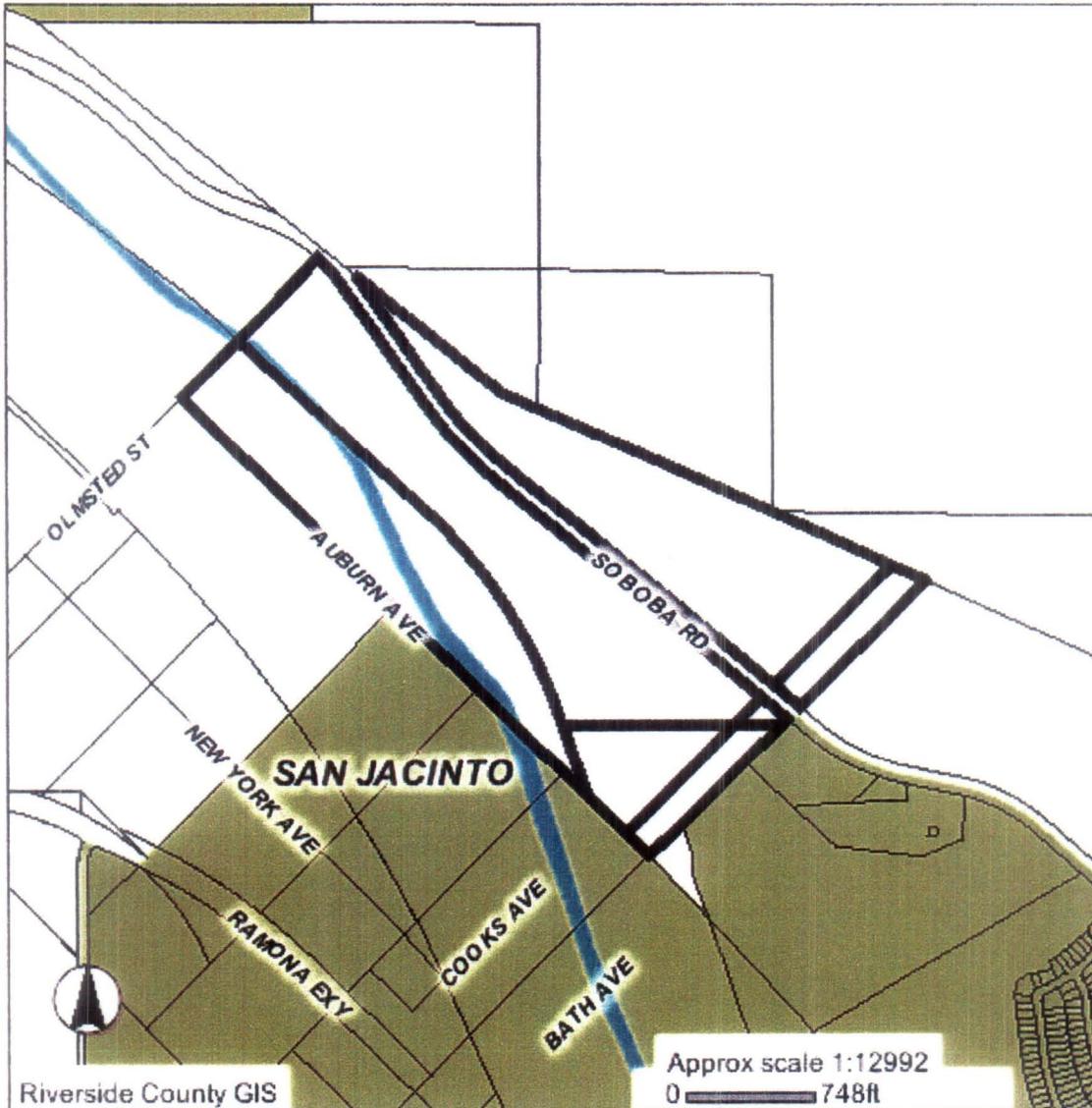
Mortgage History:

| | | |
|------------------|--------------|--------------|
| Mortgage Date: | 02/09/1989 | 02/09/1989 |
| Mortgage Amt: | \$500,000 | \$1,000,000 |
| Mortgage Lender: | Ring Fin'l | Ring Fin'l |
| Mortgage Type: | Conventional | Conventional |

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RIVERSIDE COUNTY GIS



Selected parcel(s):
 433-080-002 433-080-005 433-080-006 433-080-007 433-080-010 433-080-011

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT
 This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

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Property Details

For Property Located At

#2

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$16,200 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | W1 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-080-002 | Land Assessment: | \$1,429,428 |
| Tax Year: | 2008 | Total Assessment: | \$1,429,428 |
| Annual Tax: | \$16,200 | Tax Area: | 91016 |
| Assessment Year: | 2008 | Legal Description: | 43.12 Acres M/L In Por Sec 23 T4s R1w And Por Sec 24 T4s R1wf For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|-----------|--------|--------------|
| Lot Acres: | 43.12 | Water: | Type Unknown |
| Lot Sq Ft: | 1878307.2 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No.: | 7622 | | |

Sales History:

| | | |
|-----------------|--------------------------------|------------------------------------|
| Recording Date: | 01/04/2007 | 02/19/1999 |
| Sale Price: | \$3,250,000 | |
| Nominal: | | Y |
| Buyer Name: | Soboba Band Of Luiseno Indians | Ramijak Michael & Barbara Trustees |
| Seller Name: | Ramijak Family Trust | Ramijak Michael |
| Document No.: | 7622 | 66699 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At
192 N Scovell Ave
San Jacinto, CA 92583-3916
Riverside County

#5

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-----------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$189 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Lot |

Location Info:

| | | | |
|------------------|------------------|----------------|--------|
| Zoning: | A210 | Census Tract: | 436.00 |
| School District: | San Jacinto Unif | Carrier Route: | C010 |
| TGNO: | 811-A2 | | |

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-080-005 | Total Assessment: | \$16,575 |
| Tax Year: | 2008 | Tax Area: | 91016 |
| Annual Tax: | \$189 | Legal Description: | .50 Acres M/L In Por Sec 24 T4s R1w For Total Description See Assessors Maps |
| Assessment Year: | 2008 | Lot Number: | 5 |
| Land Assessment: | \$16,575 | Block ID: | 17 |

Characteristics:

| | | | |
|------------|--------|--------|------|
| Lot Acres: | 5 | Water: | None |
| Lot Sq Ft: | 21,780 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No. | 7622 | | |

Sales History:

| | | |
|-----------------|------------|-------------|
| Recording Date: | 06/22/2007 | 01/04/2007 |
| Sale Price: | | \$3,250,000 |
| Nominal: | Y | |

| | | |
|----------------|---------------------|--------------------------------|
| Buyer Name: | Ramirez Salvador | Soboba Band Of Luiseno Indians |
| Seller Name: | Ramirez Josephine A | Ramijak Family Trust |
| Document No. | 408279 | 7622 |
| Document Type: | Interspousal Deed | Grant Deed |

Mortgage History:

| | |
|------------------|-------------------|
| Mortgage Date: | 06/22/2007 |
| Mortgage Amt: | \$100,000 |
| Mortgage Lender: | Fieldstone Mtg Co |
| Mortgage Type: | Conventional |

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Property Details

For Property Located At

Riverside County

#6

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|----------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$174 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Mountain Land |
| Tax Billing Zip: | 92581 | Universal Land Use: | Mountainous Land |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | A2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-080-006 | Land Assessment: | \$11,220 |
| Tax Year: | 2008 | Total Assessment: | \$11,220 |
| Annual Tax: | \$174 | Tax Area: | 91016 |
| Assessment Year: | 2008 | Legal Description: | 4.59 Acres M/L In Por Sec 24 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|----------|--------|------|
| Lot Acres: | 4.59 | Water: | None |
| Lot Sq Ft: | 199940.4 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No. | 7622 | | |

Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 01/04/2007 |
| Sale Price: | \$3,250,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| Seller Name: | Ramijak Family Trust |
| Document No | 7622 |
| Document Type: | Grant Deed |

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Property Details

For Property Located At

Riverside County

#7

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$13,514 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | A2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-080-007 | Land Assessment: | \$1,192,405 |
| Tax Year: | 2008 | Total Assessment: | \$1,192,405 |
| Annual Tax: | \$13,514 | Tax Area: | 91016 |
| Assessment Year: | 2008 | Legal Description: | 35.97 Acres M/L In Por Sec 24 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|-----------|--------|------|
| Lot Acres: | 35.97 | Water: | None |
| Lot Sq Ft | 1566853.2 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No: | 7622 | | |

Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 01/04/2007 |
| Sale Price: | \$3,250,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| Seller Name: | Ramijak Family Trust |
| Document No. | 7622 |
| Document Type: | Grant Deed |

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Property Details

For Property Located At

#10

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$2,806 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|------|------------------|------------------|
| Zoning: | A210 | School District: | San Jacinto Unif |
|---------|------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-080-010 | Land Assessment: | \$247,630 |
| Tax Year: | 2008 | Total Assessment: | \$247,630 |
| Annual Tax: | \$2,806 | Tax Area: | 91016 |
| Assessment Year: | 2008 | Legal Description: | 7.47 Acres M/L In Por Sec 25 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|----------|--------|------|
| Lot Acres: | 7.47 | Water: | None |
| Lot Sq Ft: | 325393.2 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No: | 7622 | | |

Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 01/04/2007 |
| Sale Price: | \$3,250,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| Seller Name: | Ramijak Family Trust |
| Document No: | 7622 |
| Document Type: | Grant Deed |

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Property Details

For Property Located At

11

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$1,657 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|------|------------------|------------------|
| Zoning: | A210 | School District: | San Jacinto Unif |
|---------|------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-080-011 | Land Assessment: | \$146,191 |
| Tax Year: | 2008 | Total Assessment: | \$146,191 |
| Annual Tax: | \$1,657 | Tax Area: | 91016 |
| Assessment Year: | 2008 | Legal Description: | 4.41 Acres M/L In Por Nw 1/4 Of Sec 25 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|----------|--------|------|
| Lot Acres: | 4.41 | Water: | None |
| Lot Sq Ft: | 192099.6 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No: | 7622 | | |

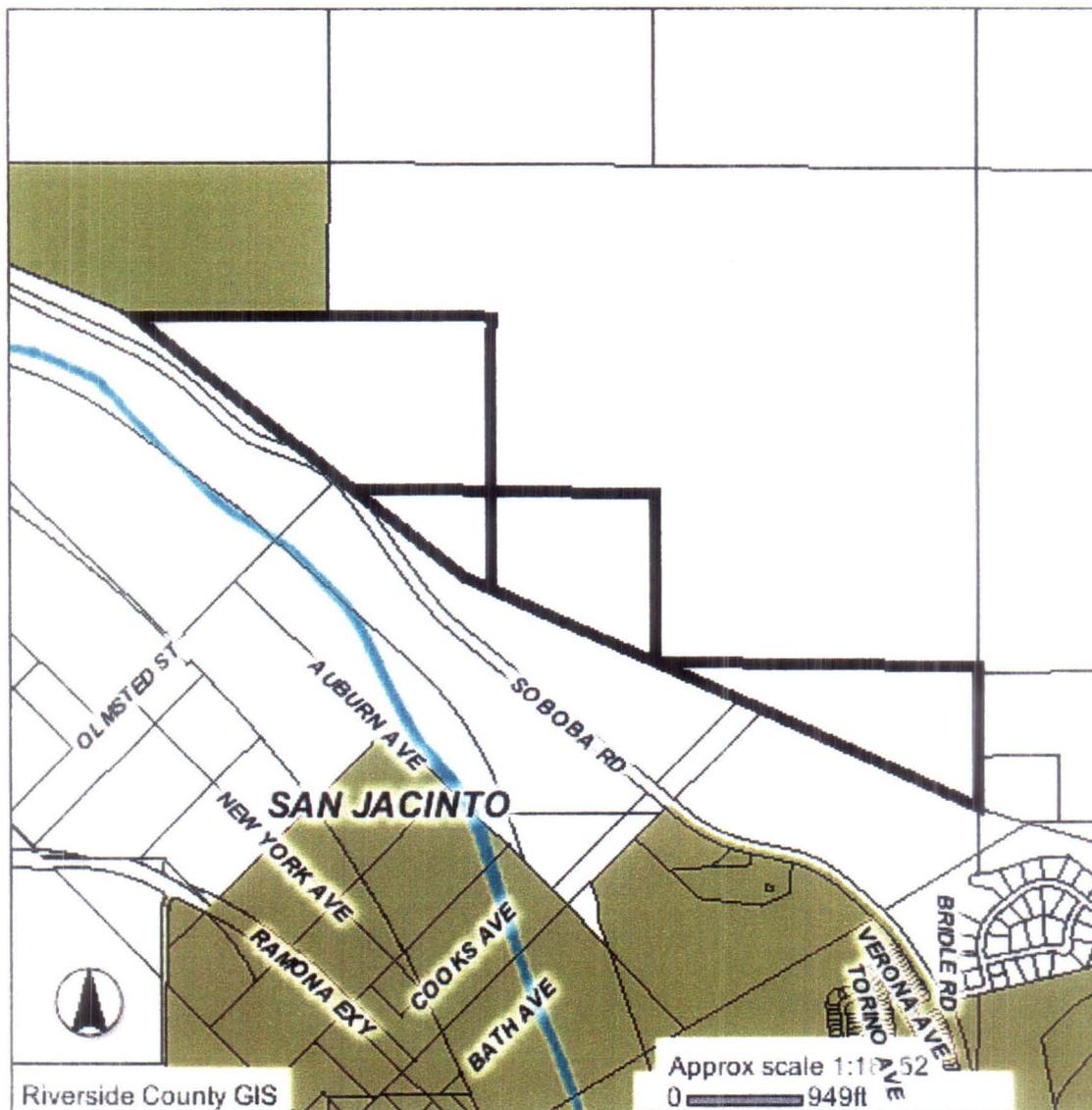
Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 01/04/2007 |
| ↖ Sale Price: | \$3,250,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| ↖ Seller Name: | Ramijak Family Trust |
| Document No: | 7622 |
| Document Type: | Grant Deed |

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RIVERSIDE COUNTY GIS



Selected parcel(s): 430-030-013 430-030-015 430-030-017

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

IMPORTANT

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REPORT PRINTED ON...Wed Jun 11 16:10:45 2008

#13

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|----------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$1,829 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Mountain Land |
| Tax Billing Zip: | 92581 | Universal Land Use: | Mountainous Land |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | W2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 430-030-013 | Land Assessment: | \$132,319 |
| Tax Year: | 2008 | Total Assessment: | \$132,319 |
| Annual Tax: | \$1,829 | Tax Area: | 91072 |
| Assessment Year: | 2008 | Legal Description: | 53.77 Acres M/L In Por Ne 1/4 Of Sec 23 T4s R1w And Por Nw 1/4 Of Sec 24 T4s R1wc For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|-----------|--------|--------------|
| Lot Acres: | 53.77 | Water: | Type Unknown |
| Lot Sq Ft: | 2342221.2 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No: | 7622 | | |

Sales History:

| | | | | |
|-----------------|--------------------------------|---------------------------|---------------------------|----------------------------|
| Recording Date: | 01/04/2007 | 07/06/1998 | 12/31/1992 | 05/30/1986 |
| Sale Price: | \$3,250,000 | | \$25,000 | \$21,000 |
| Nominal: | | Y | | |
| Buyer Name: | Soboba Band Of Luiseno Indians | Ramijak Trust | Ramijak Michael & Barbara | Quandt Carl H |
| Seller Name: | Ramijak Family Trust | Ramijak Michael & Barbara | Quandt Carl H | Union Oil Co Of California |
| Document No: | 7622 | 275860 | 500143 | 125018 |
| Document Type: | Grant Deed | D | Executor's Deed | Corporation Grant Deed |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At
21700 Soboba Rd
San Jacinto, CA 92583
Riverside County

#15

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|----------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address. | Po Box 487 | Annual Tax: | \$543 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Mountain Land |
| Tax Billing Zip: | 92581 | Universal Land Use: | Mountainous Land |

Location Info:

| | | | |
|------------------|------------------|---------------|--------|
| Zoning: | W2 | TGNO: | 781-D6 |
| School District: | San Jacinto Unif | Census Tract: | 435.10 |

Tax Info:

| | | | |
|------------------|-------------|-------------------|--|
| Tax ID: | 430-030-015 | Land Assessment: | \$39,270 |
| Tax Year: | 2008 | Total Assessment: | \$39,270 |
| Annual Tax | \$543 | Tax Area: | 91072 |
| Assessment Year: | 2008 | Legal Description | 16.00 Acres In Por Sec 24 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres | 16 | Water: | Type Unknown |
| Lot Sq Ft. | 696,960 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No | 7622 | | |

Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 01/04/2007 |
| Sale Price: | \$3,250,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| Seller Name: | Ramijak Family Trust |
| Document No: | 7622 |
| Document Type: | Grant Deed |

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 SoCalMLS

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Property Details

For Property Located At

#17

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|----------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4 | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 01/04/2007 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$1,381 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Mountain Land |
| Tax Billing Zip: | 92581 | Universal Land Use: | Mountainous Land |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | W2 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 430-030-017 | Land Assessment: | \$99,960 |
| Tax Year: | 2008 | Total Assessment: | \$99,960 |
| Annual Tax: | \$1,381 | Tax Area: | 91072 |
| Assessment Year: | 2008 | Legal Description: | 40.50 Acres In Por Sec 24 T4s R1w For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|-----------|--------|--------------|
| Lot Acres: | 40.5 | Water: | Type Unknown |
| Lot Sq Ft: | 1,764,180 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 01/04/2007 | Deed Type: | Grant Deed |
| Settle Date: | 12/26/2006 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$3,250,000 | Seller: | Ramijak Family Trust |
| Document No | 7622 | | |

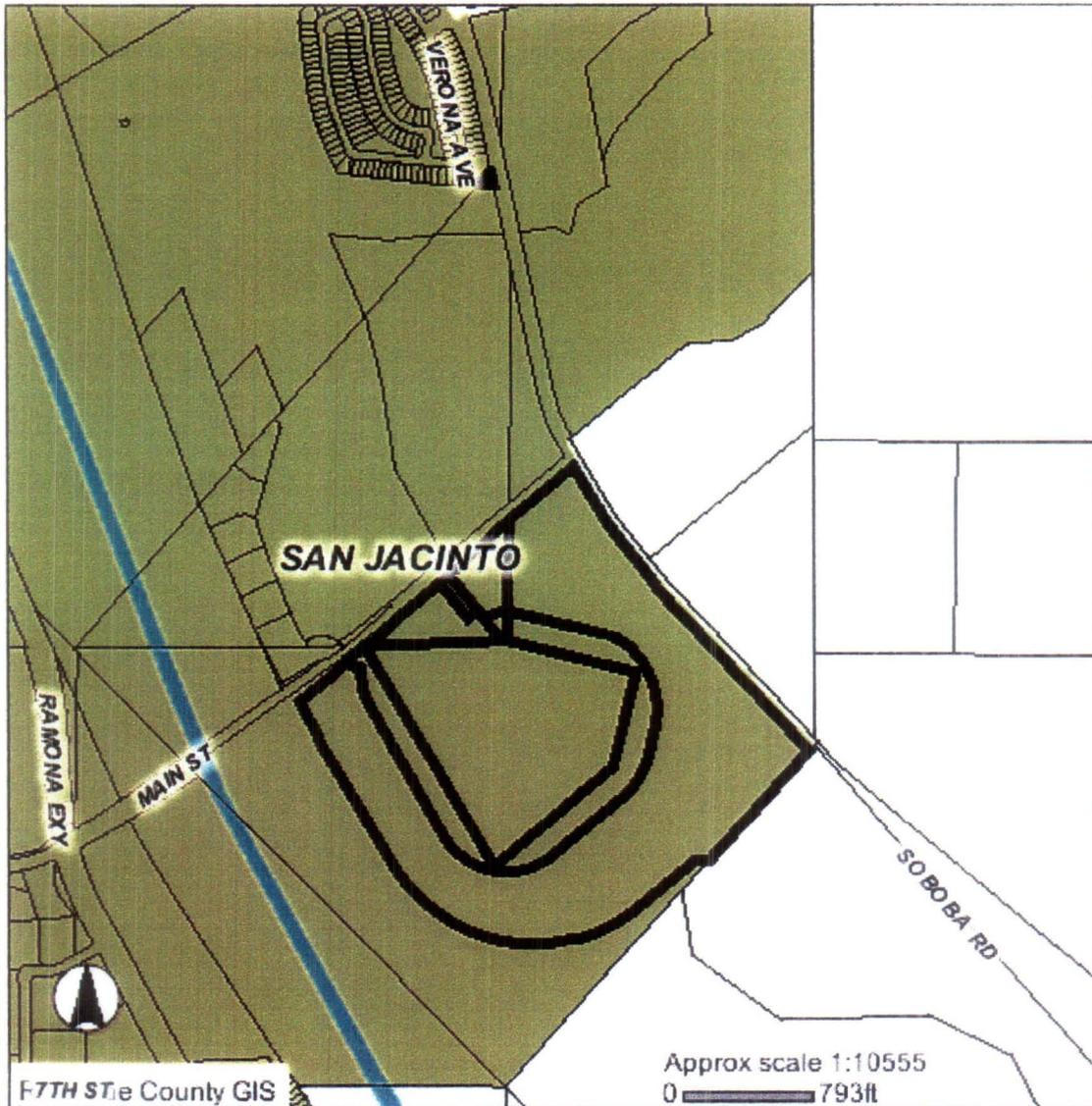
Sales History:

| | | | |
|-----------------|--------------------------------|-----------------------|-----------------------|
| Recording Date: | 01/04/2007 | 09/24/2004 | 03/07/2002 |
| Sale Price: | \$3,250,000 | | |
| Nominal: | | Y | Y |
| Buyer Name: | Soboba Band Of Luiseno Indians | Preciado Family Trust | Preciado Rebecca J |
| Seller Name | Ramijak Family Trust | Preciado Rebecca J | Preciado Bernardino S |
| Document No. | 7622 | 761216 | 117610 |
| Document Type: | Grant Deed | Affidavit | Affidavit |

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RIVERSIDE COUNTY GIS



F7TH ST, e County GIS

Approx scale 1:10555
0 793ft

433-140-020
433-140-022
433-140-024
433-140-026

Selected parcel(s):

433-140-022 433-140-024

LEGEND

SELECTED PARCEL

PARCELS

WATER BODIES

SAN JACINTO

IMPORTANT

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Property Details

1420

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Mission Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO MISSION INDIANS | Recording Date: | 07/11/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$39,837 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Rd | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-020 | Total Assessment: | \$3,362,084 |
| Tax Year: | 2008 | Tax Area: | 10079 |
| Annual Tax: | \$39,837 | Legal Description: | 68.64 Acres In Por Lots 1 & 3 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$3,362,084 | | |

Characteristics:

| | | | |
|------------|-----------|--------|--------------|
| Lot Acres: | 68.64 | Water: | Type Unknown |
| Lot Sq Ft: | 2989958.4 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--|
| Recording Date: | 07/11/1995 | Deed Type: | Grant Deed |
| Sale Price: | \$650,000 | Owner Name: | Soboba Band Of Luiseno Mission Indians |
| Document No: | 222644 | Seller: | Brookfield Inc |

Sales History:

| | | | |
|-----------------|--------------------------|--|------------------------|
| Recording Date: | 03/12/1999 | 07/11/1995 | 12/09/1991 |
| Sale Price: | | \$650,000 | |
| Buyer Name: | Osborne Development Corp | Ciernia James R & Mary Lake Park Venture Ltd E Co-Trustees | |
| Seller Name: | Osborne Dev | Brookfield Inc | Soboba Associates |
| Document No: | 100880 | 222644 | 425992 |
| Document Type: | Grant Deed | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | | | |
|------------------|---------------|--------------|---------------|---------------|
| Mortgage Date: | 03/12/1999 | 03/12/1999 | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$2,000 | \$740,000 | \$235,000 | \$175,000 |
| Mortgage Lender: | Lender Seller | | Lender Seller | Lender Seller |
| Mortgage Type: | Conventional | Conventional | Conventional | Conventional |

Courtesy of Beverly Williams
SoCalMLS

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22

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/09/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$23 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Golf Course |
| Tax Billing Zip: | 92581 | Universal Land Use: | Golf Course |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Ra | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-140-022 | Total Assessment: | \$106 |
| Tax Year | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$23 | Legal Description: | .15 Acres M/L In Por Lot 3 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 3 |
| Land Assessment: | \$106 | | |

Characteristics:

| | | | |
|------------|-----|------------|-------|
| Lot Acres: | .15 | Lot Sq Ft: | 6,534 |
|------------|-----|------------|-------|

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--------------------------------|
| Recording Date: | 12/09/2004 | Deed Type: | Grant Deed |
| Settle Date: | 11/30/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Document No | 978974 | Seller: | Soboba Spgs Royal Vista Golf C |

Sales History:

| | | |
|-----------------|--------------------------------|---|
| Recording Date: | 12/09/2004 | 02/01/1996 |
| Sale Price: | | \$5,450,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Soboba Springs Royal Vista Golf Courses |
| Seller Name | Soboba Spgs Royal Vista Golf C | Nitto America Co Ltd |
| Document No | 978974 | 39536 |
| Document Type: | Grant Deed | Grant Deed |

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#24

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|---|---------------------|-----------------|
| Owner Name: | Soboba Band Of Luiseno Mission Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO MISSION INDIANS | Recording Date: | 07/11/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$249 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Lot |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Rd | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-024 | Total Assessment: | \$21,058 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$249 | Legal Description: | 43 Acres M/L In Por Lot 3 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 3 |
| Land Assessment: | \$21,058 | | |

Characteristics:

| | | | |
|------------|---------|--------|--------------|
| Lot Acres: | .43 | Water: | Type Unknown |
| Lot Sq Ft: | 18730.8 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|------------|-------------|---|
| Recording Date: | 07/11/1995 | Deed Type: | Grant Deed |
| Sale Price: | \$650,000 | Owner Name: | Soboba Band Of Luiseno Mission Indians |
| Document No: | 222644 | Seller: | Brookfield Inc |

Sales History:

| | | |
|-----------------|---|------------------------|
| Recording Date: | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$650,000 | |
| Buyer Name: | Ciernia James R & Mary Lake Park Venture Ltd E Co-Trustees | |
| Seller Name: | Brookfield Inc | |
| Document No: | 222644 | 425992 |
| Document Type: | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | |
|------------------|---------------|---------------|
| Mortgage Date: | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$235,000 | \$175,000 |
| Mortgage Lender: | Lender Seller | Lender Seller |
| Mortgage Type: | Conventional | Conventional |

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SoCalMLS

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#26

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Mission Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO MISSION INDIANS | Recording Date: | 07/11/1995 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$1,793 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | Rd | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-026 | Total Assessment: | \$151,332 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$1,793 | Legal Description: | 3.09 Acres M/L In Por Lot 3 Mb 006/304 Sd Jose A Estudillos Sub Tr Vii Ro S J Viejo |
| Assessment Year: | 2008 | Lot Number: | 3 |
| Land Assessment: | \$151,332 | | |

Characteristics:

| | | | |
|------------|----------|--------|--------------|
| Lot Acres: | 3.09 | Water: | Type Unknown |
| Lot Sq Ft: | 134600.4 | Sewer: | Type Unknown |

Last Market Sale:

| | | | |
|-----------------|------------|-------------|--|
| Recording Date: | 07/11/1995 | Deed Type: | Grant Deed |
| Sale Price: | \$650,000 | Owner Name: | Soboba Band Of Luiseno Mission Indians |
| Document No: | 222644 | Seller: | Brookfield Inc |

Sales History:

| | | |
|-----------------|--|------------------------|
| Recording Date: | 07/11/1995 | 12/09/1991 |
| Sale Price: | \$650,000 | |
| Buyer Name: | Ciernia James R & Mary Lake Park Venture Ltd E Co-Trustees | |
| Seller Name: | Brookfield Inc | Soboba Associates |
| Document No: | 222644 | 425992 |
| Document Type: | Grant Deed | Partnership Grant Deed |

Mortgage History:

| | | |
|------------------|---------------|---------------|
| Mortgage Date: | 07/11/1995 | 07/11/1995 |
| Mortgage Amt: | \$235,000 | \$175,000 |
| Mortgage Lender: | Lender Seller | Lender Seller |
| Mortgage Type: | Conventional | Conventional |

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RIVERSIDE COUNTY GIS



Riverside County GIS

Approx scale 1:5956
0 427ft

Selected parcel(s):
433-140-042 433-140-044 433-140-045 433-140-046 433-140-047 433-140-048 433-140-049

LEGEND

- SELECTED PARCEL
- PARCELS
- WATER BODIES
- SAN JACINTO

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Property Details

For Property Located At

#112

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|-----------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 12/13/2001 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$347 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Resid |
| Tax Billing Zip: | 92581 | Universal Land Use: | Residential Lot |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 433-140-042 | Total Assessment: | \$28,677 |
| Tax Year: | 2008 | Tax Area: | 10079 |
| Annual Tax: | \$347 | Legal Description: | .45 Acres M/L In Por Lot 1 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$28,677 | | |

Characteristics:

| | | | |
|------------|--------|--------|------|
| Lot Acres: | .45 | Water: | None |
| Lot Sq Ft. | 19,602 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 12/13/2001 | Deed Type: | Grant Deed |
| Settle Date: | 11/27/2001 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$1,050,000 | Seller: | Matz Rudolph W |
| Document No: | 620785 | | |

Sales History:

| | |
|-----------------|--------------------------------|
| Recording Date: | 12/13/2001 |
| Sale Price: | \$1,050,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians |
| Seller Name: | Matz Rudolph W |
| Document No: | 620785 |
| Document Type: | Grant Deed |

Mortgage History:

| | |
|------------------|----------------------|
| Mortgage Date: | 04/21/2000 |
| Mortgage Amt: | \$35,000 |
| Mortgage Lender: | Private Individual |
| Mortgage Type: | Private Party Lender |

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#44

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$1,419 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-044 | Total Assessment: | \$120,451 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$1,419 | Legal Description: | 1.96 Acres M/L In Lot 1 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 1 |
| Land Assessment: | \$120,451 | | |

Characteristics:

| | | | |
|------------|---------|--------|------|
| Lot Acres: | 1.96 | Water: | None |
| Lot Sq Ft: | 85377.6 | Sewer: | None |

Last Market Sale:

| | |
|-------------|--------------------------------|
| Owner Name: | Soboba Band Of Luiseno Indians |
|-------------|--------------------------------|

Courtesy of Beverly Williams
SoCalMLS

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45

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$746 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-045 | Total Assessment: | \$63,092 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$746 | Legal Description: | 1.18 Acres Net In Lot 2 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 2 |
| Land Assessment: | \$63,092 | | |

Characteristics:

| | | | |
|------------|---------|--------|------|
| Lot Acres: | 1.18 | Water: | None |
| Lot Sq Ft: | 51400.8 | Sewer: | None |

Last Market Sale:

| | |
|-------------|--------------------------------|
| Owner Name: | Soboba Band Of Luiseno Indians |
|-------------|--------------------------------|

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#46

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$814 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-046 | Total Assessment: | \$68,828 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$814 | Legal Description: | 1.30 Acres Net In Lot 3 Mb 239/090 Tr 21943 |
| Assessment Year | 2008 | Lot Number: | 3 |
| Land Assessment: | \$68,828 | | |

Characteristics:

| | | | |
|------------|--------|--------|------|
| Lot Acres: | 1.3 | Water: | None |
| Lot Sq Ft: | 56,628 | Sewer: | None |

Last Market Sale:

| | |
|-------------|--------------------------------|
| Owner Name: | Soboba Band Of Luiseno Indians |
|-------------|--------------------------------|

Courtesy of Beverly Williams
SoCalMLS

The data within this report is compiled by First American CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Details

For Property Located At

#47

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$948 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-047 | Total Assessment: | \$80,300 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$948 | Legal Description: | 1.41 Acres Net In Lot 4 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 4 |
| Land Assessment: | \$80,300 | | |

Characteristics:

| | | | |
|------------|---------|--------|------|
| Lot Acres: | 1.41 | Water: | None |
| Lot Sq Ft | 61419.6 | Sewer: | None |

Last Market Sale:

Owner Name: Soboba Band Of Luiseno Indians

Courtesy of Beverly Williams
SoCalMLS

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48

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$1,420 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-048 | Total Assessment: | \$120,451 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$1,420 | Legal Description: | 2.05 Acres Net In Lot 5 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 5 |
| Land Assessment: | \$120,451 | | |

Characteristics:

| | | | |
|------------|--------|--------|------|
| Lot Acres: | 2.05 | Water: | None |
| Lot Sq Ft: | 89,298 | Sewer: | None |

Last Market Sale:

| | |
|-------------|--------------------------------|
| Owner Name: | Soboba Band Of Luiseno Indians |
|-------------|--------------------------------|

Courtesy of Beverly Williams
SoCalMLS

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#49

Property Details

For Property Located At

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|---------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$746 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Vacant Resid |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Residential Acreage |
| Tax Billing Zip: | 92581 | | |

Location Info:

| | | | |
|---------------|-------|------------------|------------------|
| Tract Number: | 21943 | School District: | San Jacinto Unif |
|---------------|-------|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|---|
| Tax ID: | 433-140-049 | Total Assessment: | \$63,092 |
| Tax Year: | 2008 | Tax Area: | 10080 |
| Annual Tax: | \$746 | Legal Description: | 1.17 Acres Net In Lot 6 Mb 239/090 Tr 21943 |
| Assessment Year: | 2008 | Lot Number: | 6 |
| Land Assessment: | \$63,092 | | |

Characteristics:

| | | | |
|------------|---------|--------|------|
| Lot Acres: | 1.17 | Water: | None |
| Lot Sq Ft: | 50965.2 | Sewer: | None |

Last Market Sale:

| | |
|-------------|--------------------------------|
| Owner Name: | Soboba Band Of Luiseno Indians |
|-------------|--------------------------------|

Courtesy of Beverly Williams
SoCalMLS

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Property Details

For Property Located At

#10

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|--------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name | SOBOBA BAND OF LUISENO INDIANS | Annual Tax: | \$36,106 |
| Tax Billing Address: | Po Box 487 | County Use Code: | Recreational |
| Tax Billing City & State: | San Jacinto CA | Universal Land Use: | Recreational (Nec) |
| Tax Billing Zip: | 92581 | | |

Location Info:

School District: San Jacinto Unif

Tax Info:

| | | | |
|------------------|-------------|----------------------|---|
| Tax ID: | 547-080-010 | Improved Assessment: | \$533,587 |
| Tax Year: | 2008 | Total Assessment: | \$3,294,348 |
| Annual Tax: | \$36,106 | % Improv: | 16% |
| Assessment Year: | 2008 | Tax Area: | 91013 |
| Land Assessment: | \$2,760,761 | Legal Description: | 320.00 Acres M/L In Por Sec 28 T4s R1e For Total Description See Assessors Maps |

Characteristics:

| | | | |
|-----------|-----|------------|------------|
| Lot Acres | 320 | Lot Sq Ft: | 13,939,200 |
|-----------|-----|------------|------------|

Last Market Sale:

Owner Name: Soboba Band Of Luiseno Indians

Courtesy of Beverly Williams
SoCalMLS

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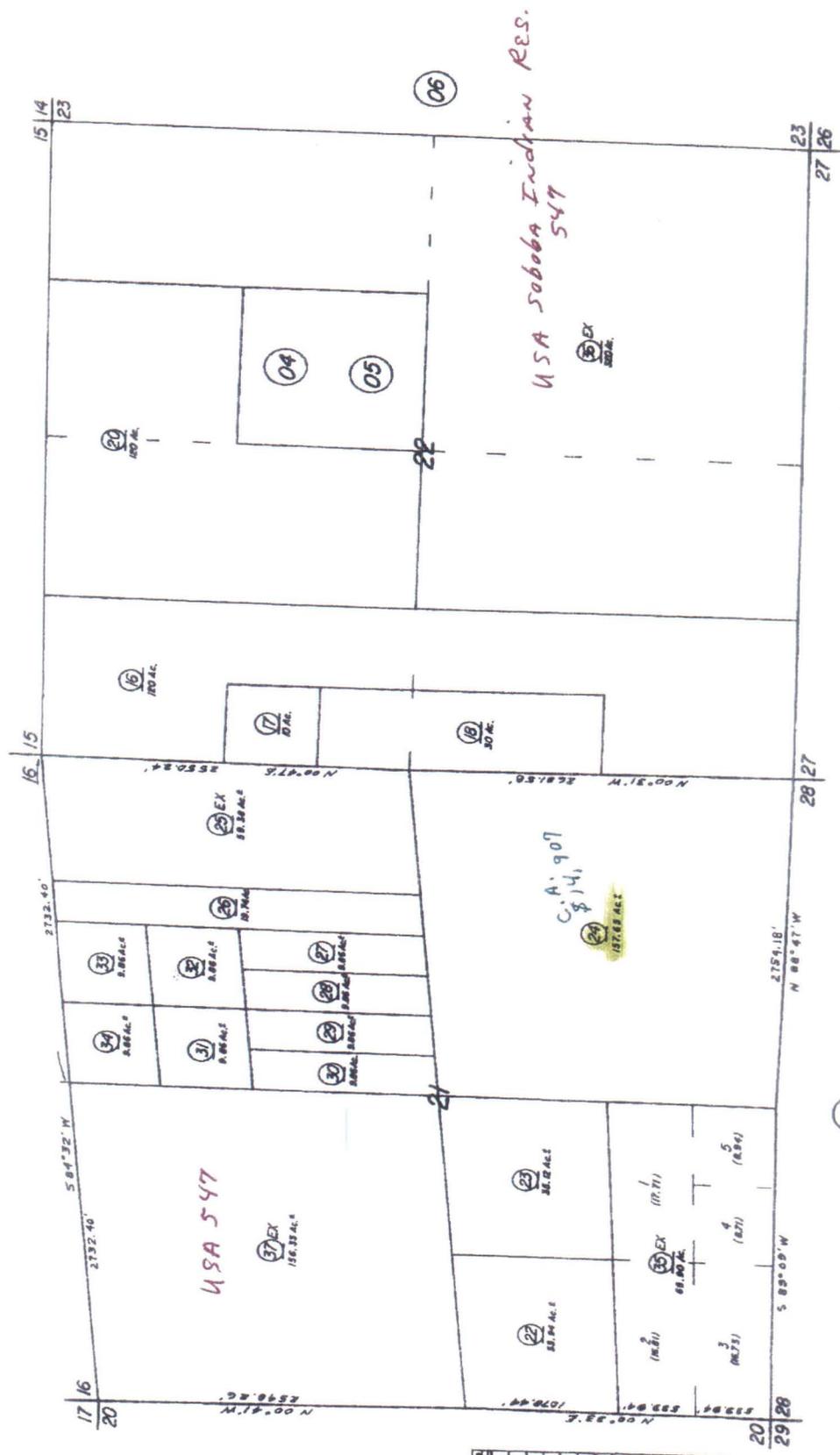
03

T.C.A. 9113

SEC. 21 & POR. SEC. 22, T. 4 S., R. 1 E.



BK. 545



USA 547

USA Soboba Indian RES.
547

C. A. 907
\$14,107

| DATE | BY | REMARKS |
|---------|-----|---------|
| 1/19/83 | ... | ... |
| 1/20/83 | ... | ... |
| 1/21/83 | ... | ... |
| 1/22/83 | ... | ... |
| 1/23/83 | ... | ... |
| 1/24/83 | ... | ... |
| 1/25/83 | ... | ... |
| 1/26/83 | ... | ... |
| 1/27/83 | ... | ... |
| 1/28/83 | ... | ... |
| 1/29/83 | ... | ... |
| 1/30/83 | ... | ... |
| 1/31/83 | ... | ... |

Date: G.L.D. Plots 10/1/80S, 11/0/81S, 12/3/81S

MAY 1970

ASSESSOR'S MAP BK. 547 PG. 03
RIVERSIDE COUNTY, CALIF.

Property Details

For Property Located At

#.214

Riverside County

Owner Info:

| | | | |
|---------------------------|--------------------------------|---------------------|--------------------|
| Owner Name: | Soboba Band Of Luiseno Indians | Tax Billing Zip+4: | 0487 |
| Mail Owner Name: | SOBOBA BAND OF LUISENO INDIANS | Recording Date: | 04/06/2004 |
| Tax Billing Address: | Po Box 487 | Annual Tax: | \$14,907 |
| Tax Billing City & State: | San Jacinto CA | County Use Code: | Vacant Commercial |
| Tax Billing Zip: | 92581 | Universal Land Use: | Commercial Acreage |

Location Info:

| | | | |
|---------|----|------------------|------------------|
| Zoning: | M3 | School District: | San Jacinto Unif |
|---------|----|------------------|------------------|

Tax Info:

| | | | |
|------------------|-------------|--------------------|--|
| Tax ID: | 547-030-024 | Land Assessment: | \$1,360,105 |
| Tax Year: | 2008 | Total Assessment: | \$1,360,105 |
| Annual Tax | \$14,907 | Tax Area: | 91013 |
| Assessment Year: | 2008 | Legal Description: | 157.65 Acres M/L In Por Se 1/4 Of Sec 21 T4s R1ep For Total Description See Assessors Maps |

Characteristics:

| | | | |
|------------|-----------|--------|--------------|
| Lot Acres: | 157.65 | Water: | Type Unknown |
| Lot Sq Ft: | 6,867,234 | Sewer: | None |

Last Market Sale:

| | | | |
|-----------------|-------------|-------------|--------------------------------|
| Recording Date: | 04/06/2004 | Deed Type: | Grant Deed |
| Settle Date: | 04/04/2004 | Owner Name: | Soboba Band Of Luiseno Indians |
| Sale Price: | \$4,300,000 | Seller: | Building Management Services |
| Document No | 244691 | | |

Sales History:

| | | |
|-----------------|--------------------------------|------------------------------|
| Recording Date: | 04/06/2004 | 03/29/1988 |
| Sale Price: | \$4,300,000 | \$600,000 |
| Buyer Name: | Soboba Band Of Luiseno Indians | Building Management Services |
| Seller Name: | Building Management Services | Church Of Scientology Reli |
| Document No: | 244691 | 82332 |
| Document Type: | Grant Deed | Grant Deed |

Courtesy of Beverly Williams SoCalMLS

The data within this report is compiled by First American CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality

The Economics of Gambling: Summary Points

Professor Earl L. Grinols, Dept. of Economics, University of Illinois
Senate Finance Committee (30 April 2003, 9:00 am, Room 8E-B, East Wing, Main Capitol)
House Finance Committee (30 April 2003, 1:30 p.m., Room 205, Ryan Office Building)

- **Studying economics of gambling since 1990.**
 - Independent research.
 - Not funded by gambling or anti-gambling organizations.
- **Gambling attracts clientele disproportionately**
 - 30% don't gamble at all; most gamble rarely, minority 10% account for 66-80% of wagers.
 - 30-50 % of revenues derive from problem and pathological gamblers (e.g. 48.2% of gaming machine revenue, Aus. Inst. for Gambling Research, 2001; 37 % Montana keno machines; 1/3 Australia National Productivity Commission study, 1999.)
 - Convenience casinos, racinos, draw from nearby (over 70% from less than 35 miles)
 - Bulk of casino revenues are from slot machines.
- **Gambling creates economic costs for society and taxpayers, including non-users.**
 - Crime: E.g. Aggravated assault, rape, robbery, larceny, burglary, auto theft, embezzlement, fraud.
 - Business and Employment Costs: Lost productivity, lost work time, unemployment-related employer costs.
 - Bankruptcy
 - Suicide
 - Illness: E.g. Stress-related, cardiovascular, anxiety, depression, cognitive disorders.
 - Social Service Costs: Treatment, unemployment & other social services.
 - Direct Regulatory Costs
 - Family Costs: E.g. Divorce, separation, child abuse, child neglect, domestic violence.
 - Abused dollars
 - (NB Electronic Gambling Devices typically represent 60-80 % of typical Class III (casino style) revenues.)
- **Gambling fails a cost-benefit test.**
 - Even using conservative cost & benefit estimates, costs to benefits are greater than \$3:\$1.
 - Social costs (mid-range) from gambling are approximately \$214 per adult annually (of which crime = \$63). Costs of introducing gambling depend on starting base, but typically exceed \$130 per adult.
 - Social benefits (preferred number) are less than \$42 per adult.
 - On a per pathological gambler basis, studies in different parts of the nation conducted since 1994 conservatively estimate costs to be \$10,100 per year.
- **Economic Development; Failure of Impact Studies**
 - IMPACT STUDIES ARE NOT COST-BENEFIT STUDIES. More people working next door to you may have nothing to do with the well being of citizens in your area. Well being may actually decline.
 - The value of an additional job has been estimated to be worth as little as zero to the community, or between \$0-\$1,500.¹ In a typical county of 100,000 adults the introduction of casinos would create additional social costs of \$12.7 m annually and direct social benefits of \$4.2 m. Using \$750 as the average value to the rest of the county of a job means that casinos would have to increase the total number of jobs in the county by more than 11,333 to improve well being of residents, an unlikely outcome.
 - Gambling promoters argue gambling creates regional jobs. This is sometimes possible, as in the case of an Atlantic City or Las Vegas where the area has effectively converted itself into one large casino and entertainment center that serves primarily tourists. In general, however, gambling:
 - Loses area jobs when local gambler dollars are removed from the area (when they otherwise would not have been) in the form of taxes or are spent by the casino owners or employees outside the area.
 - Creates area jobs when outside gambler dollars are spent locally by the casino and,
 - Loses net jobs when the first flow is larger than the second.
 - A full accounting of dollar flows, therefore, is needed to determine if gambling will create more jobs than it loses.

- **Crime: U. Illinois-U. Georgia, Grinols-Mustard Study**
 - 7.9% of total crime (FBI Index I) due to gambling in counties with Class III gambling.
 - 7.7% of property crime
 - 10.3% of violent crime
 - E.g. For an average county with 100,000 population this implies 772 more larcenies, 357 more burglaries, 331 more auto thefts, 12 more rapes, 68 more robberies, and 112 more aggravated assaults.
- **How can we conclude that casinos increase crime?**
 - Casinos have largely been built since 1991, a period when crime has decreased substantially. Because crime is caused by many factors other than casinos, we want to take those into consideration when we estimate the effect of casinos on crime.
 - A better comparison is to look at the drop in crime rates for counties that have casinos and for those that don't. Crime rates drop much more in noncasino-counties than casino-counties. The divergence between the two sets of counties is greatest since 1992 after casino expansions.
 - In many areas such as Florida, casino-county crime rates as a fraction of noncasino-county rates have increased from 2-25% less in 1977 to much higher in 1996. FBI Index I Crimes (-6% to 11%), Violent Crimes (-17% to -2%), Aggravated assault (-8% to 9%), Rape (-9% to 13%), Robbery (-25% to -14%), Murder (-23% to 0%), Property Crimes (-4% to 13%), Larceny (-4% to 13%), Larceny (-2% to 12%), Burglary (-5% to 2%), Auto Theft (-20% to 14%). All individual crimes switched from negative to positive, except robbery, which still moved in the direction consistent with the rest.
 - Indian reservations: compact-counties had higher crime rates than noncompact-counties, but the difference was stable until the early 1990s, when the crime rates in compact-counties increased by even more. By 1996 compact-counties have significantly higher crime rates than non-compact counties.
- **Gambling Taxes are Worse than a Conventional Tax Collecting Identical Revenue**
 - A conventional tax implies social costs per extra dollar collected of \$1.25-\$1.45.
 - Taxes on gambling revenues cost \$2.53 per dollar of tax collected if the tax rate is 50 percent, a number that rises above \$4.82 per dollar if the gambling tax rate is 20 percent.
- **Gambling is a Slippery Slope**
 - What is easy for one state to do, others can do.
 - Generates a race to the bottom.
 - End result: States not gain at others' expense; all reap social costs.
- **National Gambling Impact Study Commission**
 - ~3 m problem and pathological gamblers, 15 million more at risk (8.5 m potential according to other studies)
 - ~\$5 b costs now, (vs. \$20 b - \$85 b potential based on other studies: My research implies ~ \$30-\$53 b.)
 - Gambling is like losing the lost output of another 1990-91 recession very decade.
- **For many, gambling merely transfers dollars from one pocket to another without creating a tangible product.**
 - Some gamble for recreation (such gamblers are presumably provided recreation value for their lost dollars), but many gamble to acquire money. Instead of creating a product or offering a service to earn money, this second group of gamblers doesn't accomplish anything and yet expects to acquire money.
 - The more people there are who gamble to acquire money, the poorer society is.
 - If everyone gambled to acquire his money, we would all starve.

¹ Rappaport, Jordan and Chad Wilkerson, 2001, What are the Benefits of Hosting a Major League Sports Franchise?, *Economic Review*, Federal Reserve Bank of Kansas City, 86, 1, 55-86.

Key Findings

Drawing from a case study of the Agua Caliente Casino and the Spa Resort Casino, both owned by the Agua Caliente Band of Cahuilla Indians in Palm Springs, this report details the costs imposed by the casino industry on the community's educational system through the industry's exacerbation of population growth and childhood poverty. It compares the current tribal contributions to area public schools to those that would be made to the educational system under a fair share agreement.

Education Crisis

- Public school funding has been cut by more than \$4 billion in the past two years and faces another significant round of cuts
- California ranked 33rd in the nation in per student spending in 2000-01
- California has one of the highest student-to-teacher ratios in the nation: 20.8 students per teacher in contrast to the national average of 15.9 students to teacher. California also ranks as one of the worst states in providing students with access to counselors.

Sources of Education Funding

- Approximately 40% of the state general fund goes to public education
- Approximately 40-50% of property tax goes to education funding (this includes money for the Education Revenue Augmentation Fund).

Casino Contribution to Education

- If the Agua Caliente and the Spa Resort Casinos paid a fair share equivalent to corporate and property taxes, this would amount to, at a minimum, \$6-8 million a year in property tax, and approximately \$7.5 million in corporate tax.
- These fair share contributions would bring, at a minimum, \$6-8 million a year to education funding.
- Currently the Agua Caliente Band makes voluntary contributions to area public schools in the range of \$30,000-\$50,000 a year—about 1% of a fair share contribution.

The Costs of Poverty and Education

- The State of California spent over \$1,829 million on school programs geared toward socioeconomically disadvantaged and low performing students. This does not include the more than \$2 billion spent on special education, disproportionately used by low-income children.
- Children of casino workers are likely to be poor or low-income. Based on wages earned at the casino, up to 70% of the children of Agua Caliente Casino workers, or 300 children, could qualify for subsidized school meals.

Economic – Revenue and Business

- In 2003 53 tribes in 26 counties participated in Indian gaming (casinos).
- Large casinos can easily double the daily population in small communities, increasing traffic congestion and air pollution. San Diego County notes that deterioration of air quality in the vicinity of gaming and resort projects is still a significant issue that is largely unaddressed, and the major road improvements needed to prevent development of “hot spots” take years to construct, under the best of circumstances. (1)
- Sewer and wastewater treatment is another major concern. Some casinos (*Soboba for example*) are located in dry rural areas that lack sufficient water and have inadequate wastewater infrastructure. Local governments do not have jurisdiction, and the state’s role is limited, particularly under the 1999 tribal-state compacts. (emphasis added) (1)
- Many of the jobs created by Indian casino (*and resorts*) are service jobs involving restaurant and hotel work and are relatively low paying. A 2003 study of Wages and Healthcare Benefits of Workers at Agua Caliente Casino (Rancho Mirage) . . . concluded that the income (of the average worker) was not enough for employees with children to achieve a modest standard of living. This study found that the tribe (Agua Caliente) induced employees to depend on government subsidized health-care for their children. (2)
- Many tribal casinos are located in rural areas reached by narrow winding road, leading to special problems with drunken driving. In the opinion of a Riverside County deputy district attorney, tribal casinos need to train their alcohol servers better. . . . (3)
- The adequacy of rural road infrastructure and traffic control is a major concern given the thousands of patrons drawn daily to many tribal casinos. (4)
- Casino owning tribes contributed millions of dollars to congressional campaigns at lobbyists’ direction. Federal law allows Indian tribes to contribute to an unlimited number of candidates, political parties, political action committees, and state parties, unlike other donors, who are subject to limits. (5)
- A study using data from every U. S county between 1997 and 1996 found that casinos (including Indian casinos and riverboat casinos) increased crime (defined as FBI Index 1 offenses) after a lag of three to four years. (6)
- Property crimes increased dramatically after a casino opened. (7)

- The most significant crime effects were for property crimes such as larceny and burglary, where obtaining resources was the primary motivation for the crime. A 2002 national study, using county-level data, found that four years after a Native American casino opened, property crimes (primarily auto theft and larceny) and non-violent crimes increased by about 10 per cent. (7)
- Urban casinos attract people primarily to gamble for a few hours, not to experience a destination resort, and so stimulate considerably less job creation and economic development. They are also more likely to displace other local consumer spending. Shifting expenditures from one area to another does not represent new income for the local economy. (8)
- Currently the Tribal-State compact stipulates the amount of money tribes must contribute to the state, which may or may not (emphasis added) disburse a portion of these funds to local communities to attend to various costs incurred because of tribal casinos. A number of local governments have *negotiated* (emphasis added) comprehensive local 'fair-share' financial transfer agreements directly with tribes to deal with local casino impacts. (9)
- The Palm Springs Police Department estimates that the new Spa Casino that was built in downtown Palm Springs would generate a 15% increase in calls for service when opened. The tribe claims a much lower number of calls and lower costs. (10)
- In addition to direct negative impacts on city and county services, like transportation and public safety, tribal casinos may have negative impacts on local school systems. As a large and fast growing employer of low income workers, these employees and their families depend on a vast range of social institutions, including local schools. Increased subsidies for food assistance, increased class rooms and teachers, and continuing decline in testing levels are all impacts of these low income families. (10/11)
- The prevalence of low-wage workers leads to greater reliance of publicly funded healthcare programs and health care facilities. Tribal casinos are commonly lauded as an economic development success, creating jobs and moving people off public subsidies and welfare. The record of success (in the Coachella Valley) is unremarkable. In the region, the percentage of population that qualifies for Medi-Cal assistance has pretty much followed the same pattern and found throughout Riverside County and the State. When wage earners remain in need of public healthcare, these workers, along with other taxpayers, are left to pick up the bill, essentially subsidizing the healthcare costs of employers through tax dollars. (11)

- Tribal casinos impact State and local public services – increasing the cost and potentially lowering the quality of service. Negative impacts include greater law enforcement and fire protection needs, traffic mitigation and road maintenance, water and sewage extension and maintenance, augmented social services (including family health care and affordable housing) and the added costs to infrastructure extension. (12)
- Tribal businesses do not transfer funds to State and local government like other businesses. Yet local government and local taxpayers must attend to the impacts of the business for the overall future health and safety of the community. (12)

Sources: California Research Bureau; *Gambling in the Golden State 1998 Forward*. By Charlene Wear Simmons, Ph.D. (Requested by Attorney General Bill Lockyer. May 2006

- (1) Page 76
- (2) Page 77
- (3) Page 79
- (4) Page 81
- (5) Page 139
- (6) Page 140
- (7) Page 141
- (8) Page 145

Tribal Casinos and their impact on a California community, February 2003, Prepared by the Research Dept. of the Hotel Employees and Restaurant Employees International Union.

- (9) Page 8
- (10) Page 21
- (11) Page 22
- (12) Page 25

2

From: Jefe (larcinie@verizon.net)
To: Beverly Williams; 'Brad Scott'; Bruce Ecker; Candy Lange; Dan Morgan; Dave & Sherry Kruse; Don and Jenice Leslie; Eliana-Home; Jacque & Morley Wigle; Jefe; Jerry Uecker & Beverly Williams; jjhenke@aol.com; John & Candy Lange; Ken Brass; Linda Warwick; Maritza Weckmann; Mike Adams; Muriel Dufresne; Patty Mayne; Pete Weddell; Ron Cottingham; Ruth Pabst; Sarah Torres; Stena Copeland
Date: Wednesday, August 27, 2008 2:02:30 PM
Subject: Casino communities

FYI, if you didn't see it in today's paper:

Sand racers pullout of Soboba

10:00 PM PDT on Tuesday, August 26, 2008

By JOSE ARBALLO JR.
 The Press-Enterprise

The National Sand Drag Association has pulled its races from the Soboba Indian Reservation, citing safety concerns following a series of fatal shootings by deputies that left three tribal members dead.

case him

The Arizona-based organization, with a membership of more than 500, decided in June to pull its events off the reservation and instead will hold its races at a new facility near Mystic Lake west of San Jacinto, said Alfonso "Chachy" Zavala, one of several organizers.

"We didn't feel safe going back there," Zavala said Tuesday. "We didn't want to put anyone else in danger. It was better for the racers, organizers and spectators to hold it somewhere else."

Tribal Councilwoman Rose Salgado said the tribe leased the land to the race organizers, who had a separate contract with the casino. She did not expect the pullout to have any substantial impact on the tribe or casino.

She did not know race organizers had issues with the safety surrounding the events.

"This is the first I am hearing about it," she said.

The move is the latest fallout from the May shootings and the subsequent war of words between tribal leadership and the Riverside County Sheriff's Department.

The Riverside Sheriff's Association, which represents thousands of employees, urged its members in May to stay away from the reservation and casino, citing concerns over safety. The city of San Jacinto has also been at odds with the tribe over plans to expand the reservation. City officials said that until safety issues are addressed, San Jacinto will oppose the expansion. ← ?

The racing association holds several events each year – up to four on the reservation – as part of a series of events in the western United States. The events drew thousands of spectators and participants, many who stayed at makeshift campgrounds nearby and spend money at the casino, Zavala said.

The tribe sponsored the races – providing some of the prize money – and took a portion of the gate receipts, said Chris Ketron, another organizer.

During one May event, Zavala said his parents were forced to remain on the reservation after authorities

? Emergency Response Procedures

News

Sheriff seeks Soboba Casino's closure

AT ODDS: Tribal chairman denies deputies unrestricted access to reservation.

By CHARLES HAND and VALERIE DETWILER/The Valley Chronicle

Riverside County Sheriff Stan Sniff has petitioned the National Indian Gaming Commission to shut down the Soboba casino "until the Tribal Council allows unhindered and unrestricted access by law enforcement authorities onto the reservation to enforce State of California criminal statutes."

Sniff's action drew an immediate and virulent reaction from Robert Salgado, tribal chairman for the Soboba band of Luiseño Indians.

"Same old story of treaties being broken. ... The white man speaks with a forked tongue - you know the saying," Salgado said during a news conference Tuesday.

"This is 2008, not the 1800s where the cavalry came in and took our women and our kids and massacred them."

The Sheriff's Department and Salgado have been at odds since three tribal members were killed in two shootouts with deputies in less than a week in May.

Salgado repeatedly criticized the Sheriff's Department after the shootings.

Since then, said Sniff, deputies have been stopped by tribal security guards when they tried to enter the reservation on police business.

Salgado acknowledged Tuesday there have been such incidents. He said deputies have been escorted by security guards five times when on police business.

Sniff said in comments to the Riverside County Board of Supervisors that he wants such interference ended or the casino shut down.

In his letter to the gaming commission, Sniff said: "After these restrictions were unilaterally noticed to Sheriffs officials, the Riverside County Sheriffs Department notified the Tribal Council that attempts to delay, obstruct or block law enforcement officers in the performance of their duties was a criminal offense in the state of California and subjected those doing so to arrest and prosecution."

He continued: "The tribal council, although warned, has continued this month with guidance to their staff that places them in direct conflict with law enforcement, raising safety concerns for the public and for law enforcement officers."

Salgado denied Tuesday that casino patrons are in danger and said the tribe has established no restrictions on deputies' access to the casino.



NEWS CONFERENCE: Seated, from left, Rose Salgado, Soboba tribal chairman Robert Salgado, and James Fletcher from the Bureau of Indian Affairs. Salgado said Riverside County sheriff's deputies will continue to be denied unrestricted access to the reservation. VALERIE DETWILER / The Valley Chronicle

* "The reservation in general, and casino in particular, is a safe place for the members of the public, tribal

members, and tribal employees," Salgado said, reading from a statement that he declined to make available after the news conference.

However, Sniff said in his letter, "The Soboba Tribal Council has attempted to blur the issue by indicating that access to the casino area is unrestricted while the contiguous reservation area will be closed to law enforcement authorities without permission to enter. This is really a distinction without difference, especially in light of the crime patterns that exist, including the recent incidents that have occurred there in recent months."

In a July 28 memo, sheriff's Lt. Art Wales reported that crime on the reservation is much higher than the surrounding area.

"This study concluded instances of violent crime on the Soboba Indian Reservation were over three times greater per capita than other areas of the Hemet station jurisdiction," Wales reported.

The crimes studied were aggravated assault, rape, murder, and robbery, Wales said.

The Sheriff's Department and tribal officials have been in negotiations for months with the Bureau of Indian Affairs mediating over differences that arose after the gunbattles, in which three members of the reservation were killed.

Two weeks ago, they signed an agreement basically saying the negotiations would continue, but offering no solutions.

In a news conference following the signing Salgado said he sees the reservation as sovereign and that the authority of outside officers ends at the reservation boundary.

Under Public Law 280, civil law enforcement agencies are empowered to enforce the law on reservations.

The Soboba Tribal Council has asked for a legal interpretation of the law and has scheduled an Aug. 11 forum to discuss it.

During Tuesday's press conference, Salgado said he believes the Sheriff's Department has no authority to patrol the reservation.

Sniff said after the signing of the agreement two weeks ago that patrol is a nonissue since the department does not have the resources to patrol on the reservation.

Salgado said he believes even coming onto the reservation for anything except emergencies is beyond the department's authority.

During Tuesday's press conference, Rose Salgado, another member of the tribal council, said deputies have no right to enter the reservation. "A brief stop at the guard house would not be unreasonable," she said. "It seems equally clear that the sheriff cannot enter the tribal reservation, which is closed off to the public."

+ when it becomes res -
Soboba + Lake Park?

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Los Angeles Times

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http://www.latimes.com/news/local/la-me-soboba10-2008jun10.0.4013708_story
From the Los Angeles Times

Sovereignty is at heart of dispute between Soboba tribe, deputies

Robert Salgado, tribal chairman, says no one can tell Indians how to run their nation. Deputies say the tribe must decide whether laws are enforced or not.
By David Kelly
Los Angeles Times Staff Writer

June 10, 2008

SAN JACINTO, CALIF. — After leading the Soboba Band of Luiseño Indians for nearly three decades, Robert Salgado is facing one of his greatest challenges: to try to set aside years of suspicion and trust the Riverside County Sheriff's Department.

It hasn't been easy for him.

For the last three weeks, the two sides have met behind closed doors to try to prevent the kind of violence that led to the deaths of three tribal members in wild shootouts with deputies last month.

Salgado says the path for the Sheriff's Department is clear.

"I'm not talking about them bending over backwards for us, but the Justice Department has told them in these meetings that, as chairman, I am like the president of the United States," Salgado said. "We are a sovereign nation."

An agreement is expected as early as Wednesday.

"We are dotting the I's and crossing the T's now," Salgado said, sitting at his kitchen table. "It will be a memorandum of understanding about how we communicate in the future."

Salgado still bristles at how deputies responded to last month's shootings, how he's been treated and some of what's been said about the tribe.

He's also unhappy with Riverside County Supervisor Jeff Stone, who urged the tribe last week to boot him out as chairman and bring in "new blood."

"I don't think we will see an end of this unsettling loss of life on the reservation until there is a change of leadership," Stone said in a recent interview. "I have met with Salgado over the years, and our encounters have been professional, but I witness him in public and he reverts to this whole cowboys-and-Indians thing. We all understand what happened in the past, and we can't change it. We need a new generation looking forward."

Stone recently visited residents of a mobile home park near the reservation who complained of gunfire and bullets falling onto their roofs.

San Jacinto Mayor Jim Ayres and the City Council asked the tribe to withdraw an application to annex more than 500 acres of land for a hotel and casino complex until the violence is quelled.

But Salgado, 65, is having none of it.

No one, he says, has the right to tell Indians how to run their sovereign nations.

"Why didn't Stone come to me man to man and say that? And who is the mayor of San Jacinto to tell us what to do?" he asked. "Where were these people when we had nothing? Now that we are self-sufficient, it makes them fearful."

If those in the trailer park aren't happy, he said, they should "get back on Plymouth Rock and sail back to Europe."

Blunt talk comes naturally to Salgado, a born fighter. Despite being diabetic and walking with a cane, he still has the hulking frame of an ex-football star.

He kicked 140 points at Mount San Jacinto College, leading to tryouts with the Green Bay Packers, Dallas Cowboys and the Los Angeles Rams, but he never made it to the pro ranks. He studied police science for a while but didn't like guns. "These are my guns," he said, flashing his still-impressive biceps.

Salgado went on to teach drivers education at the Sherman Indian High School in Riverside and immersed himself in tribal politics.

His belief in sovereignty is unwavering. "And now here we are in 2008 and nothing has changed: we are still treated the same — no respect," he said. "I'm not really surprised, but I am disappointed."

Much of the tension between Indians and authorities in California stems from the federal Public Law 280, which gives police in the state the power to enforce criminal laws on reservations.

"Public Law 280 was passed in 1953 without the tribes' consent as a way of moving them toward assimilation into the non-Indian legal system," said Professor Carole Goldberg, an Indian law expert at UCLA. "But the understanding of how justice should be administered may be different within tribal communities than within a county or city jurisdiction. You may then have difficulties working with the tribe."

The Soboba tribe signed a five-year contract with the Sheriff's Department in 2005 to patrol the reservation but canceled it a year later, Salgado said. He wasn't happy with the service.

Deputies said they seized assault weapons and recovered \$500,000 in stolen vehicles. Stone said the contract was canceled because authorities were arresting family members of top tribal leaders.

"If tribal members get arrested, then tribal members get arrested," he said. "The tribe needs to decide if they want to live with laws being enforced or laws being ignored."

Rosemary Morillo, a former tribal chairwoman, lost her 26-year-old son Eli last month in a gun battle with deputies. Another son, Peter Morillo, 27, was fatally shot in a 2002 confrontation with officers. She declined to comment for this story.

The other two tribal members killed last month, Joseph Arres, 36, and Tamara Hurtado, 29, were cousins of Salgado.

The chairman said he never shielded tribal members from the law. "I tell my people, 'I don't care who you are, I'm not going to put up with any' nonsense," he said. "I can't push things under the rug or I wouldn't be the leader."

His objection to the handling of the May 12 shootout, in which tribal members fired assault rifles at deputies responding to a 911 call, was about the officers' decision to close the primary road into the reservation. Some members were stranded outside the gates, and the entire 6,000-acre reservation was treated as a crime scene, he said.

"We all want to cooperate, but when we are treated like gangsters, it's difficult," he said.

Steven Therford, chief deputy of operations for the Sheriff's Department, said deputies' willingness even to enter a place where officers and helicopters were being shot at shows a serious commitment to Soboba residents.

"Everything we did was tactically sound. We are fortunate we did not lose an officer that night," he said. "It would have been very nice if, when ordered to drop weapons and surrender, they did."

Even if the tribe and the department strike a deal, it won't be the end of the story. The tribe's lawyer, veteran Indian rights attorney Jack Schwartz, is investigating whether deputies violated the tribe's civil rights.

"The Creator knows what happened. He knows who shot who," Salgado said. "When the dust settles, we'll see if it was a lawful shooting or murder. My gut tells me it was murder."

david.kelly@latimes.com

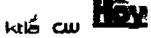
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partners



SOBOBA TRIBE'S FEE- TO- TRUST RESEARCH PROJECT

TOPIC: Tribe's stated purpose for the application is "...would assist tribal members to attain economic self-sufficiency".

FACTS:

(The following statement is provided anonymously out of fear of reprisals but can be verified statistically elsewhere in this report and upon inquiry by BIA authorities given access to data not available to the general public.)

I have worked in the educational field for the City of San Jacinto for more than fifteen years. My experience is that no matter how many opportunities were given to the Native Americans, they were not interested in their children's education, they only seem interested in the casino revenues.

Their lack of cooperation and their belief that they are above the law results in many failures to "attain self-sufficiency". Many Soboba Tribal members believe they are above the law. There is a significant amount of hostility towards the educational system and its personnel. The result makes it near impossible to achieve success.

I believe that having the casino revenues and the individual allotments monthly, without Accountability, has worked against them.

My numerous experiences working with individual students and their families is that they believe they will receive their allotment no matter what they do or don't do.

Their blatant disregard for the law, the drug abuse and domestic violence has gotten

much worse since the casino's existence. Giving them more money from the proposed project and the history of the Soboba Tribe demonstrates, a tragedy will result for the tribe and the surrounding communities. As recent events prove there is also significant risks to emergency responders.

There is much-demonstrated ir-responsibility on the reservation. Just one example is the repeated instances of expensive new automobiles being purchased, "trashed", abandoned and replaced by another new car. They have not learned the value of money. The claim in the application to "attain self-sufficiency" is also not supported by the history of Tribal homeownership. Many instances exist of home purchase only resulting in mortgage failure due to financial irresponsibility. A new bigger casino is not going to improve their way of living. I do not envision how they can be held accountable or who is responsible to monitor their accountability considering "sovereign nation" status.

My experience and repeated recorded events demonstrate the difficulty of prosecution of offenders of the law.



January 17, 2008

Ms. Amy Dutschke
Acting Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Subject: Notice of Intent for the Soboba Band of Luiseno Indians Horseshoe Grande Fee-to-Trust Transfer EIS

Dear Ms. Dutschke:

The City of San Jacinto appreciates the opportunity to comment on the Soboba Band of Luiseno Indians (Tribe) Horseshoe Grande Fee-to-Trust Transfer Project (Project). As indicated in the Notice of Intent, the Department of Interior, Bureau of Indian Affairs (BIA), proposes to transfer 534.91 acres from fee ownership to trust status for the Tribe. The proposed new trust land would be used for a gaming and hotel project, including a new casino facility and 250-300 room hotel, four restaurants, four retail establishments, events center, convention space, and spa and fitness center. Additional projected development includes a tribal fire station, 12-pump gas station with convenience store, and 1.2 million gallon wastewater treatment plant. The scale and intensity of the proposed development is extensive and merits a comprehensive review of the potential impacts.

Project Context

The Project is within the Planning Area of the City of San Jacinto (City), including portions within the City's corporate limits and the City's Soboba Redevelopment Area. The Project's surroundings have an agricultural heritage and many agricultural operations remain. The City's current population is approximately 35,000 people. The City's General Plan designation for much of the Project area is Low Density Residential, Open Space – Recreation, and Open Space. The Project site is also adjacent to San Bernardino Kangaroo Rat Critical Habitat.

From the Office of the Mayor

Physically, the Project site is relatively isolated, sandwiched between the San Jacinto River and the San Jacinto Mountain Range. It is served with two, two-lane roads: Soboba Road and Lake Park Drive. The Project would completely encircle the Soboba Springs Mobile Estates, a senior community whose residents' average age is 75. The only surface outlet for the Soboba Springs Mobile Estates is via Lake Park Drive which has been severely congested during special events recently held at the Tribe's existing casino.

Scoping Meeting

Representatives of the City attended the Scoping Meeting held for this Project on January 8, 2008, in the City of Hemet. The Scoping Meeting was held as part of the environmental review process under the National Environmental Policy Act to enable members of the public to indicate topics of concern that should be addressed in an environmental impact statement (EIS). During the nearly two-hour meeting, many members of the public raised legitimate concerns regarding the Project's potential environmental and social impacts. The City shares those concerns, and urges the BIA to fully address those topics in the EIS being prepared for the Project. Those concerns include, but are not limited to, the following:

Aesthetic Impacts

Several commenters addressed the potential aesthetic impact of a "Las Vegas" style casino at the foot of the San Jacinto Mountains. While specific design details have not been made available, specific concerns include building height, light and glare and interference with viewing of the night-sky.

Many commenters also referred to the potential impact of the Project on area views. The City's General Plan Environmental Impact Report (EIR)¹ identified views of the San Jacinto Mountain Range from the City as a major scenic resource. To ensure protection of that resource, the City's General Plan designated the Project area as low density residential and open space uses. Once transferred to trust status, the City will no longer have the ability to limit land uses on the Project site for the protection of aesthetic values.

The EIS for the Project must, therefore, address the potential impact on scenic resources as well as mitigation for potential light and glare impacts.

¹ The City's General Plan and General Plan EIR are available on the internet at http://www.ci.san-jacinto.ca.us/maps_guidelines.html.

Air Quality

Construction dust was raised as a specific concern during public comments. Additional air quality concerns include carbon monoxide resulting from vehicle idling along Soboba Road and Lake Park Drive.

Additionally, the Project site is located within the South Coast Air Basin, which is in nonattainment for ozone and particulate matter. The South Coast Air Quality Management District promulgates rules and regulations designed to bring the basin into attainment. The EIS for the Project must include an analysis of the Project's impact on air quality, consistency with the recently adopted 2007 Air Quality Management Plan, and consideration of applicable mitigation measures.

Land Use

Several concerns were raised regarding land use compatibility of the Project with the existing area. As noted above, the Project site is in a rural area designated in the City's General Plan as low density residential and open space. The Project proposes large hotel/casino complex along with a conference center, spa and fitness center, gas station/convenience store, and retail as well as a police/fire station and wastewater treatment plant. The proposed uses could cause many land use conflicts resulting from increased lighting, noise, traffic and other impacts. Further, once the Project site is transferred from fee to trust status, the ability of the City to regulate future uses of the property will be lost. Thus, in addition to analyzing the potential land use impacts resulting from the proposed uses, the EIS must also address how future land use on the Project site will be regulated and future land use conflicts avoided.

Noise

Significant public concerns have already been raised regarding potential noise impacts. Noise related to construction, increased vehicle trips and parking lots must be accounted for in the EIS and mitigation proposed as necessary. Accountability for noise disturbances must also be addressed, as several speakers testified to frequent gunfire. Methods for eliminating or minimizing such noise events must be evaluated in the EIS.

Public Services

Public Services, such as police and fire services, may also be impacted by the Project. As mentioned above, several speakers testified to public safety concerns related to gunfire. News reports in the Press-Enterprise have also indicated that Cal Fire has recently changed its policy to wait for a sheriff's escort

before responding to emergency calls on the Soboba Indian Reservation. Delay in fire service could, of course, result in much larger and more dangerous fire events. Other concerns were raised regarding casino-related litter along Soboba Road. Accountability for disputes and public safety must be addressed prior to taking action on the Project.

Traffic

Public testimony at the scoping meeting revealed traffic to be major concern to area residents. Extensive testimony indicated that during special events hosted at the Reservation, severe traffic congestion results on Lake Park Drive and Soboba Road which interferes with local residents' ability to leave or return to their homes. Thus, the EIS must account for traffic generated by both proposed hotel uses as well as any special events associated with the hotel and casino complex, and the potential impact on emergency services and evacuations. Further, all appropriate mitigation must be considered, including, but not limited to, widening key roadways and signalization, as well as funding for such improvements.

Additional Comments and Concerns

In addition to the concerns raised during the Scoping Meeting, the City has identified other potential concerns related to the proposed Project. Those concerns include, but are not limited to, the following:

Agricultural Resources

The Project site is located in part on an area designated as farmland of local importance.

Biological Resources

The Project site is located within or within close proximity to several criteria cells identified in the Western Riverside County Multiple Species Habitat Conservation Plan. The EIS must analyze how the Project could affect the species protected in the MSHCP as well as implementation of the Plan itself.

In addition to endangered and other special status species, given its location, the Project may also affect other biological resources such as riparian habitat and wildlife corridors. Those potential impacts should also be addressed in the EIS.

Cultural Resources

Potential cultural resources, including archeological and paleontological resources, may occur throughout the City's planning area, including the Project site. Thus, the EIS for the Project should include an analysis of potential resources, and should also identify potential mitigation measures to address both known resources and the discovery of resources during Project construction.

Geology

Many seismically active faults exist within and around the City. The Project site itself is within a known fault zone. The EIS must analyze the potential impacts related to seismic activity and related hazards. Other potential geologic hazards include mudslide activity and non-uniform subsidence. That analysis must also include emergency evacuation routes and emergency services in the event of such seismic activity.

Hazards and Hazardous Materials

The EIS must address any potential hazardous materials associated with the Project, including any underground storage tanks associated with the gas and service station and wastewater treatment plant. This is a particular concern to the City since one of its existing groundwater wells is located within 1500 feet of the proposed wastewater treatment plant. In addition, the EIS should address regulatory oversight. The EIS must also analyze wildfire and flooding dangers, as well as emergency response. Soboba Road in particular has flooded in recent years.

Hydrology / Water Quality

Given the amount of construction and grading that will likely be required for the improvements envisioned as part of the Project, the EIS must address how erosion, sedimentation and other construction related water quality impacts will be avoided. Specific best management practices must be included in the EIS for evaluation. Water quality impacts could also result from operation of the Project, particularly in association with run-off from paved areas, underground storage tanks, and the proposed wastewater treatment plant.

Utilities

The City relies heavily on groundwater for its water supply. The potential water use associated with the Project could be significant. Specifically, as noted above, an existing City water well is located within 1500 feet of the proposed wastewater treatment plant. The well is a prime source of potable water for a large number of City residents. Intrusion of treated wastewater into groundwater supplies must be analyzed. The Tribe's sources of water supply, impacts on other users, and appropriate water conservation methods must also be addressed in the EIS.

Other utilities associated with Project operation, such as wastewater and power, must also be addressed. The EIS should also include any energy saving techniques and or design that will be incorporated into the Project.

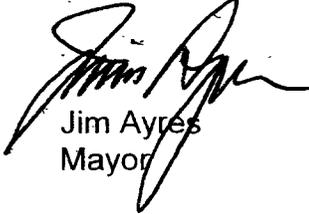
Socio-economics

Finally, the potential impact of lost revenue to the City needs to be fully analyzed. In particular, the impact on existing debt obligations of the City will need to be taken into account. Currently, the property in question is included in the City's Soboba Springs Redevelopment Project Area (the "Redevelopment Area") that was established solely for the construction of the Lake Park Bridge over the San Jacinto River. In order to fund the construction of the bridge, the City's redevelopment agency issued tax allocation bonds (the "Bonds") which were secured solely by tax increment received from the Redevelopment Area. The Bonds are currently outstanding. The fee-to-trust transfer of any portion of property located within the Redevelopment Area would significantly reduce the amount of tax increment received for repayment of the Bonds and would result in violation of covenants of the Bond documents. As such, prior to the fee-to-trust transfer of the property in question, the Bonds will need to be defeased. Because these sources of revenue enable the provision of vital services to the City and surrounding community, revenue-loss may potentially cause adverse impacts on the human environment. Thus, these and other potential fiscal impacts on the City must be fully addressed in the EIS

In addition to revenue impacts, the EIS must address the governing body of law once the Project site is transfers to trust status. For example, which environmental regulations would apply? How will enforcement of mitigation measures be ensured? How will noise complaints be resolved? Who will provide emergency services? The fee-to-trust transfer will cause a major shift in the provision of government services, and this transition must be clearly explained for the residents in the area as well as all affected governments.

Please note that these comments are provided in the context of scoping in the NEPA process. As more details regarding the Project and its potential impacts become available, the City may have additional comments, and will communicate those concerns to the BIA as they arise. Please advise as to whether the BIA intends to meet directly with the City to discuss these issues. Please also provide notice of any actions on the trust application. Questions regarding this letter and further coordination on these issues should be directed to the City Manager's office. Barry McClellan, City Manager, can be reached at (951) 654-7337, and Tim Hults, Assistant City Manager, can be reached at (951) 487-7325.

Yours Truly,



Jim Ayres
Mayor



January 9, 2009

Dale Morris
Regional Director
Bureau of Indian Affairs
West Wing 2820
2800 Cottage Way
Sacramento, CA 95825

Re: Soboba Band of Luiseño Indians Horseshoe Grande Fee to Trust Application

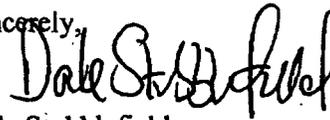
I am writing on behalf of the City Council of the City of San Jacinto regarding the above-referenced application. Specifically, the City Council wishes to re-affirm its position, taken in the City's letter to the BIA dated June 23, 2008, that public safety issues need to be addressed at the present time before the fee-to-trust application is processed. Although a local election has been held, resulting in two new City Councilmembers, the full membership of the City Council hereby re-affirms the position taken in the City's June 23, 2008 letter.

The public safety issues arising from the existing Reservation have a direct impact on the City and its law enforcement and fire department agencies, as well as on the City's regulatory jurisdiction. The public safety issues affect the ability of the City's law enforcement and firefighters to venture onto the Reservation in order to perform their essential public safety duties.

Therefore, the entire San Jacinto City Council believes that the issue of public safety on the existing Reservation must first be resolved before the Application can be processed further. As such, the City Council again requests that the BIA suspend processing the fee-to-trust Application unless and until the public safety issues are adequately resolved to the satisfaction of the local law enforcement agencies as well as the City Council. This would also enable the BIA to investigate the impact of the shootings on the Application and information relevant to the Application.

If you have any questions, please call me at (951) 487-7342.

Sincerely,



Dale Stubblefield
Mayor
City of San Jacinto

cc: Soboba Band of Luiseño Indians, Chairperson
Hon. Barbara Boxer, U.S. Senator
Hon. Diane Feinstein, U.S. Senator
Hon. Jerry Lewis, U.S. Representative, 41st District
Paul Cook, California Senate, 65th District
Phil Hogen, Chairman, National Indian Gaming Commission
Larry Gable, Governor's Office
Jeff Stone, Riverside County Supervisor
Stan Sniff, Riverside County Sheriff
John R. Hawkins, Riverside County Fire Chief
City Council, City of San Jacinto
Jeffrey S. Ballinger, City Attorney



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

February 22, 2008

Honorable Dirk Kempthorne
Secretary of the Interior
1849 C Street N.W.
Washington, D.C. 20240
FAX: 202-208-6956

RE: Tribal Gaming – California Consultation Hearing

Dear Secretary Kempthorne:

The League of California Cities (League) respectfully requests that the Department of the Interior adopt a process to conduct consultation meetings with local government representatives when considering land trust applications in California and the eligibility of Indian gaming. Local jurisdictions are significantly affected by the impacts of off-reservation casino developments, gaming related land acquisitions and tribal restorations. The Indian gaming industry in California has expanded at an unprecedented rate in recent years and the impacts on local communities have been just as pronounced.

The League understands that Carl Artman, Assistant Secretary of Indian Affairs, will be in California on March 7 to meet with local jurisdictions, and we hope that the League and our city officials can have a constructive role in this meeting.

Local government in California serves as the primary service provider to individual residents, businesses, and tribal governments alike. Cities and counties oversee and implement land-use policies affecting their communities and are responsible for providing such vital services as police, fire protection, water supplies, road maintenance and emergency care. As the geographical reach and number of tribal governments has grown in California, the interdependent nature between local government's need to protect and be responsive to a wide range of constituencies and tribal governments' responsibility to its members has grown as well.

Given the direct role and responsibility of local government in addressing and mitigating the impacts (whether they be environmental, social, economic, etc.) of new development projects, it is essential for local jurisdictions be included in the consultation process to review the regulations that govern the processes of restored tribes and fee-into-trust applications (25 CFR Part 151), particularly when the issue of potential gaming activity is involved. Indeed, it is essential if mutually beneficial solutions to long standing public concerns are to be resolved.

We look forward to a positive response from your office.

Sincerely,

Chris McKenzie
Executive Director

cc: David Bernhardt, Solicitor of the Interior
Fax: 202-208-5584

James E. Cason, Associate Deputy Secretary of the Interior
Fax: 202-208-1873

Carl Artman, Assistant Secretary of Indian Affairs
Fax: 202-208-5320

George T. Skibine, Acting Deputy Principal Assistant Secretary for Indian Affairs
Fax: 202-273-3153

Phil Hogen, Chairman, National Indian Gaming Commission
Fax: 202-632-7003

Maggie Grant, Director, Office of Intergovernmental Affairs
The White House -- Fax. 202-456-7015

Eric Holland, Director, Office of Intergovernmental Affairs
United States Department of Justice -- FAX 202-514-2504

United States Senator Byron L. Dorgan -- Chairman, Committee on Indian Affairs
Fax: 202-228-2589

United States Representative Nick J. Rahall II -- Chairman, Natural Resources
Fax: 202-225-1931



September 30, 2008

1100 K Street
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California
95814
Telephone
916 327-7500
Facsimile
916 441-5507

Honorable Philip N. Hogen
Chairman
National Indian Gaming Commission
1441 L Street, NW, 9th Floor
Washington, DC 20005

Dear Chairman Hogen:

The California State Association of Counties (CSAC) submits this letter on behalf of all 58 California Counties which share concerns regarding the impacts of federal "Indian Lands Determinations" on local governments. These comments follow your request to Indian tribes and other "interested parties" to respond to four questions posed by the National Indian Gaming Commission (NIGC) with respect to Indian Lands Determinations made under the after-acquired lands provisions pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. Section 2719.

INTRODUCTION

At the outset, CSAC reaffirms its absolute respect for the authority granted to federally recognized tribes. CSAC also reaffirms its support for the right of Indian tribes to self-governance and its recognition of the need for tribes to preserve their tribal heritage and to pursue economic self-reliance. CSAC further recognizes the injustices tribes have faced and the unique history of many California tribes in facing termination of their sovereign status and loss of tribal lands.

However, it is now apparent that the delicate balance between federal, state and tribal rights that was struck to further tribal economic development in IGRA's enactment has become upset. Tribal gaming has grown from a \$100 million venture when IGRA was enacted, to over a \$26 billion enterprise today, and tribes and their development partners are now looking far from traditional tribal lands to open casinos in the most lucrative markets. In addition, existing laws fail to address the off-reservation impacts of tribal land development, particularly in those instances when local land use and health and safety regulations are not observed by tribes in their commercial endeavors. Unfortunately, the role of County government, and the impact on CSAC members, on federal gaming decisions, particularly critical Indian Land Determinations, is often overlooked. Particularly in California, with its history of termination and restoration of tribes, the Indian Lands Determination is often the lynchpin of a gaming proposal coming to fruition. The impacts of these decisions on local government are therefore important to consider as regulations are developed and implemented in this area.

A. The Role of County Government

Every Californian, including tribal members, depends upon county government for a broad range of critical services, from public safety and transportation, to waste management and disaster relief. Counties are the largest political subdivision of the state having corporate authority and are vested by the Legislature with the powers necessary to provide for the

health and welfare of the people within their borders. Counties are responsible for a countywide justice system, social welfare, health and other services totaling nearly 700 programs, including the following:

- | | | |
|-----------------------------|-------------------------------------|-------------------|
| * sheriff | * elections & voter services | * jails |
| * public health | * roads & bridges | * flood control |
| * fire protection | * welfare | * indigent health |
| * family support | * child & adult protective services | |
| * substance abuse treatment | * probation | |

Most of these services are provided to residents both outside and inside city limits. Unlike the exercise of land use control, such programs as public health, welfare, and jail services are provided (and often mandated) regardless of whether a recipient resides within a city or in the unincorporated area of the county. These vital public services are delivered to California residents through their 58 counties. It is no exaggeration to say that county government is essential to the quality of life for over 35 million Californians. No other form of local government so directly impacts the daily lives of all citizens. In addition, because county government has very little authority to independently raise taxes and increase revenues, the ability to adequately mitigate the off-reservation impact of large-scale reservation gaming endeavors is critical.

B. Impacts on County Government

There is not yet a definitive study on the impacts of gaming on local communities. However, in those counties that are faced with large gaming projects, it is clear that the impacts on traffic, water/wastewater, the criminal justice system and social services are significant. For non-Indian casinos it is estimated that for every dollar a community collects from gambling-related taxes, it must spend three dollars to cover new expenses, including police, infrastructure, social welfare, and counseling services.¹ As local communities cannot tax Indian operations, or the related hotel and other services that would ordinarily be a source of local government income, the negative impact of such facilities can even be greater.

As often the key political entity and service provider in the area, with a larger geographic perspective and land use responsibility, county involvement is critical to insure that the needs of the community are met and that any legitimate tribal gaming proposal is ultimately successful and accepted. Further, local government is therefore not only an interested party to the outcome of the Indian Lands Determination but often has a unique understanding and/or resources related to tribal history in the area that could help inform the Indian Lands Determinations. Local government notice and involvement in the process is necessary both to help insure that all relevant information is before the decision maker and that, for projects that meet the Indian lands criteria, to maximize the potential for the project's long-term success.

C. CSAC Policy Bearing on Indian Lands Determinations

¹ Cabazon, The Indian Gaming Regulatory Act, and the Socioeconomic Consequences of American Indian Governmental Gaming - A Ten Year Review by Jonathon Taylor and Joseph Kait of the Harvard Project on American Indian Economic Development (2005) at p. 9 (citing Sen. Frank Padavan, Rolling the Dice. Why Casino Gambling is a Bad Bet for New York State at ii (1994) In 2003 CSAC took a "snapshot" of local impacts by examining information provided by eight of the then twenty-six counties (the only counties that had conducted an analysis of local government fiscal impacts) where Indian gaming facilities operated. The total fiscal impact to those eight counties was approximately \$200 million, including roughly \$182 million in one-time costs and \$17 million in annual costs. If these figures were extrapolated to the rest of the state, the local government fiscal costs could well exceed \$600 million in one-time and on-going costs for road improvements, health services, law enforcement, emergency services, infrastructure modifications, and social services.

CSAC policies that relate to the posed questions are attached at Exhibit A. In sum, CSAC supports Indian Land Determination procedures that 1) promote transparency in the determination process; 2) include notice and a meaningful opportunity to have the relevant comments of affected counties considered; 3) preserve the ability of counties to meet their governmental responsibilities, including the provision of health safety and welfare services; 4) restrict placing lands into trust outside of a tribe's legitimate historic land base; and 5) support the uniform application of regulations by the single agency best equipped to make the authorized determination.

RESPONSE TO NIGC QUESTIONS

A. Inadequate NIGC Outreach

As a preliminary matter, CSAC is extremely disappointed that despite repeated outreach efforts on these issues, the NIGC failed to seek responses to the posed questions from affected local county governments or their representatives. As mentioned above, in California, Indian Lands Determinations are often the key driver in gaming proposals. The lack of solicitation of comments from county governments on this issue reflect the continuation of what appears as a secretive decision making process that takes place without notice to or input from affected county governments. While consultation by NIGC with Indian tribes on these important policy issues is obviously critical, it is no less important to involve the other governmental entities that are most affected by the Indian Lands Determinations. The important role of local government consultation is recognized, and mandated, in various Executive Orders (see e.g., Exec. Order 13,132 (principles of federalism require consultation with local governments and deference to local concerns); Exec. Order 52,989 (conservation efforts require agencies to consult with local government to accommodate local interests) and should be an integral part of the process here as well.

B. Need for Single Agency Determinations to Promote Uniformity

As exemplified in recent correspondence between the NIGC General Counsel and the Interior Department Solicitor in the Indian lands opinion involving the Poarch Band of Creek Indians, it is clear that the legal debate continues over which agency has legal responsibility to make Indian Land Determinations. The discord on this critical issue, 20 years after IGRA's enactment, does not inspire confidence by those most affected by these decisions and ultimately undermines the already faulty process. The fact that there is not a clear single government agency responsible for making these decisions compounds the problems of "reservation shopping" with the prospect of Indian Lands opinion shopping, and makes it that much more difficult for interested parties to participate in a process that is already less than transparent. If the parties themselves cannot clearly delegate authority to a single agency, the Department of Justice should be requested to issue a decision to resolve the matter

CSAC has not taken a formal position as to which single appropriate agency should maintain the authority over Indian Land Determinations. However, it does appear that, on its face, the BIA has the subject matter expertise regarding tribal history and more extensive staff capability to take on these often fact intensive inquiries and appears better suited for carrying out a public process that involves local government participation. It also is compelling that the BIA, as the agency authorized to make fee to trust determinations, should be deciding questions regarding the characterization of Indian lands. At a minimum, BIA staff should be jointly involved in any NIGC Indian lands opinion.

C. CSAC Responses to NIGC Questions

With these underlying principles in mind, CSAC addresses below the questions posed by the NIGC's August 11 information request.

- 1) Is there any reason to doubt our current view that the NIGC, when making its own decisions pursuant to 25 U.S.C. §2719, should follow the substance of the Department's after-acquired land regulations?

As noted above, CSAC does not take a position on the question of which agency has the appropriate legal authority to make dispositive Indian Lands Determinations. Whatever the outcome of the dispute, and CSAC reserves the right to submit input at a later date on the issue in the appropriate forum, the key consideration on this questions is that there is uniform application of a single set of rules and procedures. CSAC has previously commented on the Department's regulations and while not in agreement with all of the provisions, supports a single standard governing Indian Lands Determinations. As noted above, CSAC also strongly supports a process, currently missing, that explicitly provides for notice to, and an opportunity of input from, local government on these decisions to help inform the agency on the application of the utilized standards.

- 2) Should the NIGC write a bulletin to inform tribes and the public how it interprets and implements 25 U.S.C. §2719, especially in light of the Department's regulations?

CSAC supports the use of a bulletin in conjunction with a searchable website that provides the public information on recent decisions as well as all prior decisions interpreting and implementing 25 U.S.C. §2719 by both the NIGC and BIA.

- 3) Should the NIGC issue its own regulations to govern its decisions under 25 U.S.C. §2719? If so, should they be identical in substance to the Department's regulations?

Regulations should be uniform and jointly issued.

- 4) If the NIGC undertakes a rulemaking under 25 U.S.C. § 2719, are there any subjects or issues that were not covered by the Department's regulations that should be covered in NIGC regulations? Should the NIGC promulgate procedural regulations that would govern the process for developing Indian lands opinions and determinations at the NIGC?

As stated above, any rulemaking should be done jointly with BIA. CSAC strongly supports the development of procedural regulations which provide for meaningful involvement by interested parties and the public. In particular, regulations should address an area omitted in the BIA's section 20 regulations published on May 20, 2008, related to how information relevant to Indian Land Determinations will be gathered and evaluated. Specifically, regulations should provide for a meaningful opportunity for local government and the public to have notice and to comment on Indian land determination requests. For example, the current process whereby the NIGC relies on procedures, such as gaming ordinance approval, to make Indian Land Determinations gives the appearance of a back door decision making process (often done under unreasonable time constraints), without affording any notice to other affected parties. A transparent process whereby parties have notice and a meaningful opportunity to provide comments based upon clear

and uniformly applied standards should be the cornerstone of the Indian Lands Determination procedure.

Substantively, by example, one area for further development is the need for greater detail to define the term "significant historical connection" in 25 C.F.R. §294.2. This important criterion for an Indian Lands Determination for restored lands is ambiguous and never received the benefit of public comment. Similarly, a working specific definition of what constitutes "subsistence use in the vicinity of the land" needs further development in the context of restored lands requests as it currently appears to lack any real limitations. The regulations should define this term in accordance with current precedent that requires continuous and significant use of the area for subsistence use.

Thank you for your consideration of CSAC's comments. We hope to be included as part of a future dialogue of how these critical issues should be resolved. Please do not hesitate to contact me to discuss these or related issues.

Sincerely,



Mike McGowan
Supervisor, Yolo County, California
Chair, California State Association of California Indian Gaming Working Group

Attachment

cc: The Honorable Dianne Feinstein, United States Senate
The Honorable Barbara Boxer, United States Senate
California Members of the United States House of Representatives
The Honorable Arnold Schwarzenegger, Governor, State of California
David L. Bernhardt, Department of the Interior
George Skibine, Department of the Interior
Penny Colman, Esq., National Indian Gaming Commission

FAX

RIVERSIDE COUNTY COUNSEL



FOR IMMEDIATE DELIVERY

DATE: August 18, 2009
TO: Dale Morris
FAX NO: 916-978-6099
FROM: David H.K. Huff

Total Pages: 3
(Including Cover Sheet)

Amy all

 Decems

 No Reply ✓

MESSAGE: Please see the following letter. Original will follow via US Mail. Thank you.

If you experience any problems with the transmission of this document, please contact: Maria at 951-955-6316

PLEASE NOTE:

The information contained in this facsimile transmission is intended to be sent only to the recipient of the transmission. If the reader of this message is not the intended recipient or the intended recipient's agent, you are hereby notified that we do not intend to waive any privilege that might ordinarily attach to this communication and that any dissemination, distribution or copying of the information contained in this facsimile is therefore prohibited. You are further asked to notify us of any such error in transmission as soon as possible at the telephone number shown below and to return the facsimile documents to us by mail at the address shown above. Thank you for your cooperation.

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



August 18, 2009

SENT VIA U.S. MAIL AND FACSIMILE

Dale Morris
Regional Director
Pacific Region
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Subject: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project; Confirmation of Request for Extension of Written Comment Period (currently set to conclude by September 15, 2009).

Dear Mr. Morris:

This letter will serve to confirm my client, the County of Riverside's, request made at the public hearing held on this matter on August 5, 2009 at the Hemet Public Library, requesting a sixty (60) day extension of the written comment period currently set to conclude by September 15, 2009.

This request is made pursuant to Title 40 Code of Federal Regulations §§ 1501.8(c) and 1506.10(d) and is based on the following reasons affecting County staff's ability to conduct an adequate review of the proposed Casino/Hotel Project within the current time allotted: 1) The sheer volume of the Draft EIS document, including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of text (approximately 7 large binders/2 bankers boxes); 2) The extensive scope of impacts on the local community posed by the Project that involves conveyance of 534.91 acres of Tribal-owned property to Federal trust status, relocation of the existing casino and development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops and spa and fitness center all within a 729,500 square foot complex on a portion of the Project site. In addition, an onsite wastewater treatment plant is proposed south of the Project site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet and a 6,000 square foot convenience store with 12-pump gas station; 3) The timing of the Draft EIS' arrival and resultant review period of July-August with limited County staff availability due to vacations, staffing shortages and a recently implemented mandatory furlough program in response to the severe economic downturn affecting the County's budget; and 4) The County's Fire Department inadvertently received later notice than other County departments with respect to their review of the Draft EIS, the Department's review participation is critical given the size and scope of the project coupled with the anticipated impacts on Fire safety issues.

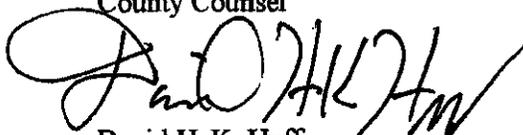
Mr. Dale Morris
August 18, 2009
Page No. 2

If you have any questions or comments regarding the matters discussed in this letter, please direct them to my attention so that I may be of assistance.

The County would like to again thank you and BIA staff for holding the public hearing on August 5, 2009, at the Hemet Public Library to allow community residents the opportunity to provide feedback comments with respect to the Draft EIS prepared for the Project.

Sincerely,

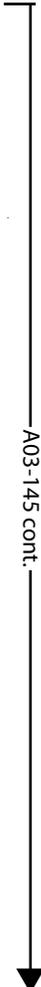
PAMELA J. WALLS
County Counsel



David H. K. Huff
Deputy County Counsel
dhuff@co.riverside.ca.us
951.955.6300
FAX 951.955.6363

cc: Supervisor Jeff Stone, Supervisor for 3rd District of Riverside County Board of Supervisors
George Johnson, Director of Transportation and Land Management Agency
Juan Perez, Director of Riverside County Transportation Department
Ron Goldman, Director of Riverside County Planning Department

A03-145 cont.





STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

August 18, 2009

John Rydzik
U.S. Bureau of Indian Affairs
2800 Cottage Way
Room W-2820
Sacramento, CA 95825

Subject: Horseshoe Grand Draft Environmental Impact Statement
SCH#: 2009074001

Dear John Rydzik:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. The review period closed on August 17, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

fa: Scott Morgan
Acting Director, State Clearinghouse

PACIFIC REGIONAL
OFFICE

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CYNTHIA BRYANT
DIRECTOR

RECEIVED-BIA

A04-146

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009074001
Project Title Horseshoe Grand Draft Environmental Impact Statement
Lead Agency Bureau of Indian Affairs

Type EIS Draft EIS
Description NOTE: Review Per Lead

The Soboba Band of Luiseno Indians has requested the BIA to acquire 34 parcels totaling 534.91 +/- acres of land currently held in fee by the Tribe into trust, of which the Tribe proposes to develop ~55 acres into a destination hotel/casino complex. The Tribe proposes to relocate its existing casino, which presently resides on trust lands, to the project site. In addition to the fee-to-trust action and casin relocation, the proposed action also includes the development of a 300 room hotel, casino, restaurants, retail establishments a convention center, an events arena, and a spa and fitness center, within a 129,500 +/- sf complex. The proposed development also includes a Tribal fire station, and a 12 pump gas station with a 6,000 sf convenience store.

Lead Agency Contact

Name John Rydzik
Agency U.S. Bureau of Indian Affairs
Phone 916-978-6051 **Fax**
email
Address 2800 Cottage Way
 Room W-2820
City Sacramento **State** CA **Zip** 95825

Project Location

County Riverside
City San Jacinto
Region
Cross Streets Soboba Rd and Lake Park Dr
Lat / Long 33° 47' 52.7" N / 116° 56' 4.95" W
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 79
Airports
Railways
Waterways San Jacinto River
Schools
Land Use Rural Residential, Low Density Residential, Open Space Recreation, General Open Space, water source

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Minerals; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; Other Agency(ies)

Note: Blanks in data fields result from insufficient information provided by lead agency.

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**Document Details Report
State Clearinghouse Data Base**

Date Received 07/02/2009

Start of Review 07/02/2009

End of Review 08/17/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

STATE CLEARINGHOUSE

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SACRAMENTO, CALIFORNIA 95812-3044

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8/25/2009

Stand Up For California! "Citizens making a difference"

www.standupca.org

August 24, 2009

Dale Morris
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA. 95825

**RE: Public Comment – Soboba Band of Luiseno Indians
Horseshoe Grande fee to trust application**

Dear Director Morris:

This letter contains the comments of *Stand Up For California!* addressing the many impacts of the proposed Soboba Band of Luiseno Indians ("Tribe") casino expansion within the City of San Jacinto. Many of the identified impacts are serious and significant. *Stand Up For California!!* views this project as an off-reservation gaming proposal. Once the subject land is in trust there is no debate that it is a clear exception for gaming. Nonetheless, this acquisition is a discretionary acquisition and must be supported by the State, local governments and the surrounding community.

The Tribe has a 1999 Compact. In part, it is the failure of tribes to act in good faith and the Bureau of Indian Affairs ("BIA") to consider the terms of the 1999 Compacts that has created the public and local government backlash to tribal gaming expansion throughout California. The lack of consideration of the terms of the 1999 Compacts extends to environmental, financial and social justice issues. The social, economic and political costs to citizens, local government and state agencies resulting from this failure is the primary motivation for re-negotiation of all 1999 Compacts. *Stand Up For California!* seeks a re-negotiation of the Tribe's 1999 Compact prior to any acquisition of land for a casino or ancillary development.

Stand Up For California! submits general observations to the Tribe's DEIS. The Environmental study is incomplete and misleading as an environmental review document because it lacks sufficient detail and provides inadequate analysis of many environmental issues that are routinely considered during such a review of other public and private projects. Additionally, the project must comply with the agreed upon terms of the Tribes 1999 Tribal State Compact ("Compact").

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A05-147

Discussion:

Stand Up For California! will address the following areas of the DEIS: (1) Tribal State compact compliance, (2) Projects Purposes and Stated Needs, (3) general observations on environmental impacts, (4) Application of Governor's Proclamation of 2005 and (5) Impact of recent *Carcieri v. Salazar* U. S. Supreme Court Ruling and lastly,(6) Concluding requests.

I. Tribal State Compact Compliance:

BIA Must Consider Tribal State Compact Language

The Tribe signed a 1999 Compact which permits a tribe to have two gaming facilities. It is still in effect with the State of California and stipulates that land must meet the standards of "Indian lands" under IGRA. This is the very issue argued in *State of California v. Acting Pacific Regional Director, Bureau of Indian Affairs* Docket No. IBIA 01-140-A August 10, 2004.

Without regard to whether IGRA itself requires that land is taken into trust for gaming, non-gaming or gaming ancillary purposes and meets the statutory standard, the fact is that the tribe executed – and the Secretary approved—a compact imposing that requirement. Thus, as a matter of IGRA the Compact under which the tribe conducts gaming must meet the standards of IGRA and the 1999 California Compact.

The Secretary approved this Compact and noticed it in the Federal Register. In 2009, neither the Regional Director of the BIA nor the Secretary of the Interior can claim that there was not federal awareness of required environmental standards on the subject land. The IBIA concluded in *State of California v. Acting Pacific Regional Director, Bureau of Indian Affairs* Docket No. IBIA 01-140-A August 10, 2004.

“...that the BIA did not commit legal error or abuse its discretion in failing to consider the terms of the compact concerning “gaming facilities,” **because the State failed to bring those terms and the alleged contract violations associated with the Tribe’s use of the property to the BIA’s attention.**”

The BIA must consider tribal state compact language as it applies to a tribe’s request that the BIA take into trust property eligible for gaming. Casino development in Indian Country requires the explicit recognition of risk factors, which include consideration of the capabilities of the tribal government, the Tribe’s geographical location, and public attitudes towards gaming. Painstaking attention must be dedicated to the concerns of affected states and local governments. A Tribal-State compact is an agreement to permit gaming. It is also is an important and vital agreement that maintains the delicate balance of powers between Tribes, states and the federal government. It is an agreement that should be carefully constructed while recognizing the powers and authorities vested in the executive and legislative branches of government. It is an agreement that recognizes and must be enforced to ensure the continued rights of not only the parties but of all citizens.

Compact Environmental Language

As required under Section 10.8 of the Tribal-State Compact (Compact), prior to the construction and operation of gaming related uses, the Tribe must prepare an assessment of potential off-reservation impacts that may result from development of the proposed action. The analysis provided in the DEIS fails to fully consider off-reservation impacts. Rather than the superficial review of potential impacts found in the DEIS, the Tribe must more fully address the direct, indirect, and cumulative impacts that may result from the proposed casino/hotel/restaurants/retail establishments/convention center/events arena/spa and fitness center project.

The 1999 tribal state compact sets forth in section 10.8.1 and 10.8.2 a definition of a "project", requirements of notification, consultation and comment requirements. In particularly there is an independent requirement in section 10.8.2(b) (2) to make good faith efforts to mitigate significant adverse off reservation environmental impacts. The 1999 tribal state compact clearly defined and provided a requirement that land used for gaming or ancillary developments to enhance gaming must meet the standards of the Indian Gaming Regulatory Act ("IGRA").

- The Secretary of the Interior and the Pacific Regional Director cannot deny knowledge of the environmental standard of the California Tribal State Compact.

Tribal Environmental Ordinance

The DEIS includes the Tribal Environmental Ordinance (Ordinance No. GC00-8) of the Soboba Band of Luiseno Mission Indians ("Tribe"). Ordinance No. GC00-8 states it is consistent with the National Environmental Policy Act, 40 USC §4332, and is further defined in 40 CFR §§ 1510.10-218." However Section IV (A) of Ordinance GC00-8 only covers "...construction on the Reservation".

Ordinance GC00-8 does not cover construction of a gaming project off reservation on non-Indian trust lands, nor does it cover proposed construction on lands involved in a fee to trust process. It would appear that the ordinance does not apply to the proposed development. Thus, the Tribe is offering only unenforceable promises of mitigations or cooperation with the surrounding communities, state agencies and affected local governments.

Contrary to the purpose and intent of Ordinance No.GC00-8 if the proposed project were on Reservation lands, the DEIS still fails to follow the qualitative requirements established under NEPA. Specifically, the DEIS does not include a reasonable range of project alternatives without a casino such as: a shopping mall, movie theaters, auto dealership or organic farm; it does not provide an adequate level of analysis of potential effects the proposed action may have on the physical or human environment, and fails to consider the indirect, and cumulative impacts of the Tribe's proposed action. As such, the DEIS does not provide the Tribe an adequate assessment of the potential effects that may result from the construction and operation of the proposed project off reservation.

The Tribe's Environmental Ordinance is inadequate as it fails to recognize the differences between Reservation lands, Indian trust lands and lands held in fee by the Tribe. The

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establishment of the Environmental Ordinance is a requirement of the 1999 Tribal State Compact. **The weaknesses of the Environmental Ordinance raise concerns over compliance with the 1999 Tribal State Compact.**

II. Projects Purpose and Tribes Stated Need:

The DEIS indicates the project *purpose* for the Tribe is, “to reclaim ancestral territory so that it may exercise sovereignty over Tribal lands and be relieved of state and local taxation and regulation”. The stated *need* is, “to allow the Tribe to develop economically so that it may continue to provide a good quality of life for Tribal Members”. (At page ES-1)

The City of San Jacinto was established in 1888. The Soboba Reservation was established three years later by an Act of Congress in 1891. (26 Stat.712 c. 65 January 12, 1891) Clearly the non-tribal population of the City of San Jacinto and the County of Riverside and the regional area has justifiable expectations that the land remains similar in character. If changes regarding zoning, jurisdiction and critical health and safety issues regarding a change in the governing authority are to be made then it must not be an overreaching federal decision behind the closed doors of the BIA.

For 159 years the land of Horseshoe Grande has been subject to State law. Common sense dictates that it is unreasonable to place a new political entity which enjoys immunity to civil liability and tax exemption in the middle of an urban center that for 159 years has been subject to California and local law and in the private ownership of generations of private citizens until its sale to the Tribe on the open market.

Rather than reclaiming ancestral land it appears that the Tribe seeks to circumvent regulatory environmental safeguards, as well as local and state taxes which provide local services. This creates a significant financial burden to the non Indian taxpayers of the regional area.

A tribe is authorized and encourage pursuing endeavors that may improve its economic situation but neither the Compact, IGRA, NEPA, IRA nor any other authority, guarantees economic success. There is no justification for this project as it ignores the successful Casino, golf course, country club and any other diversified holdings of the Tribe which already exist for the benefit and good quality of life for Tribal Members.

NEPA standards for preparing an environmental assessment require an explanation of “the relationship between local short term uses of man’s environment and the maintenance and enhancement of long term productivity”. There is no detail in this DEIS that describes (1) why the tribe must reclaim ancestral lands since the Tribe has already purchased the property on the free market and controls development of the land, (2) why must the Tribe be relieved of local and state taxation of these lands? These issues must be discussed in greater detail in order to appropriately frame the requisite analysis of potential cumulative off reservation impacts.

Property tax is a major source of local funding for schools, parks and recreation and local government services such as: transportation systems, law enforcement, District Attorney and Municipal Jail, and many others services that the Tribe uses. Removal of these lands for the

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development of a casino undermines the ability of local government to continue to provide adequate services to the surrounding community of non-Indian citizens. The scarce tax dollars of non-Indian citizens have provided local government services to the existing casino. The Tribe has no Memorandum of Understanding to contract for city or county services, law enforcement or emergency services – so the promised increased revenue does not guarantee a public benefit. The project will directly affect “the good quality of life” of the non-Indian community.

The Tribe states it will create a sizable source of employment for Tribal members and members of the local communities. Economists have long held that casinos transfer jobs in a community, they do not create jobs. Clarification and analysis of the existing job opportunities, a break down of employment of tribal members and community members at the existing facility is necessary data for comparison to the proposed facility in order to appropriately frame the requisite analysis of the potential cumulative off reservation impacts or beneficial impacts as stated in the DEIS.

The Tribe states it will also continue to provide revenues generated from its gaming enterprise to local social, cultural and education programs. Please identify the amount of the revenue and the recipient of this revenue. A detailed report and analysis of the past and present revenues generated to local social, cultural and education programs contrasted to the current impacts is necessary in order to appropriately frame the requisite analysis and potential cumulative off reservation impacts or beneficial impacts as stated in the DEIS.

The promises of new revenue is a statement not based in the reality of the gaming industry in 2009. The Gaming Industry is falling apart. Today’s gaming market is not the go-go boom years of 2006 and prior. Tribal leadership should learn from others to avoid getting caught in questionable decisions such as this proposed off reservation casino development.

One cannot pick up a Las Vegas Sun, or Las Vegas Journal or the Wall Street Journal without reading an account of the falling revenue of the gaming industry. In Detroit Michigan the Chippewa’s casino is going bankrupt. A project that just a few years ago promised economic self-sufficiency and now is an albatross around the necks of the tribal decision makers. Tribal casinos up and down the state with better locations for destination resorts are scaling back projects and laying off employees. This project must be thought through.

III. General Observations of Environmental Impacts

Traffic and Transportation

Issues relevant to this project are: whether the anticipated traffic could cause congestion on public roads, whether the project would increase traffic hazards (by volume as a result of serving alcohol) and whether the project would result in inadequate emergency access. The DEIS fails to adequately address the issue of congestion, air quality and does not adequately address hazards and emergency access or necessary equipment or costs to the surrounding local jurisdictions.

Nor does it consider the general plan of the City of San Jacinto. The project would violate over 20 of the City of San Jacinto’s general plan requirements. The DEIS does not consider that it

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creates islands of non-Indian trust land within Indian Country greatly affecting the administration of justice, the delivery of services and the assurance of public safety by local law enforcement to the isolated non Indian homeowners.

Six communities totaling over 1200 residents living on 850 acres of land, would become isolated islands of non Indian lands within Indian country. This complicates the delivery of necessary utility services, emergency services, public health and safety services. Further, this complicates the emergency evacuation in the event of fire, flood or earthquake.

Public Health and Safety

The DEIS proposed mitigation measures are nothing more than unenforceable promises that fail to take into consideration the need to protect the public and the environment. **The mitigation measures must be enforceable if the Tribe is to claim compliance with the "good faith" provisions of the 1999 Compact.**

The California Gambling Control Commission has a regulation to address Emergency Evacuation and Preparedness Plans. The Tribe's EIS fails to adequately address this concern and needs additional discussion of this failure. Emergency vehicle access and availability is something that is clearly required and must be included in a plan adopted under CGCC-7. The Tribe has one road in and one road out. This does not represent good long term planning.

Patron Protections

Tribal gaming operations in California have recognized the financial benefit of marketing to senior citizens. Many of the tribal gaming operations provide bus services from Los Angeles to a variety of tribal gaming resorts in San Diego and Riverside County. Buffet brunch and luncheons are free or discounted to seniors on scheduled senior days. Clearly, senior citizens in California are a desirable and lucrative market. Seniors have time, money and the need for recreation.

However, tribal gaming is failing to ensure the safety and well being of senior patrons at casinos. Tribes are now operating multi-million dollar destination resorts. The tribal gaming industry has grown from \$200 million dollars annually in 1998 to over \$27 billion in 2009. The integrity of the Indian gaming industry depends on fair treatment of patrons, many of whom are senior citizens enjoying this form of recreation which does not require great physical strength while providing an outing to break up the daily routines of retirement.

Senior citizens have been affected in a number of ways by the explosive proliferation of tribal gaming in California. The Los Angeles Times has written numerous stories on Senior citizens gambling away their retirement. The Sacramento Bee has written stories regarding the lack of safety to patrons and the failure of the 1999 tort ordinance at tribal gaming facilities. These press stories are a red flag to organizations like the AARP.

It is in the best interests of the long-term success of the Tribe to protect not only the patrons and employees but ensure that the proposed project does not place in jeopardy the safety of the

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surrounding community. Failing to answer this question adequately places the Indian Gaming industry at risk and further fuels the fire of a backlash on tribal gaming.

Law Enforcement

The DEIS does not address the type and scope of criminal activity directly and indirectly attributable to the existing Gaming Facility. What appreciable impact the proposed expansion will have on crime levels, or how criminal activity in the existing facility and proposed expansion has impacted the State's criminal courts. Law enforcement is currently provided at the expense of the Riverside County Taxpayers. No local service contract exists between the Tribe and the Riverside County Sheriff's office.

The project's impact on off reservation law enforcement is uncertain because the DEIS does not discuss how off Reservation communities will be impacted if increased law enforcement service by the Sheriff's Department to the Project results in decreased service elsewhere. **Nor does this DEIS discuss the impact of the administration of justice to the homeowner associations that will become isolated islands of non trust land within Indian Country.**

Geology and Soil

The DEIS indicates the project is located within an earthquake fault zone. However, seismic activity that could result in severe ground shaking is identified at the project site. What mitigation measures are intended to provide reasonable life safety during or after a major earthquake? The Tribe must state what is "reasonable" life safety (loss of life, injury, etc.) and how the determination of "reasonable" is reached. As the intent of the Tribe is to increase patronage at their proposed facility, the non-Tribal population must be assured the design, construction, and operation of the proposed uses will provide the maximum level of protection from seismic events that is possible.

Waste Management

The issue relevant to this project is whether the solid waste generated by the project would affect ground/surface water. There are also concerns regarding the disposal of waste generated as a result of the casino and dining facilities. The DEIS is unrealistic and fails to adequately address and analyze these concerns. Moreover, the proposed projects sits on top of the aquifer that supplies water to the regional area. The project increases the potential for pollution of this water supply and represents a serious and significant concern.

Air Quality

The DEIS fails to adequately address this concern with relationship to state or local air quality standards or whether the proposed project will have a significant impact that is either mitigatable or not. While there is a recommendation that the Tribe "***should***" meet the standards of the local air quality agency – there is no guarantee that it must. The recommendation is simply an **unenforceable promise**. **The Tribe has not addressed its current impacts on state and local air quality standards.**

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The DEIS must mirror the California Environmental Quality Act and include direct impacts caused by the operation of a casino and the secondary facilities, along with the indirect impacts caused by the mobile sources of traffic, public employees, and suppliers. Additionally, the initial construction development impacts must also be addressed and required mitigation for these impacts plainly state. This is necessary if California is to reduce its green house gas emissions by 25% by 2020 as required by a state statute passed in 2006.

Water

This study fails to address concerns over an adequate potable water supply and what provisions are made in the event that the proposed source(s) prove inadequate. The Tribe has agreed to **"forbear in its use of a portion of its water rights for the next fifty years"**, using no more than half the water allotment for those fifty years.¹ That is very nice, but is this enforceable and who will ensure this promise?

Groundwater use has exceeded yield since 1958 and is now in overdraft. A development of this magnitude by any private party would be determined to be unfeasible and beyond consideration. Yet, the Tribe's response is that, the proposed mitigation plans described in the DEIS have not been presented to corresponding agencies for validation; they are merely ideas of what may happen. The mitigation plans are drafted in order to provide documentation to support the approval of the fee to trust application. They are not assurances, guarantees or commitments of specific actions developed by the Tribe. They are **"unenforceable promises"**.

It is well settled that the establishment of an Indian Reservation carries with it an implied reservation of the amount of water necessary to fulfill the purposes of the reservation with a priority date no later than the date of creation of the reservation. *See- Winters v. United States*, 207 U.S. 564, 576-77 (1908); see also *Arizona v. California*, 372 U.S. 546, 599-601 (1963); *United States v. Winans*, 198 U. S. 371 (1905) Thus, transferring the Horseshoe Grande land into trust affects the aforementioned agreement terms.

Considering the location of the aquifer that supplies water to the regional area, this acquisition would grant control of a water source for the entire regional area to the Tribe. Control of the water source controls development and potential revenues generated from development to the City, the County and the State. **This is a significant financial and political impact of exponential consequences.**

Recent statutes chaptered in February of 2001 placed certain requirements on providing information from water suppliers in their decision to approve or deny commercial, industrial, or residential development based on ground water availability in California, SB 610, and SB 221. These statutes were enacted to protect the limited and shared natural resource of ground water.

¹ Comments on H.R. 2841, by Majel M. Russell, Principal Deputy Assistant Secretary of Indian Affairs, U. S. Department of the Interior. States that the Tribe has been granted abundant water 97,500 acre feet per year for 30 years will recharge the San Jacinto basin, an over drafted basin. The Settlement awards the Tribe \$18 million from local water districts and \$11million from the federal government and the right to 2 billion gallons of water a year from the aquifer.

California like other western states is experiencing an overdraft of ground water supplies in many regions. While these relatively new state ground water laws may have a limited legal influence on the federal fee-to-trust process, they make clear the practicable result of a developments size and scope. The proposed project while not being the source of a potential water shortage problem has the ability to exacerbate a greater problem that will be shared by many should the proposed water source prove inadequate.

As you know, the Bureau of Indian Affairs has authority under 25 C.F.R. section 1.4 (b) to adopt and make applicable to Indian lands, State and local laws, ordinance, rules and regulations. I ask you to consider adherence to these state ground water statutes when evaluating the environmental impacts which will ensure the long-term success of the Tribe.

IV Application of Governor's May 18, 2005 Proclamation

In May of 2005, Governor Schwarzenegger introduced a Proclamation setting forth a general policy on specified matters related to tribal gaming. It is clear that the Subject Land proposed for a casino by the Tribe is non-compliant with this proclamation. The Governor states:

1. **I shall oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired in trust are to be used to conduct or facilitate gaming activities.**
2. I shall decline to engage in negotiations for tribal-state gaming compacts where the Indian tribe does not have Indian lands eligible for class III gaming.
3. **I shall consider requests for a gubernatorial concurrence under section 20(b)(1)(A) of IGRA, that would allow a tribe to conduct class III gaming on newly acquired land, only in cases where each of the following criteria is satisfied:**
 - a) **The land that is sought for class III gaming is not within any urbanized area.**
 - b) **The local jurisdiction in which the tribe's proposed gaming project is located supports the project.**
 - c) **The tribe and the local jurisdiction demonstrate that the affected local community supports the project, such as by a local advisory vote.**
 - d) **The project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may arise from gaming.**

The governor makes clear his opposition to urban casinos but also details criteria under which he will give serious consideration for the authorization of off reservation casinos.

As you may be aware, the State has successfully defended a challenge to the constitutionality of Proposition 1A². This challenge alleged that California violated the Equal Protection Clause of

² Proposition 1A provided for a limited exception for federally recognized Indian Tribes on California Indian Lands in the States prohibition on Casino style gaming. This statewide ballot measure was supported by 64% of California voters on March 7, 2000.

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the United States constitution when it permitted Indian tribes to conduct class III gaming on Indian lands, to the exclusion of all others. *Artichoke Joe's*, supra, 353 F. 3d at 731. In upholding Proposition 1A, the Ninth Circuit Court of Appeals relied upon the State's restriction of tribal gaming "to carefully limited locations" as a reasonable means of serving the State's interest in protecting the public health, safety, welfare and good order.

Question: Does the proposed site of the Tribes casino/hotel complex meet the State's Constitutional restriction of tribal gaming "to carefully limited locations"?

It would not appear so, as the State Constitutional exception provided for limited gaming *only* on "California Indian lands". Article 4 Section 19 (f) authorized by a vote of the public on March 7, 2000, clearly limits tribal gaming operations to "*Indian lands in California*" or "*tribal lands subject to those compacts*". California had 52 negotiated and ratified tribal state compacts that were subject to this language when authorized by the voters in 2000. Soboba was one of the 52 named and has an existing casino on land clearly identifiable as "*tribal lands subject to those compacts*", but the Horseshoe Grande property was not and is not in trust and does not meet that definition. The Horseshoe Grande fee to trust proposal is after acquired lands subject to an IGRA process.

Question: Does the proposed casino location meet the criteria of the Gubernatorial Proclamation dated May 18, 2005?

The Governor has stated very clearly in his Proclamation that:

"I shall oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired in trust are to be used to conduct or facilitate gaming activities."

The Subject Land is within the City limits of the City of San Jacinto, a City of 36,477 residents. Attached to the Governors Proclamation is a definition of urbanized area which defines urbanized area as any City over 20,000 in population:

"For purpose of this Proclamation, "urbanized area" means the definition of that term as defined in Public Resources Code section 21071, subdivision (a). A list of the cities meeting this definition as of the date of this Proclamation is attached hereto."

3.(d) The project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may arise from gaming.

Section 20 of IGRA clearly makes this proposed land acquisition eligible for gaming, nevertheless, it is a discretionary acquisition not mandatory. There appears to be no "independent public policy separate and apart" from any increased economic benefit of financial contribution to the State, community or the Indian Tribe other than the benefit of a multi-million

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dollar casino for the Tribe. And lets not forget, exemption from taxation, zoning and environmental standards that ensure the sharing of precious natural resources.

3.(c) The tribe and the local jurisdiction demonstrate that the affected local community supports the project, such as by a local advisory vote.

Citizens in California enjoy a very direct form of democracy permitting voters to assert their right to vote and to referendum local and state laws. This process has been recently used in California on a statewide effort regarding four 2008 tribal state compacts. However, it is more commonly put to use at the local level of government to referendum local actions, particularly gambling expansion. The most recent and successful referendum was conducted in the City of Dixon in 2007, which defeated the introduction of a new Horse Racing Track.

The State has long recognized the opposition of citizens to the expansion of gambling and has included in California Business and Professions Code Section 19961. (a)³ The following language related to gambling expansion.

“On or after the effective date of this chapter any amendment to any ordinance that would result in an expansion of gambling in the city, county or city and county shall not be valid unless the amendment is submitted for the approval of voters of the city, county or city and county, and is approved by a majority of the electors voting thereon.”

Because of the potential for backlash in the local community, the need for citizen input has been recognized as important for Indian gaming, even though there is no process in IGRA that contemplates it. Consequently, in some states, like California, a mechanism for a non binding advisory vote by the local community on proposed tribal gaming activities was developed as part of the compacting process. In 1998 California Governor Pete Wilson included a non binding advisory vote in the “Pala Compact”. The advisory vote feature was not included in the 1999 compacts signed by Governor Gray Davis, but was restore as stated in Governor Schwarzenegger’s May 18, 2005 Proclamation and as negotiated in his new compacts with Indian tribes.

Advisory votes have the potential to assist Counties and Cities in the development of local intergovernmental agreements with tribes that are seeking off reservation casinos or the expansion of existing casinos on established and historic Indian reservations. A no vote by the local community, while non binding may trigger the need to renegotiate a tribal county agreement, force a search for means to mitigate local adverse impact, defuse local opposition or to build public support for a project. On Tuesday August 18, 2009, the California State

³ This language was developed in 1998 in the California Gambling Control Act. The Preamble of the Act succinctly states the States position on the gambling industry. 19801. The Legislature hereby finds and declares all of the following: (a) the longstanding public policy of this state disfavors the business of **gambling**. State law prohibits commercially operated lotteries, banked or percentage games, and **gambling** machines, and strictly regulates pari-mutuel wagering on horse racing. To the extent that state law categorically prohibits certain forms of **gambling** and prohibits **gambling** devices, nothing herein shall be construed, in any manner, to reflect a legislative intent to relax those prohibitions.This continues through (m). The State voters did provide a *limited exception* for tribal gaming in 2000.

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Legislature considered Assembly Concurrent Resolution ACR 56. This resolution while not carrying the force of law clearly expresses the sentiment of the State Legislature's view in opposing after acquired lands for the development of casinos and the necessity of judicially enforceable agreements that mitigate environmental impacts and pay for services by local jurisdictions.

***Stand Up For California!* urges a vote of the public consistent with long standing public policy on gambling before the BIA makes a controversial determination for transferring land into trust for the establishment of a second casino location off reservation for the Tribe.**

V. Impact of recent *Carcieri v. Salazar* U. S. Supreme Court Ruling

The recent United States Supreme Court ruling of *Carcieri v. Salazar* has many implications affecting not only the fee-to-trust process but the governance of tribes potentially undermining the ability to contract, secure loans or provide insurance coverage. This raises serious concerns about the Tribe's ability to meet the terms of its 1999 Compact.

While the Soboba Band of Luiseno is a Tribe that *may potentially* document being "under federal jurisdiction" as early as 1891 there are a number of tribes in the State that cannot. Many of these tribes are seeking a "*Carcieri fix*" as it is needed to acquire land for off reservation casinos anywhere from 35 miles to over 100 miles from the existing or former Rancheria or Reservation lands. While Tribes seek lands for casinos, states, local governments and citizens seek "objective standards" in the fee to trust process. It would be prudent to postpone acquisitions in California until the Carcieri issue is resolved.

The regulations set out in 25 CFR 151 and analyzed by the GAO do not define or provide guidance to the decision makers. The regulation criterion is subjective. There is no guidance in the regulations on what constitutes an acceptable level of tax loss or how to evaluate the tax loss from approving an application. Moreover, there is no guidance in the regulations on what types of jurisdictional and land use concerns might warrant denial of the application. Thus, controversial applications such as this one have followed a path that often leads to adversarial, protracted and difficult litigation. This is easily avoided if the Department of the Interior decision makers work with states and local jurisdictions to develop objective standards. Moreover, it is recommended that Department of the Interior decision makers consider the shared natural resources of both tribal and non tribal communities of the regional area.

A "Carcieri fix" will be complicated and without doubt have an impact on the process of any Section 20 application.

CONCLUSION

Stand Up For California! appreciates the opportunity to comment on the proposed project addressing the serious and significant concerns of the public demonstrated by the large attendance at both the scoping hearing and the recent public comment hearing on the DEIS. We

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submit our comment identifying the weaknesses of the current DEIS as stated in the reasons set forth above. We hope that you give them your consideration.

We request that the Tribe withdraw this application for 535 acres, amend its environmental ordinance and give significant effort to renegotiating its 1999 Compact with Governor Schwarzenegger incorporating all of the necessary public policies that will provide long-term success for the Tribe. This application for off reservation land is a significant detriment to the surrounding community, local government, the regional water supply, air quality, control of green house gasses and to the very citizens who in 2000 supported Tribal effort's for economic self-sufficiency.

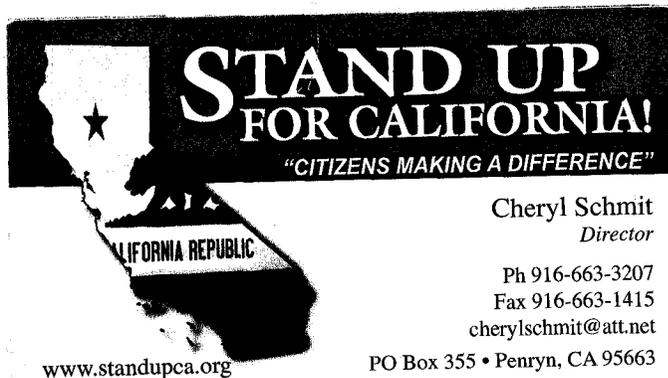
Most importantly, we urge the Tribe to immediately contract with the Riverside County Sheriff for law enforcement services on the existing Reservation. The Tribe must initiate a concerted and cooperative effort to address the trafficking of illegal guns, drugs and gang activity on the Reservation.

Sincerely,



Cheryl Schmit – Director
916-663-3207
cherylschmit@att.net

CC: Save Our Communities Council
City of San Jacinto, City Manager and Council
County Board of Supervisors, Riverside County
Honorable Arnold Schwarzenegger, Governor of California
Honorable Jerry Brown, Attorney General of California
Honorable Dianne Feinstein, United States Senator



AND G. BROWN JR.
ney General

State of California
DEPARTMENT OF JUSTICE



FAX TRANSMISSION COVER SHEET

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DATE: September 3, 2009 **TIME:** 3:30 p.m. **NO. OF PAGES:** 2
(INCLUDING COVER SHEET)

TO:

NAME: John Rydzik, Environmental Specialist
OFFICE: Bureau of Indian Affairs
LOCATION: Sacramento, California
FAX NO: (916) 978-6099 **PHONE NO:** (916) 978-6051

FROM:

NAME: Patty Brandt, Senior Legal Analyst
OFFICE: Office of Attorney General
LOCATION: Sacramento, California
FAX NO: (916) 327-2319 **PHONE NO:** (916) 327-7707

MESSAGE/INSTRUCTIONS

John: Attached is a letter requesting a 14-day extension of time on Soboba DEIS.

Thank you!
Patty Brandt

PLEASE DELIVER AS SOON AS POSSIBLE!
FOR ASSISTANCE WITH THIS FAX, PLEASE CALL THE SENDER

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
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September 3, 2009

Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Via facsimile (916) 978-6099,
original by U.S. mail.

Attention: John Rydzik

RE: Soboba Band of Luiseno Indians Draft EIS
Horseshoe Grande Fee-to-Trust Project

Dear Mr. Rydzik:

On behalf of the Governor's Office, we write to request additional time to review and provide comments on the above-referenced environmental document. At this time, any comments made by the Governor's Office are due to your office by September 15, 2009. We are requesting an additional fourteen days for review, until Tuesday, September 29, 2009. The additional time is requested because, as this office previously advised, there is a great amount of information and documentation contained in the environmental document, and many interested parties are providing comments and opposition to the document. In addition to reviewing the information in the draft environmental impact statement, the Governor's Office must address the other parties' comments and opposition. Therefore, by the nature of the review process and the role of the Governor's Office in the process, we require more time to ensure that the review is comprehensive and complete.

Thank you for your accommodation and your quick response to our request.

Sincerely,


JENNIFER T. HENDERSON
Deputy Attorney General 

For EDMUND G. BROWN JR.
Attorney General

SA2003103046

A06-170



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Executive Staff

Charles Landry
Executive Director

September 14, 2009

Mr. John Rydzik, Regional Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825
Fax: (916) 978-6099

**RE: WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY'S COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE SOBOBA BAND OF LUISEÑO INDIANS' ("TRIBE")
HORSESHOE GRANDE FEE-TO-TRUST APPLICATION**

Dear Mr. Rydzik:

Thank you for the opportunity to review and comment on the draft environmental impact statement ("DEIS") for the Soboba Horseshoe Grande Fee-to-Trust Application ("Project"). The Western Riverside County Regional Conservation Authority ("RCA") is a joint powers authority created by the County of Riverside and the fourteen (14) cities¹ in western Riverside County.² The purpose of the RCA is to acquire, administer, operate, and maintain land in order to establish habitat reserves (the "Conservation Area") for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP" or "Plan") and to implement the MSHCP. The MSHCP preserves and protects 146 species by acquiring lands for the Conservation Area. The permits for the MSHCP were issued by the United States Fish and Wildlife Service and the California Department of Fish and Game in June 2004. The MSHCP is an integral component of the Riverside County Integrated Project ("RCIP")³ and therefore qualifies as a regional land use plan. The RCA offers the following comments.

¹ The newly incorporated cities of Wildomar and Menifee joined the RCA this year, so sixteen (16) cities, along with the County, are now members of the RCA.

² See <http://www.wrc-rca.org/>.

³ Because the County of Riverside is one of the largest and fastest growing counties in the United States, the County, the Riverside County Transportation Commission, the cities in western Riverside County, other interested public agencies and associated stakeholders created a comprehensive planning effort entitled the Riverside County Integrated Project, or RCIP, to address local environmental, transportation and land use needs with the goal of anticipating and shaping the pattern of growth within the County to maintain and enhance the quality of life for its residents. (see <http://www.rcip.org/>.)

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We wish to make it clear that the RCA has no objection to the Project per se. RCA submits these comments instead to address the biological impacts of the Project and how it negatively impacts the MSHCP. As mentioned in Appendix H to the DEIS, the property on which the Project will be located is within the boundaries of the MSHCP. As shown in the maps attached to this letter, the Project is located within eight (8) Cells in the MSHCP Criteria Area. These Cells are important because a total of 310,000 acres of Cells exist in western Riverside County from which approximately 153,000 acres will eventually contribute to the "Conservation Area" or "Reserve." Normally, development projects within Cells would be required to pay a MSHCP fee (the "Local Development Mitigation Fee" or "LDMF"⁴) and potentially require the project applicant to dedicate some part of the project area to be conserved. Given that the Project fails to comply with MSHCP requirements and the DEIS fails to analyze any potential adverse impacts to the Plan, additional mitigation measures must be imposed to offset the Project's impacts to biological resources in western Riverside County.

While the National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq. ["NEPA"]) does not mandate particular results, it does require that federal agencies take a "hard look" at the environmental consequences of their actions. (Metcalf v. Daley (9th Cir. 2000) 214 F.3d 1135, 1141.) Indeed, the U.S. Bureau of Indian Affairs's (the "BIA") own NEPA Handbook states:

The analysis of effects [of environmental consequences] should go beyond mere description of a change in the environment caused by a proposed action or alternative. It should include discussion of the ultimate long- and short-term significance of the change and a detailed cause and effect examination using the action elements of the proposal and the specific environmental parameters.

(30 BIAM Supplement 1, §6.3E(1)(g)(3).) Additionally, the Council on Environmental Quality has adopted regulations that the BIA must consider when preparing a DEIS. One of those regulations requires that the DEIS must analyze "[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and *local* (and in the case of a reservation, Indian tribe) *land use plans*, policies and controls for the area concerned." (40 C.F.R. §1502.16(c)[*italics added*].) The MSHCP is a local land use plan that has been accepted by the County of Riverside and sixteen (16) cities. It is true that the DEIS mentions the MSHCP, but the BIA's own NEPA Handbook requires the BIA to offer a true "discussion of the ultimate long- and short-term significance of the change and a detailed cause and effect examination using the action elements of the proposal and the specific environmental parameters." (30 BIAM Supplement 1, §6.3E(1)(g)(3).) The DEIS offers no such discussion.

⁴ The LDMF is the MSHCP's primary funding source to purchase habitat lands for the Conservation Area.

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Further, NEPA regulations require the DEIS to contain the following analysis:

To better integrate environmental impact statements into State or local planning processes, statements *shall* discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).⁵ Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

(40 C.F.R. §1506.2(d)[italics added].) However, the biological resource analysis in sections 3.4, 4.4 and 5.4 of the DEIS provides very limited analysis and proposes limited and incomplete measures to mitigate the impacts of the Project upon biological resources. The Biological Resources Assessment (“BRA”) in Appendix H simply mentions the location of the Project as being within the boundaries of the MSHCP. (DEIS, Appendix H, p. 13.) The BRA then proceeds to dismiss the MSHCP by stating that “The Tribe is not a signatory to the MSHCP.” (*Ibid.*) In fact, this statement highlights the fact that if the BIA approves the Project without further mitigation, the Tribe would be under no future obligation to honor the MSHCP.

The BRA is correct in stating that the Tribe is not a signatory to the federally-approved MSHCP. Nevertheless, as one of the most significant HCPs in the nation approved under Section 10(a) of the federal Endangered Species Act (16 U.S.C. §1531 et seq. [“ESA”]), the BIA certainly has an obligation to evaluate and analyze the impact that the Project will have on the primary means of protecting threatened and endangered species in western Riverside County. In fact, NEPA regulations require it. (40 C.F.R. §1506.2(d).) Because the DEIS wholly fails to analyze the Project’s impacts to the MSHCP, a court would likely hold that the DEIS fails to provide the requisite “hard look” required by NEPA. (*Metcalf v. Daley, supra*, 214 F.3d at p. 1141.)

Not only does the Project have major impacts to biological resources, the DEIS admits that many of the impacts have yet to be determined. (DEIS, §4.4, p 4-52.) The DEIS states that the Project site contains approximately 178 acres of coastal sage scrub habitat and approximately 68 acres of southern will scrub habitat. Although the DEIS describes these areas as disturbed, the DEIS admits that the habitat is suitable for Federally-listed species. (*Ibid.*) In addition, the Project could potentially impact the Western Burrowing Owl. (DEIS at p. 4.55.) This is a species that has been specifically covered within the MSHCP, but the DEIS failed to mention any impact on the MSHCP from potential impacts to the Burrowing Owl as a result of the Project. Further, the DEIS fails to present the final mitigation measures that will need to be included for the Project since the United States Fish and Wildlife Service has not yet completed its biological opinion. (DEIS at p. 5-7; see also p. 4-53 [impacts to San Bernardino Kangaroo rat are unknown].) We therefore request that the BIA analyze these impacts and propose appropriate mitigation measures (discussed further below) in the final EIS following the issuance of the biological opinion.

⁵ As the holder of a federal Incidental Take Permit issued by the U.S. Fish and Wildlife Service, the MSHCP qualifies as a federally sanctioned local plan.

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Additionally, there is no discussion about the MSHCP in Section 4.10 on Cumulative Impacts. Since the MSHCP covers all of western Riverside County, the DEIS should address these impacts because the lack of adherence to the MSHCP will have cumulative impacts to western Riverside County. Similarly, the failure to set aside land in conservation and to pay MSHCP fees to RCA should have been analyzed in relation to the indirect effects to the MSHCP and western Riverside County in Section 4.11.

We believe this lack of analysis of the MSHCP and lack of measures to mitigate for effects on biological resources to be a deficiency in the DEIS, and thus indicates that the BIA has failed to take the requisite "hard look" at the environmental consequences of the Project. (Metcalf v. Daley, *supra*, 214 F.3d at p. 1141.)

It is therefore very important that the BIA condition the Project so that at a minimum, acreage be set aside to contribute to the Conservation Area. Without this condition, the habitat will be lost forever and potentially jeopardize the MSHCP assembly. In addition, a fee should be paid.

The RCA again thanks the BIA for the opportunity to review and comment on the DEIS. We look forward to working with you on these issues. In addition, the RCA requests to be put on the mailing list for any and all future notices regarding this Project.

Sincerely,



Charles V. Landry
Executive Director

cc: Michelle Ouellette, Best Best & Krieger LLP
Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service
Barry McClellan, City Manager, City of San Jacinto
David Huff, Deputy County Counsel, County of Riverside
Karl Johnson, Legal Counsel, Soboba Band of Lusieño Indians

From: Origin ID: ONTA (951) 955-2857
 Kristin Shuman
 Regional Conservation Authorit
 3403 Tenth Street, Suite 320
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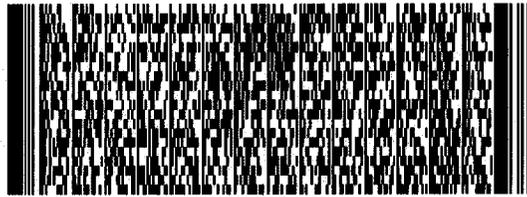
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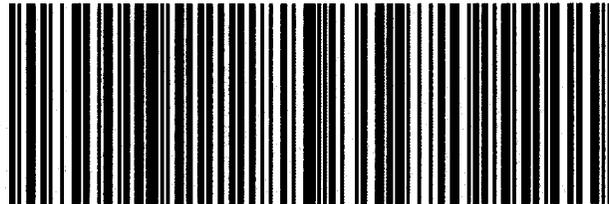
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September 15, 2009

Dale Morris, Regional Director
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Sacramento, CA 92825.

**RE: Draft EIS Comments, Soboba Reservation Proposed Fee-to-Trust
Casino/Hotel Project**

Dear Director Morris:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the National Environmental Policy Act (NEPA) review of the Horseshoe Grande fee-to-trust transfer project. For your reference, EHL is Southern California's only regional conservation group, and participates on behalf of its members in Southern California in regional land use, transportation, and habitat planning efforts. Of particular relevance here, EHL served on the Advisory Committee for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). EHL has also been heavily involved in planning for Riverside County's future, and served on the County's General Plan Advisory Committee in 2003.

The project under review contemplates a transfer of lands out of state and local jurisdiction, as well as the construction and operation of a large casino and hotel complex on those transferred lands. The Scoping Report for the DEIS describes the project as follows:

“The Tribe proposes the relocation of its existing casino, which presently resides on trust lands, to the Horseshoe Grande property. In addition to the fee-to-trust action and casino relocation, the Proposed Action also includes the development of a 300 room hotel, four restaurants, four retail establishments, events center, convention space, and spa and fitness center, all within the same complex. The casino will be part of this larger development. The other proposed developments will not be attached to the hotel/casino facility and include a fire and police station, 12-pump gas station & convenience store. These developments will likely be constructed south of the present Lake Park Drive.” (Scoping Report at p. 28.)

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In NEPA, Congress recognized the “profound impact” of human activities, including “resource exploitation,” on the environment and declared a national policy “to create and maintain conditions under which man and nature can exist in productive harmony.” 42 U.S.C. § 4331(a). To further this policy, NEPA “establishes ‘action-forcing’ procedures that require agencies to take a ‘hard look’ at environmental consequences.” *Metcalf v. Daley*, 214 F.3d 1135, 1141 (9th Cir. 2000) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989)).

Chief among these procedures is the preparation of an environmental impact statement (“EIS”). NEPA requires preparation of an EIS for “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). Every EIS must “provide [a] full and fair discussion of significant environmental impacts” of the proposed agency action. 40 C.F.R. § 1502.1. An EIS serves two purposes: First, [i]t ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts. Second, it guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision. *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 768 (2004) (internal quotation marks and citations omitted).

These principles are met in the breach here. EHL’s review of the Draft Environmental Impact Statement (DEIS) for this Transfer reveals multiple failures to disclose significant impacts on the existing physical environment. It also fails to address inconsistencies with adopted plans resulting from the proposed fee-to-trust transfer and associated Casino/Hotel project (collectively “Transfer” herein).

First, the DEIS utterly fails to disclose and analyze the impacts of the permanent removal of critical habitat lands (Criteria Cells) identified for inclusion in a regional habitat reserve for the protection of dozens of sensitive species from the MSHCP. Second, the DEIS ignores the physical impacts of a potentially serious drawdown of already depleted groundwater aquifers that would occur as a result of project implementation. Third, the DEIS’s traffic analysis relies on methodologies and assumptions that are wholly inappropriate for the project, resulting in serious underestimates of traffic, air quality, and GHG impacts. Fourth, the DEIS fails to analyze and disclose the project’s cumulative contribution to Greenhouse Gas (GHG) Emissions. Finally, the DEIS fails to examine a reasonable range of alternatives, including economic development scenarios that do not require additional land to be transferred into trust. Each of these deficiencies, any one of which independently invalidates the DEIS, is discussed in more detail below.

Failure to Disclose Impacts on MSHCP

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The DEIS is severely deficient in that it fails to address severe adverse effects on the MSHCP, which is a *federally adopted* Habitat Conservation Plan (HCP) prepared under Section 10(a) of the Endangered Species Act. The MSHCP is also a State of California-approved Natural Community Conservation Plan (NCCP) prepared pursuant to the California NCCP Act.

This failure is particularly noteworthy because it was deliberate. The Scoping Report for the Project specifically recommended that:

“[t]he project site is located within or within close proximity to several criteria cells identified in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). *The EIS should analyze how the project could affect the species protected in the MSHCP as well as implementation of the Plan itself.*” (Scoping Report at 19, emphasis added.)

Despite this recommendation, the BIA in the DEIS willfully neglected to follow though and assess the impact of the transfer on MSHCP implementation.

This failure contravenes NEPA. The Council on Environmental Quality, the federal agency charged with interpreting NEPA for all federal agencies, has incorporated the following NEPA guidance regarding impact on local plans in its “Forty FAQs:”

“23a. **Conflicts of Federal Proposal with Land Use Plans, Policies, or Controls.** How should an agency handle potential **conflicts** between a proposal and the objectives of Federal, state or local land use plans, policies and controls for the area concerned? See 40 C.F.R. § 1502.16(c).
A. The agency should first inquire of other agencies whether there are any potential conflicts. If there would be immediate conflicts, or if conflicts could arise in the future when the plans are finished (see Question 23(b) below), *the EIS must acknowledge and describe the extent of those conflicts. If there are any possibilities of resolving the conflicts, these should be explained as well. The EIS should also evaluate the seriousness of the impact of the proposal on the land use plans and policies, and whether, or how much, the proposal will impair the effectiveness of land use control mechanisms for the area. Comments from officials of the affected area should be solicited early and should be carefully acknowledged and answered in the EIS.*”

(See <http://www.nepa.gov/nepa/regs/40/20-29.HTM#23>, emphasis added.) The DEIS completely disregards this guidance, and thus does not demonstrate compliance with NEPA. Nowhere is the potential conflict with the MSHCP’s process of assembling land for reserves if the Transfer is granted addressed, or how those conflicts might be resolved.

The Bureau of Indian Affairs should not undermine a legally binding agreement entered into by its sister agency, the U.S. Fish and Wildlife Service, on behalf of the federal government. Specifically, if the transfer is granted, the Bureau should constructively and proactively resolve potential conflicts between the transfer and the MSHCP. Such conflict resolution can occur by simply conditioning the fee-to-trust Casino/Hotel Project to comply with the MSHCP. Absent that, EHL objects to the transfer.

As background, the MSHCP was adopted in 2003. Covering 146 native species of plants and animals, when completed it will preserve about 500,000 acres of habitat, consisting of 153,000 acres of newly acquired private land (“Additional Reserve Lands”) and the remainder existing public or quasi-public land. This effort to set aside habitat and protect species allows development and transportation infrastructure to proceed without lengthy delays due to protracted permitting under the ESA and associated litigation. It also maintains the quality of life through open space and recreation. The MSHCP was adopted by the County of Riverside, all cities in the plan area (including the City of San Jacinto), the Riverside County Transportation Commission, various local agencies, and the state and federal governments. A broadly based development fee was imposed to help finance the plan.

The MSHCP consists of interlocking Area Plans. The Project Site lies within the San Jacinto Valley Area Plan, mostly in Subunit 3 (Upper San Jacinto River/Bautista Creek), but its northern end is also within Subunit 1 (Gilman Springs/Southern Badlands). Within Subunit 3, the total target acreage for Additional Reserve Lands is 2,085-3,875 acres. Within Subunit 1, the target totals 3,540-6,520 acres. See: <http://www.rctlma.org/mshcp/volume1/sec3.html#3.3.13>

A series of Cores and Linkages will contribute to the conservation of the species covered by the Plan. For Subunit 3, the species are arroyo toad, mountain yellow-legged frog, burrowing owl, Cooper's hawk, least Bell's vireo, southwestern willow flycatcher, yellow warbler, Quino checkerspot butterfly, bobcat, Los Angeles pocket mouse, mountain lion, San Bernardino kangaroo rat, western pond turtle, and slender-horned spine flower. Biological Issues and Considerations for this Subunit are:

- Conserve existing known populations of least Bell's vireo and southwestern willow flycatcher along the upper San Jacinto River and Bautista Creek. Maintain existing breeding Habitat for these species at Bautista Creek.
- Maintain alluvial scrub Habitat for slender-horned spine flower.
- Maintain and enhance linkage value of the upper San Jacinto River and Bautista Creek for wildlife movement and Live-In Habitat.
- Conserve stream courses and adjacent coastal sage scrub, grasslands and chaparral supporting arroyo toad, mountain yellow-legged frog and western pond turtle, with a focus on suitable breeding, foraging, and/or aestivating Habitats along the upper San Jacinto River and Bautista Canyon.

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- Conserve existing habitat values of the upper San Jacinto River and Bautista Creek for the benefit of the San Bernardino kangaroo rat.
- Maintain linkage area for bobcat along the San Jacinto River.
- Maintain linkage area for mountain lion along the San Jacinto River.
- Determine presence of potential Core Area for the Los Angeles pocket mouse along the San Jacinto River and Bautista Creek and tributaries.
- Maintain Core Area for Quino checkerspot butterfly.

Within Subunit 1, species slated for protection are arroyo toad, Bell's sage sparrow, burrowing owl, cactus wren, loggerhead shrike, mountain plover, Southern California rufous-crowned sparrow, white-faced ibis, bobcat, Los Angeles pocket mouse, mountain lion, San Bernardino kangaroo rat, Stephens' kangaroo rat, Coulter's goldfields, Davidson's saltscale, San Jacinto Valley, crownscale, spreading navarretia, vernal barley, and Wright's trichocoronis. Biological Issues and Considerations for this Subunit are:

- Conserve Willow-Domino-Travers soils supporting sensitive plants such as spreading navarretia, San Jacinto Valley crownscale, Coulter's goldfields, Davidson's saltscale, vernal barley and Wright's trichocoronis.
- Conserve intact upland Habitat in the southern Badlands for the benefit of burrowing owl, Bell's sage sparrow, raptors and other species.
- Conserve open grasslands and sparse shrublands that support populations of Stephens' kangaroo rat, with a focus on suitable Habitat in the southern Badlands.
- Maintain Core Area for bobcat.
- Maintain Core and Linkage Habitat for mountain lion.
- Maintain Core Area for the San Bernardino kangaroo rat.
- Determine presence of potential Core Area for the Los Angeles pocket mouse along the San Jacinto River and its tributaries.

As shown by the species lists and the objectives, the conservation called for in this federally adopted HCP goes beyond listed species *per se*, and is landscape-level conservation that preserves ecological processes such as disturbance regimes. Indeed, the MSHCP goes *beyond* the species "survival" and the mitigation requirements of the ESA that are imposed upon private parties (via Section 10) and agencies with a federal nexus (via Section 7). It brings in considerable public acquisition funds to "recover" species above and beyond the avoidance and mitigation requirements the ESA imposes upon permittees.

Within the San Jacinto Area Plan, land is more specifically identified for protection through quantitative standards applied to geographically mapped Criteria Cells. (Each Criteria Cell is 160 acres.) The Project Site is overlain with several Criteria Cells, specifically 2675, 2678, 2787, 2893, 2895, 2996, 3099, and 3100. (See enclosed maps.) Varying fractions of each cell or group of cells are described for conservation in Table 3-14, Criteria for San Jacinto Valley Area Plan. Such conservation will

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incrementally build out the Cores and Linkages while allowing compatible development to occur where conservation is not needed. For example, for Cell 2787:

Conservation within this Cell will contribute to assembly of Proposed Linkage 11. Conservation within this Cell will focus on Riversidean alluvial fan sage scrub, chaparral, and coastal sage scrub habitat associated with the San Jacinto River. Areas conserved within this Cell will be connected to coastal sage scrub habitat proposed for conservation in Cell Group W to the north. Conservation within this Cell will range from 45%-55% of the Cell focusing in the northern portion of the Cell.

In addition to Criteria Cell-based conservation, various survey requirements, narrow endemic species protections, and riparian and urban-wildland interface standards apply outside of the cells.

A fatal flaw in the DEIS is that it ignores the MSHCP and the potential impacts of the transfer upon the federally adopted MSHCP and the biological resources it protects through Cores and Linkages. This defect is on two levels, the Project Site and the Development Site. The impact analysis for the Development Site does not account for the Criteria Cell standards nor the special survey and other additional requirements. As a result, potential impacts to the species conserved by the MSHCP are not disclosed, nor to habitat connectivity and ecosystem processes and functions.

Similarly, the DEIR does not disclose the impact of potential *future* development that may occur within the Project Site – but outside the Development Site – on the MSHCP species, Cores, and Linkages. If the transfer is granted, local MSHCP regulations will not apply, nor state laws like CEQA. The DEIS assumes that the ESA will suffice for listed species¹, but as noted above, the MSHCP goes beyond ESA requirements. It conserves 120 *unlisted* species on an ecosystem basis, in addition to covering 26 listed species. Avoidance and mitigation requirements of the ESA are exceeded by a preserve system that conserves habitat *not* occupied by listed species, such as for connectivity and future species recovery needs. The document is thus incorrect when it states (p. 4-53) in regard to the San Bernardino kangaroo rat, “Through the application of ESA protection, the same or higher conservation standards for the species and its habitat, including critical habitat, should be achieved than under state or local environmental regulations.”

If current or future development on the Development Site or Project Site does not

¹ E.g., “Through the application of ESA protection, the same or higher conservation standards for the species and its habitat, including critical habitat, should be achieved than under state or local environmental regulations.” (p. 4-53)

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conform to the MSHCP, and federal or state permits are suspended or revoked (in whole or in part) in response, the development and infrastructure streamlining benefits of the plan will be lost. Delays in construction may have widespread economic consequences. Thus, as currently proposed, the broad protections of the MSHCP may be lost – and the benefits of the NCCP/HCP permits for MSHCP signatories jeopardized – if only future Section 7 consultations for listed species were relied upon.

The concerns over future development outside of the Development Site are not idle. In 2001, the Pechanga Tribe of Luisiño Indians (“Pechanga Tribe”) applied for a fee-to-trust transfer of 296.29 acres of land in Riverside County that was also overlain with Criteria Cells. In its NEPA documentation, no development was proposed and therefore no impacts were disclosed. Indeed, the site was to be preserved for cultural purposes. The transfer was granted.

However, in early 2007, the Pechanga Tribe commenced golf course construction through the disruptive grading of land on a portion of the fee-to-trust parcel, the same parcel that was to be used for “maintain[ing] and preserv[ing] the existing cultural resources found throughout the site” and the same parcel on which “no development [was] proposed or anticipated.” Pechanga Tribe Environmental Assessment at 1-1, 2-1 (March 2001). In essence, once the transfer occurs, all bets are off.

There is, however, a constructive precedent for addressing these important concerns. In 2008, via HR 2963, Congress transferred Bureau of Land Management property to the Pechanga Tribe that had previously been committed to the MSHCP. To avert MSHCP inconsistency, Congress imposed conditions on the transfer that prohibited all development:

3) DEVELOPMENT PROHIBITED-

(A) IN GENERAL- There shall be no development of infrastructure or buildings on the land transferred under subsection (a).

(B) OPEN SPACE- The land transferred under subsection (a) shall be--

(i) maintained as open space; and

(ii) used only for--

(I) purposes consistent with the maintenance of the land as open space; and

(II) the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

(C) EFFECT- Nothing in this paragraph prohibits the construction or maintenance of utilities or structures that are--

(i) consistent with the maintenance of the land transferred under subsection (a) as open space; and

(ii) constructed for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

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In the case of the proposed fee-to-trust Casino/Hotel Project, if the transfer is granted, the clear and compelling solution is to condition the transfer so that current development and any future land use fully conforms to the MSHCP. Based upon the information in the DEIS and our reading of the MSHCP, there is no significant conflict with the proposed use of the Development Site. Under MSHCP-consistent conditions, substantial future development could still occur on the Project Site, if other portions of the Project Site were managed for habitat purposes.

These potential impacts must be acknowledged. NEPA requires that efforts be made to address the Transfer's potential inconsistency with the MSHCP.

Failure to Disclose Impacts on Groundwater Resources

The DEIS also completely ignores the Transfer's potentially devastating impact on the *physical* condition of already depleted groundwater resources and on the environmental impacts of recharging these resources after water is extracted for the project, improperly focusing instead solely on impacts to the Tribe's water *entitlements*. Because such entitlements are more than sufficient to meet the Transfer's needs, the DEIS improperly concludes that there will be no impact on water resources, even though it is undisputed that adjoining water users may be severely prejudiced by the Tribe's drawdown of aquifers, and that substantial action will be required to recharge them.

The DEIS states that the project is expected to consume about 1,398 acre-feet per year. (DEIS at 4-18.) The document goes on to state that "[t]he additional demand from the proposed developments represents approximately 2 percent of the total available groundwater supply (64,229 acre-feet) for the Hemet/San Jacinto Groundwater Basin (Hemet/San Jacinto Water Management Area Annual Report, 2006: EMWD, 2007)." But even though "groundwater production in the[se] basins has exceeded operational yield since 1958 and are presently in a state of overdraft" (DEIS at p. 3-32), the DEIS maintains that this is not an impact because the Tribe has the right to extract plenty of water, and somebody else will make up for any shortfall:

"As discussed in **Section 3.2**, the Tribe has a priority water right of at least 2,900 AFY as stipulated by the Water Rights Settlement and associated WMP. The Tribe also has adequate well capacity to supply its projected demand, as discussed in **Sections 3.2** and **3.8**. Therefore, Proposed Action A would result in less than significant effects to the San Jacinto Groundwater Basin as the WMP will account for any overdraft caused by the proposed developments." (DEIS at pp 4-13 to 4-14,4-18.)

Specifically, artificial recharge and other measures would make up for the Tribe's depletion of aquifers:

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“The Hemet/San Jacinto Groundwater Management Area Water Management Plan (WMP) accounts for future demands and institutes artificial recharge measures to assure an adequate water supply. The WMP also states that EMWD and LHMWD will implement the WMP for the Canyon and Intake aquifers to “address the current overdraft, and recognize and take into account the Tribal Water Right” (Water Resources & Information Management Engineering, Inc., 2007).

The extensive WMP measures that enable the Tribe to extract its water for the Project without further damaging the Canyon and Intake aquifers come with equally extensive environmental impacts. Specifically, the WMP contemplates the following:

“The project that is considered to be the core of the Physical Solution is Phase I of the *Hemet/San Jacinto Integrated Recharge and Recovery Program (IRRP)*. Phase I of the IRRP has been designed, funded, and the necessary environmental permits are being acquired. Phase II is in planning stages. The complete project is designed to recharge (replenish) imported water and extract groundwater at a capacity such that the following goals are met:

1. *Satisfy Prior and Paramount Soboba Tribe water rights;*
2. Offset the estimated 10,000 acre-feet per year (AFY) overdraft in the Management Area; and
3. Provide an additional 15,000 AFY to help meet the projected demand increases.

Major elements of Phase I of the Project are:

- Modifications to Pump Stations (Warren and Commonwealth);
 - Construction of Pipelines;
 - Design and Construction of Recharge Basins;
 - Drilling Three Extraction Wells;
 - Installation of Pumps and Chlorination Equipment for Three Extraction Wells;
- and
- Design and Drilling of Three Monitoring Wells.

Additional details on Phase I of the IRRP are presented in Section 3.2.2 of this Plan, and details on Phase II are presented in Section 5.3.1.

In addition to the *San Jacinto River Integrated Recharge and Recovery Project*, there are other projects that the TC has identified as potential projects to be further considered in the future as part of the Physical Solution for the Management Area. These include *direct recharge* and *in-lieu recharge* projects and are described in Section 5.3 of this Plan.”

(Hemet/San Jacinto Groundwater Management Area Groundwater Management Plan Nov. 7, 2007, at p. 12, emphasis added.) Even though most or all of these measures are designed to permit the Tribe to deplete its aquifers so the Project can be supplied with water, *none* of the impacts from these projects are addressed in the DEIS. To the

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contrary, the DEIS indefensibly concludes that groundwater extraction for the Project will have *no* impact.

This failure of analysis is directly contrary to NEPA, which requires that a project's "indirect effects" on the physical environment be addressed. These are effects

"which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." (40 C.F.R. § 1508.8(b).)

In similar fashion, the DEIS recognizes the sober likelihood that groundwater depletion will create adverse impacts, but concludes that any shortfall is simply someone else's problem. The DEIS states: "As the Tribe *increases* its water use for the proposed developments, or for other uses unrelated to the Proposed Action and Alternatives, *groundwater pumping by others must decrease.*" (DEIS at pp. 4-13 to 4-14.) In other words, even though intensive use of depleted aquifers is likely to cause others hardship, and even though environmentally destructive measures are contemplated in the WMP to counteract the Tribe's groundwater consumption, the DEIS concludes that there will be no impact and that therefore "no mitigation measures are required. DEIS at p. 5-2.)

Nothing in NEPA even remotely suggests that impacts on *entitlements* can replace an analysis of impacts on the *physical environment*. To the contrary, the CEQ regulations unambiguously state that

"[h]uman environment" shall be interpreted comprehensively to include *the natural and physical environment* and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement." 40 C.F.R. § 1508.14, emphasis added.)

The DEIS' ignorance of impacts on the *physical* environment in favor of a socio-legal analysis of impact of the adequacy of the Tribe's legal entitlement in its assessment of impacts to groundwater resources invalidates the DEIS.

Inadequacy of Traffic Analysis

The DEIS asserts that traffic impacts will be less than significant, but relies on a deeply flawed analysis to support this conclusion. Specifically, the DEIS's assumptions about traffic volume rely on peak-hour studies that are wholly inappropriate for recreational venues such as casino/hotel developments. And empirical data cited by the DEIS' own consultant relating to actual weekend volumes is ignored without explanation.

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The result is a likely serious underestimate of weekend traffic volumes, with consequent failure to acknowledge impacts and provide for needed mitigation.

The traffic study for the Project notes that “[t]rip generation rates were determined for daily traffic, morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic for the proposed land uses.” (DEIS Appendix I, at p. 61.) Using this “peak-hour” methodology, the study concludes that “[t]he proposed development (Proposed Action “B”) is projected to generate a total of approximately 22,179 daily vehicle trips, 1,226 of which will occur during the morning peak hour and 2,107 of which will occur during the evening peak hour.” (Id.)

But there is no consideration in the DEIS—not even a mention—of weekend traffic volumes for the Project, despite the fact that casino/hotel traffic tends to far higher on weekends. Indeed, in Appendix E to the traffic study, an empirically based study of the Shingle Springs casino and resort, it was noted that Saturday traffic was more than 40% higher than weekday volumes. (See Appendix E to Appendix I, at p. 34 [9918 adt on weekdays v. 14,600 adt for Saturday].)

Nowhere in the DEIS is the word “Saturday” or “weekend” even used. Given the obvious relevance of weekend traffic counts, it would be the height of arbitrary and capricious action to approve the DEIS as drafted.

The result of this omission is not trivial. Traffic impacts on local communities are likely seriously underestimated. Air quality and GHG emissions estimates that are biased on the estimated traffic volumes are invalidated. Finally, traffic mitigation plans are not sized to meet the dimensions of the problem. In short, the BIA in the DEIS needs to go back to the drawing board to account for the impacts of weekend traffic volumes throughout the analysis. Its failure to do so violates NEPA’s requirement that an EIS “provide [a] full and fair discussion of significant environmental impacts” of the proposed agency action. 40 C.F.R. § 1502.1.

Failure to Properly Analyze Climate Change Impacts

The DEIS does mention the impacts of the project on climate change, but dismisses them as insignificant, noting the relatively small contribution the Project adds to the project, and the fact that there are currently no government-approved thresholds for determining significance. EHL submits that neither rationale justifies the DEIS’ failure to determine that the cumulative impact of the Project on climate change is significant.

The cumulative impacts regulation issued by the Council on Environmental Quality specifically provides that the agency must assess the “impact of the action when added to other past, present, and reasonably foreseeable future actions *regardless of what agency (Federal or non-Federal) or person undertakes such other actions.*” 40 C.F.R. § 1508.7; *see also Res. Ltd., Inc. v. Robertson*, 35 F.3d 1300, 1306 (9th Cir. 1994) (“The

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Forest Service says that cumulative impacts from non-Federal actions need not be analyzed because the Federal government cannot control them. That interpretation is inconsistent with 40 C.F.R. § 1508.7, which specifically requires such analysis.”).

The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires the BIA to conduct when assessing the impacts of one of the numerous transfers it must approve. Any given transfer might have an “individually minor” effect on the environment, but these actions are “collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7; *see also Native Ecosystems Council*, 304 F.3d at 897 (holding that the Forest Service’s road density standard amendments must be subject to cumulative impacts analysis because otherwise, “the Forest Service will be free to amend road density standards throughout the forest piecemeal, without ever having to evaluate the amendments’ cumulative environmental impacts.”); *City of Los Angeles v. NHTSA*, 912 F.2d 478, 501 (D.C. Cir. 1990) (Wald, C.J., dissenting) (“[W]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of the cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees?”), *overruled on other grounds by Fla. Audubon Soc. v. Bentsen*, 94 F.3d 658 (D.C. Cir. 1996).

The lack of government-sanctioned thresholds also does not excuse the BIA from its obligation under NEPA to make an assessment whether there is a significant cumulative effect on climate change from the project. Neither NEPA nor CEQA require quantitative thresholds of significance in order to discuss the environmental impacts of a proposed project. Indeed, the Ninth Circuit in *Center for Biological Diversity v. National Highway Traffic Safety Administration* 508 F.3d 508, 550 (9th Cir. 2007) (holding an EA inadequate for inadequate cumulative impacts analysis) specifically required such a determination despite the absence of an established threshold. The BIA here has an identical obligation.

Because the DEIS did not assess the significance of the Project’s cumulative contribution to climate change, it is invalid under NEPA.

Failure to Analyze All Reasonable Alternatives, Including a Development Alternative that Does Not Require a Transfer.

The DEIS examines a number of different transfer and development scenarios, as well as a no-project alternative and a no development alternative. But what it inexplicably does not do is determine whether the Tribe’s legitimate aspirations for autonomy and economic development can be met by a casino/hotel project on lands that are *already* on the reservation or in trust. This omission renders the analysis of alternatives in the DEIS invalid.

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It is well settled that, in addition to the proposed agency action, every EIS must “[r]igorously explore and objectively evaluate *all* reasonable alternatives” to that action. 40 C.F.R. § 1502.14(a). The analysis of alternatives to the proposed action is “the heart of the environmental impact statement.” *Or. Natural Desert Ass’n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1121 (9th Cir. 2008) (quoting 40 C.F.R. § 1502.14). “The existence of reasonable but unexamined alternatives renders an EIS inadequate.” *Friends of Southeast’s Future v. Morrison*, 153 F.3d 1059, 1065 (9th Cir. 1998).

There is no reason why a development scenario on existing reservation and trust land is not a reasonable option available to the Tribe. The DEIS states that the existing Tribal land that is not within a flood plain is consumed by residential and agricultural assignments and is therefore unavailable. The DEIS explains as follows:

“All remaining developable land in the vicinity is encumbered by assignments to Tribal members, who have valid and enforceable rights to the assigned tracts under Tribal law (see **Figure 2-9**). Most of the land assignments near the existing casino are held for residential purposes, and given both increases in the adult membership and the growing needs of emerging young families in the foreseeable future (see **Section 3.6.3**), *it is highly unlikely that the assignment holders could be persuaded to make any of this residential land available for commercial development*. The remaining land assignments near the existing casino are held for agricultural purposes, and given the historical and cultural importance of agriculture in Soboba society; *it is equally unlikely that the assignment holders could be persuaded to make any of this agricultural land available for commercial development*. Hence, any addition to the casino facilities must take place outside of current Reservation boundaries.” (DEIS at p. 2-43, emphases added.)

Nowhere in the DEIS is it explained just why the holders of these assignments could not be persuaded to sell their rights to the Tribe for commercial development. What percentage of the assignment holders would need to sell their rights to accommodate the casino/hotel expansion? Have all of the holders been offered a reasonable sum and turned it down? Has a survey been taken? Are all the assignments already fully exercised with existing investments in residential and agricultural development?

In the absence of evidence relating to these questions, unsupported assertions about the holders’ unwillingness to sell their rights is pure speculation, and is not evidence of the required “hard look” at the reasonableness of an alternative that would accommodate this development on existing trust and reservation land.

Until this “hard look” is taken at an on-site development alternative that would avoid MSHCP criteria cells, and until that “hard look” is documented, the DEIS’ alternatives analysis is invalid.

A08-201 cont.
A08-202
A08-203

Conclusion

For all the above reasons, the DEIS cannot be approved and a Record of Decision issued on the Project consistent with NEPA. EHL believes, however, in the potential of constructive engagement between the project proponent and other stakeholders to resolve outstanding issues. We are more than willing to engage in such a process at the Tribe's and the BIA's convenience. You may contact the undersigned at 310-947-1908, or you may contact Dr. Dan Silver, EHL's Executive Director, at 213-804-2750.

Respectfully submitted,

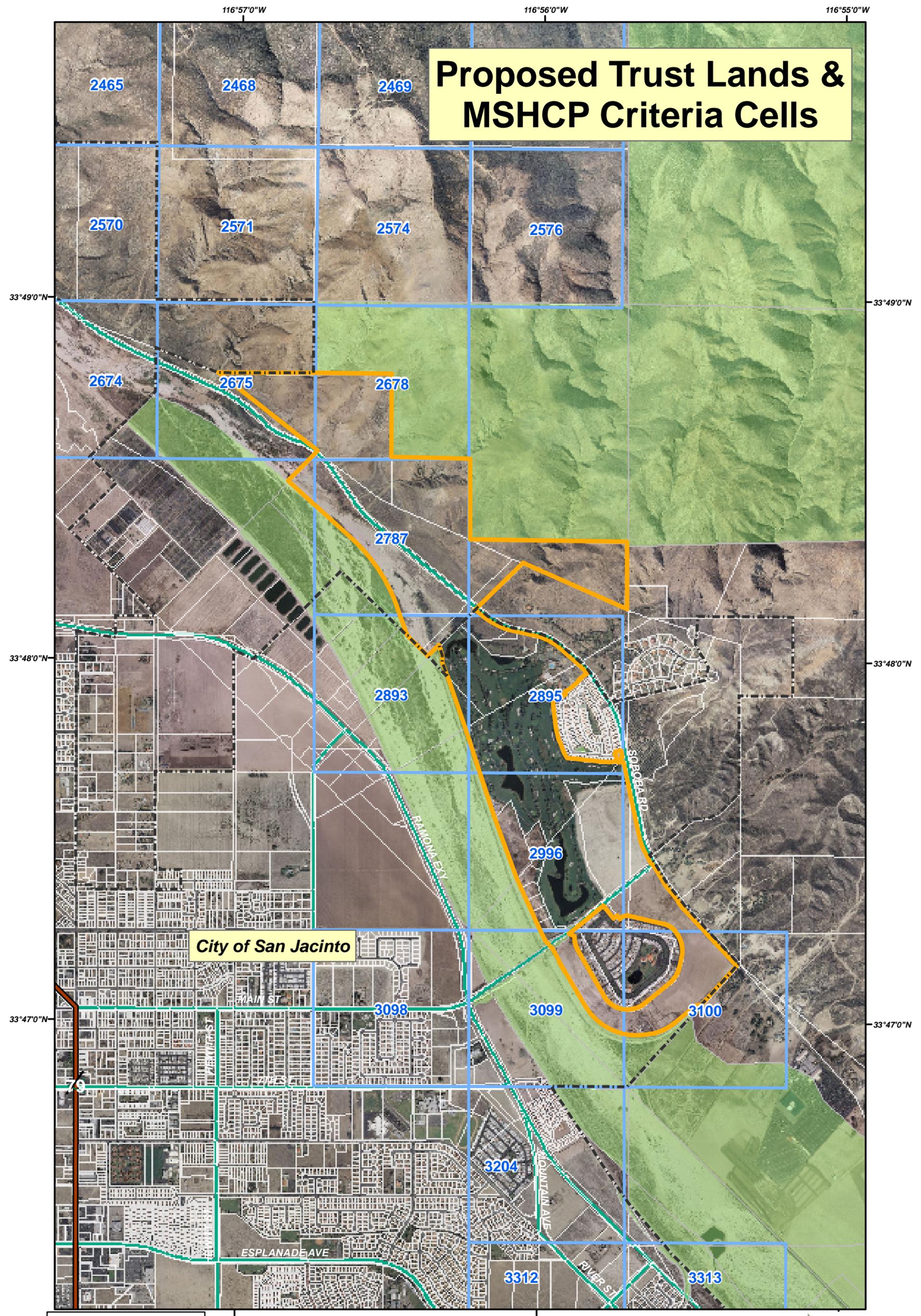
Michael D. Fitts
Staff Attorney

cc: Dept of the Interior
US Fish and Wildlife Service
California Dept of Fish and Game
County of Riverside
Western Riverside County Regional Conservation Authority
City of San Jacinto
Interested parties

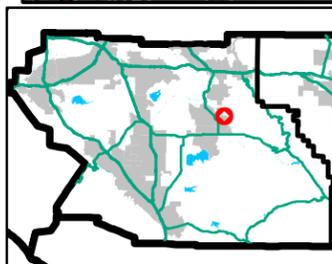
Attachments

Maps of MSHCP Criteria Cells and Proposed Trust Lands

Proposed Trust Lands & MSHCP Criteria Cells



City of San Jacinto

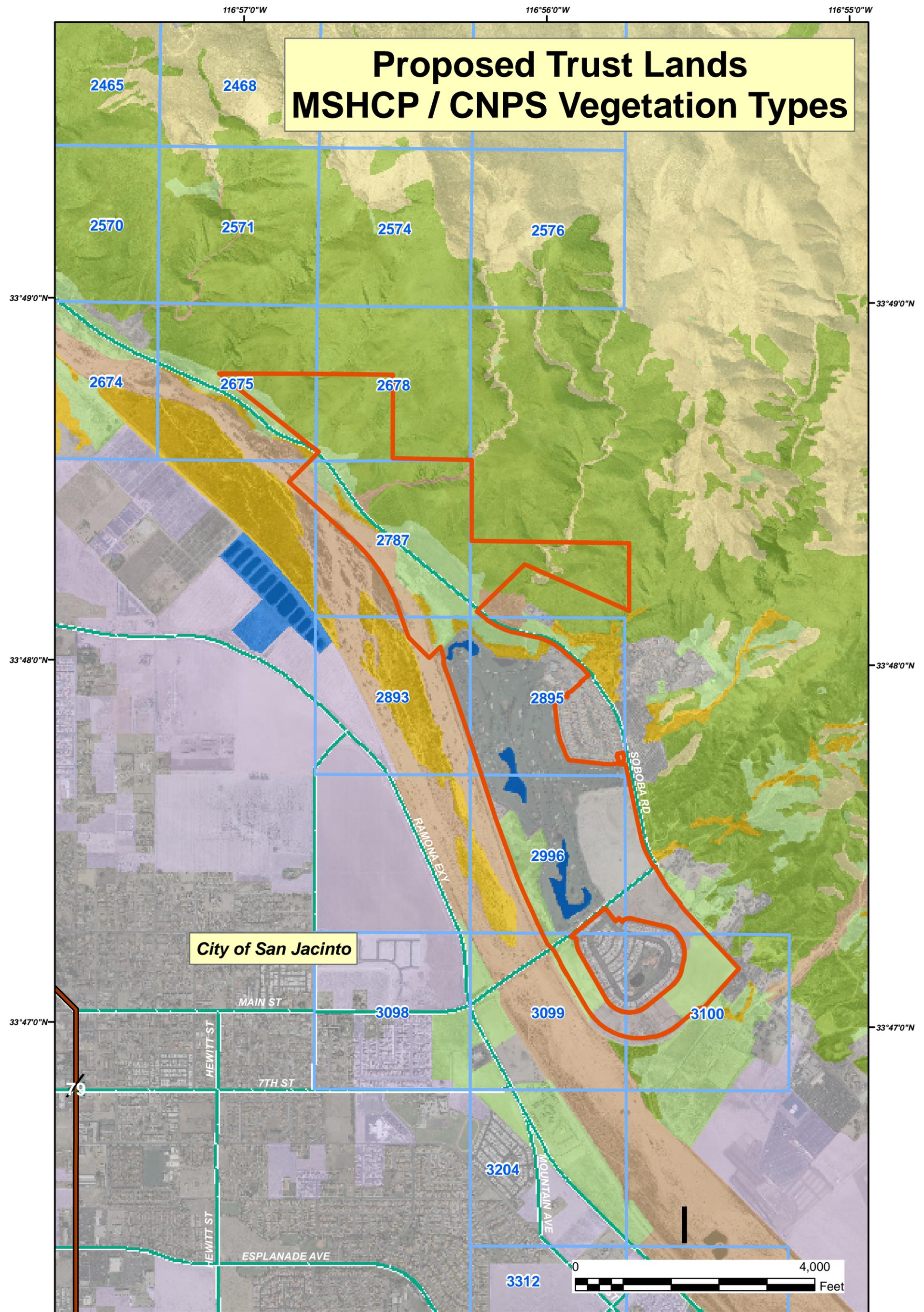


- HIGHWAYS
- CITIES
- Project Site
- Criteria Cells
- Public/Quasi-Public Conserved Land
- RCA MSHCP Conserved Land
- General Plan Roads

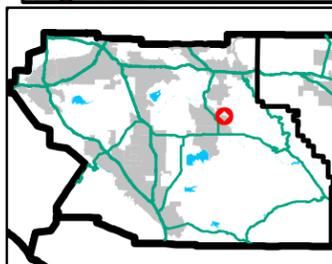


July 6, 2009

Proposed Trust Lands MSHCP / CNPS Vegetation Types



City of San Jacinto



- | | | |
|------------------------------------|---------------------------|-----------------------------------|
| Project Site | Desert Scrub | Playas and Vernal Pools |
| MSHCP/CNPS VEGETATION TYPES | Developed/Disturbed Land | Riparian Scrub, Woodland, Forest |
| Agricultural Land | Grassland | Riverside Alluvial Fan Sage Scrub |
| Chaparral | Meadows and Marshes | Water |
| Coastal Sage Scrub | Montane Coniferous Forest | Woodland and Forests |
| | No equivalent | |



July 6, 2009



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road, Suite 101
 Carlsbad, California 92011

In Reply Refer To:
 FWS-WRIV-08B0367-09FA0048

SEP 15 2009

Mr. Dale Morris
 Pacific Regional Director
 Bureau of Indian Affairs
 2800 Cottage Way, Room W-2820
 Sacramento, California 95825

Subject: Draft Environmental Impact Statement for Soboba Reservation Proposed Fee-to-Trust Casino/Hotel Project, Riverside County, California

Dear Mr. Morris:

We have reviewed the draft environmental impact statement (DEIS) for the proposed conveyance of 34 parcels (approximately 535 acres) owned in fee title by the Soboba Band of Luiseño Indians (Tribe) to Federal trust status. The fee title lands are defined in the DEIS as the "Project Site" and described as the Soboba Spring Golf and Country Club (140 acres) and Ramljak property (395 acres). The Ramljak parcels were purchased by the Tribe in 2007 and are undeveloped. The remaining 140 acres contain an existing golf course, country club, and undeveloped lands. Within the 140 acres, the Tribe proposes to develop approximately 55 acres into a destination hotel/casino complex. Construction of a waste water treatment plant was identified in the DEIS as a separate but related project to the proposed action. The waste water treatment plant along with the associated pipeline and percolation pond would be constructed on the existing Tribal Reservation.

The primary concern of the U.S. Fish and Wildlife Service (Service) is the protection of public fish and wildlife resources and their habitats. Our agency has legal responsibility regarding migratory birds and anadromous fish. We are also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We are providing the following comments and have enclosed additional specific comments in keeping with our agency's mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

Western Riverside County Multiple Species Habitat Conservation Plan

On June 22, 2004, we issued a section 10(a)(1)(B) permit pursuant to the Act for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the

incidental take of covered species in association with activities covered under the permit. A single permit was issued to 22 permittees for a period of 75 years. The permittees include the City of San Jacinto, County of Riverside, Riverside County Flood Control and Water Conservation District, and 19 other local and State jurisdictions.

The goal of the MSHCP is to assemble 153,000 acres of new reserve lands (Additional Reserve Lands) that will encompass core habitat areas and linkages in conjunction with existing Public/Quasi-Public lands to provide for the long-term conservation of 146 “covered species.” The MSHCP defines a Criteria Area that represents the area from which the Additional Reserve Lands will be assembled. The Criteria Area is divided into numbered cells with associated written criteria that describe the conservation expected within individual cells or cell groups (MSHCP section 3.2.3). The MSHCP identifies cores and linkages to be assembled, planning species, biological issues and considerations for purposes of reserve assembly, and species-specific objectives. Integral to the MSHCP conservation strategy is the permittees’ obligation to monitor and manage the reserve in perpetuity for the benefit of covered species.

The MSHCP specifies a variety of other conservation measures that will be implemented by the permittees in association with “covered activities” (e.g., development projects, roads, and other infrastructure) to ensure impacts to covered species are avoided, minimized, and/or mitigated. These measures include additional surveys for certain covered species within defined survey areas (MSHCP section 6.3.2) and compliance with policies and guidelines to protect sensitive plant communities and associated covered species [e.g., the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP section 6.1.2)].

It is the responsibility of each permittee to ensure that covered activities (e.g., development approvals) are consistent with the MSHCP in terms of assembling the MSHCP reserve system and to ensure other relevant policies and procedures are implemented according to the plan. The permittees are required to make findings on a project-by-project basis that actions under their discretion demonstrate consistency with the MSHCP. The Tribe’s fee-owned lands are currently subject to the conservation criteria necessary to assemble the MSHCP reserve, specific survey requirements and conservation measures for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and burrowing owl (*Athene cunicularia hypugaea*), and MSHCP procedures related to riparian and riverine resources.

The DEIS does not adequately assess the impacts of the proposed fee-to-trust land conveyance in terms of the existing MSHCP. Of the approximate 535 acres proposed for conveyance to Tribal Trust, 462 acres occur within the MSHCP Criteria Area, specifically within cell group Z (cells 3099, 2996, 2895, 2893), cell group W (cells 2675, 2678), and individual cells 2787 and 3100. Lands targeted for conservation within this area are necessary to assemble MSHCP Proposed Core 5 and Proposed Linkage 11. Proposed Core 5 is anticipated to comprise portions of the upper San Jacinto River and adjacent areas. Proposed Core 11 would connect Proposed Core 5 with two other MSCHP core areas. The MSHCP identifies Proposed Core 5 and Proposed Linkage 11 to provide habitat for covered species including the San Bernardino kangaroo rat, Los Angeles pocket mouse, arroyo toad (*Bufo californicus*), bobcat (*Lynx rufus*), mountain lion (*Puma concolor*), slender-horned spineflower



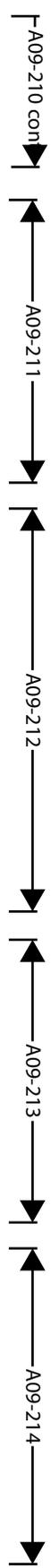
(*Dodecahema leptoceras*), least Bell's vireo (*Vireo bellii pusillus*), Bell's sage sparrow (*Amphispiza belli belli*), and southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*).

In addition to the reserve assembly requirements dictated by the cell criteria, species-specific surveys are required within suitable habitat located within the proposed fee-to-trust land area for the San Bernardino kangaroo rat, Los Angeles pocket mouse, and burrowing owl. For locations with positive survey results, the MSHCP requires 90 percent avoidance of those portions of the property that would provide for the long-term conservation of the identified species. In the event avoidance is not feasible, the MSHCP permittees are required to demonstrate an alternative that would provide biologically equivalent or superior preservation (MSHCP section 6.3.2). The biologically equivalent or superior preservation findings are submitted to the Service and California Department of Fish and Game for review.

The MSHCP provides for the protection of species associated with riparian and riverine resources. Riparian and riverine resources are defined for the purposes of MSHCP implementation (MSHCP section 6.1.2) and generally encompass a broader area than U.S. Army Corps of Engineers jurisdictional waters. Permittees are required to ensure project's under their discretionary action develop alternatives that demonstrate efforts which first avoid and then minimize direct and indirect effects to the riparian/riverine resources. Avoidance alternatives shall be selected if feasible and the avoided areas conserved. If an avoidance alternative is not feasible, then a permittee must demonstrate a biologically equivalent or superior preservation alternative that evaluates project impacts in terms of covered species, conserved habitats, riparian linkages, and function of the MSHCP reserve. In addition, least Bell's vireo and southwestern willow flycatcher (*Empidonax trailli extimus*) surveys are required within suitable habitat. If these species are present, the MSHCP identifies species-specific avoidance and buffer requirements (MSHCP section 6.1.2 and Table 9-2).

As stated in the DEIS, the conveyance of the fee title land to Tribal Trust would remove the subject lands from local and State jurisdictions. The proposed casino/hotel destination project and any future development within the fee-to-trust lands would not be subject to MSHCP requirements. Removal of local and State jurisdictions would preclude the permittees' from fully implementing their obligations under the MSHCP, particularly in terms of assembling Proposed Core 5 and Proposed Linkage 11 and implementing species-specific conservation requirements for covered species. Lands targeted for reserve assembly would not be monitored or managed for the benefit of covered species. The loss of lands subject to the MSHCP represents a significant impact and needs to be adequately addressed prior to finalizing the DEIS.

We recognize that portions of the proposed fee-to-trust lands are already developed (e.g. golf course, club house) and would not contribute to the MSCHP. However, undeveloped lands immediately adjacent to the San Jacinto River, the undeveloped Ramljak parcels within Criteria Area, and lands within the species survey areas are expected to contribute to the MSHCP reserve assembly and the conservation of covered species. To minimize impacts to the MSHCP, we recommend that, prior to finalizing the DEIS, other alternatives be evaluated, such as limiting the fee-to-trust land conveyance to the existing golf course/country club, undeveloped land immediately north of Lake Park Drive, and undeveloped land south of Lake Park Drive immediately east of the existing development excluding the undeveloped lands adjacent to the San Jacinto River.



San Bernardino Kangaroo Rat

The DEIS does not provide an adequate assessment of potential impacts to the federally endangered SBKR. As stated in the DEIR, surveys for this species have not been completed. We have coordinated with your agency and representatives of the Tribe and their biological consultant to identify our recommendations for assessing impacts to the SBKR from the fee-to-trust conveyance and the related waste water treatment facility. It is our understanding that the trapping efforts have commenced, and we will continue our coordination once the trapping results are available.

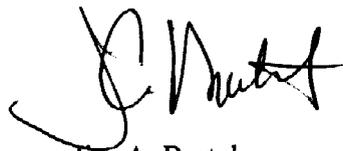
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A09-215
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According to the DEIS, the Riverside County Flood Control and Water Conservation District (District) is required to certify that the right bank levee surrounding the proposed development site is adequate to maintain the current mapped flood plain Zone X designation (defined as areas protected by levees from 100-year flood). At this time, the District has not yet completed this assessment. However, we are concerned if the existing levee is deemed insufficient that future flood control measures may be required. Flood control measures that encroach into the San Jacinto River or that would negatively affect the hydro-geomorphic processes of the river are a concern particularly with regard to the SBKR. If the levee is deemed to be inadequate and flood control structures are needed, the impacts associated with any flood control structures would need to be identified. This issue needs to be addressed prior to finalizing the DEIR.

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A09-216
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We appreciate the opportunity to comment on the proposed project and look forward to working closely with your agency to resolve these issues. For information on the MSHCP or questions regarding this letter, please contact Doreen Stadlander of this office at (760) 431-9440, extension 223.

Sincerely



Jim A. Bartel
Field Supervisor

Enclosure

cc:

Leslie MacNair, California Department of Fish and Game, Ontario, CA
Charles Landry, Western Riverside Conservation Authority, Riverside, CA

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A09-216
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**Specific Comments DEIS Soboba Reservation Proposed Fee-to-Trust
Casino/Hotel Project Riverside County, California**

Biological Resources, Section 3.4.5 Survey Results, Table 3-11, Page 3-53. Table 3-11 erroneously reports that the project site is outside the geographical range of the southwestern willow flycatcher. Also, the project site is outside the geographic range of the Palm Spring's ground squirrel (*Spermophilis tereticaudus chlorus*), which is reported as having a potential to occur within the project area. Based on information presented in Table 3-11, it is unclear if the project area was assessed for the potential occurrence of the federally listed arroyo toad (*Bufo californicus*) and Riverside fairy shrimp (*Streptocephalus woottoni*). Please note that no critical habitat for SBKR has been designated within the project site.

Environmental Consequences, Section 4.2. Water Resources, Page 4-10. The DEIS indicates that the proposed development would result in changes to runoff that could result in a variety of effects including increased stream volumes and velocity, increased peak discharges, and decreased groundwater. However, the potential effects to biological resources in the San Jacinto River in terms of changes in flow rates, velocity, sedimentation, and scour is not assessed.

Environmental Consequences, Section 4.2. Water Resources, Page 4-10. The DEIS references implementation of the Hemet/San Jacinto Water Management Plan (WMP) to address water demands of the project. The DEIS should also address implementation of the WMP in terms of cumulative impacts to biological resources.

Environmental Consequences, Section 4.4. Biological Resources, Page 4-52. The DEIS states that no impacts are expected to occur with the development of the casino/hotel destination project because the coastal California gnatcatcher (gnatcatcher) was not observed during reconnaissance surveys. Please note that in order to adequately determine the potential effects of the proposed project including the related waste water treatment facility, we recommend focused surveys for the gnatcatcher be conducted according to recommended protocols if suitable habitat is present.

Environmental Consequences, Section 4.4. Biological Resources, Page 4-56. Information reported in the DEIS suggests that the Los Angeles pocket mouse is absent from the development site because no suitable habitat is present. During our site visit with your biological consultant on August 6, 2009, suitable habitat and active burrows were identified within the development site; therefore, impacts to Los Angeles pocket mouse need to be addressed.

Mitigation Measures, Section 5.4 Biological Resources, Page 5-6. We recommend that focused surveys for burrowing owl are conducted and that specific measures be identified to address potential impacts to the burrowing owl if the species is present.



LAKE PARK soboba springs

2230 Lake Park Drive, San Jacinto, CA 92583 (909) 654-4710 Fax (909) 654-8892

September 15, 2009

Bureau of Indian Affairs
 Attn: John Rydzik
 2800 Cottage Way
 Sacramento, California, 95825

RE: Scoping Report for the DEIS of the Soboba Horseshoe Grande Project

Dear Sir or Madam:

This letter is in reference to the Scoping Report for the Draft Environmental Impact Statement (DEIS) of the Soboba Horseshoe Grande Project released July 5, 2009 and not received until early August. Residents in the surrounding Communities were given approximately thirty (30) days to review this overwhelming library of documents exceeding 2000 pages, prior to the public comment meeting held on August 5, 2009. Unfortunately, we were given very little time to review the massive amounts of documentation.

Our review of the DEIS finds that not one of our 13 concerns was addressed and further the projected plans for the development completely ignored corresponding environmental issues. The points below directly affect all of the immediate residential neighbors and more specifically Soboba Springs Mobile Estates.

- Residential neighborhood
- Annexation - Jurisdictional Islands
- Recorded Easement Agreement
- Gaming Prohibition
- Waste Water Treatment Plant
- Public Safety
- Traffic
- Environmental
- Outdoor Arena
- Government Review Process
- Local Services
- Set-backs / Buffers
- Alternative locations

The above concerns were detailed in our letter of January 18 2009 (see attached) as a response to the Scoping Meeting. These concerns have not been addressed in the DEIS as relates to Soboba Springs Mobile Estates and the immediate neighboring residential communities. We are asking for the BIA to revisit our original letter. Simply stated, the proposed development outlined in the DEIS Report inadequately addresses the existence of the surrounding residential communities

Our concerns for future is that interaction with the Soboba Band tribe are honorable and just. This process has not mitigated the main points of concern discussed and submitted since the scoping meeting. It appears that the environmental issues were brushed to the side with little regard. The outcome of this decision must take into consideration the proposed annexation is isolating existing residential communities within a reservation.

In closing, we plead with the BIA to implement fairness when making their decision for the proposed fee to trust request. As stated by a BIA representative at the last public hearing held on August 5, 2009, "It is the BIA' s responsibility to do what is in the best interest of the Tribe, "provided that it is not detrimental to the existing communities"". We emphatically support the sentiment of this statement and are only asking for justice for the surrounding established homeowners. It is quite simple to understand, there is inadequate space for the proposed operation and needed buffers to border existing residential land use.

Historically our communities have lived in harmony with the Soboba Band of Luiseno Indians. The proposed annexation and change of land use has already induced animosity and created dissension amongst those of us long term friends. We urge you to look at other alternatives for the proposed expansion. Please realize the magnitude of your decision as it relates to those most affected the immediate neighbors.

Sincerely,



Edwin J. Evans

Managing Member, EPM Zimmer II, LLC.

General Partner, Soboba Springs Mobile Estates



Lake PARK soboba springs

1055-B Ortega Way, Placentia, CA 92870 (714) 632-1646 Fax (714) 632-5305

January 18, 2008

Ms. Amy Dutschke
Acting Regional Director,
Pacific Regional Office – Bureau of Indian Affairs,
2800 Cottage Way
Sacramento, California, 95825

RE: Soboba Band of Luiseno Indians – Proposed Hotel/Casino Project, EIS

Dear Ms. Dutschke:

We, the owners of Soboba Springs Mobile Estates, located at 2230 Lake Park Drive, San Jacinto, CA 92583, wish to express our concerns for the annexation of 535 acres of land which would totally surround our Community within Tribal land.

Soboba Springs Mobile Estates consists of 254 mobile homesites with a population of over 400 Senior Citizens. The Community was first constructed in 1970 and is known to be one of the finest Manufactured Home Communities in the Hemet Valley. The average age of the Homeowners in Soboba Springs Mobile Estates is 75 years, with 15 homeowners over 90 plus years of age. Our Community has elaborate recreation facilities, a reflection lake, driving range and a putting course, all providing an unparalleled lifestyle for our active Seniors.

We have seen only sketchy uncommitted plans of the Tribe's intended development. It is very difficult to visualize the Tribe's proposal without an adequate project description in an EIS that includes, without limitation, conceptual plans showing buildings, traffic circulation, land use planning and landscaping buffering. Consideration for annexation of the 535 acres should include detailed plans of the proposed development, normally required by cities and counties. The documentation provided at the Public Scoping Meeting by the Tribe was grossly insufficient to achieve a conclusive environmental review and comment.

You should also know that in 1981 and 1982 EPM (Soboba Springs Mobile Estates – "Owners") and Daon Corporation entered into "Easement Agreements", which were recorded on December 31, 1981 and February 5, 1982 in Riverside County. The easement agreements allowed for a secondary ingress and egress, land for RV storage and a 10' perimeter strip, on the (then) Daon Property, which is adjacent to Soboba Springs Mobile Estates\ (exhibits are attached). These easements are now the obligation of the Soboba Band of Luiseno Indians, as they now hold land title. The property impacted by these easements cannot be taken into trust for the Tribe under applicable law, including, without limitation, 25 C.F.R. 151.13 until these title restrictions are addressed through negotiations by the Tribe and BIA with us.

It is our understanding that Class III gaming is generally prohibited on land acquired and placed into trust for the Tribe after October 17, 1988, according to 25 U.S.C. Section 2719 of IGRA. We believe the Tribe has other land or locations where an operation of this size would have less impact on the long established neighboring residential community as a whole.

We are also especially concerned that the Tribe's proposed expansion plan calls for a "Wastewater Treatment Plant", however, the Tribe has not shown the proposed location for the plant. Through discussion, it is now our understanding the proposed placement is to border our property on the Southwest of Soboba Springs Mobile Estates. A "Wastewater Treatment Plant" bordering our "Residential Community" would be a disaster. The prevailing winds would constantly bring unavoidable odors to this Senior Community. There must be other land available for this Wastewater Treatment Plant or the possibility of tying the Tribe's waste treatment into the existing Lake Hemet Municipal Water District for their

associated needs. We ask that this alternative and all other options be analyzed as alternatives to the construction of an on-site waste treatment plant by the Tribe.

Public Safety, where should we begin? In the last month alone there have been three front page articles of high speed chases with bullets flying (see the attached articles). There has been a history of small arms fire coming from the reservation. Bullets being shot into the air have on many occasions landed within the Soboba Springs Mobile Estates. Fortunately to date, no one has been injured by the stray bullets. The Fire Department will not even enter the Soboba Reservation without a Sheriff's escort (see the enclosed articles).

Traffic is unbearable during Casino Special Events even without the proposed expansion. Our residents have been delayed over two hours, due to the roads being over taxed. There are no allowances for law enforcement and emergency services during these traffic jams. Emergency vehicles have been known to drive off the roadways to bypass jammed traffic leading to the casino. This is an existing detriment to our community. Traffic studies must take into account traffic volumes during special events. What will the plans be for widening the existing roads, traffic controls and traffic management? Does the Tribe have an adequate evacuation plan in the event of an emergency? Who will be responsible for these expanded problems which are not currently being taken seriously? We are a Senior Community who rely on "Emergency Medical Technicians" on a regular basis. The delays for emergency equipment even today are life threatening without the expansion of the proposed project.

We are concerned that without adequate mitigation the proposed casino expansion will result in devastating consequences for the area. Public safety, traffic, air pollution, noise, overpowering lighting and signage, view restrictions, unlimited hours of operation, residential to commercial buffering, utilities, and sanitation are all issues of major concern. The residents of Soboba Springs Mobile Estates choose their homes for the peace and tranquility of the rural residential setting. Most have lived in the city and were impacted by the increasing traffic, pollution, noise and lighting accordingly. They were lured to Soboba Springs by the beautiful mountains and lush landscape. Erecting a hotel right outside of the Park will diminish the view and change the atmosphere. Currently, the Soboba Casino has four spot lights that permeate the sky all evening, compromising those lost starry night sky's. Will the Tribe continue to use such lighting next door or will the plan be conducive to their neighbors by restricting the pending operation to localized lighting on the facility.

For example, outdoor concerts have been routinely held on the Soboba Reservation. Our community has been affected by noise, traffic and debris thrown from cars as they leave the reservation. If this proposal is approved will this bring these venues to our back door without consideration?

In past years our residents have been impacted by decisions made by Tribal members, i.e., holding Day/Night racing on a dirt bike track radiating the surroundings with the constant reverberation of roaring motorcycles. Our expressed concerns to the Tribe Council were met with, "it is out of our control" as though the parcel was not within tribal control. Several months later, after a number of related injuries occurred, and tragically a death, this activity was finally stopped by the Tribe. History has not demonstrated confidence that our issues will be taken seriously by the Tribe.

If the additional land is taken into trust by the BIA for the Tribe, we anticipate loss of local governmental control, which we know looks out for such property rights and environmental issues. The land in question is now under the domain of the City of San Jacinto with General Plans, Zoning Laws, Ordinances and Building Codes along with State law all designed to regulate development and construction. What restrictions will govern and mitigate the proposed development by the Tribe under Federal law if this land is taken into trust. Where is the oversight?

By taking the desired additional land into trust, we foresee the Tribe would be exempt from the current local zoning and will no longer be subject to the City's General Plan. The residential nature of this existing area would be overwhelmed by the proposed congestion that comes with a large scale casino and hotel operation, encompassing our quiet community within a non-conducive commercial activity. If unmitigated, the residential character will be lost forever.

The Tribe should agree to subject itself to the City of San Jacinto's local land use process for development standards and building codes enforcement for the expansion project. This is done in other local communities, such as by the Agua Caliente Band in the City of Palm Springs. Further, the Tribe should agree to reasonable building design and height of all buildings, and agree to be subject to local planning oversight by the City, which has and should maintain the compatibility of the proposed expansion. Soboba Springs Mobile Estates has been protected by such ordinances which govern zoning, planning and respective set-backs for the adjacent properties.

If additional lands are taken into trust for the Tribe and the hotel and casino project begins, Soboba Springs' residents will be burdened by corresponding noise, dust and vibration and many other adverse impacts during the construction of the project. The hours of operation and construction therefore need to be limited to reasonable hours and measures must be required to be taken by the Tribe to mitigate construction nuisances.

What impact is this annexation and proposed project going to have on local services? We already know the Fire Department and Paramedics will not enter the reservation without a police escort. The Tribe does not currently have a contract for police services; they are using their own private security guards (and not sworn peace officers that are certified under State law, P.O.S.T.). The Tribe should be required to hire a sufficient number of sworn peace officers that are certified under State law, P.O.S.T, to ensure that public safety needs are adequately met if the Tribe's expansion project is approved by the BIA.

Currently our streets are maintained by the City of San Jacinto, so who will be responsible for maintaining Lake Park Drive? What impact will a project of this caliber have on our already burdened utility companies (brown outs)? Again, these are concerns that must be addressed in the EIS.

One mitigation measure we feel should be fully analyzed in the EIS is placing an adequate "buffer zone" around our mobilehome park proportionate to the proposed development. In addition to this buffer zone, we request that the Tribe finish the block wall around the Community with an additional exit for emergency evacuation, in accordance with our easement agreements. These measures will give our Community a little relief from the intensity of the new casino and the (yet to be fully disclosed) development of the property immediately surrounding our mobilehome community.

Economics always comes into play, especially when combinations of intense uses are imposed upon residential properties. It becomes quite clear that the proposed uses of the land surrounding our mobilehome community and the homes therein will be dramatically impacted, particularly if strong mitigation measures are not imposed. Our residents have had the benefit of the quiet enjoyment of this private community for 35 plus years. Most have placed their nest egg in their homes. They have justified concerns that the proposed project will deflate their property values. We ask the committee to consider the impact this proposed project will have on the property values in the neighboring residential properties.

Please understand we do not want to stand in the way of the Tribe's progress; however, the BIA must put sufficient mitigation measures in place so that our Homeowners can in fact coexist with the impacts of the proposed Tribal uses, which go way beyond the norm. We have in the past enjoyed good relations with the Tribe and stand ready to work with them and the BIA to accomplish these goals.

Finally, we are most concerned about the governmental authority and accountability the Tribe will have towards us and other surrounding neighbors, after the BIA completes it review through this process. Therefore, we hope to have discussions with the BIA and the City in the near future, besides the Tribe, to best address our concerns. Thank you for your time and consideration in evaluating our aforementioned concerns.

Sincerely,



Edwin J. Evans
Managing Member EPM Zimmer Company, L.L.C.
General Partner, Soboba Springs Mobile Estates



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City of Canyon Lake

Mike Gardner
City of Riverside

Frank Hall
City of Norco

Jim Hyatt
City of Calimesa

Robin Lowe
City of Hemet

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Eugene Montanez
City of Corona

James Potts
City of San Jacinto

Jeff Stone
County of Riverside

John Tavaglione
County of Riverside

Roy Wilson
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

September 14, 2009

Mr. John Rydzik, Regional Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825
Fax: (916) 978-6099

**RE: WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY'S COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE SOBOBA BAND OF LUISEÑO INDIANS' ("TRIBE")
HORSESHOE GRANDE FEE-TO-TRUST APPLICATION**

Dear Mr. Rydzik:

Thank you for the opportunity to review and comment on the draft environmental impact statement ("DEIS") for the Soboba Horseshoe Grande Fee-to-Trust Application ("Project"). The Western Riverside County Regional Conservation Authority ("RCA") is a joint powers authority created by the County of Riverside and the fourteen (14) cities¹ in western Riverside County.² The purpose of the RCA is to acquire, administer, operate, and maintain land in order to establish habitat reserves (the "Conservation Area") for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP" or "Plan") and to implement the MSHCP. The MSHCP preserves and protects 146 species by acquiring lands for the Conservation Area. The permits for the MSHCP were issued by the United States Fish and Wildlife Service and the California Department of Fish and Game in June 2004. The MSHCP is an integral component of the Riverside County Integrated Project ("RCIP")³ and therefore qualifies as a regional land use plan. The RCA offers the following comments.

¹ The newly incorporated cities of Wildomar and Menifee joined the RCA this year, so sixteen (16) cities, along with the County, are now members of the RCA.

² See <http://www.wrc-rca.org/>.

³ Because the County of Riverside is one of the largest and fastest growing counties in the United States, the County, the Riverside County Transportation Commission, the cities in western Riverside County, other interested public agencies and associated stakeholders created a comprehensive planning effort entitled the Riverside County Integrated Project, or RCIP, to address local environmental, transportation and land use needs with the goal of anticipating and shaping the pattern of growth within the County to maintain and enhance the quality of life for its residents. (see <http://www.rcip.org/>.)

We wish to make it clear that the RCA has no objection to the Project per se. RCA submits these comments instead to address the biological impacts of the Project and how it negatively impacts the MSHCP. As mentioned in Appendix H to the DEIS, the property on which the Project will be located is within the boundaries of the MSHCP. As shown in the maps attached to this letter, the Project is located within eight (8) Cells in the MSHCP Criteria Area. These Cells are important because a total of 310,000 acres of Cells exist in western Riverside County from which approximately 153,000 acres will eventually contribute to the "Conservation Area" or "Reserve." Normally, development projects within Cells would be required to pay a MSHCP fee (the "Local Development Mitigation Fee" or "LDMF"⁴) and potentially require the project applicant to dedicate some part of the project area to be conserved. Given that the Project fails to comply with MSHCP requirements and the DEIS fails to analyze any potential adverse impacts to the Plan, additional mitigation measures must be imposed to offset the Project's impacts to biological resources in western Riverside County.

While the National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq. ["NEPA"]) does not mandate particular results, it does require that federal agencies take a "hard look" at the environmental consequences of their actions. (Metcalf v. Daley (9th Cir. 2000) 214 F.3d 1135, 1141.) Indeed, the U.S. Bureau of Indian Affairs's (the "BIA") own NEPA Handbook states:

The analysis of effects [of environmental consequences] should go beyond mere description of a change in the environment caused by a proposed action or alternative. It should include discussion of the ultimate long- and short-term significance of the change and a detailed cause and effect examination using the action elements of the proposal and the specific environmental parameters.

(30 BIAM Supplement 1, §6.3E(1)(g)(3).) Additionally, the Council on Environmental Quality has adopted regulations that the BIA must consider when preparing a DEIS. One of those regulations requires that the DEIS must analyze "[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and *local* (and in the case of a reservation, Indian tribe) *land use plans*, policies and controls for the area concerned." (40 C.F.R. §1502.16(c)[*italics added*].) The MSHCP is a local land use plan that has been accepted by the County of Riverside and sixteen (16) cities. It is true that the DEIS mentions the MSHCP, but the BIA's own NEPA Handbook requires the BIA to offer a true "discussion of the ultimate long- and short-term significance of the change and a detailed cause and effect examination using the action elements of the proposal and the specific environmental parameters." (30 BIAM Supplement 1, §6.3E(1)(g)(3).) The DEIS offers no such discussion.

⁴ The LDMF is the MSHCP's primary funding source to purchase habitat lands for the Conservation Area.

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Further, NEPA regulations require the DEIS to contain the following analysis:

To better integrate environmental impact statements into State or local planning processes, statements *shall* discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).⁵ Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

(40 C.F.R. §1506.2(d)[italics added].) However, the biological resource analysis in sections 3.4, 4.4 and 5.4 of the DEIS provides very limited analysis and proposes limited and incomplete measures to mitigate the impacts of the Project upon biological resources. The Biological Resources Assessment (“BRA”) in Appendix H simply mentions the location of the Project as being within the boundaries of the MSHCP. (DEIS, Appendix H, p. 13.) The BRA then proceeds to dismiss the MSHCP by stating that “The Tribe is not a signatory to the MSHCP.” (*Ibid.*) In fact, this statement highlights the fact that if the BIA approves the Project without further mitigation, the Tribe would be under no future obligation to honor the MSHCP.

The BRA is correct in stating that the Tribe is not a signatory to the federally-approved MSHCP. Nevertheless, as one of the most significant HCPs in the nation approved under Section 10(a) of the federal Endangered Species Act (16 U.S.C. §1531 et seq. [“ESA”]), the BIA certainly has an obligation to evaluate and analyze the impact that the Project will have on the primary means of protecting threatened and endangered species in western Riverside County. In fact, NEPA regulations require it. (40 C.F.R. §1506.2(d).) Because the DEIS wholly fails to analyze the Project’s impacts to the MSHCP, a court would likely hold that the DEIS fails to provide the requisite “hard look” required by NEPA. (*Metcalf v. Daley, supra*, 214 F.3d at p. 1141.)

Not only does the Project have major impacts to biological resources, the DEIS admits that many of the impacts have yet to be determined. (DEIS, §4.4, p 4-52.) The DEIS states that the Project site contains approximately 178 acres of coastal sage scrub habitat and approximately 68 acres of southern will scrub habitat. Although the DEIS describes these areas as disturbed, the DEIS admits that the habitat is suitable for Federally-listed species. (*Ibid.*) In addition, the Project could potentially impact the Western Burrowing Owl. (DEIS at p. 4.55.) This is a species that has been specifically covered within the MSHCP, but the DEIS failed to mention any impact on the MSHCP from potential impacts to the Burrowing Owl as a result of the Project. Further, the DEIS fails to present the final mitigation measures that will need to be included for the Project since the United States Fish and Wildlife Service has not yet completed its biological opinion. (DEIS at p. 5-7; see also p. 4-53 [impacts to San Bernardino Kangaroo rat are unknown].) We therefore request that the BIA analyze these impacts and propose appropriate mitigation measures (discussed further below) in the final EIS following the issuance of the biological opinion.

⁵ As the holder of a federal Incidental Take Permit issued by the U.S. Fish and Wildlife Service, the MSHCP qualifies as a federally sanctioned local plan.

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Additionally, there is no discussion about the MSHCP in Section 4.10 on Cumulative Impacts. Since the MSHCP covers all of western Riverside County, the DEIS should address these impacts because the lack of adherence to the MSHCP will have cumulative impacts to western Riverside County. Similarly, the failure to set aside land in conservation and to pay MSHCP fees to RCA should have been analyzed in relation to the indirect effects to the MSHCP and western Riverside County in Section 4.11.

We believe this lack of analysis of the MSHCP and lack of measures to mitigate for effects on biological resources to be a deficiency in the DEIS, and thus indicates that the BIA has failed to take the requisite "hard look" at the environmental consequences of the Project. (Metcalfe v. Daley, *supra*, 214 F.3d at p. 1141.)

It is therefore very important that the BIA condition the Project so that at a minimum, acreage be set aside to contribute to the Conservation Area. Without this condition, the habitat will be lost forever and potentially jeopardize the MSHCP assembly. In addition, a fee should be paid.

The RCA again thanks the BIA for the opportunity to review and comment on the DEIS. We look forward to working with you on these issues. In addition, the RCA requests to be put on the mailing list for any and all future notices regarding this Project.

Sincerely,



Charles V. Landry
Executive Director

cc: Michelle Ouellette, Best Best & Krieger LLP
Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service
Barry McClellan, City Manager, City of San Jacinto
David Huff, Deputy County Counsel, County of Riverside
Karl Johnson, Legal Counsel, Soboba Band of Lusieño Indians

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A11-226

FAX

RIVERSIDE COUNTY COUNSEL



FOR IMMEDIATE DELIVERY

DATE: September 14, 2009

Total Pages: 11
(Including Cover Sheet)

TO: Dale Morris

FAX NO: 916-978-6099

FROM: David H.K. Huff

MESSAGE: Please see the following letter and Resolution No. 2009-293. The original letter and copy of resolution will follow via Fed Express. Thank you.

Reg Dir. _____
 Dep Reg Dir. _____
 Reg Adm Ofc. _____
 Route _____ **DECRMS**
 Response Required **NO**
 Due Date _____
 Memo _____ Ltr _____
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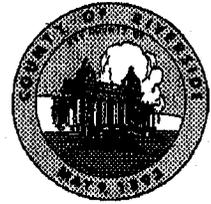
A12-227

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



September 14, 2009

SENT VIA OVERNIGHT DELIVERY AND FACSIMILE

Dale Morris
Regional Director
Pacific Region
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Subject: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project; Confirmation of Request for Extension of Written Comment Period (currently set to conclude by September 15, 2009).

Dear Mr. Morris:

Please see enclosed Resolution No. 2009-293 entitled "EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U.S. DEPARTMENT OF THE INTERIOR (HORSHOE GRANDE)" which will be under consideration for approval by my client during their next regular meeting session scheduled for Tuesday September 15, 2009.

Please do not hesitate to contact me in the event that you have any questions or comments regarding this matter.

Sincerely,

PAMELA J. WALLS
County Counsel

David H. K. Huff
Deputy County Counsel
dhuff@co.riverside.ca.us
951.955.6300

A12-227 cont.

Mr. Dale Morris
September 14, 2009
Page No. 2

FAX 951.955.6363

cc: Supervisor Jeff Stone, Supervisor for 3rd District of Riverside County Board of Supervisors
George Johnson, Director of Transportation and Land Management Agency
Juan Perez, Director of Riverside County Transportation Department
Ron Goldman, Director of Riverside County Planning Department

Enclosure

1 Board of Supervisors

County of Riverside

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**RESOLUTION NO. 2009-293
EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF
LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL
PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS
PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR
(HORSESHOE GRANDE)**

WHEREAS, the Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") has proposed the conveyance of 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Indian Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property (hereinafter "Project Site");

WHEREAS, the Soboba Tribe's proposed development project (hereinafter "Project") consists of the aforementioned fee-to-trust conveyance accompanied by relocation of the tribe's existing casino, development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops and spa and fitness center all within a 729,500 square foot complex on a 55-acre portion of the Project Site. In addition, the Project also includes an onsite wastewater treatment plant proposed south of the Project Site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet and a 6,000 square foot convenience store with 12-pump gas station;

WHEREAS, in accordance with federal law requirements under the National Environmental Policy Act ("NEPA")[Title 42 U.S.C. §§ 4321 et seq.], a Draft Environmental Impact Statement (hereinafter "Draft EIS") has been prepared to assess the potential environmental effects of the Project under consideration for approval by the United States Department of the Interior's Bureau of Indian Affairs (hereinafter "Department of the Interior"). The sheer volume of the Draft EIS document, including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of

9/14/09
DATE
BY: DAVID H. K. HUFF

AI2-227 cont.

1 text (approximately 7 extra large binders/ 2 bankers boxes worth of materials);

2 **WHEREAS**, on or about July 2, 2009, the review and comment period for the Draft EIS was
3 initiated by the Department of the Interior with the release of the Draft EIS document and a corresponding
4 cutoff deadline for written comments of September 15, 2009 has been established;

5 **WHEREAS**, on August 5, 2009, the Department of the Interior held a public hearing with regard
6 to the Draft EIS at the Hemet Public Library where oral testimony was taken from a large number of
7 attending local community residents and environmental groups who voiced their concerns with respect to
8 potential environmental effects posed by the Project. County of Riverside representatives also attended
9 the public hearing and orally requested a sixty (60) day extension of the written comment period cutoff
10 deadline of September 15, 2009. On August 18, 2009, the County of Riverside (hereinafter "County")
11 through its counsel sent a written confirmation of its earlier extension request to the Department of the
12 Interior. The County's extension request was based on several reasons hampering County staff's ability
13 to conduct an adequate review of the proposed Casino/Hotel Project within the current time allotted: 1)
14 The sheer volume of the Draft EIS document as previously referenced above; 2) The extensive scope of
15 impacts on the local community posed by the Project particulars; 3) The timing of the Draft EIS' actual
16 arrival in mid to late July and resulting review period to the middle of September with limited County
17 staff availability due to vacations, staffing shortages and a recently implemented mandatory furlough
18 program in response to the severe economic downturn affecting the County's budget; and 4) The
19 County's Fire Department inadvertently received later notice than other County departments with respect
20 to their review of the Draft EIS, Fire's review participation being critical given the size and scope of the
21 project coupled with the anticipated impacts on Fire safety;

22 **WHEREAS**, on September 8, 2009, the County received a written denial of its extension request
23 from the Department of the Interior;

24 **WHEREAS**, preliminary and ongoing review of the Draft EIS by County staff to date has
25 revealed a large range of deficiencies that render the Draft EIS to be wholly inadequate and incomplete in
26

1 terms of identifying potential environmental effects posed by the Project as well as failing to provide
2 impact mitigation measures to sufficiently address such effects;

3 **WHEREAS**, the Draft EIS' apparent deficiencies include, but are not limited, to the following
4 areas:

5 1) The Draft EIS fails to analyze traffic and circulation impacts on County facilities and fails to
6 propose appropriate mitigation measures. The proposed Project will generate approximately 24,000 to
7 28,000 daily trips. The number of expected trips implies that the proposed development will be a regional
8 magnet for recreational and convention travel and will have traffic impacts on many local and regional
9 streets and highways. However, the Draft EIS only addresses intersections that are in a small area near
10 the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and
11 roadway segments in a larger area need to be included in the analysis in order to sufficiently identify
12 potential environmental effects posed by the Project as well as providing adequate impact mitigation
13 measures to address such effects. County staff to date has identified no less than eight (8) additional
14 intersections and five (5) road segments that need to be included as part of the Draft EIS analysis. The
15 County's Transportation Department requests as a mitigation measure that the Soboba Tribe be required
16 to make any off-site improvements where the project alone would have a significant traffic impact. The
17 payment of fair share fees would not be considered sufficient mitigation. In those cases where the
18 proposed project contributes to a cumulative impact, the payment of fair share would be acceptable,
19 provided the fair share is computed on the basis of the percentage of the traffic contributed by the project
20 compared to traffic growth.
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23 2) The Draft EIS fails to analyze traffic and circulation impacts on the surrounding local
24 communities and fails to propose appropriate mitigation measures. Based on County staff estimates, the
25 proposed Project will generate approximately 30,000 daily vehicle trips on Soboba Road which will serve
26 30% of the traffic to and from the proposed Project. The County's Transportation Department requests as
27 a mitigation measure that the Soboba Tribe improve Soboba Road to an all-weather facility with sufficient
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1 capacity to serve the forecasted traffic of over 30,000 vehicles per day as well as providing adequate
2 access in the event of evacuations and other emergencies. The County's Transportation Department also
3 requests as a mitigation measure that the Soboba Tribe be prohibited from taking any action that would
4 reduce the access rights of local residents in the unincorporated area of Riverside County as well as the
5 City of San Jacinto that have been placed into virtual "islands" due to being completely surrounded by
6 territory comprising the Project Site. The Draft EIS fails to propose enforceable mitigation measures to
7 ensure that such access rights will be protected in perpetuity. In addition, the County's Transportation
8 Department has identified as a mitigation measure that the Soboba Tribe prepare a Traffic Management
9 Plan to handle major special events like concert and other intense short-term peaks using the proposed
10 convention center. The plan document should be submitted to the review and approval of all affected
11 jurisdictions (including but not limited to, County Transportation, Sheriff, CHP, CAL Fire, and the City
12 of San Jacinto).
13

14 3) The Draft EIS fails to analyze Project impacts on the federally-approved Western Riverside
15 County Multiple Species Habitat Conservation Plan (hereinafter "MSHCP") and fails to propose
16 appropriate mitigation measures. Based on the County's Environmental Programs Department review of
17 the MSHCP Criteria, a significant area in the northernmost portion of the Project Site is identified for
18 conservation. However, the Draft EIS fails to include any analysis of how the Project would achieve
19 consistency with the MSHCP Criteria much less any impact mitigation measures that would accompany
20 such analysis. Similarly, the MSHCP defines riverine and riparian resources covered by the plan and
21 describes survey, mapping and avoidance requirements. However, the Draft EIS fails to include any
22 analysis of riverine or riparian resources impacted by the Project or to include any impact mitigation
23 measures that would accompany such analysis. The MSHCP requires that focused surveys be conducted
24 for several endangered species that have been identified as potentially located within the Project Site in
25 order to determine the presence or absence of occupied habitat. The Draft EIS does not reference any of
26 the required surveys being undertaken and moreover defers mitigation with respect to any sensitive plants
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1 and animal species to the construction phase of the Project. As a result, the Draft EIS fails to provide an
2 adequate analysis of the previously mentioned species impacted by the Project or to include any impact
3 mitigation measures that would accompany such analysis. Finally, the MSHCP requires that projects that
4 may have direct or indirect impacts associated with locating developments in proximity to the MSHCP
5 Conservation Area shall be required to provide an assessment of such impacts. The Draft EIS fails to
6 provide an adequate analysis of the impacts by the Project or to include any impact mitigation measures
7 that would accompany such analysis.
8

9 4) The Draft EIS fails to analyze the cumulative adverse impacts on the County Fire Department's
10 ability to provide an acceptable level of service to the local community and fails to propose appropriate
11 mitigation measures. Based on the County's Fire Department review of the Draft EIS, it appears that the
12 Project will generate significant impacts from an increased number of emergency and public service calls
13 due to the increased presence of structures, traffic and population. However, the Draft EIS notes only a
14 "less than significant impact" and goes on to state that "level of calls for service should not differ from
15 current situation" (see Table ES-1, page no. 26 of Draft EIS Executive Summary). The foregoing is
16 inconsistent with other contents of the Draft EIS that indicates increased vehicle trips and an increased
17 service call volume of 200% that will, based on County staff estimates, create a significant impact for the
18 delivery of fire services. Moreover, the Draft EIS references inconsistent information with respect to a
19 proposed mitigation measure involving the construction of two or just one additional fire stations to
20 address project impacts. The County's Fire Department requests as mitigation measures that the Soboba
21 Tribe participate actively in providing adequate levels of land acquisition and fire facility construction as
22 well as necessary equipment upgrades and the adding of sufficient personnel to enable the County with
23 the ability to provide an acceptable level of service to the local community. The County's Fire
24 Department also requests as a mitigation measure that the Soboba Tribe be prohibited from taking any
25 action that would change the current status quo pertaining to the road access and circulation presently
26 afforded to the County and other local governments in being able to maintain delivery of service
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1 capability and unobstructed public ingress and egress from adjacent communities and jurisdictions. In
2 addition, the County's Fire Department has identified as a mitigation measure that the Soboba Tribe
3 prepare a Fire Protection/Vegetation Management Plan for fuel modification purposes to address aspects
4 of the Project where development is slated to take place on lands adjacent to open space areas. The plan
5 document should be submitted to the review and approval of all affected jurisdictions (including but not
6 limited to, County Fire, Fire Marshal, and the City of San Jacinto).

7
8 5) The Draft EIS fails to analyze the cumulative adverse impacts on the County Sheriff
9 Department's ability to provide an acceptable level of service to the local community and fails to propose
10 appropriate mitigation measures. Based on the County's Sheriff Department review of the Draft EIS, it
11 appears that the Project will generate significant impacts from a substantial increase in the number of
12 emergency and public service calls to the Project Site based on the Project's scope involving the increased
13 presence of structures, traffic and population. Moreover, County staff has concerns that the Draft EIS
14 fails to address the Project's substantial increase in traffic volume which may also lead to increased
15 service response times, with such impacts likely to be exacerbated when events are held at the proposed
16 special events arena. The County's Sheriff Department requests as mitigation measures that the Soboba
17 Tribe participate actively in providing adequate levels of law enforcement staffing by, under current
18 County staff estimates, adding five sworn deputy positions as well as one non-sworn support staff
19 position sufficient to enable the County with the ability to provide an acceptable level of law enforcement
20 service to the local community.
21

22 6) The Draft EIS fails to analyze wastewater treatment and solid waste disposal impacts on the
23 surrounding local communities and fails to propose appropriate mitigation measures. Based on the
24 County's Environmental Health Department review of the Draft EIS, it appears that there is insufficient
25 evaluation and analysis of the impacts presented by the Project's proposed wastewater treatment plant on
26 the ground and surface waters in the surrounding local communities. Moreover, County staff has
27 concerns that the Draft EIS fails to address the anticipated substantial increase in solid waste generated by
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1 the Project and particularly the ultimate location of disposal for any such waste that is created. In
2 addition, the County's Environmental Health Department requests as a mitigation measure that the
3 Soboba Tribe be required to provide a statement of assurance that it will construct and operate any
4 underground and/or aboveground fuel storage tank(s) with respect to the Project's proposed 12-pump gas
5 station in accordance with applicable Federal law requirements. Finally, the County's Environmental
6 Health Department also requests as a mitigation measure that the Soboba Tribe be required to provide a
7 statement of assurance that it will maintain any retention and/or detention basin(s) constructed for the
8 Project in a manner that will prevent potential vector breeding through compliance with applicable State
9 law requirements.
10

11 7) The Draft EIS fails to analyze the geologic hazards and high potential for significant
12 paleontological resources posed by the Project and fails to propose appropriate mitigation measures.
13 Based on the County Chief Engineering Geologist's review of the Draft EIS, it appears that no evaluation
14 and analysis has been made of the impacts presented by fault rupture, landslide/debris flow or settlement
15 potential at the Project Site. Moreover, the County's Geologist has concerns that the Draft EIS fails to
16 address the fact that the Project Site is located within a known State of California designated Alquist-
17 Priolo Earthquake Fault Zone under state law. As a result, the County's Geologist has identified as a
18 mitigation measure that the Soboba Tribe prepare a study performed by a State of California licensed
19 Professional Geologist evaluating and analyzing the geological seismic hazards associated with the
20 Project Site and that the study's recommendations be incorporated as additional Project mitigation
21 measures. Based on the County Geologist's review of the Draft EIS, it appears that the Project Site
22 suffers from documented surface fault rupture, groundshaking, debris flow and settlement potential.
23 However, the "Soils and Geology" portion of the Draft EIS indicates that no mitigation measures are
24 required for said geological conditions. The County's Geologist requests as mitigation measures that the
25 Soboba Tribe be required to provide mitigation of active fault avoidance, debris flow consideration,
26 groundshaking mitigation design and settlement migration. Finally, the Draft EIS fails to identify the
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1 high potential for significant paleontological resources being located on the Project Site. The County's
2 Geologist requests as mitigation measures that the Soboba Tribe be required to provide deliberate
3 planning and monitoring of all Project excavation or grading activities for paleontological resources; and

4 **WHEREAS**, it is anticipated that further review of the Draft EIS by County staff will reveal
5 additional deficiencies with respect to the Draft EIS' inadequacy and lack of completeness in terms of
6 identifying potential environmental effects posed by the Project as well as failing to provide impact
7 mitigation measures to sufficiently address such effects; now, therefore,

8
9 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors
10 of the County of Riverside, in regular session assembled on September 15, 2009, that::

11 1) the County's review of the Draft EIS to date has revealed a large range of deficiencies that
12 render the Draft EIS to be wholly inadequate and incomplete in terms of identifying potential
13 environmental effects posed by the Project as well as failing to provide impact mitigation measures to
14 sufficiently address such effects; and

15 2) the County is opposed to approval of the Project in its current form by the Department of the
16 Interior as proposed and described within the Draft EIS document.

17
18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of this Resolution shall be
19 expeditiously transmitted forthwith to representatives of: the Department of the Interior, including the
20 Secretary of the Interior, Bureau of Indian Affairs and the United States Fish and Wildlife Service; United
21 States Senator Dianne Feinstein; United States Senator Barbara Boxer; United States Representative Mary
22 Bono Mack; United States Representative Jerry Lewis; United States Representative Ken Calvert; United
23 States Representative Darrell Issa and shall be placed on file in the Office of the Clerk of the Board, in the
24 Office of the Planning Director, and in the Office of the Building and Safety Director.

25
26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the
27 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County
28 Planning Department and that such documents are located at 4080 Lemon Street, Riverside, California.

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
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FAX: 951/955-6322 & 955-6363



September 15, 2009

SENT VIA U. S. MAIL AND FACSIMILE

Dale Morris
Regional Director
Pacific Region
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Subject: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project.

Dear Mr. Morris:

Please see enclosed Resolution No. 2009-293 entitled "EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR (HORSHOE GRANDE)" and accompanying minute order documenting approval of said resolution by my client during their regular meeting session that was held on Tuesday September 15, 2009.

Please do not hesitate to contact me in the event that you have any questions or comments regarding this matter.

Sincerely,

PAMELA J. WALLS
County Counsel

David H. K. Huff
Deputy County Counsel

A13-228 CONT.

Mr. Dale Morris
September 15, 2009
Page No. 2

cc: Supervisor Jeff Stone, Supervisor for 3rd District of Riverside County Board of Supervisors
George Johnson, Director of Transportation and Land Management Agency
Juan Perez, Director of Riverside County Transportation Department
Ron Goldman, Director of Riverside County Planning Department

Enclosure

1 Board of Supervisors

County of Riverside

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RESOLUTION NO. 2009-293
EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF
LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL
PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS
PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR
(HORSESHOE GRANDE)

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WHEREAS, the Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") has proposed the conveyance of 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Indian Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property (hereinafter "Project Site");

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WHEREAS, the Soboba Tribe's proposed development project (hereinafter "Project") consists of the aforementioned fee-to-trust conveyance accompanied by relocation of the tribe's existing casino, development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops and spa and fitness center all within a 729,500 square foot complex on a 55-acre portion of the Project Site. In addition, the Project also includes an onsite wastewater treatment plant proposed south of the Project Site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet and a 6,000 square foot convenience store with 12-pump gas station;

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WHEREAS, in accordance with federal law requirements under the National Environmental Policy Act ("NEPA")[Title 42 U.S.C. §§ 4321 et seq.], a Draft Environmental Impact Statement (hereinafter "Draft EIS") has been prepared to assess the potential environmental effects of the Project under consideration for approval by the United States Department of the Interior's Bureau of Indian Affairs (hereinafter "Department of the Interior"). The sheer volume of the Draft EIS document, including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of

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A13-228 cont.

BY DAVID H. K. HUFF DATE 9/14/09

1 text (approximately 7 extra large binders/ 2 bankers boxes worth of materials);

2 **WHEREAS**, on or about July 2, 2009, the review and comment period for the Draft EIS was
3 initiated by the Department of the Interior with the release of the Draft EIS document and a corresponding
4 cutoff deadline for written comments of September 15, 2009 has been established;

5 **WHEREAS**, on August 5, 2009, the Department of the Interior held a public hearing with regard
6 to the Draft EIS at the Hemet Public Library where oral testimony was taken from a large number of
7 attending local community residents and environmental groups who voiced their concerns with respect to
8 potential environmental effects posed by the Project. County of Riverside representatives also attended
9 the public hearing and orally requested a sixty (60) day extension of the written comment period cutoff
10 deadline of September 15, 2009. On August 18, 2009, the County of Riverside (hereinafter "County")
11 through its counsel sent a written confirmation of its earlier extension request to the Department of the
12 Interior. The County's extension request was based on several reasons hampering County staff's ability
13 to conduct an adequate review of the proposed Casino/Hotel Project within the current time allotted: 1)
14 The sheer volume of the Draft EIS document as previously referenced above; 2) The extensive scope of
15 impacts on the local community posed by the Project particulars; 3) The timing of the Draft EIS' actual
16 arrival in mid to late July and resulting review period to the middle of September with limited County
17 staff availability due to vacations, staffing shortages and a recently implemented mandatory furlough
18 program in response to the severe economic downturn affecting the County's budget; and 4) The
19 County's Fire Department inadvertently received later notice than other County departments with respect
20 to their review of the Draft EIS, Fire's review participation being critical given the size and scope of the
21 project coupled with the anticipated impacts on Fire safety;

22 **WHEREAS**, on September 8, 2009, the County received a written denial of its extension request
23 from the Department of the Interior;

24 **WHEREAS**, preliminary and ongoing review of the Draft EIS by County staff to date has
25 revealed a large range of deficiencies that render the Draft EIS to be wholly inadequate and incomplete in
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1 terms of identifying potential environmental effects posed by the Project as well as failing to provide
2 impact mitigation measures to sufficiently address such effects;

3 **WHEREAS**, the Draft EIS' apparent deficiencies include, but are not limited, to the following
4 areas:

5 1) The Draft EIS fails to analyze traffic and circulation impacts on County facilities and fails to
6 propose appropriate mitigation measures. The proposed Project will generate approximately 24,000 to
7 28,000 daily trips. The number of expected trips implies that the proposed development will be a regional
8 magnet for recreational and convention travel and will have traffic impacts on many local and regional
9 streets and highways. However, the Draft EIS only addresses intersections that are in a small area near
10 the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and
11 roadway segments in a larger area need to be included in the analysis in order to sufficiently identify
12 potential environmental effects posed by the Project as well as providing adequate impact mitigation
13 measures to address such effects. County staff to date has identified no less than eight (8) additional
14 intersections and five (5) road segments that need to be included as part of the Draft EIS analysis. The
15 County's Transportation Department requests as a mitigation measure that the Soboba Tribe be required
16 to make any off-site improvements where the project alone would have a significant traffic impact. The
17 payment of fair share fees would not be considered sufficient mitigation. In those cases where the
18 proposed project contributes to a cumulative impact, the payment of fair share would be acceptable,
19 provided the fair share is computed on the basis of the percentage of the traffic contributed by the project
20 compared to traffic growth.

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23 2) The Draft EIS fails to analyze traffic and circulation impacts on the surrounding local
24 communities and fails to propose appropriate mitigation measures. Based on County staff estimates, the
25 proposed Project will generate approximately 30,000 daily vehicle trips on Soboba Road which will serve
26 30% of the traffic to and from the proposed Project. The County's Transportation Department requests as
27 a mitigation measure that the Soboba Tribe improve Soboba Road to an all-weather facility with sufficient
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1 capacity to serve the forecasted traffic of over 30,000 vehicles per day as well as providing adequate
2 access in the event of evacuations and other emergencies. The County's Transportation Department also
3 requests as a mitigation measure that the Soboba Tribe be prohibited from taking any action that would
4 reduce the access rights of local residents in the unincorporated area of Riverside County as well as the
5 City of San Jacinto that have been placed into virtual "islands" due to being completely surrounded by
6 territory comprising the Project Site. The Draft EIS fails to propose enforceable mitigation measures to
7 ensure that such access rights will be protected in perpetuity. In addition, the County's Transportation
8 Department has identified as a mitigation measure that the Soboba Tribe prepare a Traffic Management
9 Plan to handle major special events like concert and other intense short-term peaks using the proposed
10 convention center. The plan document should be submitted to the review and approval of all affected
11 jurisdictions (including but not limited to, County Transportation, Sheriff, CHP, CAL Fire, and the City
12 of San Jacinto).
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14 3) The Draft EIS fails to analyze Project impacts on the federally-approved Western Riverside
15 County Multiple Species Habitat Conservation Plan (hereinafter "MSHCP") and fails to propose
16 appropriate mitigation measures. Based on the County's Environmental Programs Department review of
17 the MSHCP Criteria, a significant area in the northernmost portion of the Project Site is identified for
18 conservation. However, the Draft EIS fails to include any analysis of how the Project would achieve
19 consistency with the MSHCP Criteria much less any impact mitigation measures that would accompany
20 such analysis. Similarly, the MSHCP defines riverine and riparian resources covered by the plan and
21 describes survey, mapping and avoidance requirements. However, the Draft EIS fails to include any
22 analysis of riverine or riparian resources impacted by the Project or to include any impact mitigation
23 measures that would accompany such analysis. The MSHCP requires that focused surveys be conducted
24 for several endangered species that have been identified as potentially located within the Project Site in
25 order to determine the presence or absence of occupied habitat. The Draft EIS does not reference any of
26 the required surveys being undertaken and moreover defers mitigation with respect to any sensitive plants
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1 and animal species to the construction phase of the Project. As a result, the Draft EIS fails to provide an
2 adequate analysis of the previously mentioned species impacted by the Project or to include any impact
3 mitigation measures that would accompany such analysis. Finally, the MSHCP requires that projects that
4 may have direct or indirect impacts associated with locating developments in proximity to the MSHCP
5 Conservation Area shall be required to provide an assessment of such impacts. The Draft EIS fails to
6 provide an adequate analysis of the impacts by the Project or to include any impact mitigation measures
7 that would accompany such analysis.

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9 4) The Draft EIS fails to analyze the cumulative adverse impacts on the County Fire Department's
10 ability to provide an acceptable level of service to the local community and fails to propose appropriate
11 mitigation measures. Based on the County's Fire Department review of the Draft EIS, it appears that the
12 Project will generate significant impacts from an increased number of emergency and public service calls
13 due to the increased presence of structures, traffic and population. However, the Draft EIS notes only a
14 "less than significant impact" and goes on to state that "level of calls for service should not differ from
15 current situation" (see Table ES-1, page no. 26 of Draft EIS Executive Summary). The foregoing is
16 inconsistent with other contents of the Draft EIS that indicates increased vehicle trips and an increased
17 service call volume of 200% that will, based on County staff estimates, create a significant impact for the
18 delivery of fire services. Moreover, the Draft EIS references inconsistent information with respect to a
19 proposed mitigation measure involving the construction of two or just one additional fire stations to
20 address project impacts. The County's Fire Department requests as mitigation measures that the Soboba
21 Tribe participate actively in providing adequate levels of land acquisition and fire facility construction as
22 well as necessary equipment upgrades and the adding of sufficient personnel to enable the County with
23 the ability to provide an acceptable level of service to the local community. The County's Fire
24 Department also requests as a mitigation measure that the Soboba Tribe be prohibited from taking any
25 action that would change the current status quo pertaining to the road access and circulation presently
26 afforded to the County and other local governments in being able to maintain delivery of service
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1 capability and unobstructed public ingress and egress from adjacent communities and jurisdictions. In
2 addition, the County's Fire Department has identified as a mitigation measure that the Soboba Tribe
3 prepare a Fire Protection/Vegetation Management Plan for fuel modification purposes to address aspects
4 of the Project where development is slated to take place on lands adjacent to open space areas. The plan
5 document should be submitted to the review and approval of all affected jurisdictions (including but not
6 limited to, County Fire, Fire Marshal, and the City of San Jacinto).

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8 5) The Draft EIS fails to analyze the cumulative adverse impacts on the County Sheriff
9 Department's ability to provide an acceptable level of service to the local community and fails to propose
10 appropriate mitigation measures. Based on the County's Sheriff Department review of the Draft EIS, it
11 appears that the Project will generate significant impacts from a substantial increase in the number of
12 emergency and public service calls to the Project Site based on the Project's scope involving the increased
13 presence of structures, traffic and population. Moreover, County staff has concerns that the Draft EIS
14 fails to address the Project's substantial increase in traffic volume which may also lead to increased
15 service response times, with such impacts likely to be exacerbated when events are held at the proposed
16 special events arena. The County's Sheriff Department requests as mitigation measures that the Soboba
17 Tribe participate actively in providing adequate levels of law enforcement staffing by, under current
18 County staff estimates, adding five sworn deputy positions as well as one non-sworn support staff
19 position sufficient to enable the County with the ability to provide an acceptable level of law enforcement
20 service to the local community.
21

22 6) The Draft EIS fails to analyze wastewater treatment and solid waste disposal impacts on the
23 surrounding local communities and fails to propose appropriate mitigation measures. Based on the
24 County's Environmental Health Department review of the Draft EIS, it appears that there is insufficient
25 evaluation and analysis of the impacts presented by the Project's proposed wastewater treatment plant on
26 the ground and surface waters in the surrounding local communities. Moreover, County staff has
27 concerns that the Draft EIS fails to address the anticipated substantial increase in solid waste generated by
28

1 the Project and particularly the ultimate location of disposal for any such waste that is created. In
2 addition, the County's Environmental Health Department requests as a mitigation measure that the
3 Soboba Tribe be required to provide a statement of assurance that it will construct and operate any
4 underground and/or aboveground fuel storage tank(s) with respect to the Project's proposed 12-pump gas
5 station in accordance with applicable Federal law requirements. Finally, the County's Environmental
6 Health Department also requests as a mitigation measure that the Soboba Tribe be required to provide a
7 statement of assurance that it will maintain any retention and/or detention basin(s) constructed for the
8 Project in a manner that will prevent potential vector breeding through compliance with applicable State
9 law requirements.
10

11 7) The Draft EIS fails to analyze the geologic hazards and high potential for significant
12 paleontological resources posed by the Project and fails to propose appropriate mitigation measures.
13 Based on the County Chief Engineering Geologist's review of the Draft EIS, it appears that no evaluation
14 and analysis has been made of the impacts presented by fault rupture, landslide/debris flow or settlement
15 potential at the Project Site. Moreover, the County's Geologist has concerns that the Draft EIS fails to
16 address the fact that the Project Site is located within a known State of California designated Alquist-
17 Priolo Earthquake Fault Zone under state law. As a result, the County's Geologist has identified as a
18 mitigation measure that the Soboba Tribe prepare a study performed by a State of California licensed
19 Professional Geologist evaluating and analyzing the geological seismic hazards associated with the
20 Project Site and that the study's recommendations be incorporated as additional Project mitigation
21 measures. Based on the County Geologist's review of the Draft EIS, it appears that the Project Site
22 suffers from documented surface fault rupture, groundshaking, debris flow and settlement potential.
23 However, the "Soils and Geology" portion of the Draft EIS indicates that no mitigation measures are
24 required for said geological conditions. The County's Geologist requests as mitigation measures that the
25 Soboba Tribe be required to provide mitigation of active fault avoidance, debris flow consideration,
26 groundshaking mitigation design and settlement migration. Finally, the Draft EIS fails to identify the
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1 high potential for significant paleontological resources being located on the Project Site. The County's
2 Geologist requests as mitigation measures that the Soboba Tribe be required to provide deliberate
3 planning and monitoring of all Project excavation or grading activities for paleontological resources; and

4 **WHEREAS**, it is anticipated that further review of the Draft EIS by County staff will reveal
5 additional deficiencies with respect to the Draft EIS' inadequacy and lack of completeness in terms of
6 identifying potential environmental effects posed by the Project as well as failing to provide impact
7 mitigation measures to sufficiently address such effects; now, therefore,

8
9 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors
10 of the County of Riverside, in regular session assembled on September 15, 2009, that::

11 1) the County's review of the Draft EIS to date has revealed a large range of deficiencies that
12 render the Draft EIS to be wholly inadequate and incomplete in terms of identifying potential
13 environmental effects posed by the Project as well as failing to provide impact mitigation measures to
14 sufficiently address such effects; and

15 2) the County is opposed to approval of the Project in its current form by the Department of the
16 Interior as proposed and described within the Draft EIS document.

17
18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of this Resolution shall be
19 expeditiously transmitted forthwith to representatives of: the Department of the Interior, including the
20 Secretary of the Interior, Bureau of Indian Affairs and the United States Fish and Wildlife Service; United
21 States Senator Dianne Feinstein; United States Senator Barbara Boxer; United States Representative Mary
22 Bono Mack; United States Representative Jerry Lewis; United States Representative Ken Calvert; United
23 States Representative Darrell Issa and shall be placed on file in the Office of the Clerk of the Board, in the
24 Office of the Planning Director, and in the Office of the Building and Safety Director.

25
26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the
27 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County
28 Planning Department and that such documents are located at 4080 Lemon Street, Riverside, California.

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Board of Supervisors

County of Riverside

RESOLUTION NO. 2009-293

EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR (HORSESHOE GRANDE)

Roll Call

Ayes: Buster, Tavaglione, Stone, and Ashley

Nays: None

Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: Janda Jhlemmer
Deputy

A13-228 cont.

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Jeff Stone **SUBMITTAL DATE:** September 15, 2009

SUBJECT: Resolution No. 2009-293

RECOMMENDED MOTION: That Board joins me in support of this resolution.

BACKGROUND: Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") is proposing to convey 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Tribe Reservation, and located within the unincorporated area of Riverside County as well as the City of San Jacinto, to Federal trust status in support of a proposed extensive development project involving a destination hotel/casino/entertainment complex to be located on the aforementioned property also referred to as the "Horseshoe Grande" property.

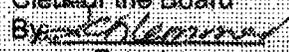
This conveyance is causing great concern with respect to deficiencies contained in the draft environmental impact statement prepared by the Soboba Tribe, and of which is outlined in this resolution.


JEFF STONE, Chairman
Supervisor Third District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and IT WAS FURTHER ORDERED to create a subcommittee appointing Supervisors Stone and Ashley to work with the community and the Soboba Band of Luiseno Indians.

Ayes: Buster, Tavaglione, Stone, and Ashley
Nays: None
Absent: None
Date: September 15, 2009
xc: Supvs. Stone and Ashley, Co. Co., Planning,
Transportation, Affected Parties

Kecia Harper-Ihem
Clerk of the Board
By 
Deputy

3-61

Letter #A14



SAN GORGONIO CHAPTER

4079 Mission Inn Avenue
 Riverside, CA 92501
 (951) 684-6203 Fax (951) 684-6172
 Membership/Outings (951) 686-6112

*Regional Groups Serving Riverside and San Bernardino Counties:
 Big Bear, Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz.*

September 14, 2009

Dale Morris
 Regional Director, Pacific Region
 Bureau of Indian Affairs
 280 Cottage Way
 Sacramento, CA 95825

Dear Mr. Morris:

Re: Soboba Band of Luiseno Indians' proposal to annex lands for a casino-hotel project - Draft EIR

The Sierra Club has concerns about the location of this major people attractor. The independent USGS should give the geotechnical report - perhaps someone like Doug Morton, who has studied this valley for decades. This facility will be putting hundreds if not thousands of people at risk from seismic activity with its close proximity to the most active earthquake fault in Southern California.

The roads in the area will have a huge problem handling the increased traffic that will become a nightmare to the present residents. Even more critical is the need for safe emergency exits in case of an earthquake as well as the need for emergency vehicles to have access to the area.

Direct and indirect impacts to the threatened/endangered species have not been completely analyzed or adequately mitigated. For example, the San Bernardino Kangaroo Rat's critical habitat is now in the process of being litigated by the Center for Biological Diversity. The outcome of the case could significantly impact this project.

Western Riverside County is in a non-attainment area, which causes significant health problems for children and the elderly. How does this project mitigate to a level of insignificance the increase of GHG and global warming? Riverside County needs to implement its fair share of AB 32 and SB 375, and how does the project help them meet the County's fair share of SCAG's responsibility?

The Sierra Club is also quite concerned about the impacts to the San Jacinto River. The pollution/run-off added to this river is not acceptable. The impacts will not just be felt adjacent to the project site but also downstream to areas like the San Jacinto Wildlife Area. I did not see the analysis of the Hemet Dam inundation area, or whether the levees are up to this potential problem for thousands of visitors to the project site.

The growth-inducing, cumulative impacts have not been thoroughly analyzed. Neither have all the direct and indirect impacts been analyzed. Until the above is done, the Sierra Club believes that the EIR is inadequate. We hope a more suitable site can be found to accommodate this project.

Please keep us informed of all meetings and send all related documents to the address below.

Sincerely,

George Hague
 Conservation Chair
 Moreno Valley Group of the Sierra Club
 26711 Ironwood Avenue
 Moreno Valley, California 92555-1908
 Phone: 951-924-0816 Fax: 951-924-4185

A14-229

COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

QUICK FAX

PLEASE DELIVER IMMEDIATELY

| | | |
|-------------------|---------------|---|
| Reg Dir | <u>0</u> | ✓ |
| Dep Reg Dir | | |
| Reg Adm Off | | |
| Route | <u>DECEMS</u> | ✓ |
| Response Required | <u>No</u> | |
| Due Date | | |
| Memo | | |
| Tele | | |

DATE: September 15, 2009

To: Dale Morris, Regional Director From: Kathleen Browne

Fax No.: 916-978-6099 Section: Planning

Phone No.: 916-978-6051 attn: John Rydzik Phone: 951-955-4949

TOTAL NUMBER OF PAGES (including cover sheet): 21

Original will follow – YES NO

SPECIAL INSTRUCTIONS:

Hard copy was FedEx'd priority overnight on 9/14/09.

COMMENTS:

9/15/2009
C:\Documents and Settings\kbrown\Desktop\Templates\Fax 2008.doc

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
George A. Johnson · Agency Director
Planning Department
Ron Goldman · Planning Director

September 14, 2009

Dale Morris, Regional Director
Pacific Region, Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 92825

**RE: Draft Environmental Impact Statement (EIS) for the Soboba Band of Luiseno Indians
Horseshoe Grande Fee-To-Trust Project**

Dear Mr. Morris:

Thank you for providing the County of Riverside with the opportunity to review the above environmental document. The Soboba Band of Luiseno Indians (hereafter cited as "Tribe") proposes the conveyance of 534.91 acres (hereafter "Project Site") of Tribal-owned property to Federal trust status and subsequent development of an approximately 55 acre portion of the Project Site located adjacent to the existing 149 acre 18-hole golf course and country club into a destination resort consisting of a 729,500 square foot hotel/casino complex. The Draft EIS has been prepared and circulated to the County of Riverside for review and comment pursuant to the Tribal-State Gaming Compact (hereafter cited "Compact"). The Compact requires any proposed expansion, significant renovation or modification, or construction and development of Class III Gaming facilities be subject to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA). The Tribe is further directed under the Compact to adopt a Tribal environmental ordinance which implements the policies and purposes of NEPA and CEQA in evaluating potential project impacts and mitigating off-Reservation impacts of all and any projects subsequent to the effective date of the Compact.

The fundamental purpose of preparing an environmental document is to provide decision-makers and the public with the "big picture" and the expected effects of the ultimate environmental changes to allow decision-makers to make intelligent judgments. The fee-to-trust process includes the environmental analyses and the potential effects of the proposed land acquisition on the local and surrounding communities, as well as consultation to determine the effects and overall benefits of the project for the Tribe and local government based on the proposed use. State and local governments are provided the opportunity to give comments on the acquisition's potential impacts on regulatory jurisdiction, real property taxes, and special assessments.

The Draft EIS states that "all the technical analyses assume the Tribe would construct the conference center and will mitigate development impacts under a worst-case scenario (in other words, at full build-out of all facilities under A and B). Additionally, the Draft EIS states that cumulative effects analysis broadens the scope of the proposed project to include effects beyond those solely attributed to implementation of the proposed action & alternatives.

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Camito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

#5285 Soboba Band of Luiseno Indians
 Fee-to-Trust Land Conveyance and Destination Resort
 Page 2 of 7

Development of the hotel/casino complex will occur in two (2) phases and construction will be conducted over a two-year period, 7 a.m. to 7 p.m., Monday through Saturday. Project components include:

PHASE I:

- A 5-story 300-room hotel (300-400 employees); retail businesses; various food and beverage establishments (e.g., buffet, coffee shop, steakhouse, specialty restaurant, noodle bar, night club, sports bar, lounge, etc.); spa and fitness center totaling approximately 370,000 square foot.
- A casino totaling approximately 160,000 square foot; employ 1,200 – 1,600 employees and accommodate approximately 5,090 vehicles.
- A special events arena (enclosed) with a capacity of approximately 2,595 – 3,891 seats (*requires off-site parking / shuttles – existing casino site for overflow parking)

Free-standing developments include:

- 2 fire stations (one located in SEC of project site / the other near the intersection of Soboba and Castile Canyon Road on reservation land). Both will be 2-story and total approximately 13,500 square foot.
- A 12-pump gas station and an approximately 6,000 square foot convenience store (will utilize ASTs and EIS states that the USTs will comply with Riverside County Ordinance No. 617).

Once the existing casino located south of Lake Park Drive (within reservation lands) is relocated to the hotel/casino complex, the existing structure will be used for Tribal functions (e.g., "Great Hall," Tribal membership meetings, cultural center, etc.) and overflow parking for the special events arena.

PHASE II:

- An approximately 40,000 square foot Convention Center.
- A wastewater treatment plant (1.2M GPD) to support the proposed resort and existing reservation.

Planning staff agrees with the Tribe's need for cultural and social preservation, expression and identity, political self-determination, self-sufficiency, and economic growth while maintaining autonomy provided by taking the land into Federal trust to allow for greater self-efficiency in the context of the proposed uses without oversight from external governmental bodies. Planning staff's comments directly address the adequacy of the Draft EIS and supporting documentation and whether all feasible mitigation measures have been incorporated into project development.

1. **PUBLIC SAFETY – FIRE:** As mitigation measures, the Draft EIS states

- That the Tribe *will* adopt the land use/fire suppression goals of the California Department of Forestry and Fire Protection (CDF) and the Riverside County Fire Department for heavy urban areas.

A15-231

A15-232

A15-233

#5285 Soboba Band of Luiseno Indians
Fee-to-Trust Land Conveyance and Destination Resort
Page 3 of 7

- That the Tribe *will* enter into a "Mutual Aid Agreement" with CDF, Riverside County, and the City of San Jacinto as well as with the City of Hemet.
- That the Tribe *will* finalize the Draft Fire Operations Plan in conjunction with CDF and Riverside County as well as establish the "Mutual Aid Agreement."
- That the Tribe *will enter* into contract with CDF and Riverside County to provide dispatching services for the reservation and proposed trust lands.

Once the land is conveyed to Trust status, what guarantees exist that these mitigation measures will be developed? These contracts and agreements need to be completed prior to a Record of Decision (ROD) and project approval or, at a minimum, a Memorandum of Understanding (MOU) needs to be prepared and signed by all affected parties prior to project approval stating that these actions will be done in mutual good faith.

2. **AIR QUALITY:** The discussion and findings under the Air Quality Section of the Draft EIS are inadequate as due to the following
 - a. The effects on air quality during construction of the proposed project and alternatives is flawed because the air quality modeling utilized the square footage of each use (e.g., rooftops only) and not the development footprint which is indicated in the EIS to be approximately 55 acres for proposed project A, B and Alternative 1; >55 acres for Alternative 2; and, approximately 67 acres for Alternative 3. Appendix N, Air Quality, utilized total development area (excluding parking facilities and including parking facilities) for the proposed project of 17.42 acres and 32.15 acres, respectively; for Alternative 1 of 14.07 acres and 25.86 acres; for Alternative 2 of 14.85 acres and 29.58 acres; for Alternative 3 of 43.43 acres and 47.29 acres; and, for Alternative 4 (no project/no development) of 120 acres to address the existing golf course and country club.

NOTE: If the existing 120-acre golf course and country club are evaluated under Alternative 4 as a component of the "resort destination," it should be included in all models.
 - b. The URBEMIS model defaults account for land use relevant TPD but does not accommodate unusual activities such as event-related TPD (e.g., concerts, wrestling events, PGA Golf Tournaments, etc.)
3. **GREENHOUSE GASES:** The discussion and findings under the Air Quality Section of the Draft EIS are inadequate due to the following
 - a. The URBEMIS model only calculated operational CO₂ emissions and did not address all the GHGs, specifically, CH₄ (methane) and N₂O (Nitrous Oxide) pursuant to California Health and Safety Code Section 38505.
 - b. The analysis under greenhouse gases did not factor in energy related emissions (electrical) resulting from project implementation.

A15-233 cont.

A15-234

A15-235

#5285 Soboba Band of Luiseno Indians
 Fee-to-Trust Land Conveyance and Destination Resort
 Page 4 of 7

c. The baseline for comparison of greenhouse gas emissions is incorrect and should be:

- | | | |
|-------------------------------------|---|---|
| 1) Existing Emissions (vacant land) | = | 0 |
| 2) General Plan Build-out Scenario | = | incorporate both County and City general plan land use designations |
| 3) Project and Alternatives | = | |

Then, the determination of significance should be a comparison of existing emissions to general plan build-out emissions and existing emissions to project and alternatives emissions. **NOTE:** Future emission projections are based on general plan land use designations since development projects cannot be anticipated at this time.

The EIS estimates operational emissions of CO₂ would be approximately 2,805 tons per year and finds that the emissions from construction and operations of the proposed project and alternatives to be Less Than Significant when compared to the amount of Statewide production of greenhouse gases annually. The EIS utilizes the CAPCOA 2008 greenhouse gas significance threshold of 992 tons per year.

However, the comparison should have been the increase of greenhouse gas production from what is existing (a) to what is proposed (c). This comparison would result in approximately 3x the amount used for determining significance.

AB 32 policies establishes California targets for greenhouse gases at 1990 emission levels by 2020 and an 80% reduction of 1990 emission levels by 2050, therefore:

- a. Even with no development, California cannot achieve decreases to 1990 emission levels.
- b. Therefore, all new development in excess of that called for by the County/City general plans should be considered cumulatively significant contributor to GHG emissions and a significant source of GHG emissions.

4. **NOISE:** The discussion and findings under the Noise Section of the Draft EIS are inadequate due to the following

- a. The project analyzed in this section is a proposed retail and office complex to be located south of Lake Park Drive and to include such uses as:
 - mini-mart with gas station;
 - restaurants;
 - video store;
 - insurance office;
 - dry cleaner or Laundromat;
 - grocery store;
 - 300 space RV park; and,

an extension across Lake Park Drive to the north on a portion of the proposed fee-to-trust land for:

- a small government center (e.g., credit union and post office);
- fire station to the northeast; and,

A15-235 cont.

A15-236

A15-237

#5285 Soboba Band of Luiseno Indians
 Fee-to-Trust Land Conveyance and Destination Resort
 Page 5 of 7

Therefore, the noise analysis addressed only potential effects on the existing mobile home park, such as:

- 1) traffic increases on Lake Park Drive and Soboba Road (traffic accessing the facilities).
- 2) retail parking lot activity (including the extension across Lake Park Drive).
- 3) RV park traffic and operations.
- 4) ancillary sources such as trash compactors and loading docks.
- 5) project construction.

The project evaluated is neither one of the proposed projects in the Draft EIS nor one of the alternatives but a somewhat reduced scale of Alternative 3. Additionally, the Draft EIS provided no analysis of the combined noise effects from project build-out but only for each use individually.

Riverside County Transportation Department Comments

Thank you for giving the Transportation Department the opportunity to review the Draft EIS and the Traffic Study contained as an Appendix for the proposed Soboba development. We look forward to working cooperatively with the BIA, the Soboba Tribe, and other partner agencies to appropriately analyze and mitigate impacts. We have the following comments.

1. The traffic analysis area is defined much too narrowly. The DEIS fails to analyze traffic and circulation impacts on County facilities and fails to propose appropriate mitigation measures.

The proposed development that would include a casino, hotel, event arena, convention center, service station/convenience store will generate about 24,000 to 28,000 daily trips, with about 1,400 trips in the morning peak hour and about 2,400 trips in the afternoon/evening peak hour.

The number of expected trips implies that the proposed development will be a regional magnet for recreational and convention travel and will have traffic impacts on many local and regional streets and highways. The DEIS, on the other hand, addresses intersections that are in a small area near the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and roadway segments in a larger area need to be included in the analysis.

2. The Transportation Department requests that the DEIS include an analysis of the following additional intersections:

- Soboba Road/Gilman Springs Road
- Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue)
- Ramp terminals at the interchange of SR-60/Gilman Springs Road
- SR-74/Ramona Expressway
- Ramona Expressway/Sanderson Avenue (In San Jacinto)
- Ramona Expressway/Bridge Street
- Mountain Avenue/Soboba Street
- Mountain Avenue/Ramona Expressway/Cedar Avenue

A15-237 cont

A15-238

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#5285 Soboba Band of Luiseno Indians
Fee-to-Trust Land Conveyance and Destination Resort
Page 6 of 7

3. The Transportation Department requests that the DEIS include an analysis of the following roadway segments:
 - Soboba Road between the project and Gilman Springs Road
 - Gilman Springs Road between Soboba Road and SR-60 (for analysis purposes this segment may need to be subdivided)
 - SR-79 between Gilman Springs Road and I-10 (for analysis purposes this segment may need to be subdivided)
 - Ramona Expressway between Main Street in San Jacinto and Perris City Limits (for analysis purposes this segment may need to be subdivided)
 - Mountain Avenue/Ramona Expressway between Main Street in San Jacinto and SR-74 (for analysis purposes this segment may need to be subdivided)
4. The Transportation Department requests that the project proponent improve Soboba Road, which would serve 30% of the traffic to and from the proposed project, to an all-weather facility with sufficient capacity to serve the forecasted traffic of over 30,000 vehicles per day. In addition to carrying routine high traffic volumes to and from the proposed facility, the availability of Soboba Road as an all-weather roadway with adequate capacity would be crucial in the event of evacuations and other emergencies.
5. The Transportation Department requests that the project proponent take no actions that would reduce the access rights of residents in County and San Jacinto Islands in the vicinity of the proposed project. The access rights of these residents must be protected in perpetuity. The DEIS should propose enforceable mitigation measures to ensure that access rights will be protected in perpetuity.
6. The Transportation Department requests that the project proponent prepare a Traffic Management Plan (TMP) to handle major special events like concert and other intense short-term peaks using the proposed convention center. The TMP should be submitted to the review and approval of all affected jurisdictions (including but not limited to, County Transportation Sheriff, CHP, CAL Fire, and the City of San Jacinto). The TMP should address such matters as:
 - special traffic controls, including Traffic Officers
 - need for off-site parking, if necessary,
 - bus or shuttle services,
 - pedestrian circulation,
 - avoidance of vehicular/pedestrian conflicts
 - other measures as may be appropriate
7. The Transportation Department requests that the project proponent be required to make any off-site improvements where the project alone would have a significant traffic impact. The payment of fair share fees would not be considered sufficient mitigation. In those cases where the proposed project contributes to a cumulative impact, the payment of fair share would be acceptable, provided the fair share is computed on the basis of the percentage of the traffic contributed by the project compared to traffic growth.

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A15-244

#5285 Soboba Band of Luiseno Indians
Fee-to-Trust Land Conveyance and Destination Resort
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Thank you for considering our comments and for the opportunity to review the Draft EIS. Please provide notice and a copy of the Final EIS when available. If you should have any questions regarding these comments, please contact Kathleen Browne, Planning Department staff, at (951) 955-4949.

Respectfully,



Ron Goldman
Planning Director

Attachments

cc: Supervisor Stone, Attn: Verne Lauritzen
George A. Johnson, TLMA Director
Juan Perez, Director of Transportation
Damian Meins, Assistant Planning Planning Director
Patricia Romo, Deputy Director of Transportation
Jerry Jolliffe, Deputy Planning Director
Farah Khorashadi, Engineering Division Manager
Herman Basmacyan, Consultant Engineer
Kevin Tsang, Junior Engineer

A15-245



RIVERSIDE COUNTY FIRE DEPARTMENT

In cooperation with the
California Department of Forestry and Fire Protection

Letter #A16

2300 Market Street, 1st FL Suite 150 • Riverside, California 92501 • (951) 955-4777 • Fax (909) 955-4888

John R. Hawkins
Fire Chief

Proudly serving the
unincorporated
areas of Riverside
County and the
Cities of:

- Banning
- Beaumont
- Calimesa
- Canyon Lake
- Coachella
- Desert Hot Springs
- Indian Wells
- Indio
- Lake Elsinore
- La Quinta
- Moreno Valley
- Palm Desert
- Perris
- Rancho Mirage
- San Jacinto
- Temecula

- Board of Supervisors
- Bob Buster, District 1
- John Tavaghione, District 2
- Jeff Stone, District 3
- Roy Wilson, District 4
- Marion Ashley, District 5

September 9, 2009

County of Riverside Transportation & Land Management Agency
Planning Department
Urban regional Planner III, Kathleen Browne
4080 Lemon Street, 9th Floor
PO Box 1409
Riverside, CA 92502

Re: Environmental Impact Study, Soboba Horseshoe Grande Hotel/Casino

Thank you for providing the Riverside County Fire Department the opportunity to review the Soboba Horseshoe Grande Hotel/Casino project.

With respect to the referenced project (EIS), the Riverside County Fire Department has the following comments:

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and population. The proponents/developers shall participate in the Development Impact Fee Program as adopted by the Riverside County Board of Supervisors to mitigate a portion of these impacts. This will provide funding for capital improvements such as land, equipment purchases and fire station construction. The Fire Department reserves the right to negotiate developer agreements associated with the development of land and/or construction of fire facilities to meet service demands through the regional integrated fire protection response system.

Mitigation measures, as defined by the County of Riverside, should be considered in order to help reduce these impacts to a level below significance. Examples of mitigation measures might include:

- Developer participation in land acquisition and fire facility construction;
- Equipment upgrade and/or purchase; (i.e. **"Type 1" Fire Engine and a 100' Aerial Ladder Truck**).

A16-246
A16-247

- Participation in a fire mitigation fee program which would allow one-time capitol improvements such as land and equipment purchases, and construction development.
- Participation in the cost of adding additional personnel.
- Additional funding sources may have to be identified to cover any shortfalls.

All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of Riverside County Ordinance No. 460 and/or No. 787, subject to review and approval by the Riverside County Fire Department.

Fire flow requirements within commercial projects are based on **square footage and type of construction** of the structures. The minimum fire flow for any commercial structure is **1500** gallons per minute, at a residual operating pressure of 20-psi, and can rise to **8000** gallons per minute, (per Table A-III of the California Fire Code). All automatic fire protection sprinkler systems shall be supplied with water from a municipal system. Section 4.8.2 of the *Environmental Consequences*, identifies the use of treated water. Treated water for fire suppression systems shall not be used.

The specific plan is located in the "Hazardous Fire Area" of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors. Any building constructed on lots created by this land division shall comply with special construction provisions contained in Riverside County Ordinance No. 787 and the California Building Code.

The proposed project land use would be a Category 1 – Heavy Urban. The 3 nearest Fire Stations that would respond to an incident are:

RCO Station # 25 San Jacinto, 132 South San Jacinto, San Jacinto, CA 92583

RCO Station # 72 Valle Vista, 25175 Fairview Av., Hemet, CA 92544

RCO Station # 26 Little Lake, 25954 Stanford St., Hemet, CA 92544

All the above mentioned RCO Fire Stations are staffed full-time, 24 hours/7 days a week, with a minimum 3 person crew, including Paramedics, operating "Type-1" structural fire fighting apparatus.

Based on the adopted Riverside County Fire Protection Master Plan, the Category 1 – Heavy Urban specifies that a full alarm assignment be operating on the fire ground within ten minutes and the fire station to be located within 1 ½ miles. The primary station serving this area would *not* be within the 1 ½ mile objective. From the above listed fire stations, the first unit should arrive within 6-7 minutes after dispatch, the second within 12-13 minutes and the third between 18-19 minutes. These times are approximate and currently *do not* meet the Heavy Urban Land Use protection goals.

Current minimum staffing levels of 3 persons per responding unit presently meet existing demands. As with any additional construction within a response area, a "cumulative" increase in requests for service will add to the Fire Department's ability to provide adequate service.

The proposed project identifies approximately 535 acres of land with a 300 unit mid-rise Hotel/Casino and approximately 729,500 sf of commercial, entertainment, assembly and mixed use development at build out.



A16-251

All buildings shall be constructed with fire retardant roofing material as described in Chapter 7A and Section 1505 of the California Building Code.

Prior to approval of any development plan for lands adjacent to open space areas, a fire protection/vegetation management (fuel modification) plan shall be submitted to the fire department for review and approval. The appropriate management entity shall be responsible for maintaining the elements of the plan. The fuel modification plan is subject to review by the Fire Marshal at the tract map phase.

Based on the adopted Riverside County Fire Protection Master Plan, one new fire station and/or engine company is recommended for every 2,000 new dwelling units and/or 3.5 million square feet of commercial/industrial occupancy. Given the project's proposed development plan, up to ONE fire station MAY be needed to meet anticipated service demands. The Fire Department reserves the right to negotiate developer agreements associated with the development of land and/or construction of fire facilities to meet service demands through the regional integrated fire protection response system.

FLAG LOTS WILL NOT BE PERMITTED BY THE FIRE DEPARTMENT.

In the interest of Public Safety, the project shall provide an Alternate or Secondary Access(s) as stated in the Transportation Department Conditions. Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation and Fire Departments, and shall be maintained through out any phasing. The Fire Department will need to review any proposed access/road circulation plan.

The implementation and maintenance of a transportation system is designed to provide adequate circulation and provide emergency ingress and egress. The proposed development must implement a plan incorporating land use and transportation requirements identified by the County of Riverside which include the following:

- Maintain alignment and coordination with the policies of the General Plan Circulation Element.
- Provide the safety of the existing street network.
- Maintain connectivity between the development and the surrounding community.
- Protect the existing community and environment.
- Maintain or improve the reliability of travel and access to the existing street network.
- Enhance emergency access and reduce emergency response times for areas served by the local circulation network.

A16-256

A16-253

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A16-257

A16-258

- Provide onsite and off site circulation.

The proposed project is also located in a "State Responsibility Land Area". Under section 4290 of the Public Resource Code, secondary access is a requirement for fire and life safety standards. The fire department has emergency vehicle access concerns as well as providing residents a safe alternative means of egress.

In addition to fire emergencies, there are a number of operational functions that the fire department performs requiring absolute coordination of arriving fire apparatus related to access and response times to carry out the critical mission.

The *Environmental Impact Study* should include a separate Public Safety section to identify the impacts and address mitigation measures which are clear, concise and easily identifiable. The latest CD has the reviewer referencing numerous charts and figures related to public safety in various sections throughout the document. Provide the supporting figures, charts and documents under one section.

In addition, please address the following and provide a response in the Public Safety section.

- Identify Strategic Planning as the POC for information and/or questions regarding our comments, current and future.
- Executive Summary identifies 2 Fire Stations and the scoping document identifies 1, please clarify
- The consultants report from May of 2008 identifies, in Phase Three, year 1, a staffed fire engine. Can you clarify the timing and initiation date? Will this be permanent staff?
- Can you please provide the nexus of Indian Sailability within Appendix B, scoping?
- The Executive Summary (Table ES-1, page ES-26) identifies a "less that significant impact". The increased vehicle trips identified on (Table ES-1, page ES-19) and the increased call volume of 200 percent identified in (Proposed Section 4.0, 4-162 and 4-164) will create a significant impact for the delivery of fire services.
- Executive Summary (Table ES-1, page ES-26, number 2) states "The tribe is in consultation with Riverside County Fire Department to establish a Mutual Aid Agreement, under which the tribe and the Riverside County Fire Department would share fire service resources". At the present time no Automatic Aid or Mutual Aid Agreement exists with the Tribal Fire Department and CAL FIRE/Riverside County Fire Department. A contract for services with the Riverside County Fire Department will provide all of the same criteria for fire protection and ALS emergency response as outlined in the Soboba Fire Department Plan.

This contract will provide complete administrative and operational oversight for all of the required training; dispatching and response criteria for a full service all risk Fire Department.



The agreement will also address the need for mutual aid response or automatic aid to provide coverage on the reservation when Soboba Fire Department resources are committed to other emergency incidents.

- Proposed Section 2.0, page 2-13, paragraph 2 states, "first arriving units on scene within five minutes from time of dispatch". This should be clarified to add "turnout time" which is between "dispatch time" and the start of "response time". This is one minute during the day and two minutes at night.
- The average response times identified in Proposed Section 3.0, Table 3-33, page 3-140 should be increased reflective of new response tracking studies. Please contact Strategic Planning to identify "Average Response Time"
- Current road access and circulation "right-of-way" should remain with local government to maintain delivery of service capability, and support unobstructed, unrestrictive public ingress and egress from adjacent communities and jurisdictions.
- Provide a Memorandum of Understanding and/or a Development Agreement to ensure emergency access and connectivity with adjacent developments within the project area.

The California Fire Code outlines fire protection standards for the safety, health, and welfare of the public. These standards will be enforced by the Fire Chief.

If I can be of further assistance, please feel free to contact me at (951) 940-6349 or contact me at jason.neumann@fire.ca.gov.

Sincerely,

Jason Neuman

Jason Neuman, Captain

Strategic Planning Bureau

A16-266 cont.

A16-267

RIVERSIDE COUNTY
STANLEY SNIFF, SHERIFF



Sheriff

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

August 27, 2009

Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502

Re: Soboba Casino/Hotel and Land Conveyance

The purpose of this letter is to articulate the projected law enforcement impact of the proposed Soboba Casino/Hotel on the Riverside County Sheriff's Department, Hemet Station.

A number of areas relating to public safety impacts were considered in relation to this project. These areas include projected traffic increases, projected increases in calls for service to the proposed location, a potential increase in public safety response times, and the regional public safety impact that would result from a population increase in the Hemet/San Jacinto valley stemming from large, public events at the proposed arena. Potential mitigating factors such as increased private security personnel at the site and well-engineered and developed roadways providing unimpeded ingress and egress around the proposed site were also considered.

Because of the large number of variables, the task of accurately projecting law enforcement impacts is not possible. Historical law enforcement data and statistics from other, local reservations and casinos were gleaned with the hope of quantifying an accurate projection; however, too many variables and differences existed for a fair and accurate comparison. Through this process, however, certain trends and general projections became clear. Historical data showing the time deputies spent on calls for service at the existing casino and reservation was particularly helpful.

Local law enforcement can reliably anticipate a substantial increase in the calls for service to the proposed project based on the scope of the project. The increased scope of the proposed project also drives a substantial increase in traffic volume and activity on the roadway, which also may lead to increased response times in the area. Moreover, a general population increase in the region can also be expected, especially on occasions when events fill the proposed arena.

A17-268

RIVERSIDE COUNTY

STANLEY SNIFF, SHERIFF



Sheriff

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

The following recommendations are based on these general projections: The above-listed factors would drive a full-time, sworn deputy over a 24 hour time period, which equates to staffing five sworn deputy positions. Additionally, one non-sworn Community Service Officer would also be required. This additional staffing should meet the anticipated need if this proposed project gains approval and is built.

Stanley Sniff,
Sheriff-Coroner

Lee A. Wagner
Chief Deputy
Administration

A17-268 cont.

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson - Agency Director

Planning Department

Ron Goldman - Planning Director

August 24, 2009

Pages 3 (including this cover)

Dale Morris, Regional Director
Pacific Region, Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 92825

RE: Draft EIS Comments
Soboba Reservation proposed fee-to-trust Casino/Hotel Project

Please see the attached Review Comments pertaining to the subject report. Please call me at (951) 955-6863 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Ron Goldman, Planning Director



David L. Jones, CEG No. 2283
Chief Engineering Geologist, TLMA-Planning

Attachments: Review Comments (2 pages)

cc: Kathleen Browne, Riverside County Planning Dept.
David Huff, Riverside County Counsel

W:\Geology\GEOREV\Soboba Fee to Trust EIR Comments.DOC

GEOLOGY

The following report was included on the CD provided for review of this project: LandMark, June 23, 2008, "Proposed Soboba Hotel and Casino, Soboba Band of Luiseno Indians, San Jacinto, California - Preliminary Fault Hazard Evaluation Report for the project site; prepared by Landmark consultants, Inc. dated June 1, 2007.

No other geologic/geotechnical report was provided for review and this is the only report provided on the Bureau's web page for this project. Based on this report, I offer the following comments:

1. The LandMark report included with the EIS is wholly inadequate for review of the project. This June 23, 2008 report eludes to a June 1, 2007 "Preliminary Fault Hazard Evaluation Report". This report should be appended to the EIS and should be made available for public review and comment. In addition, other investigation reports such as geotechnical investigations, if existing, should be included as a part of the EIS.
2. The LandMark report indicates it to be a brief summary concerning site conditions for the proposed hotel and casino. It provides no information pertaining to the fault rupture, landslide/debris flow, or settlement potential at this site. Reports addressing all geologic hazards should be included in the EIS.
3. The project is located within a State of California Alquist-Priolo Earthquake Fault Zone. As such, the project must be evaluated in accordance with the Alquist-Priolo Earthquake Fault Zoning Act (AP Act). The study must be performed by and endorsed by a State of California licensed Professional Geologist. Hazard analysis and mitigation as required by the AP Act should be incorporated into the project.
4. The project site should be investigated and analyzed for all possible geologic hazards including, but not limited to slope stability, rock fall hazards, landslide hazards, surface fault rupture, fissures, liquefaction potential, collapsible and/or expansive soils, subsidence, wind and water erosion, debris flows, and groundshaking potential.
5. The Mitigation Measures "Soils and Geology" section of the EIS indicates no mitigation measures are required. This is not likely accurate or adequate due to the documented surface fault rupture, groundshaking, debris flow and settlement potential at this site. This section should be expanded to include the required mitigation of active fault avoidance, debris flow consideration, groundshaking mitigation design and settlement mitigation at a minimum.
6. The Mitigation Measures "Seismic Hazards" section does not speak to the required mitigation under building code (CBC) or any other mitigation required for the proposed project under state and/or local regulations and guidelines. The project should consider the proximity to active faults and employ necessary mitigation based on at least California State standards.
7. The Environmental Consequences section fails to recognize the fault rupture potential at this site.



PALEONTOLOGY

1. The EIS fails to identify the high potential for significant paleontological resources at this project site.
2. Mitigation measures contemplate incidental find only. The project should consider deliberate planning and monitoring of all excavation activities for paleontological resources.

A vertical double-headed arrow pointing both up and down, with the alphanumeric string "A18-277" centered between the arrowheads.

A18-277



COUNTY OF RIVERSIDE • COMMUNITY HEALTH AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH

September 9, 2009

U.S. Department of the Interior
Bureau of Indian Affairs – Pacific Region
2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) –
SOBOBA FEE-TO-TRUST PROJECT (HORSESHOE GRANDE
PROPERTY)**

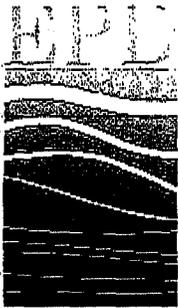
To Whom It May Concern:

After conducting a cursory review of the Draft Environmental Impact Statement (DEIS) for the project listed in the subject heading of this email, the Department of Environmental Health has the following comments:

- 1) The DEIS does not adequately evaluate impacts of a 1.2 MGD wastewater treatment facility on ground/ surface water in the region.
- 2) Identifying the ultimate location of disposal for solid waste generated from the proposed project. (Will a landfill be proposed onsite?)
- 3) Statement of assurance that any underground and/or aboveground fuel storage tank(s) will be constructed and operated in accordance with applicable Federal regulations.
- 4) Statement of assurance that the maintenance of any retention/detention basin will be conducted in a manner that will prevent potential vector breeding through adherence to applicable State guidelines.

It should be further noted that any proposed public food facility(s), public swimming pool(s) and/or spa(s), as well as, potable water system(s) are subject to Federal regulatory oversight only.

A19-278



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Environmental Programs Department

Carolyn Syms Luna
Director

September 8, 2009

U.S. Department of the Interior
 Bureau of Indian Affairs
 Pacific Region
 2800 Cottage Way
 Room W-2820
 Sacramento, CA 95825-1846

Re: Draft Environmental Impact Statement Soboba Band of Luiseño Indians, Horseshoe Grande
 Fee-to-Trust Project

To Whom It May Concern:

The Environmental Programs Department (EPD) appreciates the opportunity to review the document. EPD would like to point out that this project is within the geographic boundary of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). This MSHCP was a multi-year planning effort that cost over \$2 million and took several years to develop. This plan went into effect on June 22, 2004. The permittees under the plan include the County of Riverside, all 16 cities in the western portion of the county, Caltrans, the Riverside County Flood Control District, and others. As the largest Permittee under the MSHCP, the County of Riverside is extremely concerned with achieving the goals and objectives under the plan in light of the proposed fee-to trust project. While EPD is not an approving Agency, we would request an analysis of how the proposed project would impact the MSHCP and/or help to achieve the MSHCP goals and objectives.

If this were a project seeking entitlement in the unincorporated portion of the County of Riverside, the Environmental Programs Department would require this project to address the following areas:

Cell Criteria

According to EPD staff review of the MSHCP Criteria, a significant area in the northernmost portion of the site is identified for conservation. No evaluation or discussion on the how the project would achieve consistency with MSHCP Criteria was provided. The project proponent should provide a detailed MSHCP Criteria Analysis which indicates how the proposed project would achieve Criteria objectives for the proposed project area.

Riparian/Riverine, Vernal Pool Assessment

The Water Resources, Section 3.2 in of the document describes watershed system for the site but does not identify any of the resources as riverine or riparian. Section 6.1.2 of the MSHCP defines the riverine

RPD

Page 2
September 8, 2009

and riparian resources within the plan and describes the survey, mapping and avoidance requirements. The project document needs to provide an analysis in accordance with Section 6.1.2 of the MSHCP.

Narrow Endemic Plants and Criteria Area Species

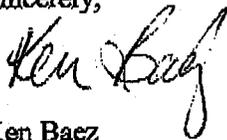
The document provides an extensive list of sensitive plants and animals species with the potential to occur onsite were evaluated in the Biological Resources Assessment dated July 2008; however, required focused surveys were not conducted as required in the MSHCP to determine the presence or absence of occupied habitat for burrowing owl, Los Angeles pocket mouse (LAPM) and San Bernardino kangaroo rat (SBSKR). Additional discussion in the document defers mitigation to the construction phase of the project. The area along the San Jacinto River adjacent to the proposed project is identified under the MSHCP as core habitat for the LAPM and the SBSKR. Focused surveys for the previously mentioned species should be performed now in order to assess the extent of occupied habitat prior to project approval and to determine whether any long term conservation value exists as it relates to the species account objectives stated in the MSHCP. All impacts shall be evaluated prior to any project approval and mitigation specific to the corresponding resource outlined in a Mitigation Monitoring Plan.

Urban Wildland Interface Guidelines

The MSHCP requires that projects that may have direct or indirect impacts associated with locating development in proximity to the MSHCP Conservation Area shall be required to provide an assessment in accordance with Section 6.1.4 of the MSHCP.

If you have any questions, regarding these comments, please contact me at (951) 955-2009.

Sincerely,



Ken Baez

Principal Planner
Environmental Programs Department

A20-281 cont.

A20-282

A20-283



September 15, 2009

Via Electronic Mail: Dale.Morris@bia.gov and John.Rydzik@bia.gov

Dale Morris
Regional Director, Pacific Region, Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

RE: Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project

Dear Mr. Morris and Staff,

Inland Empire Waterkeeper (“Waterkeeper”) is a nonprofit environmental organization with the mission to protect and enhance the water quality of the Upper Santa Ana River Watershed through programs of advocacy, education, research, restoration and enforcement. On behalf of our members, we submit the following comments. Our review focused primarily on the discussions of surface water quality and hydrology in Sections 2 and 5 to protect the water quality of the San Jacinto River Watershed through a state-of-the-art water quality management plan.

First, we look forward to the opportunity to participate in the development of the detailed water quality management plan (or multiple plans as needed) to ensure it complies with the soon-to-be-approved Riverside County Municipal Storm Sewer System (“MS4”) permit. Specifically, we request the plan include detailed schematics, dimensions and descriptions of the ‘sediment/grease traps’, vegetated filter strips, vegetated filter swales, water quality inlets, extended detention basins, sand filters, porous pavement, infiltration basins, infiltration trenches, and how parking lot runoff (including parking structures) will be treated prior to discharge. Currently, there are no details of any proposed treatment methods.

Second, we suggest in the future including a draft water quality management plan as an appendix to the environmental document. Your description of water quality treatment measures in brief paragraphs and bullet-point lists sound promising and visionary but without showing engineered schematics or names of proprietary devices, we are left feeling extremely skeptical of what will actually be implemented and how it will succeed in mitigating urban pollutants.

Third, economies of scale encourage mass-grading of construction sites that can leave hundreds of acres of loose top soil vulnerable to wind and water erosion for extended periods of time. Please indicate how each phase of construction will individually ensure compliance with the statewide construction stormwater permit. If extended periods of time, for example more

than 1 year, are planned between phases, we suggest grading one detention basin sized for a 10-year storm event per phase to catch the erosion.

Inland Empire Waterkeeper cannot support this plan of development as proposed.

Due to the lack of detail in the treatment BMPs, Inland Empire Waterkeeper cannot support this plan of development as proposed. We have collaborated with many of the major builders throughout the region over the past decade. Our goal is to achieve a sophisticated water quality management plan to ensure this project will not cause or contribute polluted runoff. Our comments should be considered constructive criticism of the project as presented. If we can come to an understanding, and we feel the water quality management plan is state-of-the-art, we will publicly support the plan through the entitlement process. Feel free to contact me directly with any questions or concerns at (951) 689-6842.

Sincerely,

Autumn DeWoody
Programs Director
Autumn@iewaterkeeper.org

A21-284 cont.

Letter #A22



Handwritten notes: "DECRMS NO" and a checkmark.

OFFICE OF THE GOVERNOR

DATE: Sept. 15, 2009 **TIME:** 3:48 p.m.

FAX NUMBER: (916) 978-6099

Number of Pages (including this cover page): 9

TO: Dale Morris, Regional Director

AT: Bureau of Indian Affairs, Pacific Regional Office

FROM: Andrea Lynn Hoch, Legal Affairs Secretary

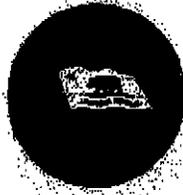
AT: Governor's Office of Legal Affairs

SPECIAL INSTRUCTIONS:

State's Comments: Draft EIS for Soboba Band of Luiseno Indians, Horseshoe Grande Fee-to-Trust Casino/Hotel Project.

If you have not received all pages of this facsimile, please contact:

Name: Cristi Caspers **Telephone #:** (916) 445-0873



OFFICE OF THE GOVERNOR

September 15, 2009

Via Facsimile (916) 978-6099 & U.S. Mail

Mr. Dale Morris, Regional Director
Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, California 95825

Re: Draft EIS Comments, Soboba Band of Luiseño Indians'
Horseshoe Grande Fee-to-Trust Casino/Hotel Project

Dear Mr. Morris:

We have reviewed the Draft Environmental Impact Statement (DEIS) dated May 2009 for the Soboba Band of Luiseño Indians' (Tribe) Horseshoe Grande fee-to-trust land application and proposed casino/hotel project (Project). Thank you for this opportunity to comment on the DEIS and the Project.

Our primary concern is that approximately 56 percent of the Project site is located in the incorporated area of the City of San Jacinto, California. (74 Fed.Reg. 31747 (July 2, 2009); DEIS at pp. 3-118, ES-1.) In May 2005, Governor Schwarzenegger issued a Proclamation on Tribal Gaming (Proclamation) in which he stated that he would "oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired are to be used to conduct or facilitate gaming facilities." The Proclamation utilizes the definition of "urbanized area" found in California Public Resources Code section 21071. The Tribe proposes to relocate its casino to the Project site, which would place the gaming facility in an urbanized area. Public Resources Code section 21071, subdivision (a)(2) defines an urbanized area to include an incorporated city with a population of less than 100,000 if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000. The City of San Jacinto's population is currently 36,477, and the contiguous, incorporated City of

Mr. Dale Morris, Regional Director
September 15, 2009
Page 2

Hemet's population is 74,361. (State of California, Dept. of Finance, E-1 population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2008 and 2009. Sacramento, California, May 2009.) Pursuant to the Proclamation, the Project's proposed relocation of the Tribe's gaming facility is in an urbanized area and, therefore, does not comply with the Governor's stated policy. Nonetheless, we submit the following comments on the Draft EIS.

We have identified several issues for which the DEIS does not appear to provide sufficient information to permit meaningful consideration of Project aspects that will have the potential to adversely affect the residents of the surrounding communities, in particular the cities of San Jacinto and Hemet.

The Project site is located on fee land that the Tribe seeks to have taken into federal trust in Riverside County. The land, referred to as the Horseshoe Grande property, consists of 34 parcels totaling 534.91 acres of Tribally-owned property. (DEIS at p. 1-1.) The Tribally-owned Soboba Springs Golf Course and Country Club are located on the Horseshoe Grand property. The Tribe operates a casino with 2,000 class III gaming devices within its current reservation boundaries and proposes to relocate its casino to the Project site near its golf course and country club in order to offer customers a "destination resort." (DEIS at p. 1-8.) The proposed casino/hotel complex includes a 160,000 square-foot casino, a 170,000 square-foot, 300-room hotel, an enclosed events arena with seating for 2,595 to 3,891, and two three-story parking structures. The DEIS evaluates the proposed construction of a new casino and hotel complex, with and without the realignment of the only access road to the reservation, as well as three development alternatives and a "no action" alternative. Alternative 1 is a hotel and casino complex, reduced in total square-footage size by approximately twenty percent from the proposed action. Alternative 2 is a hotel and convention center with no casino. Alternative 3 is a commercial enterprise consisting of a gas station, convenience store, a 200 space RV park, and a retail shopping center (no casino or hotel). Alternative 4 is the "no action" alternative; the Tribe would continue to hold the land in fee.

The Bureau of Indian Affairs (BIA) serves as the lead agency for National Environmental Policy Act (NEPA) compliance, with the United States Environmental Protection Agency and the City of San Jacinto as cooperating agencies. (DEIS at p. 1-11; Appendix C.) NEPA requires an agency to take a "hard look" at the environmental consequences of its actions and at possible alternatives. (*Kleppe v. Sierra Club* (1976) 427 U.S. 390, 410, fn. 21; *Save our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1752.) The critical measure is whether a project will have a "significant" impact. Under NEPA, whether an effect is significant depends both on the project's context and intensity. (40 C.F.R. § 1508.27.) NEPA's implementing regulations include a list of ten intensity factors, at least four of which are applicable to our discussion:

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Mr. Dale Morris, Regional Director

September 15, 2009

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(2) The degree to which the proposed action affects public health or safety.

.....

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

.....

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

.....

(40 C.F.R. § 1508.27(b).)

The following deficiencies in the DEIS preclude the lead and cooperating agencies from taking the required 'hard look' at the Project's environmental consequences.

No Demonstrated Need to Acquire the Property in Trust

The Tribe's current reservation consists of 6,865 acres. (DEIS at p. 3-118.) As of 2003, Tribal enrollment was 855, with 679 members living on the reservation. (DEIS at p. 3-94.) In June 2008, the Tribe's application to take 477.65 acres into trust was granted. This land, known as the "Oaks Retreat," included a newly constructed 10,000-seat outdoor arena and a sports complex. In September 2002, the Tribe's land acquisition application for the 950 acres known as Jones Ranch was approved. In 2002, the Tribe also submitted a land acquisition application for 72.16 acres known as the "Horseshoe property." That application was not acted upon and that property is now part of the current land application. The Horseshoe property Environmental Assessment stated that there were no proposed land use changes for the property. (Horseshoe property EA at p. 2-1.)

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Mr. Dale Morris, Regional Director
September 15, 2009
Page 4

The stated need for the proposed Project is the insufficiency of the present gaming facility location. (DEIS at p. 2-43.) Although the gaming facility was renovated in 2007, the DEIS states that there is a need for additional parking to accommodate high demand and for a "permanent structure to house gaming activities and provide for air quality control." (DEIS at p. 2-43.) No information is given as to why the current gaming facility is not considered to be a permanent structure, why a parking structure cannot be built on the existing casino's surface parking areas, which appear to take up nearly half of the existing casino parcel (DEIS Fig. 2-9), or why the gaming facility is not adequate for air quality control. Nor does the DEIS explain how a new gaming facility with the same number of gaming devices as the current gaming facility will result in more customers and increased revenue. More information is needed to be able to evaluate the stated need for the proposed Project.

Water Resources

All of the Project's proposed alternatives would utilize the Tribe's existing water supply network. (DEIS at p. 2-5.) The DEIS calculates that the Tribe's current reservation and the Project's proposed action (hotel/casino complex) will require a total of 3.7 million gallons per day (MGD) of water. (DEIS at p. ES-23.) The Tribe's water system is capable of pumping 3.7 MGD at full capacity. (DEIS at p. 2-8.) However, the Tribe's existing wells draw from aquifers that are already overdrafted. (DEIS at p. 3-30.) In July 2008, Congress approved a water rights settlement between the Tribe and the Eastern Municipal Water District and Metropolitan Water District (water settlement). The DEIS states that the 3.7 MGD needed for the Project and reservation is within the amount to which the Tribe has priority rights under the settlement. (DEIS at p. ES-23.) Converting the 3.7 MGD to acre-feet per year, results in an amount of 4,144 acre-feet per year (AFA). The water settlement provides that the Tribe has an ultimate right to 9,000 AFA. (DEIS at p. 4-13.) However, the water settlement also provides that the Tribe would only have a right to a maximum of 4,100 AFA for the first fifty years. The water settlement's water development schedule provides that the Tribe would limit its use to 2,900 AFA for the first five years, increasing incrementally every five years until reaching the cap of 4,100 AFA. (Exhibit I to the water settlement, "Soboba Tribe's Water Development Schedule," at http://project.wrime.com/Hemet/Documents/HSJ_WMP_final.pdf.) Despite its reference to the water settlement, the DEIS does not provide information regarding the ability of the aquifers to produce enough water to meet the Project's needs. Even if the aquifers can produce enough water, the DEIS does not analyze the impact of the Project's increased draw on the other groups dependent on those aquifers for water. As stated in the DEIS, as the Tribe's water use increases, the groundwater pumping by others must decrease. (DEIS at p. 4-13, fn. 67.) Appendix R to the DEIS, titled "Tribal Wells Hydraulic Test Report" is a report of the ability of the various wells to pump water, but analysis of the impact on the impacted aquifers of the additional groundwater extraction necessary to support the Project is needed. NEPA requires that the environmental document address whether the water source will be adequate to meet the Project's needs and what impact the Project's water draw will have on existing and future customers.

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Public Safety

Three residential areas in the City of San Jacinto will be directly affected by the Project. One, the Soboba Springs Mobile Estates, is on an island of non-tribally owned land located completely within the Project site. (DEIS at p. 3-118.) Two other residential areas will be separated from the City of San Jacinto by the Project site. The City of San Jacinto has expressed its concerns regarding the "jurisdictional islands" that will be created if the land is taken into trust. (City of San Jacinto's Comments on Horseshoe Grande Environmental Impact Statement, August 5, 2009 (San Jacinto Comments).)

The DEIS provides that no changes in the crime rate would be expected from the Project. (DEIS at p. ES-26.) According to the DEIS, the rate of crime on the reservation has decreased over the last two years and the number of services calls have decreased. (DEIS at p. 3-135.) According to the City of San Jacinto, however, crime and the number of service calls to the reservation have increased. (San Jacinto Comments.) The DEIS states that the Riverside County Sheriff's Department (Sheriff) will continue to provide law enforcement for the Project area and the residential areas. The DEIS references an agreement between the Tribe and the Sheriff signed on July 7, 2008. (DEIS at pp. 3-137-3-138.) The May 2009 DEIS does not reveal the subsequent breakdown of that agreement.

As of July 2009, the Sheriff established a Tribal Liaison Unit that has reportedly improved relations between the Tribe and the Sheriff. However, given the past history of the Tribe and the Sheriff, it may be prudent to allow more time to pass without incident. Two fatal shootings on the reservation were reported in July 2009. (Press-Enterprise, reports dated July 13, 2009 and July 18, 2009.) Due to budget issues, the Sheriff is stated to be operating at a level 14% below the level considered to be ideal to fully serve its jurisdiction. (DEIS at p. 3-137.) The projected increase in visitors to the Project will further strain the Sheriff's resources. Based on the Tribe's history and the lack of a current agreement between the Tribe and the Sheriff, more information is needed to address the Sheriff's additional workload and current status of the relationship and cooperation between the Tribe and the Sheriff.

The DEIS describes the Tribe's plans to construct two fire stations and to enter into mutual aid agreements with the California Department of Forestry and Fire Protection (CDF) and the Riverside County Fire Department. (DEIS at p. 3-139.) In order to adequately evaluate the ability of the new tribal fire stations to work with the CDF and the Riverside County Fire Department to provide fire protection services, more detailed information is needed, such as completed mutual aid agreements.

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Traffic

The DEIS estimates the Project would generate 22,525 daily vehicle trips, an increase of 19,568 over the 2,957 daily vehicle trips to the existing casino. (DEIS at p. ES-19.) The proposed events arena is projected to generate approximately 6,848 daily vehicle trips when events are held at the arena. (DEIS at p. ES-21.) The only access to the proposed arena is Lake Park Drive. The arena already located on Oaks Retreat must also be accessed by Lake Park Drive, then on Soboba Road to Castile Canyon Road. In October 2008, the Tribe considered reducing the seating in the Oaks Retreat arena in order to reduce the number of vehicles on the road because of traffic backups experienced during events at the arena. (Soboba Tribe Considers Reducing Arena Seating, Press-Enterprise, October 27, 2008.) At the public scoping meeting held on January 8, 2008, the most frequently expressed concern was the Project's impact on an already problematic traffic situation. (Appendix B to the DEIS, Scoping Report.) Residents of the Soboba Springs Mobile Estate expressed concern that they would be not be able to enter or exit their park during events, because the only park entrance is located on Lake Park Drive and there is no traffic light at that point on Lake Park Drive. (*Ibid.*)

The DEIS offers as traffic mitigation measures the installation of traffic lights at various intersections, both on the reservation and in the cities of San Jacinto and Hemet. (DEIS at pp. 5-9 – 5-23; p. ES-19.) Another proposed mitigation measure is the alteration of Lake Park Drive and Soboba Road to secondary highway width at certain points adjacent to the Project. (DEIS at p. 5-9.) The installation of traffic lights off the reservation relies upon the funds being provided by the Tribe to the cities and the cooperation of the cities in the installation of the signals.

The only mitigation proposed for the "bumper-to-bumper" traffic expected to be generated by special events at the proposed arena, creating access issues for the Soboba Springs Mobile Estates park, potentially blocking the park's only egress point by the traffic on Land Park Drive, and impacting the Soboba Springs community and the Soboba Heights community, is to provide off-site parking "near major thoroughfares" and shuttles from the parking center. (DEIS ES-21.)

The DEIS suggests potential sites for the off-site parking, each of which is an educational facility, including four elementary schools.¹ (DEIS at pp. 5-10, ES-21.) The use of elementary schools and high schools as mitigation for event parking is not fully explained and we have

¹ The DEIS proposes parking at Mt. San Jacinto Community College, San Jacinto High School, San Jacinto Valley Academy, Monte Vista Middle School, Park Hill Elementary School, De Anza Elementary School, Mountain View High School, Caswton Elementary School and Hemet Elementary School. (DEIS at pp. 5-10, ES-21.)

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Mr. Dale Morris, Regional Director
September 15, 2009
Page 7

concerns whether this mitigation measure is adequate, particularly when those educational facilities are likely to have their own nighttime activities requiring their use of their parking structures.

Additionally, the DEIS has not addressed the likelihood that the significant increase in traffic volume will affect the ability of law enforcement and emergency services to access the Project and the reservation. The main access road leading onto the reservation is Lake Park Drive. At one point, it consists of a two-lane bridge passing over the San Jacinto River. Even with traffic signalization to address traffic flow issues, the DEIS does not address emergency services access through potential chokepoints such as Lake Park Drive. In the event of a large-scale emergency, such as a forest fire or earthquake, the residents and patrons must be able to expeditiously exit the area and emergency services must be able to enter the area.

Noise

The DEIS provides detailed noise mitigation measures for the construction phase of the project, but does not provide adequate noise mitigation measures for the operational phases of the project alternatives. (DEIS at p. 5-31.) The few mitigation measures discussed for the operational phase address only the parking structures, the loading docks and maintenance equipment and the HVAC equipment. (DEIS at p. 5-32.) The Noise Analysis included as Appendix F to the DEIS is only an analysis of Alternative 3—which consists of a commercial enterprise consisting of a gas station, convenience store, a 200-space RV park, and a retail shopping center—no casino or hotel. The DEIS does not provide information regarding the impact on the surrounding communities, especially the Soboba Springs Mobile Estates. Although the DEIS states that a noise barrier will be built around the Soboba Springs Mobile Estates that will reduce the noise attenuation approximately 6 decibels, there is no data provided as to what the increased noise level attributable to the Project is expected to be. The DEIS does not provide adequate information regarding the noise impact on the surrounding communities, nor does it provide sufficient mitigation measures for the noise impact of the Project on those communities.

Conclusion

In light of the foregoing, it appears that the Tribe's proposal to relocate its gaming facility on the Horseshoe Grande property will have detrimental impacts on the environment. The surrounding communities have concerns regarding the proposed land acquisition's impact and those concerns must be addressed in the Project's final EIS. Further, the proposed new gaming facility will be located in an urbanized area as defined in the Governor's May 2005 Proclamation, and does not comply with the Governor's stated policy.

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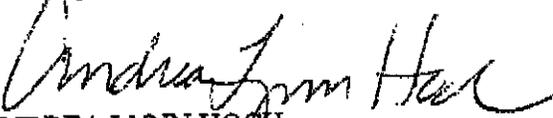
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Mr. Dale Morris, Regional Director
September 15, 2009
Page 8

In terms of the proposed alternatives that do not include relocating the gaming facility, the DEIS appears to need further work in several areas, including additional information required to fully assess the nature and scope of the alternatives' environmental impacts and to determine whether the measures proposed to mitigate those impacts are sufficient.

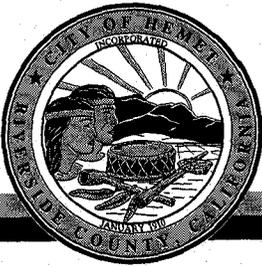
These comments do not constitute the entirety of the State's comments on the DEIS. Other State agencies with specific technical expertise may provide additional comments in separate letters. Thank you for this opportunity to comment on the DEIS. We look forward to your response to our comments.

Sincerely,


ANDREA LYNN HOCH
Legal Affairs Secretary

cc: Honorable Robert Salgado, Sr., Chairman, Soboba Band of Luiseño Indians

A22-301 cont.



City of Hemet

445 EAST FLORIDA AVENUE • HEMET, CALIFORNIA 92543 • (951)765-2301

From the Office
of the
CITY MANAGER
Brian Nakamura

September 10, 2009

Mr. Dale Morris, Regional Director Pacific Region
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Mr. City Dir.
 Mr. Asst. Dir.
 Mr. Admin. Serv.
 Mr. Finance
 Mr. HR
 Mr. Legal
 Mr. Planning
 Mr. Public Works
 Mr. Safety
 Mr. Utility
 Mr. Water
 Mr. Wastewater
 Mr. Mayor
 Mr. Police
 Mr. Public Works
 Mr. Utility
 Mr. Water
 Mr. Wastewater

Route _____
 Response Required _____
 Due Date _____
 Memo _____
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DECIMS
 NO

RE: Draft Environmental Impact Statement for the Soboba Band of Luiseno Indians' Proposed 534 Acre Trust Acquisition and Casino Project, Riverside County, California (Horseshoe Grande Project)

Dear Mr. Morris:

The City of Hemet appreciates the opportunity to review the Draft Environmental Impact Statement (DEIS) for the above referenced project and hereby submits the following comments:

1. Traffic Analysis – According to the DEIS, the proposed project is expected to generate 22,525 average daily trips, an increase of approx. 19,500 trips over the existing casino. Given this dramatic increase in trips and the regional nature of the proposed use, the City of Hemet expected to see a complete traffic study that analyzed key intersections and links throughout the San Jacinto Valley. Rather, the project only analyzed a total of nine intersections, only one of which was in the City of Hemet. Kunzman Associates, who prepared the study, has performed several traffic studies for the City of Hemet and can acknowledge that a project of this size would normally analyze 20 to 25 intersections. We believe that the study, as it now stands, is inadequate in scope and the number of intersections analyzed, and that additional intersection analysis is needed. At a minimum, the study should analyze the following local intersections:

- a. San Jacinto St. at Devonshire Ave.
- b. San Jacinto St. at Menlo Ave.
- c. State St. at Florida Ave.
- d. State St. at Devonshire Ave.
- e. State St. at Menlo Ave.

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A23-302

- f. Sate St. at Esplanade Ave.
- g. State St. at Stetson Ave.
- h. State St. at Domenigoni Parkway.

2. Traffic Analysis – The traffic study identified the intersection of Florida and San Jacinto operating at a “D” level of service in 2010 with mitigation improvements. The improvements included adding an additional westbound through lane, an additional eastbound left turn lane and an eastbound right turn lane. Our comments are as follows:

- a. Any proposed mitigation measure which by itself causes impacts, needs to be analyzed in the DEIS. Adding additional through lanes and turn lanes will require condemnation of land to facilitate the additional right of way. The DEIS does not address this impact and the City of Hemet would request that a full analysis of the necessary widening be performed.
- b. Relative to 2.a. above, the DEIS does not identify how the necessary improvements will be funded. The DEIS states that signal mitigation fees would be paid, but the City of Hemet would note that signal mitigation fees are for installation of signals only and that intersection improvements are not included in the fee. Furthermore, please clarify who would be responsible for intersection improvement implementation. As the tribe does not have authority to condemn land, are they expecting the City of Hemet to assume responsibility? If so, then the City of Hemet would expect the DEIS to include language calling for an agreement between the City and the tribe clearly outlining responsibilities and appropriate payment for services and costs.

3. Traffic Analysis – According to the traffic study, the proposed impacts on the I-10 and I-215 freeways were analyzed. However, the study did not address impacts to the Highway 79 expansion and re-alignment which is slated for construction in the year 2011 and represents the primary north-south corridor in the San Jacinto Valley. At a minimum, the DEIS should analyze impacts to the intersections of:

- a. Highway 79 and Florida Ave.
- b. Highway 79 and Esplanade Ave.

4. Traffic Analysis for Special Events – The DEIS states that traffic control will be provided on-site for special events. The DEIS fails to analyze however, off-site impacts and the need for off-site traffic control and associated impacts on police services and public works. The City of Hemet respectfully requests that a full analysis of off-site impacts be provided along with appropriate mitigation measures.

A23-302 cont.

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5. Public Services – The DEIS states that there would be virtually no impact on police and fire services above those levels currently in existence, even though there would be a substantial increase in the number of people attending the proposed facilities. Standard practice is to correlate calls for service per 1000 population. Furthermore, the DEIS fails to analyze off-site impacts (secondary impacts) on surrounding communities. The City of Hemet strongly disagrees with the DEIS' conclusion and lack of standard methodology pertaining to public safety. At minimum, the DEIS should analyze:
- a. Calls for service utilizing standard practice methodology of calls for service per 1000 population.
 - b. A complete analysis of secondary impacts on surrounding communities and the increased demand placed on police and fire services.
 - c. Identification of a mitigation plan to address police and fire service impacts
6. Sociological Impacts – Many casinos throughout the country have recognized that gambling does have negative impacts on certain individuals in society (e.g. gambling addiction) and have established outreach programs to help with those individuals. The City of Hemet believes that the DEIS does not adequately address this issue and / or provide any mitigation measures to address this concern.

In conclusion, the City of Hemet does not believe that the DEIS provides for an adequate analysis of the proposed project and / or identify adequate mitigation measures in regard to the direct and indirect impacts upon our community. The City of Hemet requests that the Final EIS fully address these comments, and that a copy of the FEIS and notice of any future public hearings on this issue be sent to my attention.

The City of Hemet sincerely desires to have open communication with the BIA and the Soboba Tribe regarding this project and any other issues of mutual interest. If you have any questions on our response to the DEIS, please do not hesitate to contact me, or our Planning Manager, Ms. Deanna Elliano at (951) 765-2370.

Sincerely,



Brian Nakamura
City Manager

CC:

Soboba Tribal Council
Eric McBride, Mayor of the City of Hemet
City of Hemet Councilmembers

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City of Hemet
445 E. Florida Avenue
Hemet, CA 92543-4209

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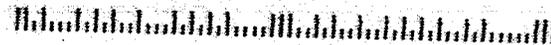
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Mr. Dale Morris, Regional Director Pacific Region
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

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Reg Dir _____ ✓
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 Due Date _____
 Memo _____ Ltr _____
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District of So. Calif.**
Randy A. Record

Legal Counsel
Redwine and Sherrill

September 11, 2009

Mr. Dale Morris, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: DEIS Comments, Soboba Reservation, proposed fee-to-trust
Casino/Hotel Project
State Clearinghouse No. 2009074001

Dear Mr. Morris:

This letter is in response to the National Environmental Policy Act (NEPA) Environmental Impact Statement for the Soboba Band of Luiseno Indians Proposed Trust Acquisition and Casino/Hotel Project (Project). Eastern Municipal Water District (EMWD) offers the following comments.

The proposal includes a tertiary sequencing batch reactor wastewater treatment plant (WWTP) with percolation ponds capable of handling 1.2 million gallons per day. The WWTP will service the entire reservation as well as the proposed facilities. The WWTP will be located in Canyon basin and the percolation ponds will be located outside both the Canyon and San Jacinto Upper Pressure Zone basin boundaries. The septic systems removed will result in considerable improvement to the basin. EMWD supports this change.

In regards to the use of recycled water on the Soboba golf course, EMWD is concerned with the water quality of the recycled water being applied on this site. Although this may become tribal land and not subject to State requirements, directly adjacent to its boundary, the groundwater basin is protected by the Santa Ana Regional Board's basin plan. The golf course is located in the San Jacinto Upper Pressure Groundwater Management Zone and per the basin plan the recycled water must have a water quality of less than 320 mg/l for total dissolved solids and 1.4 mg/l for total inorganic nitrogen. Recycled water higher than these limits used for irrigation or storage will degrade the Management Zone's water quality and should not be used unless there is an approved mitigation/offset

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Bureau of Indian Affairs
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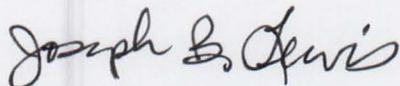
program. In addition, the recycled water used on the Soboba golf course will most likely have a negative impact on the San Jacinto Upper Pressure Zone basin quality and should be properly mitigated. EMWD currently has an approved mitigation/offset program, however, it is designed to cover only EMWD's recycled water applications.

The proposed project includes a 12 pump gas station near the intersection of Soboba Road and Lake Park Drive within the vicinity of existing and planned production wells and planned recharge facilities (see attached Figure 1). Depending on the depth the underground tanks are to be installed and the potential groundwater level, future potential impact to groundwater due to a leaking tank is possible. EMWD recommends fail safe mitigation measures, such as above ground tanks be included in this project.

Paragraph 4.1 of the Settlement Agreement between Soboba and the local water agencies requires EMWD and LHMWD to provide replacement water to the Tribe in the event, and to the extent, that the Tribe is unable to produce groundwater per its Tribal Water Right from the Canyon and Intake Sub-basins. Such replacement water is required to conform to state and federal water quality regulations and standards by Paragraph 4.2 of the Settlement Agreement. Construction of a 12 pump gas station as proposed by the Project will create a significant risk of groundwater contamination that would preclude the use of groundwater from the Intake Sub-basin by EMWD and LHMWD to meet their obligations under Paragraph 4.1 of the Settlement Agreement.

Please forward the Final EIS for this project including the response to EMWD comments to the attention of Karen Hackett at the address shown on page one. If you have questions or need additional information, please feel free to contact me at 951-928-3777, extension 4455.

Sincerely,



Joseph B. Lewis
Director of Engineering Services

JJ:BM:JBL:kah

Encl.

Cc: Behrooz Mortazavi
Jayne Joy
Ralph Phraner

A24-310 cont.

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September 14, 2009

BY OVERNIGHT DELIVERY

Dale Morris
Regional Director
Pacific Regional Office
Bureau of Indian Affairs
Room W-2820
2800 Cottage Way
Sacramento, CA 92825

**Re: Draft DEIS Comments, Soboba Reservation Proposed Fee to Trust
Casino/Hotel Project (the "Project")**

Dear Mr. Morris:

Our firm represents Golden Era Productions, a property owner with a 500-acre campus located near the Soboba Band's tribal reservation. Below please find our client's comments on the DEIS.

1. Violation of the Indian Gaming Regulatory Act.

The Project proposes to move the Band's existing casino to the lands proposed to be taken into trust. Because the parcels of land on which the Band proposes to relocate its existing casino are not located within or contiguous to the Band's existing reservation, the Project violates the Indian Gaming Regulatory Act ("IGRA")¹ and its prohibition of gaming on lands acquired after October 17, 1988.

Section 2719(a) of IGRA provides as follows:

(a) Prohibition on lands acquired in trust by Secretary

Except as provided in subsection (b) of this section, gaming regulated by this chapter shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, unless--

¹ 25 U.S.C. § 2701 *et seq.*

Handwritten notes and stamps on the right side of the page, including a checkmark, the word "DEIRMS", and "NO".

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- (1) such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on October 17, 1988; or
- (2) the Indian tribe has no reservation on October 17, 1988, and--
 - (A) such lands are located in Oklahoma and--
 - (i) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary, or
 - (ii) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or
 - (B) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located.

In May 2008, the Department of the Interior published a final rule entitled Gaming on Trust Lands Acquired After October 17, 1988, codified at 25 C.F.R. Part 292.² Section 292.2 defines "contiguous" to mean "[t]wo parcels of land having a common boundary notwithstanding the existence of non-navigable waters or a public road or right-of-way and includes parcels that touch at a point."³

Under Section 2719(a) and the applicable federal regulations, the Band may conduct gaming on land acquired after October 17, 1988 only if the land is within the October 17, 1988 boundaries of the Band's reservation or the land is contiguous to the October 17, 1988 boundaries of the Band's reservation. The parcels of land that are the subject of the Project are not located within the boundaries of the Band's reservation. Also, all but one of the parcels of land are not contiguous to the boundaries of the Band's reservation.

The locations of the 34 parcels subject to the Project and of the western boundary of the Band's reservation are shown in the enclosed Attachment A. Only one parcel, APN 433-140-020, is contiguous to the Band's reservation. (See Attachment B.) Under Section 2719(a), the Band might be able to relocate its casino onto this single parcel, but the Project does not propose to locate the new casino there. Rather, as indicated in Attachment C, the Project proposes to locate the new casino on other non-contiguous parcels located to the northwest of the one contiguous parcel.⁴

² 73 F.R. 29354 (May 20, 2008).

³ 25 C.F.R. § 292.2 (73 F.R. at 29376).

⁴ DEIS, Fig. 2-1(a): Proposed Action A; Fig. 2-5: Proposed Action B; Fig. 2-6: Alternative 1.

Because the Band does not propose to relocate its casino on the single contiguous parcel, but instead on non-contiguous parcels, the Project violates IGRA. Moreover, the regulations require the Band to obtain an opinion from the BIA's Office of Indian Gaming concerning its compliance with IGRA.⁵ Based on August 2008 conversations with representatives of the National Indian Gaming Commission and the BIA's Office of Indian Gaming, the Band has not yet submitted an application for, and it has not obtained, an opinion indicating that the Project does not violate IGRA.

The DEIS does not disclose or discuss any of these issues. Moreover, circulation of the DEIS for comment now, before the legality of the Project has been determined, is forcing public agencies and members of the public alike to spend, and possibly waste, considerable time, resources, and money commenting on a project that might be dead on arrival under IGRA.

2. Inadequate Analysis of Traffic.

The DEIS fails to address the effects that the Project will have on Gilman Springs Road ("Gilman").⁶

(a) Existing Casino Traffic Affects Gilman.

The Band's existing casino facility generates 2,957 average daily trips ("ADT").⁷ Approximately 30% of this traffic travels north on Soboba Road, and 70% travels on Lake Park Drive.⁸ Accordingly, the casino generates 887 ADT on Soboba Road.

According to a traffic consultant to our client, the existing traffic on the segment of Gilman between SR-79 and State Street/Soboba Road is about 15,000 ADT. Also, there are 14,300 ADT on the segment of State Street between Gilman and Ramona Expressway, and about 4,200 to 4,300 ADT on the segment of Soboba Road between Gilman and Lake Park Drive. These figures suggest that of the 15,000 ADT on Gilman, about 4,200 to 4,300 ADT come from or proceed onto Soboba Road.

Kunzman does not analyze the SR-79/State Street segment of Gilman. Kunzman does, however, indicate there are 15,800 ADT on State Street and 5,000 on Soboba Road.⁹ At least with respect to the ADT's on Soboba Road, Kunzman appear to be accurate.

⁵ 25 C.F.R. § 292.3(b) ("If the tribe seeks to game on newly acquired lands that require a land-into-trust application or the request concerns whether a specific area of land is a 'reservation,' the tribe must submit a request for an opinion to the Office of Indian Gaming.") (emphasis added).

⁶ The Soboba Band of Luiseño Indians Horseshoe Grande Property Traffic Impact Analysis (Updated), dated April 24, 2008 and prepared by Kunzman Associates ("Kunzman") is Appendix I to the DEIS.

⁷ Kunzman, Table 2 - Casino Relocation Traffic Generation Comparison, at 60.

⁸ Kunzman, Fig. 16 at 60-61, 65.

⁹ Kunzman, Fig. 12 - Existing Average Daily Traffic Volumes, at 51.

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It is reasonable to conclude that the 887 ADT generated by the Band's casino contribute to the traffic traveling on Gilman. Although Kunzman does not expressly say that, it appears to do so by implication when it says "[t]raffic headed north on Soboba Road and west on Florida Avenue are regional draws using the freeway system."¹⁰ Traffic headed north on Soboba Road does not reach the freeway system without traveling on Gilman.

(b) The Project Will Substantially Affect Gilman.

The existing traffic on Gilman is 15,000 ADT. This count is equal to 115% of Gilman's capacity, resulting in a Level of Service ("LOS") F. The count of 15,000 ADT is consistent with a traffic count the San Jacinto Chief of Police recently cited. In a memorandum to the San Jacinto City Manager dated August 28, 2009, Chief of Police William Tyler indicated that in 2006, the segment of Gilman between SR79 and State Street was carrying 14,000 ADT.¹¹ This count is equal to about 107% of Gilman's capacity.

Based on a traffic count conducted in May 2009, Riverside County estimates that the existing traffic on the portion of Gilman east of SR-79/Sanderson is about 13,515 ADT.¹² Near Sublette Road, about three-quarters of the way from SR-79/Sanderson to the intersection of Gilman, State Street, and Soboba Road, the traffic count on Gilman is about 10,000 ADT.

The Project is expected to generate about 14,392 ADT.¹³ Kunzman assumes that 30% of the traffic, or 4,318 ADT, will travel north on Soboba Road. It is reasonable to assume that substantially all of the 4,318 ADT will continue onto Gilman. With 887 casino-related ADT on Gilman already, the count of 4,318 ADT represents an additional 3,431 ADT, or an increase of 387%, in casino-related traffic on Gilman.

The Project will increase the current 15,000 ADT on Gilman to 18,431 ADT, an increase of 22.9%. This increase in traffic will further burden Gilman because while it is now operating at 115% of its capacity, the Project will cause Gilman to operate at 142% of its capacity.

(c) The Project Will Substantially Affect Gilman's Intersections with SR-79.

Kunzman did not analyze the intersections of which Gilman is a part. These intersections include the northbound and southbound ramps at SR-79 and the intersection of Gilman, Soboba Road, and State Street. Of those intersections, two are currently operating below Level of Service D, the minimum acceptable level:

¹⁰ Kunzman at 41.

¹¹ Memorandum dated August 28, 2009 to Barry McClellan, City Manager, from Bill Tyler, Chief of Police, at 1. (See Attachment D.)

¹² See Attachment E.

¹³ Kunzman, Table 2 - Casino Relocation Traffic Generation Comparison, at 60.

| INTERSECTION | AM: DELAY - LOS | PM: DELAY - LOS |
|------------------------------|------------------------|------------------------|
| SR-79 SB Ramps at Gilman | 77.1 - F | OFL ¹⁴ - F |
| SR-79 NB Ramps at Gilman | 60.1 - F | 39.8 - E |
| Gilman at State St/Soboba Rd | 15.1 - C | 15.3 - C |

These are the conditions of the Gilman-related intersections when the Band's existing casino contributes only 877 ADT to the traffic on Gilman. When the Project contributes 4,318 ADT to the traffic on Gilman, the conditions at these intersections will become desperate.

(d) Required DEIS Analysis.

The DEIS is required to analyze all of the existing conditions. Section 2(a) demonstrates that about 30% of the traffic from the Band's existing casino affects Gilman. Section 2(c) demonstrates that the traffic from the Band's existing casino affects existing Gilman-related intersections, several of which are already heavily burdened with unacceptable Levels of Service E and F.

The DEIS is also required to analyze the effect the Project will have on the existing conditions. Section 2(b) demonstrates that the Project will have an enormous effect on Gilman. Section 2(c) demonstrates that the traffic generated by the Project will have a substantial impact on existing intersections.

There is no reasonable explanation for Kunzman's failure to include Gilman Springs Road in its traffic study. Without an analysis of Gilman, the traffic analysis in the DEIS is fatally flawed. It must be redone and then recirculated for public review.

(e) Other Issues Identified by Webb.

Our clients asked Albert A. Webb Associates ("Webb") to review certain aspects of Kunzman's traffic analysis. The following comments are based on Webb's review.

(1) Study Area.

Kunzman defined the study area as follows:

The Study area intersections were selected based on traffic impact analysis guidelines established by the City of San Jacinto, City of Hemet, and the County of Riverside. The intersections shall include a street of 'Collector' or higher classification intersecting with another 'Collector' or higher classification street

¹⁴ OFL = Overflow conditions where delay is greater than 200 seconds.

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within a 5-mile radius of the project site in which the project adds 50 or more peak hour trips. When the traffic is distributed throughout the study area onto the roadway system and will add less than 50 peak hour trips through an intersection and that traffic distributes onto local streets serving residential uses, commercial uses, and office uses, and will not contribute 50 peak hour trips onto the next "Collector" or higher classified street, the traffic impact analysis guidelines criteria has been met.¹⁵

Based on the study intersections and project distribution in the traffic study, the following intersections of "Collector" or higher classification street with another "Collector" or higher classification street should be included in the study since the project adds more than 50 peak hour trips to each of these existing intersections:

- San Jacinto Avenue (NS) at:
 - Ramona Expressway (EW)
 - 7th Street (EW)
 - Shaver Street (EW)
 - Commonwealth Avenue (EW)
 - Menlo Avenue (EW)
 - Devonshire Avenue (EW)
- Jordan Avenue (NS) at Main Street (EW)
- Hewitt Avenue (NS) at Main Street (EW)
- Camino Los Banos (NS) at Main Street (EW)
- Ramona Expressway (NS) at 7th Street (EW)
- Mountain Avenue (NS) at Esplanade Avenue (EW)

Proposed Action "A," Proposed Action "B," and Alternative 1 all show 30% of Project traffic traveling north on Soboba Road. Alternative 2 and Alternative 3 show between 25% and 30% of Project traffic traveling north on Soboba Road. These proposed distributions assign 309, 301, 231, 100, and 117 AM peak hour trips and 536, 521, 400, 114, and 204 PM peak hour trips to Soboba Road north of the project for Proposed Action "A," Proposed Action "B," Alternative 1, Alternative 2, and Alternative 3, respectively. There are not enough residential, commercial, or office uses in this direction for the peak hour trips to distribute and not have at least 50 trips reach the next "Collector" or higher classified street (Gilman Springs Road/State Street). Although Kunzman mentions that the traffic traveling in this direction is a regional draw utilizing the freeway system, the traffic must travel through many intersections of streets of

¹⁵ Kunzman at 41.

“Collector” or higher classification with other streets of “Collector” or higher classification to reach the freeway. The study area should include more intersections in this direction until the distribution shows less than 50 peak hour trips arriving at an intersection of a “Collector” or higher classified street with another “Collector” or higher classified street.

All scenarios show 10% of Project traffic traveling west on Ramona Expressway. This proposed distribution assigns 103, 100, and 77 AM peak hour trips and 179, 173, and 134 PM peak hour trips to the west of State Street for Proposed Action “A,” Proposed Action “B,” and Alternative 1, respectively. The study area should include at least the intersection of Ramona Expressway and Sanderson Avenue (SR-79) and possibly the intersection of Ramona Expressway and Warren Road in these scenarios because these intersections are within a 5-mile radius and the Project would add at least 50 peak hour trips.

All scenarios show between 15% and 30% of Project traffic traveling west on Florida Avenue (SR-74). This proposed distributions assign 291, 283, 213, 94, and 88 AM peak hour trips and 512, 496, 376, 103, and 245 PM peak hour trips to Florida Avenue (SR-74) west of San Jacinto Street for Proposed Action “A,” Proposed Action “B,” Alternative 1, Alternative 2, and Alternative 3, respectively. Although Kunzman mentions that the traffic traveling in this direction is a regional draw utilizing the freeway system, the traffic must travel through many intersections of streets of “Collector” or higher classification with other streets of “Collector” or higher classification to reach the freeway. The study area should include more intersections in this direction until the distribution shows less than 50 peak hour trips arriving at an intersection of a “Collector” or higher classified street with another “Collector” or higher classified street.

(2) Trip Generation.

The trip generation calculations for Proposed Action “A”, Proposed Action “B”, and Alternative 1 are taking a double deduction for internal trips. These alternatives include an “Internal Capture” deduction of 10% of the Casino, Event Arena, Convention Center, and Hotel trips.¹⁶ The Convention Center trip generation also includes a 65% internal capture rate.¹⁷ Sixty-five percent (65%) of Convention Center trips are deducted assuming they are internal to the Project (going to or from the Casino, Event Arena, or Hotel), and then another 10% of the remaining is deducted assuming they are internal to the Project (between Casino, Event Arena, Hotel, and Convention Center).

The “Internal Capture” deduction for Proposed Action “A”, Proposed Action “B” and Alternative 1 is very speculative, and no source or data is given for this deduction. This deduction does not follow the ITE methodology presented in Chapter 7: Multi-Use Development of the Trip Generation Handbook: An ITE Recommended Practice, Institute of Transportation Engineers, March 2001. Using a straight 10% deduction for “Internal Capture” is equivalent to between 63% and 69% of non-Casino trips (Event Arena, Convention Center, and Hotel) and

¹⁶ Kunzman, Tables 2-4, at 60-62.

¹⁷ Kunzman at 60-62, n. 3.

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only leaves between 47 and 73 trips coming or going to off-site destinations during the AM Peak Hour for the non-Casino uses.

The daily trip generation rate for Convention Center should be 50 trip-ends per TSF instead of 25 trip-ends per TSF. The calculation Kunzman used for Proposed Action "A" was "(40,000 sf / 40 (parking code for general assembly) = 1,000 / 40,000 sf = 0.025 x 1,000 (sf to TSF conversion) = 25.00."¹⁸ This calculation is only valid if all parking spaces only have vehicles entering or vehicles exiting. If all 1,000 parking spaces have vehicles entering and exiting on a daily basis, 2,000 trip-ends are generated (1,000 entering the Project and 1,000 exiting the Project). Therefore, the trip generation rate should be 2,000 trip ends / 40,000 sf = 0.05 x 1,000 (sf to TSF conversion) = 50.00. To be conservative, the daily trip generation rate should also include the possibility of more than one vehicle occupying a parking space in a day (multiple events or people leaving and re-entering throughout the day).

The DEIS states that "[t]he traffic analysis should give special consideration to the traffic conditions likely to occur during a special event at the casino," (DEIS page 17) but the trip generation assumes only 25 percent of the Convention Center has incoming or outgoing trips during the peak hours.¹⁹ In order to have a conservative analysis, 100 percent of the facility should be analyzed assuming a "special event."

(3) Other Development Traffic, Opening Year (2010) – No Action.

No worksheets are provided in the report or appendix to verify any of the calculations or methodology used to forecast Opening Year (2010) peak hour turning movement volumes. Also, using a traffic forecast model to estimate near-term traffic volumes is less accurate than using existing peak hour traffic count data along with cumulative project data to estimate near-term traffic volumes.

(4) Other Development Traffic, Year 2025.

No worksheets are provided in the report or appendix to verify any of the calculations or methodology used to forecast Year 2025 peak hour turning movement volumes.

(5) Appendix C – Explanation and Calculation of Intersection Delay.

HCM delay calculations for Intersection #2 San Jacinto Street (NS) at Ramona Boulevard/Main Street (EW) were performed using Traffix version 7.8. Traffix is limited in its ability to analyze 5-legged intersections. The analysis performed in this study assumes a 4-legged intersection with the northwest leg (Ramona Boulevard) and west leg (Main Street) combined. In order to properly analyze this intersection per HCM methodology, the lane group and demand flow rate, the saturation flow rate, the capacity and volume/capacity ratio, and

¹⁸ Kunzman at 60, n. 3.

¹⁹ Kunzman at 60-62, n. 3.

A25-324 cont.

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delays must be calculated for all 5 approaches individually. This can be done manually or by using software capable of this analysis such as Synchro 7.

3. Inadequate Analysis of Biological Resources.

(a) Incomplete Analysis of Existing Regulatory Framework.

Section 3.4 of the DEIS describes the biological resources the Project will affect.²⁰ Section 3.4.3 discusses the existing regulatory framework, but the discussion is limited to federal law.²¹ The discussion does not include the Western Riverside County Multiple Species Habitat Conservation Plan (the "MSHCP"), adopted in 2003 by, among other local agencies, Riverside County and the City of San Jacinto.²²

The DEIS should have discussed the MSHCP for at least the following reasons:

- (1) The Project is located within the boundaries of the MSHCP. Every development project on the land must be consistent with the MSHCP.
- (2) The Project is located within the MSHCP's Criteria Area, from which the MSHCP will assemble land to be conserved. In particular, the Project is located within Cell Group W, Cell Group Z, and Independent Cells 2787 and 3100.²³
- (3) Each MSHCP cell and cell group has conservation goals that require, among other things, conservation of designated percentages of the land within each cell or cell group. For example, Cell Group W seeks to conserve between 50% and 60% of the cell group.²⁴ Cell Group Z seeks to conserve about 5% of the cell group.²⁵ Independent Cell 2787 seeks to conserve between 45% and 55% of the cell.²⁶
- (4) In addition to the conservation criteria of the MSHCP cells and cell groups, the MSHCP requires land within the MSHCP to be assessed for the presence of riparian/riverine areas and vernal pools.
- (5) The MSHCP frequently requires land within its boundaries to be surveyed for certain species. In the Project's case, the MSHCP requires the entire Project area to be surveyed for the burrowing owl in compliance with certain survey protocols.

²⁰ DEIS, Sec. 3.0 -- Description of Affected Environment at p. 3-46.

²¹ *Id.* at p. 3-49.

²² The full text of the MSHCP is available on the website of the Western Riverside County Regional Conservation Authority at www.wrc-rca.org.

²³ See Attachment F.

²⁴ Final MSHCP at p. 3-351.

²⁵ *Id.* at p. 3-360.

²⁶ *Id.* at p. 3-353.

- (6) A discussion of the existing regulatory environment should include a description of these aspects of the MSHCP and how they would apply to the Project.

(b) Incomplete Analysis of Biological Resources.

As indicated, the MSHCP requires surveys for the presence/absence of riparian/riverine areas, vernal pools, and burrowing owls. The Biological Resources Assessment does not indicate that the Band conducted any of those surveys. Accordingly, the analysis of the existing biological resources is incomplete.

(c) Incomplete Analysis of the Project's Biological Impacts if no MSHCP.

If the Bureau of Indian Affairs approves the Project, the Project area will no longer be subject to the MSHCP. The DEIS should, but does not, discuss the biological impacts the Project could have in the absence of the MSHCP.

The discussion should include the following issues:

- (1) One of the goals of the MSHCP is to assemble approximately 153,000 acres from private landowners for conservation. The 153,000 acres will be added to lands already conserved.
- (2) Because the Project is located in MSHCP cells and cell groups, the MSHCP might require the Project to contribute to those 153,000 acres.
- (3) If the Project is no longer subject to the MSHCP, the MSHCP cannot require the Project to contribute land for conservation. This leads to at least two possible impacts: (i) land that the MSHCP would have conserved will not be conserved; and (ii) the Project's failure to contribute land to the MSHCP will require other contributing landowners to contribute more land than they otherwise would have if the Project had not been approved.
- (4) The DEIS should have discussed the impact the Project will have on the San Bernardino kangaroo rat ("SBKR"), a federally-recognized endangered species. The DEIS acknowledged that the SBKR is federally protected and that the Project area has critical habitat for the SBKR.²⁷ That said, on October 17, 2008, the United States Fish and Wildlife Service issued a final rule designating critical habitat for the SBKR.²⁸ Because of the existence of the MSHCP, the Fish and Wildlife Service excluded the MSHCP lands from the critical habitat designation.²⁹ Accordingly, while the Project is subject to the MSHCP, the

²⁷ DEIS, Sec. 3.0 -- Description of Affected Environment, Table 3-11, at p. 3-54.

²⁸ 73 F.R. 61936 (Oct. 17, 2008).

²⁹ *Id.* at 61980.

A25-327 cont.

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MSHCP protects the SBKR's critical habitat. If the Project is no longer subject to the MSHCP, the MSHCP's protection vanishes.

- (5) Because the SBKR Rule assumed the continuing applicability of the MSHCP, the Rule will not protect the Project's critical habitat for the SBKR. As a result, if the Project is approved, it would appear that nothing protects the SBKR's critical habitat located on the Project area.

4. Inadequate Analysis of Cultural Resources.

The DEIS discusses only the federal law applicable to historical and significant cultural and archaeological resources, when it should also discuss applicable California law. For example, California law includes the California Environmental Quality Act and Native American burials and remains statutes. These two statutes have detailed rules for the treatment of culturally and archaeologically significant resources.

The DEIS discussion of the existing regulations should include both federal law and California's laws. Without a discussion of applicable California law, it is not possible to analyze or comment on the potential impacts on cultural resources if the Project site is no longer subject to California law.

It is not possible to evaluate the DEIS cultural resources analysis because the technical report -- Appendix Q to the DEIS -- is not publicly available. Accordingly, it is not possible to analyze the technical studies' methods, findings, and analyses. Without access to the technical study, it is not possible to evaluate whether the DEIS discussion of the Project's possible impacts on cultural resources is adequate or complete.

Thank you for your kind attention.

Sincerely,



Robert K. Edmunds

:rke
Enclosures

cc: Supervisor Jeff Stone (w/encls.)
George Johnson (w/encls.)
Juan Perez (w/encls.)
Barry McClellan (w/encls.)
Jeffrey S. Ballinger, Esq. (w/encls.)
Richard A. Masyczek (w/encls.)

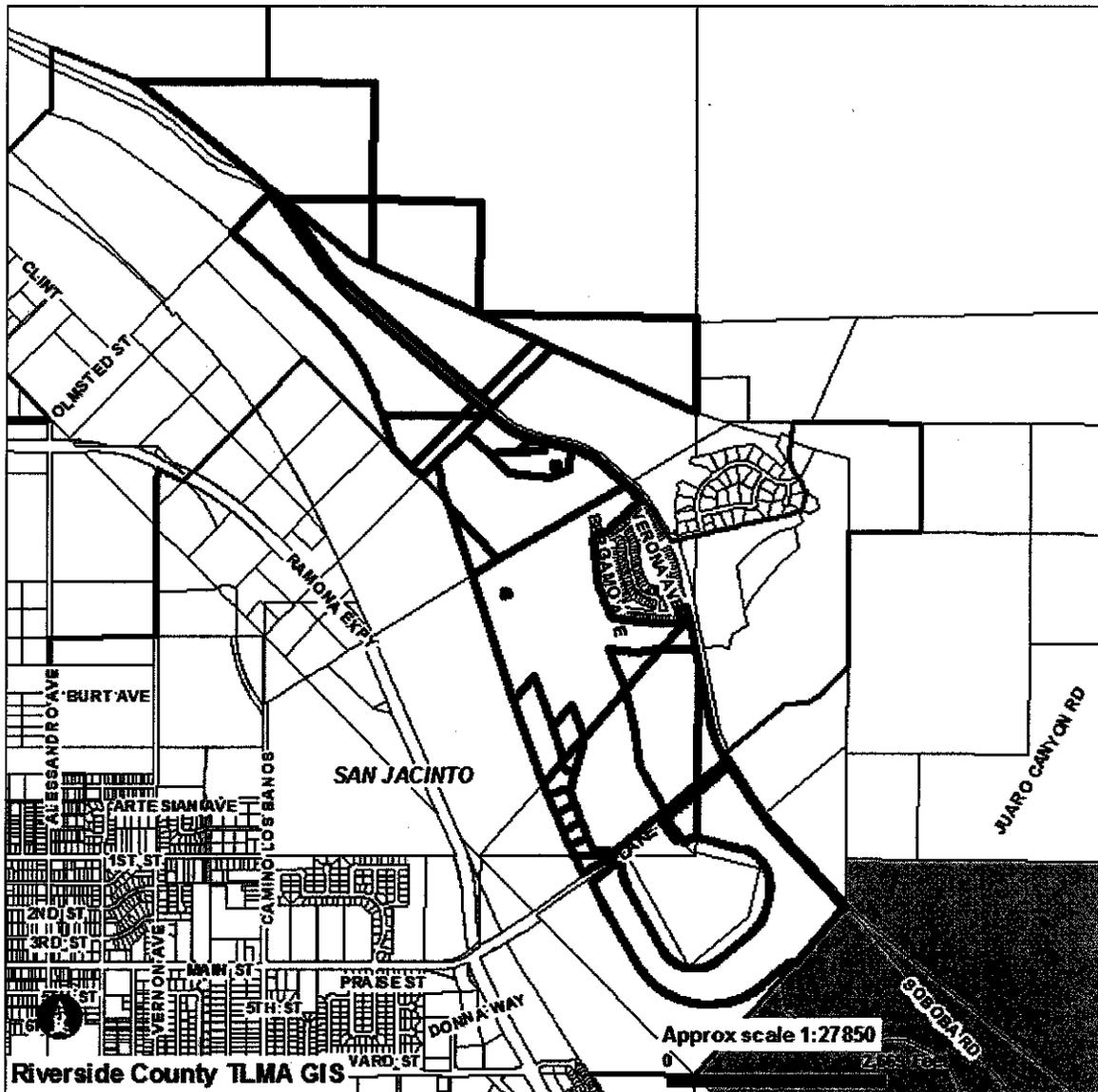
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↑ A25-334 ↓

Dale Morris
September 14, 2009
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ATTACHMENT A

(Location of 34 Parcels of the Fee-to-Trust Application)

Boundaries of Soboba Reservation & Fee-to-Trust Application



Selected parcel(s):

- | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 430-030-013 | 430-030-015 | 430-030-016 | 430-030-017 | 433-080-002 | 433-080-005 | 433-080-006 |
| 433-080-007 | 433-080-010 | 433-080-011 | 433-100-002 | 433-100-013 | 433-100-014 | 433-100-015 |
| 433-110-013 | 433-120-008 | 433-120-009 | 433-120-031 | 433-140-001 | 433-140-020 | 433-140-022 |
| 433-140-024 | 433-140-026 | 433-140-030 | 433-140-031 | 433-140-041 | 433-140-042 | 433-140-044 |
| | 433-140-045 | 433-140-046 | 433-140-047 | 433-140-048 | 433-140-049 | |

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

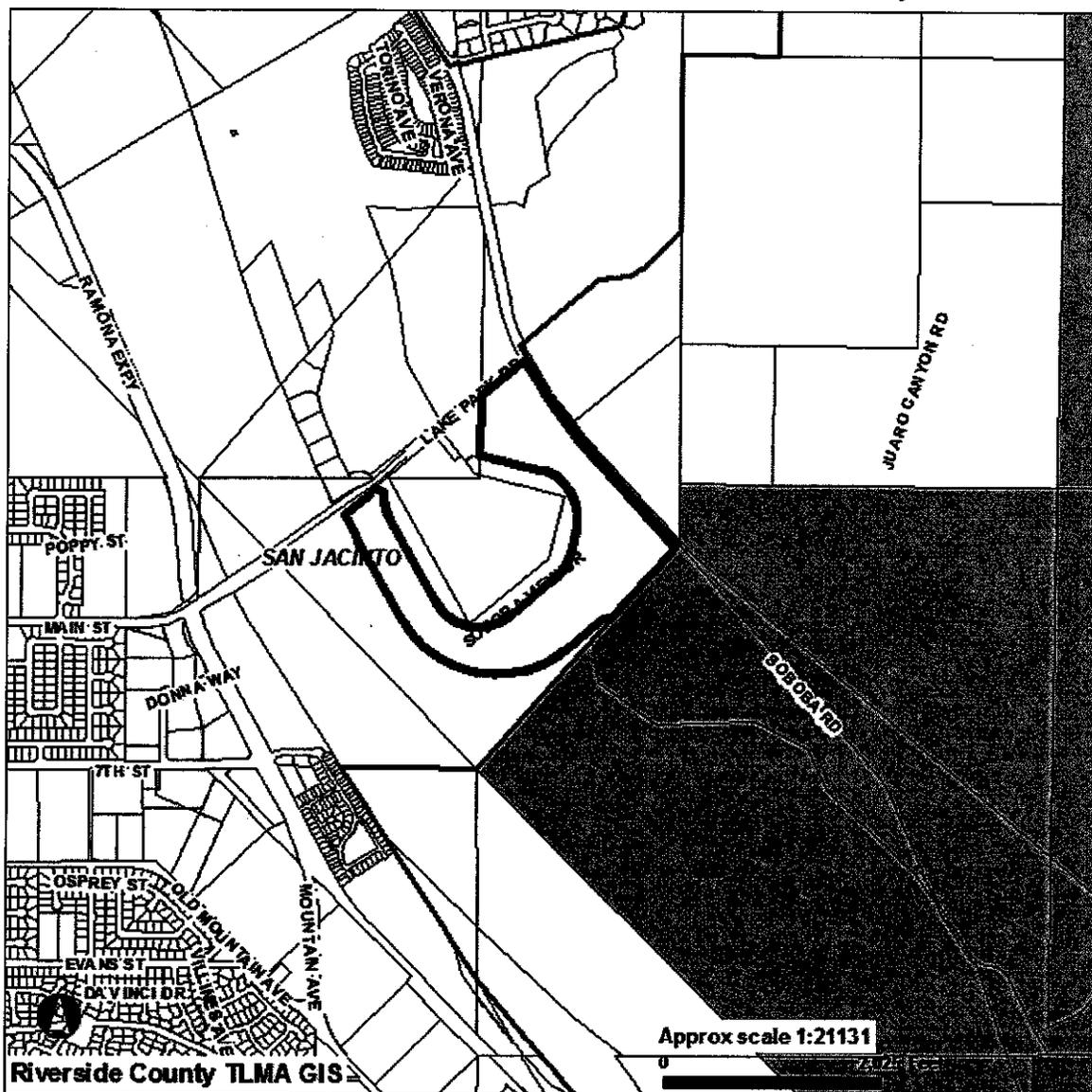
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Dale Morris
September 14, 2009
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ATTACHMENT B

(Location of Single Contiguous Parcel and Reservation Boundary)

Single Contiguous Parcel & Soboba Reservation Boundary



Selected parcel(s):
433-140-020

IMPORTANT

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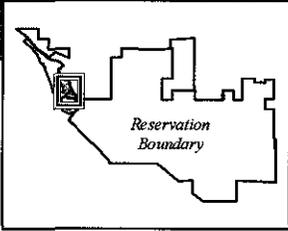
REPORT PRINTED ON...Wed Aug 26 15:23:55 2009

Dale Morris
September 14, 2009
Page 14

ATTACHMENT C

(Location of Casino on Parcels Not Contiguous to Reservation Boundary)

Figure 2-1(a): Proposed Action A



ENTRIX

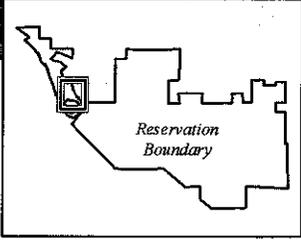
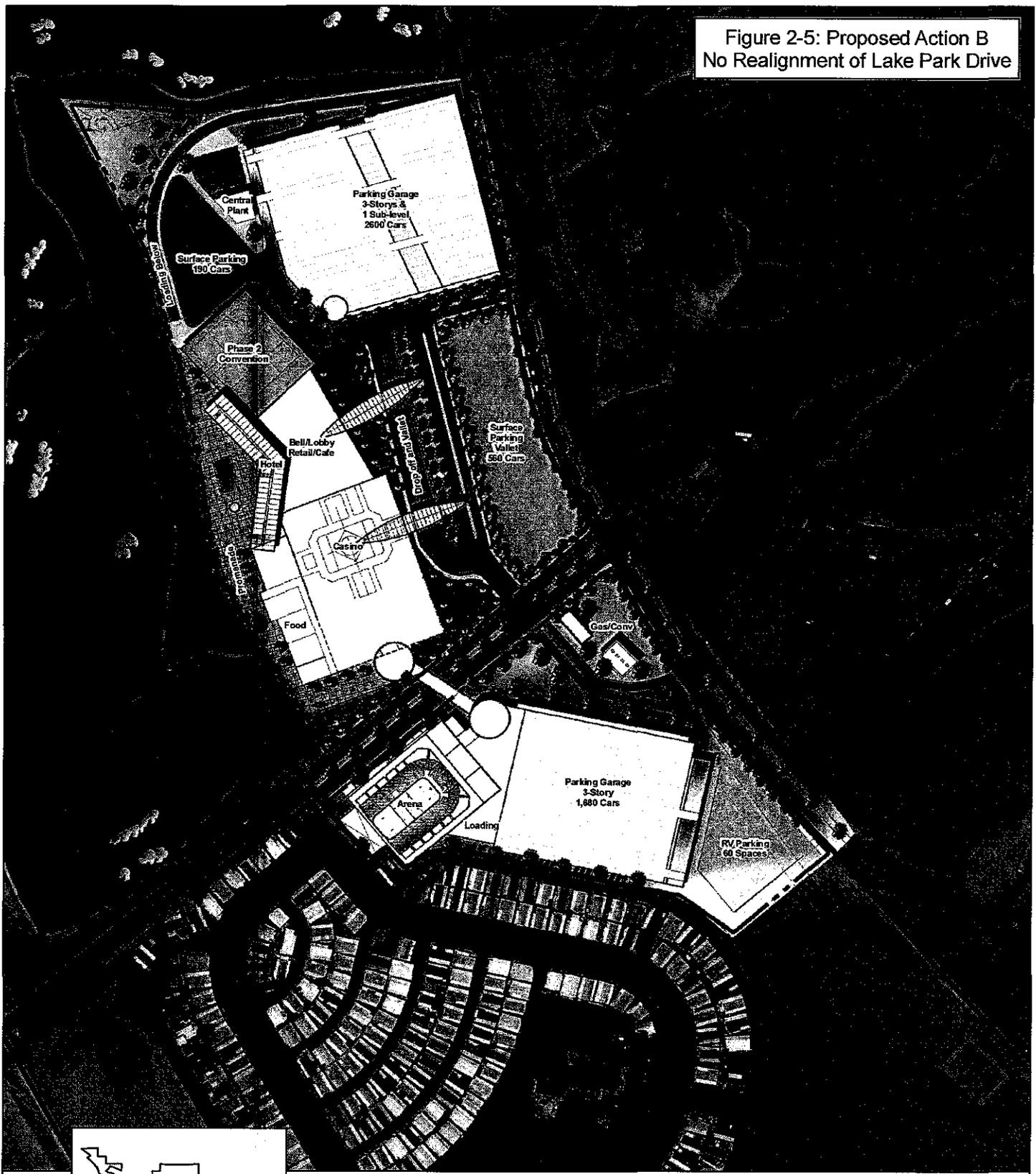
JUNE 2008 - DRAFT



Aerial Imagery: Digital Globe, Inc. September 2007
Proposed Site Plan: JMA

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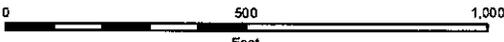
Figure 2-5: Proposed Action B
No Realignment of Lake Park Drive







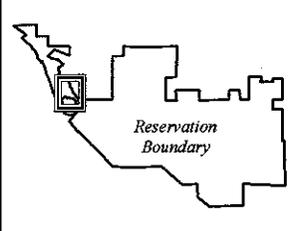
NOVEMBER 2008 - DRAFT



Aerial Imagery: Digital Globe, Inc. September 2007
Proposed Site Plan: JMA

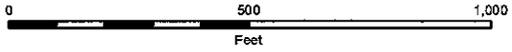
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Figure 2-6: Alternative 1
Reduced Hotel and Casino



ENTRIX

NOVEMBER 2008 - D R A F T



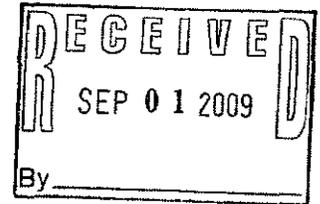
Aerial Imagery: Digital Globe, Inc. September 2007
Proposed Site Plan: JMA

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Dale Morris
September 14, 2009
Page 15

ATTACHMENT D

(San Jacinto Chief of Police August 28, 2009 Memorandum)



MEMORANDUM
August 28, 2009

TO: Barry McClellan, City Manager
FROM: Bill Tyler, Chief of Police
RE: Proposed Blocking of Gilman Springs Road

PROPOSAL:

Terminate public vehicular access of Gilman Springs Road between Sanderson/Lamb Canyon Rd (SR79) and State Street.

BACKGROUND:

Gilman Springs Road between SR79 and State St. is currently classified as an urban arterial roadway serving the San Jacinto/Hemet Valley area as a travel route to the Banning Pass and Moreno Valley areas. It is heavily used as a commuter route, and as a bypass of the heavily congested Sanderson/Ramona Expressway intersection. Based on 2006 data, this segment of roadway has an average daily volume of approximately 14,000 vehicles per day.

Ramona Expressway between SR79 and State St is the other east/west roadway serving the same geographic area, and has an average daily volume of approximately 19,000 vehicles per day.

TRAFFIC IMPACT:

The closure of Gilman Springs Road between SR79 and State St. would force an additional 14,000 vehicles onto Ramona Expressway between Sanderson and State. During commuter peak hours, the intersection of Ramona Expressway and Sanderson is already heavily congested, resulting in commuter delays. Increasing the ADT to over 23,000 on Ramona Expressway would increase delays at signalized intersections between Sanderson and State, leading motorists to find alternative routes to avoid congestion. This could potentially lead to increased local traffic via side streets such as Lyon and Chase which are designed to serve residential areas.

Commuters and other drivers who attempt to avoid traffic congested areas by taking alternate side streets increase the traffic volume and speed in those areas, changing the traffic flow characteristics and increasing potential conflicts with local motorists, bicycles and pedestrians.

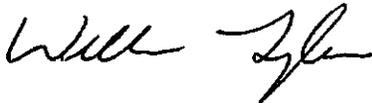
PUBLIC SAFETY IMPACT:

In the event of an emergency situation calling for mutual aid from other law enforcement agencies or EMS in the northern areas of the city, (Chebella & Soboba or Country Club area), the closure of this segment of Gilman Springs Road would increase emergency response times by five minutes or more. Agencies responding from the Banning Pass or Moreno Valley areas would be forced to re-route south on Sanderson to Ramona Expressway, then back north to Soboba via State St or Lake Park.

SUMMARY:

The closure of Gilman Springs Road between SR79 and State St. without the construction of an acceptable alternative east/west route in the same area would have a negative impact on traffic through the city of San Jacinto, and would create a public safety issue due to unnecessary emergency response times.

Sincerely,



Bill Tyler, Chief of Police
San Jacinto Police Department

Dale Morris
September 14, 2009
Page 16

ATTACHMENT E

(Riverside County May 2009 Traffic Counts on Gilman Springs Road)

#52004 / 52005

Average Daily Traffic Volumes

Quality Traffic Data, LLC

| | | | |
|----------------|--------------------|---------------|-----------------------|
| QTD PROJECT #: | 090264 | CLIENT PRJ #: | 516 |
| ON STREET: | Gilman Springs Rd | START DATE: | Tuesday, May 19, 2009 |
| CROSS STREETS: | 300' East of SH-79 | VICINITY: | Riverside, CA |

| AM COUNTS | | | | | PM COUNTS | | | | | | | |
|----------------|----|----|-------------|-------------|-------------|----------------|-----|-------------|-------------|-------------|-----|------|
| | NB | SB | EB | WB | | NB | SB | EB | WB | | | |
| 00:00 | | | 22 | 36 | 12:00 | | | 89 | 92 | | | |
| 00:15 | | | 23 | 21 | 12:15 | | | 85 | 88 | | | |
| 00:30 | | | 17 | 19 | 12:30 | | | 81 | 84 | | | |
| 00:45 | | | 20 | 82 | 21 | 97 | 179 | 94 | 349 | 94 | 366 | 715 |
| 01:00 | | | 21 | 14 | 13:00 | | | 100 | 71 | | | |
| 01:15 | | | 15 | 15 | 13:15 | | | 97 | 99 | | | |
| 01:30 | | | 14 | 11 | 13:30 | | | 99 | 99 | | | |
| 01:45 | | | 19 | 69 | 9 | 49 | 118 | 97 | 381 | 92 | 356 | 740 |
| 02:00 | | | 23 | 14 | 14:00 | | | 89 | 78 | | | |
| 02:15 | | | 14 | 17 | 14:15 | | | 80 | 99 | | | |
| 02:30 | | | 8 | 13 | 14:30 | | | 87 | 114 | | | |
| 02:45 | | | 19 | 64 | 24 | 68 | 192 | 83 | 339 | 103 | 394 | 733 |
| 03:00 | | | 18 | 17 | 15:00 | | | 78 | 125 | | | |
| 03:15 | | | 25 | 18 | 15:15 | | | 85 | 186 | | | |
| 03:30 | | | 26 | 16 | 15:30 | | | 98 | 111 | | | |
| 03:45 | | | 40 | 109 | 8 | 59 | 168 | 66 | 327 | 135 | 477 | 804 |
| 04:00 | | | 51 | 13 | 16:00 | | | 65 | 145 | | | |
| 04:15 | | | 73 | 18 | 16:15 | | | 117 | 125 | | | |
| 04:30 | | | 67 | 17 | 16:30 | | | 81 | 155 | | | |
| 04:45 | | | 78 | 269 | 15 | 63 | 332 | 74 | 327 | 157 | 582 | 919 |
| 05:00 | | | 114 | 23 | 17:00 | | | 105 | 160 | | | |
| 05:15 | | | 105 | 22 | 17:15 | | | 90 | 158 | | | |
| 05:30 | | | 91 | 26 | 17:30 | | | 93 | 176 | | | |
| 05:45 | | | 113 | 423 | 21 | 92 | 515 | 92 | 380 | 142 | 636 | 1016 |
| 06:00 | | | 148 | 95 | 18:00 | | | 59 | 122 | | | |
| 06:15 | | | 137 | 39 | 18:15 | | | 75 | 150 | | | |
| 06:30 | | | 150 | 73 | 18:30 | | | 61 | 103 | | | |
| 06:45 | | | 178 | 613 | 58 | 205 | 818 | 93 | 288 | 94 | 469 | 757 |
| 07:00 | | | 167 | 65 | 19:00 | | | 78 | 63 | | | |
| 07:15 | | | 153 | 65 | 19:15 | | | 65 | 107 | | | |
| 07:30 | | | 149 | 92 | 19:30 | | | 85 | 90 | | | |
| 07:45 | | | 133 | 602 | 80 | 302 | 904 | 51 | 379 | 57 | 317 | 596 |
| 08:00 | | | 137 | 87 | 20:00 | | | 51 | 76 | | | |
| 08:15 | | | 117 | 73 | 20:15 | | | 64 | 56 | | | |
| 08:30 | | | 94 | 62 | 20:30 | | | 41 | 61 | | | |
| 08:45 | | | 104 | 452 | 66 | 288 | 740 | 33 | 189 | 56 | 249 | 438 |
| 09:00 | | | 102 | 71 | 21:00 | | | 45 | 51 | | | |
| 09:15 | | | 114 | 68 | 21:15 | | | 56 | 52 | | | |
| 09:30 | | | 93 | 78 | 21:30 | | | 32 | 59 | | | |
| 09:45 | | | 98 | 407 | 64 | 281 | 688 | 27 | 160 | 39 | 201 | 361 |
| 10:00 | | | 92 | 85 | 22:00 | | | 31 | 42 | | | |
| 10:15 | | | 107 | 69 | 22:15 | | | 30 | 48 | | | |
| 10:30 | | | 101 | 77 | 22:30 | | | 27 | 25 | | | |
| 10:45 | | | 84 | 384 | 79 | 310 | 694 | 21 | 109 | 32 | 147 | 256 |
| 11:00 | | | 91 | 73 | 23:00 | | | 23 | 35 | | | |
| 11:15 | | | 105 | 72 | 23:15 | | | 19 | 39 | | | |
| 11:30 | | | 95 | 72 | 23:30 | | | 18 | 36 | | | |
| 11:45 | | | 88 | 379 | 82 | 299 | 678 | 22 | 82 | 22 | 132 | 214 |
| TOTALS: | | | 3853 | 2113 | 5966 | TOTALS: | | 3223 | 4326 | 7549 | | |

| | | | | SPLIT | | |
|-----------|-------|-------|-------|-------|-------|-------|
| PEAK HOUR | 06:30 | 11:45 | 06:45 | 42.7% | 57.3% | 55.9% |
| PH VOLUME | 648 | 354 | 927 | 13:00 | 16:45 | 17:00 |
| PHF | 0.91 | 0.94 | 0.98 | 384 | 651 | 1016 |
| | | | | 0.96 | 0.92 | 0.94 |

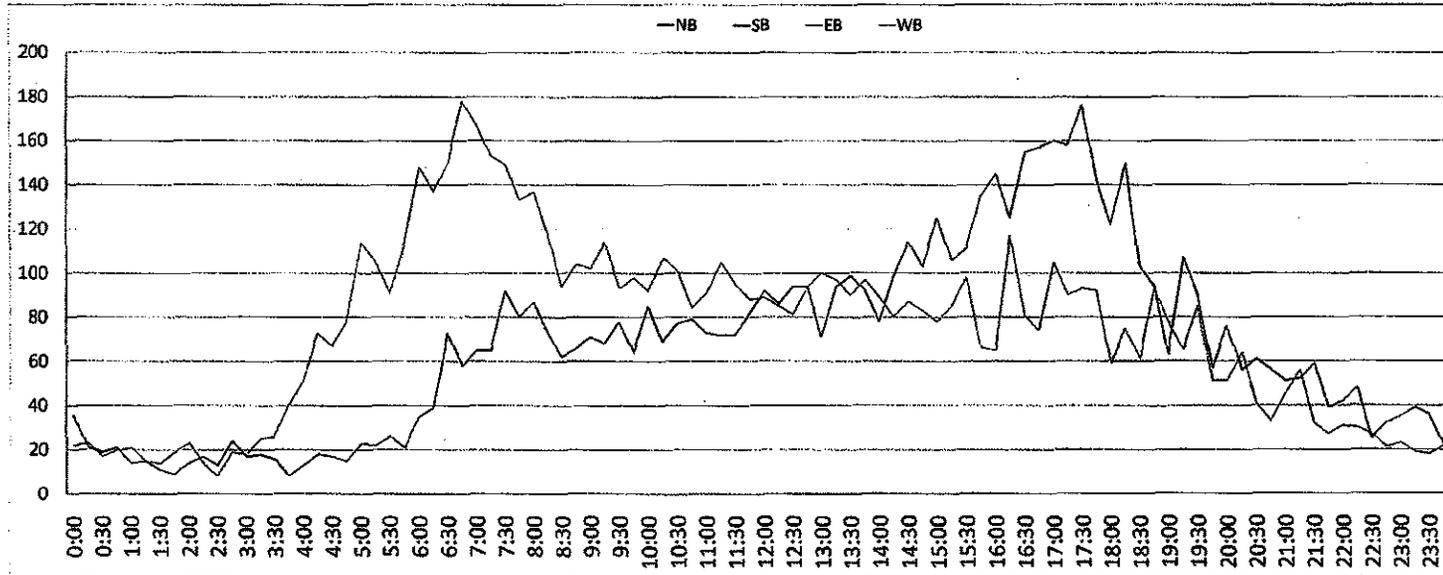
| DAY'S TOTAL | | | | | |
|-------------|----|------|------|-------|--|
| NB | SB | EB | WB | TOTAL | |
| | | 7076 | 6439 | 13515 | |



QUALITY TRAFFIC DATA, LLC
 9701 W Pico Blvd, Suite 205, Los Angeles, CA, 90035
 Phone: 310-341-0019 Fax: 310-807-9247 Info@QualityTrafficData.com

Average Daily Traffic Volumes
Quality Traffic Data, LLC

| | | | |
|-----------------------|---------------------------|----------------------|------------------------------|
| GTD PROJECT #: | 080264 | CLIENT PRJ #: | 615 |
| ON STREET: | Gilman Springs Rd | START DATE: | Tuesday, May 19, 2009 |
| CROSS STREETS: | 300' East of SH-79 | VICINITY: | Riverside, CA |



QUALITY TRAFFIC DATA, LLC

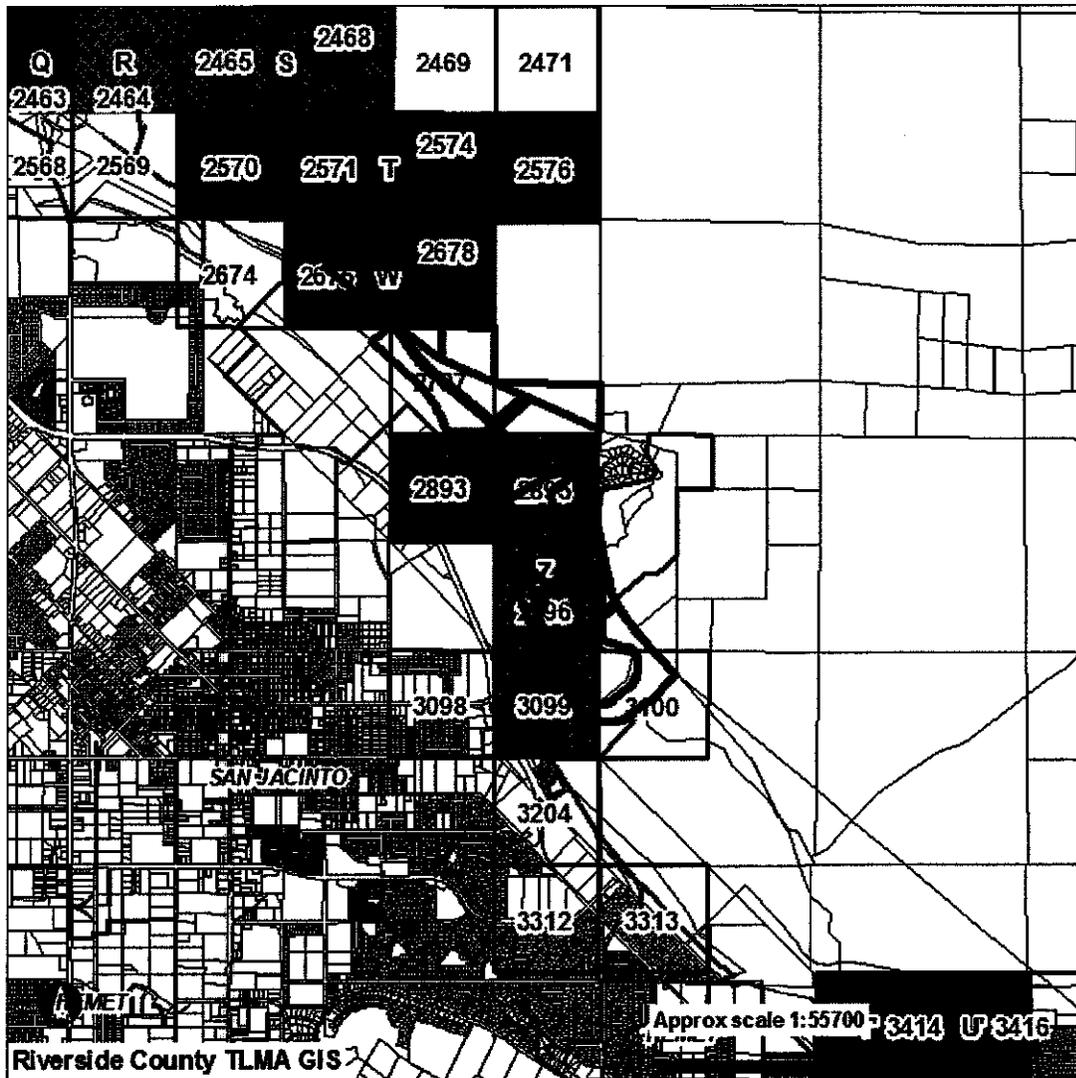
9701 W Pico Blvd, Suite 205, Los Angeles, CA, 90035
 Phone: 310-341-0019 Fax: 310-807-9247 info@QualityTrafficData.com

Dale Morris
September 14, 2009
Page 17

ATTACHMENT F

(Location of Project within MSHCP Conservation Cells)

MSHCP Conservation Cells



Selected parcel(s):

- 430-030-013 430-030-015 430-030-016 430-030-017 433-080-002 433-080-005 433-080-006
- 433-080-007 433-080-010 433-080-011 433-100-002 433-100-013 433-100-014 433-100-015
- 433-110-013 433-120-008 433-120-009 433-120-023 433-120-031 433-140-001 433-140-020
- 433-140-022 433-140-024 433-140-026 433-140-030 433-140-031 433-140-041 433-140-042
- 433-140-044 433-140-045 433-140-046 433-140-047 433-140-048 433-140-049

WRCMSHCP CELL/CELL GROUP

| | | | | |
|-----------------|---------|--------------------------------|---------------|--------------------|
| SELECTED PARCEL | PARCELS | 36 CRITERIA CELL NUMBER | CRITERIA CELL | SAN JACINTO VALLEY |
| Q | R | S | T, T' | CITY BOUNDARY |
| U' | W | Z | | |

IMPORTANT

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REPORT PRINTED ON...Fri Sep 11 11:07:39 2009



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Environmental Programs Department

Carolyn Syms Luna
Director

September 8, 2009

U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region
2800 Cottage Way
Room W-2820
Sacramento, CA 95825-1846

Re: Draft Environmental Impact Statement Soboba Band of Luiseño Indians, Horseshoe Grande Fee-to-Trust Project

To Whom It May Concern:

The Environmental Programs Department (EPD) appreciates the opportunity to review the document. EPD would like to point out that this project is within the geographic boundary of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). This MSHCP was a multi-year planning effort that cost over \$2 million and took several years to develop. This plan went into effect on June 22, 2004. The permittees under the plan include the County of Riverside, all 16 cities in the western portion of the county, Caltrans, the Riverside County Flood Control District, and others. As the largest Permittee under the MSHCP, the County of Riverside is extremely concerned with achieving the goals and objectives under the plan in light of the proposed fee-to trust project. While EPD is not an approving Agency, we would request an analysis of how the proposed project would impact the MSHCP and/or help to achieve the MSHCP goals and objectives.

If this were a project seeking entitlement in the unincorporated portion of the County of Riverside, the Environmental Programs Department would require this project to address the following areas:

Cell Criteria

According to EPD staff review of the MSHCP Criteria, a significant area in the northernmost portion of the site is identified for conservation. No evaluation or discussion on the how the project would achieve consistency with MSHCP Criteria was provided. The project proponent should provide a detailed MSHCP Criteria Analysis which indicates how the proposed project would achieve Criteria objectives for the proposed project area.

Riparian/Riverine, Vernal Pool Assessment

The Water Resources, Section 3.2 in of the document describes watershed system for the site but does not identify any of the resources as riverine or riparian. Section 6.1.2 of the MSHCP defines the riverine

A26-335

A26-336

A26-337

and riparian resources within the plan and describes the survey, mapping and avoidance requirements. The project document needs to provide an analysis in accordance with Section 6.1.2 of the MSHCP.

Narrow Endemic Plants and Criteria Area Species

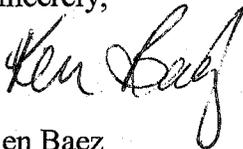
The document provides an extensive list of sensitive plants and animals species with the potential to occur onsite were evaluated in the Biological Resources Assessment dated July 2008; however, required focused surveys were not conducted as required in the MSHCP to determine the presence or absence of occupied habitat for burrowing owl, Los Angeles pocket mouse (LAPM) and San Bernardino kangaroo rat (SBSKR). Additional discussion in the document defers mitigation to the construction phase of the project. The area along the San Jacinto River adjacent to the proposed project is identified under the MSHCP as core habitat for the LAPM and the SBSKR. Focused surveys for the previously mentioned species should be performed now in order to assess the extent of occupied habitat prior to project approval and to determine whether any long term conservation value exists as it relates to the species account objectives stated in the MSHCP. All impacts shall be evaluated prior to any project approval and mitigation specific to the corresponding resource outlined in a Mitigation Monitoring Plan.

Urban Wildland Interface Guidelines

The MSHCP requires that projects that may have direct or indirect impacts associated with locating development in proximity to the MSHCP Conservation Area shall be required to provide an assessment in accordance with Section 6.1.4 of the MSHCP.

If you have any questions, regarding these comments, please contact me at (951) 955-2009.

Sincerely,



Ken Baez

Principal Planner
Environmental Programs Department



COUNTY OF RIVERSIDE • COMMUNITY HEALTH AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH

September 9, 2009

U.S. Department of the Interior
Bureau of Indian Affairs – Pacific Region
2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) –
SOBOBA FEE-TO-TRUST PROJECT (HORSESHOE GRANDE
PROPERTY)**

To Whom It May Concern:

After conducting a cursory review of the Draft Environmental Impact Statement (DEIS) for the project listed in the subject heading of this email, the Department of Environmental Health has the following comments:

- 1) The DEIS does not adequately evaluate impacts of a 1.2 MGD wastewater treatment facility on ground/ surface water in the region.
- 2) Identifying the ultimate location of disposal for solid waste generated from the proposed project. (Will a landfill be proposed onsite?)
- 3) Statement of assurance that any underground and/or aboveground fuel storage tank(s) will be constructed and operated in accordance with applicable Federal regulations.
- 4) Statement of assurance that the maintenance of any retention/detention basin will be conducted in a manner that will prevent potential vector breeding through adherence to applicable State guidelines.

It should be further noted that any proposed public food facilitie(s), public swimming pool(s) and/or spa(s), as well as, potable water system(s) are subject to Federal regulatory oversight only.

A27-340

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

September 14, 2009

Dale Morris, Regional Director
Pacific Region, Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 92825

0 ~ ✓

Exec Reg Dir _____

Exec Adm Officer _____

Route **DEURMS**

Response Required **NO**

Due Date _____

Memo **lit**

Tele _____

Confirmation of fax -

**RE: Draft Environmental Impact Statement (EIS) for the Soboba Band of Luiseno Indians
Horseshoe Grande Fee-To-Trust Project**

Dear Mr. Morris:

Thank you for providing the County of Riverside with the opportunity to review the above environmental document. The Soboba Band of Luiseno Indians (hereafter cited as "Tribe") proposes the conveyance of 534.91 acres (hereafter "Project Site") of Tribal-owned property to Federal trust status and subsequent development of an approximately 55 acre portion of the Project Site located adjacent to the existing 149 acre 18-hole golf course and country club into a destination resort consisting of a 729,500 square foot hotel/casino complex. The Draft EIS has been prepared and circulated to the County of Riverside for review and comment pursuant to the Tribal-State Gaming Compact (hereafter cited "Compact"). The Compact requires any proposed expansion, significant renovation or modification, or construction and development of Class III Gaming facilities be subject to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA). The Tribe is further directed under the Compact to adopt a Tribal environmental ordinance which implements the policies and purposes of NEPA and CEQA in evaluating potential project impacts and mitigating off-Reservation impacts of all and any projects subsequent to the effective date of the Compact.

The fundamental purpose of preparing an environmental document is to provide decision-makers and the public with the "big picture" and the expected effects of the ultimate environmental changes to allow decision-makers to make intelligent judgments. The fee-to-trust process includes the environmental analyses and the potential effects of the proposed land acquisition on the local and surrounding communities, as well as consultation to determine the effects and overall benefits of the project for the Tribe and local government based on the proposed use. State and local governments are provided the opportunity to give comments on the acquisition's potential impacts on regulatory jurisdiction, real property taxes, and special assessments.

The Draft EIS states that "all the technical analyses assume the Tribe would construct the conference center and will mitigate development impacts under a worst-case scenario (in other words, at full build-out of all facilities under A and B). Additionally, the Draft EIS states that cumulative effects analysis broadens the scope of the proposed project to include effects beyond those solely attributed to implementation of the proposed action & alternatives.

A28-341

A28-342

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Development of the hotel/casino complex will occur in two (2) phases and construction will be conducted over a two-year period, 7 a.m. to 7 p.m., Monday through Saturday. Project components include:

PHASE I:

- A 5-story 300-room hotel (300-400 employees); retail businesses; various food and beverage establishments (e.g., buffet, coffee shop, steakhouse, specialty restaurant, noodle bar, night club, sports bar, lounge, etc.); spa and fitness center totaling approximately 370,000 square foot.
- A casino totaling approximately 160,000 square foot; employ 1,200 – 1,600 employees and accommodate approximately 5,090 vehicles.
- A special events arena (enclosed) with a capacity of approximately 2,595 – 3,891 seats (*requires off-site parking / shuttles – existing casino site for overflow parking)

Free-standing developments include:

- 2 fire stations (one located in SEC of project site / the other near the intersection of Soboba and Castile Canyon Road on reservation land). Both will be 2-story and total approximately 13,500 square foot.
- A 12-pump gas station and an approximately 6,000 square foot convenience store (will utilize ASTs and EIS states that the USTs will comply with Riverside County Ordinance No. 617).

Once the existing casino located south of Lake Park Drive (within reservation lands) is relocated to the hotel/casino complex, the existing structure will be used for Tribal functions (e.g., "Great Hall," Tribal membership meetings, cultural center, etc.) and overflow parking for the special events arena.

PHASE II:

- An approximately 40,000 square foot Convention Center.
- A wastewater treatment plant (1.2M GPD) to support the proposed resort and existing reservation.

Planning staff agrees with the Tribe's need for cultural and social preservation, expression and identity, political self-determination, self-sufficiency, and economic growth while maintaining autonomy provided by taking the land into Federal trust to allow for greater self-efficiency in the context of the proposed uses without oversight from external governmental bodies. Planning staff's comments directly address the adequacy of the Draft EIS and supporting documentation and whether all feasible mitigation measures have been incorporated into project development.

1. PUBLIC SAFETY – FIRE: As mitigation measures, the Draft EIS states

- That the Tribe *will* adopt the land use/fire suppression goals of the California Department of Forestry and Fire Protection (CDF) and the Riverside County Fire Department for heavy urban areas.

A28-343

A28-344

A28-345

- That the Tribe *will* enter into a “Mutual Aid Agreement” with CDF, Riverside County, and the City of San Jacinto as well as with the City of Hemet.
- That the Tribe *will* finalize the Draft Fire Operations Plan in conjunction with CDF and Riverside County as well as establish the “Mutual Aid Agreement.”
- That the Tribe *will enter* into contract with CDF and Riverside County to provide dispatching services for the reservation and proposed trust lands.

Once the land is conveyed to Trust status, what guarantees exist that these mitigation measures will be developed? These contracts and agreements need to be completed prior to a Record of Decision (ROD) and project approval or, at a minimum, a Memorandum of Understanding (MOU) needs to be prepared and signed by all affected parties prior to project approval stating that these actions will be done in mutual good faith.

2. AIR QUALITY: The discussion and findings under the Air Quality Section of the Draft EIS are inadequate as due to the following

- a. The effects on air quality during construction of the proposed project and alternatives is flawed because the air quality modeling utilized the square footage of each use (e.g., rooftops only) and not the development footprint which is indicated in the EIS to be approximately 55 acres for proposed project A, B and Alternative 1; >55 acres for Alternative 2; and, approximately 67 acres for Alternative 3. Appendix N, Air Quality, utilized total development area (excluding parking facilities and including parking facilities) for the proposed project of 17.42 acres and 32.15 acres, respectively; for Alternative 1 of 14.07 acres and 25.86 acres; for Alternative 2 of 14.85 acres and 29.58 acres; for Alternative 3 of 43.43 acres and 47.29 acres; and, for Alternative 4 (no project/no development) of 120 acres to address the existing golf course and country club.

NOTE: If the existing 120-acre golf course and country club are evaluated under Alternative 4 as a component of the “resort destination,” it should be included in all models.

- b. The URBEMIS model defaults account for land use relevant TPD but does not accommodate unusual activities such as event-related TPD (e.g., concerts, wrestling events, PGA Golf Tournaments, etc.)

3. GREENHOUSE GASES: The discussion and findings under the Air Quality Section of the Draft EIS are inadequate due to the following

- a. The URBEMIS model only calculated operational CO₂ emissions and did not address all the GHGs, specifically, CH₄ (methane) and N₂O (Nitrous Oxide) pursuant to California Health and Safety Code Section 38505.
- b. The analysis under greenhouse gases did not factor in energy related emissions (electrical) resulting from project implementation.

A28-345 cont.

A28-346

A28-347

c. The baseline for comparison of greenhouse gas emissions is incorrect and should be:

- | | | |
|-------------------------------------|---|---|
| 1) Existing Emissions (vacant land) | = | 0 |
| 2) General Plan Build-out Scenario | = | incorporate both County and City general plan land use designations |
| 3) Project and Alternatives | = | |

Then, the determination of significance should be a comparison of existing emissions to general plan build-out emissions and existing emissions to project and alternatives emissions. NOTE: Future emission projections are based on general plan land use designations since development projects cannot be anticipated at this time.

The EIS estimates operational emissions of CO₂ would be approximately 2,805 tons per year and finds that the emissions from construction and operations of the proposed project and alternatives to be Less Than Significant when compared to the amount of Statewide production of greenhouse gases annually. The EIS utilizes the CAPCOA 2008 greenhouse gas significance threshold of 992 tons per year.

However, the comparison should have been the increase of greenhouse gas production from what is existing (a) to what is proposed (c). This comparison would result in approximately 3x the amount used for determining significance.

AB 32 policies establishes California targets for greenhouse gases at 1990 emission levels by 2020 and an 80% reduction of 1990 emission levels by 2050, therefore:

- a. Even with no development, California cannot achieve decreases to 1990 emission levels.
- b. Therefore, all new development in excess of that called for by the County/City general plans should be considered cumulatively significant contributor to GHG emissions and a significant source of GHG emissions.

4. **NOISE:** The discussion and findings under the Noise Section of the Draft EIS are inadequate due to the following

- a. The project analyzed in this section is a proposed retail and office complex to be located south of Lake Park Drive and to include such uses as:
 - mini-mart with gas station;
 - restaurants;
 - video store;
 - insurance office;
 - dry cleaner or Laundromat;
 - grocery store;
 - 300 space RV park; and,

an extension across Lake Park Drive to the north on a portion of the proposed fee-to-trust land for:

- a small government center (e.g., credit union and post office);
- fire station to the northeast; and,

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Therefore, the noise analysis addressed only potential effects on the existing mobile home park, such as:

- 1) traffic increases on Lake Park Drive and Soboba Road (traffic accessing the facilities).
- 2) retail parking lot activity (including the extension across Lake Park Drive).
- 3) RV park traffic and operations.
- 4) ancillary sources such as trash compactors and loading docks.
- 5) project construction.

The project evaluated is neither one of the proposed projects in the Draft EIS nor one of the alternatives but a somewhat reduced scale of Alternative 3. Additionally, the Draft EIS provided no analysis of the combined noise effects from project build-out but only for each use individually.

Riverside County Transportation Department Comments

Thank you for giving the Transportation Department the opportunity to review the Draft EIS and the Traffic Study contained as an Appendix for the proposed Soboba development. We look forward to working cooperatively with the BIA, the Soboba Tribe, and other partner agencies to appropriately analyze and mitigate impacts. We have the following comments.

1. The traffic analysis area is defined much too narrowly. The DEIS fails to analyze traffic and circulation impacts on County facilities and fails to propose appropriate mitigation measures.

The proposed development that would include a casino, hotel, event arena, convention center, service station/convenience store will generate about 24,000 to 28,000 daily trips, with about 1,400 trips in the morning peak hour and about 2,400 trips in the afternoon/evening peak hour.

The number of expected trips implies that the proposed development will be a regional magnet for recreational and convention travel and will have traffic impacts on many local and regional streets and highways. The DEIS, on the other hand, addresses intersections that are in a small area near the proposed development, plus the interchanges at I-215/SR-74 and I-10/SR-79. Intersections and roadway segments in a larger area need to be included in the analysis.

2. The Transportation Department requests that the DEIS include an analysis of the following additional intersections:

- Soboba Road/Gilman Springs Road
- Ramp terminals at the interchange of Gilman Springs Road and SR-79 (Sanderson Avenue)
- Ramp terminals at the interchange of SR-60/Gilman Springs Road
- SR-74/Ramona Expressway
- Ramona Expressway/Sanderson Avenue (In San Jacinto)
- Ramona Expressway/Bridge Street
- Mountain Avenue/Soboba Street
- Mountain Avenue/Ramona Expressway/Cedar Avenue

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3. The Transportation Department requests that the DEIS include an analysis of the following roadway segments:
 - Soboba Road between the project and Gilman Springs Road
 - Gilman Springs Road between Soboba Road and SR-60 (for analysis purposes this segment may need to be subdivided)
 - SR-79 between Gilman Springs Road and I-10 (for analysis purposes this segment may need to be subdivided)
 - Ramona Expressway between Main Street in San Jacinto and Perris City Limits (for analysis purposes this segment may need to be subdivided)
 - Mountain Avenue/Ramona Expressway between Main Street in San Jacinto and SR-74 (for analysis purposes this segment may need to be subdivided)
4. The Transportation Department requests that the project proponent improve Soboba Road, which would serve 30% of the traffic to and from the proposed project, to an all-weather facility with sufficient capacity to serve the forecasted traffic of over 30,000 vehicles per day. In addition to carrying routine high traffic volumes to and from the proposed facility, the availability of Soboba Road as an all-weather roadway with adequate capacity would be crucial in the event of evacuations and other emergencies.
5. The Transportation Department requests that the project proponent take no actions that would reduce the access rights of residents in County and San Jacinto islands in the vicinity of the proposed project. The access rights of these residents must be protected in perpetuity. The DEIS should propose enforceable mitigation measures to ensure that access rights will be protected in perpetuity.
6. The Transportation Department requests that the project proponent prepare a Traffic Management Plan (TMP) to handle major special events like concert and other intense short-term peaks using the proposed convention center. The TMP should be submitted to the review and approval of all affected jurisdictions (including but not limited to, County Transportation Sheriff, CHP, CAL Fire, and the City of San Jacinto). The TMP should address such matters as:
 - special traffic controls, including Traffic Officers
 - need for off-site parking, if necessary,
 - bus or shuttle services,
 - pedestrian circulation,
 - avoidance of vehicular/pedestrian conflicts
 - other measures as may be appropriate
7. The Transportation Department requests that the project proponent be required to make any off-site improvements where the project alone would have a significant traffic impact. The payment of fair share fees would not be considered sufficient mitigation. In those cases where the proposed project contributes to a cumulative impact, the payment of fair share would be acceptable, provided the fair share is computed on the basis of the percentage of the traffic contributed by the project compared to traffic growth.

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Thank you for considering our comments and for the opportunity to review the Draft EIS. Please provide notice and a copy of the Final EIS when available. If you should have any questions regarding these comments, please contact Kathleen Browne, Planning Department staff, at (951) 955-4949.

Respectfully,



Ron Goldman
Planning Director

Attachments

cc: Supervisor Stone, Attn: Verne Lauritzen
George A. Johnson, TLMA Director
Juan Perez, Director of Transportation
Damian Meins, Assistant Planning Planning Director
Patricia Romo, Deputy Director of Transportation
Jerry Jolliffe, Deputy Planning Director
Farah Khorashadi, Engineering Division Manager
Herman Basmaciyani, Consultant Engineer
Kevin Tsang, Junior Engineer

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COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

August 24, 2009

Pages 3 (including this cover)

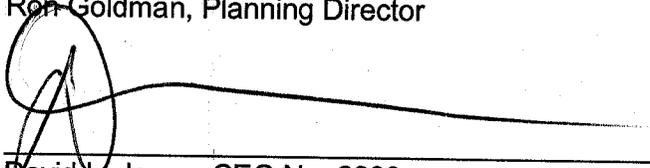
Dale Morris, Regional Director
Pacific Region, Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 92825

RE: Draft EIS Comments
Soboba Reservation proposed fee-to-trust Casino/Hotel Project

Please see the attached Review Comments pertaining to the subject report. Please call me at (951) 955-6863 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Ron Goldman, Planning Director



David L. Jones, CEG No. 2283
Chief Engineering Geologist, TLMA-Planning

Attachments: Review Comments (2 pages)

cc: Kathleen Browne, Riverside County Planning Dept.
David Huff, Riverside County Counsel

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GEOLOGY

The following report was included on the CD provided for review of this project: LandMark, June 23, 2008, "Proposed Soboba Hotel and Casino, Soboba Band of Luiseno Indians, San Jacinto, California – Preliminary Fault Hazard Evaluation Report for the project site; prepared by Landmark consultants, Inc. dated June 1, 2007.

No other geologic/geotechnical report was provided for review and this is the only report provided on the Bureau's web page for this project. Based on this report, I offer the following comments:

1. The LandMark report included with the EIS is wholly inadequate for review of the project. This June 23, 2008 report eludes to a June 1, 2007 "Preliminary Fault Hazard Evaluation Report". This report should be appended to the EIS and should be made available for public review and comment. In addition, other investigation reports such as geotechnical investigations, if existing, should be included as a part of the EIS.
2. The LandMark report indicates it to be a brief summary concerning site conditions for the proposed hotel and casino. It provides no information pertaining to the fault rupture, landslide/debris flow, or settlement potential at this site. Reports addressing all geologic hazards should be included in the EIS.
3. The project is located within a State of California Alquist-Priolo Earthquake Fault Zone. As such, the project must be evaluated in accordance with the Alquist-Priolo Earthquake Fault Zoning Act (AP Act). The study must be performed by and endorsed by a State of California licensed Professional Geologist. Hazard analysis and mitigation as required by the AP Act should be incorporated into the project.
4. The project site should be investigated and analyzed for all possible geologic hazards including, but not limited to slope stability, rock fall hazards, landslide hazards, surface fault rupture, fissures, liquefaction potential, collapsible and/or expansive soils, subsidence, wind and water erosion, debris flows, and groundshaking potential.
5. The Mitigation Measures "Soils and Geology" section of the EIS indicates no mitigation measures are required. This is not likely accurate or adequate due to the documented surface fault rupture, groundshaking, debris flow and settlement potential at this site. This section should be expanded to include the required mitigation of active fault avoidance, debris flow consideration, groundshaking mitigation design and settlement mitigation at a minimum.
6. The Mitigation Measures "Seismic Hazards" section does not speak to the required mitigation under building code (CBC) or any other mitigation required for the proposed project under state and/or local regulations and guidelines. The project should consider the proximity to active faults and employ necessary mitigation based on at least California State standards.
7. The Environmental Consequences section fails to recognize the fault rupture potential at this site.



PALEONTOLOGY

1. The EIS fails to identify the high potential for significant paleontological resources at this project site.
2. Mitigation measures contemplate incidental find only. The project should consider deliberate planning and monitoring of all excavation activities for paleontological resources.



SOC
Save Our Communities

September 9, 2009

Mr. Dale Morris
Regional Director, Pacific Region
Bureau of Indian Affairs
2800 Cottage Way
Room W-2820
Sacramento, California 95825

Handwritten notes and stamps on the right side of the page, including a checkmark at the top right, a signature, and the text "DEC 18 10".

Re: Community Response to the "Draft EIS Comments, Soboba Reservation, proposed fee-to-trust Casino/Hotel Project"

From: Patricia Mayne, 1766 Carrera Drive, San Jacinto, California 92583 representing Save Our Communities (SOC), P.O. Box 682, San Jacinto, California 92581

Dear Mr. Morris,

After reading the lengthy DEIS, we have several areas of concern. According to the Scoping Report of February 22, 2008, all the citizen concerns, as well as the concerns stated in the Scoping Report by Entrix were supposed to be fully addressed in the DEIS.

The NEPA process is intended to ensure that environmental information is available to public officials and citizens before decisions are made and actions taken. The DEIS should be an unbiased representation of the facts. We believe it is deficient in many areas and does not represent the true nature of the environmental impact on this Horseshoe Grande Project sphere.

Save Our Communities (SOC) presents the following responses to the DEIS, as well as a report entitled **Scoping Issues of the Soboba Horseshoe Grande Project**, with attachments and pictures, which will more fully explain the information needed for the Record of Decision prepared by the Pacific Regional Staff of the BIA, for Dale Morris, the Regional Director, for Paula Hart in the Indian Gaming Management Section of the Department of Interior, for the Solicitor, for Larry Echo Hawk, Assistant Secretary of Indian Affairs, and for Ken Salazar, Secretary of the Interior, all of whom obviously will take the information from the DEIS as truthful and unbiased. We have taken each section and presented our facts as we know them to be true. We look forward to reading the Final EIS with an explanation of these discrepancies and a more substantial report on

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which to base a very important decision, both for the Tribe and for the surrounding communities.

There are several areas in the Scoping Report of February 22, 2008 that have been omitted in the DEIS. These include:

1. **Procedural and Legal** – Section 3.2.2 page 25 of the Scoping Report, Pages 40 -45 of SOC Report
2. **Sovereign Power & Programs for Members** – Page 1 & 5 of Scoping Report Pages 9-11 of SOC Report
3. **Reacquiring Reservation Land** – The only mention is prehistoric sites with a village located near the Project site, which was on the present reservation (Sec. 3.0 page 75). The Project site was never reservation land nor owned by the Tribe (pages 11-13 of SOC Report).
4. **Information proving that this fee to trust would “NOT be Detrimental to the Surrounding Communities”** – There are *three* communities and several large private owners of land affected, however the only community specifically mentioned as being affected by the Project is the Mobile Home Park (Section 3.0 page 146).
5. **Additional Land is needed for Operations** – Section 4.1.2 page 27 Scoping Report Pages 5 & 6, 13 – 15 of SOC Report
6. **Emergency/Evacuation Plan** not mentioned – Page 20 of Scoping Report Pages 8 & 9 of SOC Report
7. **Membership** – Page 27 of Scoping Report Page 13 of SOC Report

Other Concerns not addressed in the DEIS:

1. **Wastewater Treatment facility** is to be on “existing reservation” (Scoping Report p. 5), however, map shows it to be on Horseshoe Grande property.
2. **Mitigations** – how will they be enforced? (Page 16 of Scoping Report). Will they be judicially enforced in a State Court?

3. **Build on Existing Reservation Land** – Could the Tribe do this, why or why not? (Page 16 Scoping Report)

4. **Traffic issues** including improvement of intersections, highway off ramps do not mention whether or not the agencies responsible for these proposed improvements have been contacted and given their approval to make these improvements (page 18 of Scoping Report)

5. **Pedestrian Safety** has not been addressed (page 18 Scoping Report)

6. **Land-Use Planning** – how will this Project not conflict with the current zoning (page 19 Scoping Report) or adversely affect the character of the area? (Page 20)

7. **Evacuation Plan** – no mention of an evacuation plan for all areas of the Project area (page 20 Scoping Report). The DEIS states on Sec. 3 page 138 that “contingency plans for managing displaced reservation residents” will be developed, but nothing about the three surrounding communities that will be surrounded by reservation land.

8. Public Services concerns such as Security and legal jurisdictional issues were not addressed (page 21 Scoping Report)

9. **Local Economy** – how this Project would affect local businesses, including gas stations, restaurants, hotels, special event hosts, spas, etc. was not addressed (page 21 Scoping Report)

10. How the **Property Values** of surrounding communities would be affected? (Page 22 Scoping Report)

11. **Outstanding Bonds** of the Soboba Springs Redevelopment Project were not addressed (page 22 Scoping Report)

12. **Problem Gambling** issues not addressed (page 22 Scoping Report)

13. **Crime issues**, all eight of them, were not addressed (page 22-23 Scoping Report), in fact Law Enforcement had a No Impact determination and No Mitigation result in the DEIS, even though Crime is a major concern to County and City officials.

14. **Environmental Justice** issues were not addressed (page 23 Scoping Report).



15. **“Detailed conceptual plans”** not provided, therefore the community and government agencies cannot comment on them (page 25 Scoping Report). The only visual presented is a map of the acreage under consideration, placement of various parking lots and buildings and where the Waste Water Treatment Plant is to be situated.

- Easement agreements around the Mobile Estates have not been addressed.
- Where is the second fire station going to be placed?
- What are the exact heights of the buildings and structures above grade?

16. **Local Agency Formation Commission (LAFCO)** issues were not discussed (page 25 Scoping Report).

These Mitigation issues and Environmental Consequences are insufficiently planned and/or were not fully explained:

1. The **fault lines** were studied several years ago and detailed construction mitigations were not explained as to the safety of patrons in the 3 story parking garages and the evacuation plans for the 3 to 4 story hotel.

2. **Groundwater** use has exceeded yield since 1958 and is now in overdraft. How can this commercial Project be approved that will use scarce water?

3. **Non-attainment for pollutants** in the South Coast Basin needs mitigation, however the DEIS admits that increased pollution will occur, but not how to mitigate it. Most will be caused by vehicle traffic which will increase dramatically.

There is a need for a “conformity determination” (Sec. 3.0 page 45) that should have been in the DEIS.

4. The **Environmental Justice** section of the DEIS states that no group will bear the large share of negative consequences, however, problem gamblers will bear that burden, as will their families through loss of money, and high divorce rates. This issue has not been mentioned or mitigated.

5. How will the Tribe mitigate the **violation of 17 of the City of San Jacinto’s General Plan** goals? (Sec. 3.0 page 121) These include: 1.7; 1.9; 2.1; 2.4; 2.7; 2.8; 3.1; 3.2; 3.3; 4.1; 4.2; 6.4; 6.7; 9.1; 9.2; 9.3; 9.5; 9.6

6. The DEIS states that **“mutual agreements”** will be developed with Hemet, Riverside, Banning, Perris and Indio regarding fire protection, ambulance and hospital services from the Project (Sec. 3.0 page 139) , however, there is no mention that these cities have been contacted nor that these agreements have been mutually discussed or determined. To

the contrary, representatives of these cities said that they were unaware of their involvement in this Project.

7. **Overcrowding in local schools** and in Hemet would be exacerbated by the Project's increased worker's families and no details of how this would be successfully mitigated is discussed. A mention of contributing to a school's fund is mentioned, however, no study was done as to the extent of overcrowding based on the projected families working and living in the area.

8. The DEIS states that the **Noise** generated by the Project "would not be compatible with Riverside County's General Plan" (Sec. 3.0 page 155), yet noise travels over property lines and the Tribe states noise generated would "only" be from 7am to 7pm, Monday through Saturday. The mitigations of a 24 hour casino/hotel traffic and patron noise are unenforceable and only suggestions by the Tribe to keep the noise down because of residential neighborhoods, is exactly that, a suggestion not a judicially enforced mitigation.

- Mitigation section 5.0 page 5-32 states that a 6 foot wall around the Mobile Home Park will reduce noise 6 dBA. The noise generated from this project would be unbearable to the elderly living there, even with a 6 dBA reduction.
- On page 5-33, the DEIS suggests that a 10 pm curfew for the RV park surrounding the existing retirement mobile home park would help the noise pollution. This 10 pm curfew is in violation of the San Jacinto City Noise Ordinance and is a small dent in the noise decibels that will be produced by this project.

9. The **Visual** section (Sec. 3.0 page 156-162) misstates the importance of the views of the San Jacinto Mountains from all view points. The City website and all of their pamphlets highlight the mountains. The Tribe's golf course literature and T.V. commercial highlight the mountain views.

- We disagree with the Scenic Quality of 11 grade of C. What is the scale? The color of the mountains change with the seasons; there are three ponds of water on the golf course not mentioned in the SQRU; the cultural modification is appropriate with Spanish tile roofs, one story homes purposely built to retain the views for all residents.
- The Visual Resources Class Assignment (Sec. 3.0 page 164) should be completed for the three surrounding communities that are supposed to be considered in the Secretary of Interior's decision making process (Sec. 20, IGRA).
- A high rise hotel and parking structure, painted orange and blue, would not fall into the MODERATE level of change suggested in the DEIS. (Sec. 3.0 page 164-165).

10. Statements on page 5-23 of the DEIS state that there will be **motion sensors** in the parking lot. That is impossible since there will be motion 24/7.

- Signage is to be 25 feet from grade which will be visible from all residential neighborhoods.
- 3 feet of vegetation will NOT reduce headlight and windshield glare in the 3 story parking garage. It will be a constant source of light in a previously dark night sky.
- Security lighting will be on 24/7 and is not Less Than Significant. The current casino lights are on all night, are very intense and strobe lights are on that streak the night sky with light all night.

11. **Noise** issues are troublesome in that the DEIS states (Sec. 3.0 page 156) “24 hour noise range of 50 to 65 dBa for residential developments adjacent to the development are acceptable. This is not correct based on the Riverside County General Plan and the San Jacinto City Noise Ordinances:

- Riverside County requires low noise levels that won’t affect “noise-sensitive land uses” such as homes and retirement communities.
- 55 dBa outdoors is considered interference or annoyance (sleep disturbances, desire for a tranquil environment). Existing 24/7 traffic to the casino has already become an annoyance to the three communities.
- Existing noise on Lake Park and Soboba Road are 65 dBa within 75-100 feet of the road, impacting Soboba Springs homes adjacent to Soboba Road and Mobile Home Park homes adjacent to Lake Park Drive.
- San Jacinto City Noise Ordinances state noise should not rise above 65 dBa in the day and 45 dBa at night. Traffic is 24/7; therefore this ordinance would be violated.
- San Jacinto City Noise ordinance states no sound amplifying from 8am to 10pm, 350 feet from source. This would be violated with evening concerts.
- San Jacinto Municipal Code 8.40 states no “recreational” noise from 9pm to 7am within 300 feet of residences. The entire Project destination resort is recreational and would operate 24/7 in violation of this code.
- According to the City Zoning on these parcels (light residential/recreational) and the master plan for residential development showed a park in the plans, the DEIS should categorize this Project Category A on table 3-36 since park lands are “lands on which serenity and quiet are of extraordinary significance”.
- The DEIS states on page 155, Sec. 3.0 “noise of this Project and Traffic would NOT be compatible with the Riverside County General Plan. Noise would cross property lines into the City of San Jacinto residences which have a Noise ordinance with fine-punishable offenses.

12. Section 5.0 page 3 of DEIS states that **elevated grading** will be done to control flood runoff, however elevated grading will cause increased view obstructions of the mountain vistas from all directions, but especially from the Soboba Springs Homes on the golf course.

13. **Spill prevention mitigation** of toxic chemicals (Sec. 5.0 page 5, #5) is questionable, since the existing Tribal run golf course has violation issues in their maintenance area (DEIS Sec. 3.0 p. 147,148).

14. Has the Tribe sought input of the SCAQ District on **air quality issues**? (Sec. 5.3.2 DEIS)

15. Mitigation of the **San Bernardino Kangaroo Rat** (Sec. 5.0 page 8 DEIS) has not been determined beyond stopping construction for a short period of time and doing incidental kills of this Endangered Species. This is a nocturnal animal and the present casino sits next to a critical habitat area, as does the Project Horseshoe Grande site. The brilliant night security lights potentially disturb their nocturnal habitat.

- Recent excavation on “critical kangaroo habitat” on the northwest corner of the golf course, next to the new country club, was completed by the Tribe. We don’t believe there was an environmental assessment of the area before grading, a potential sign of disregard of the precarious status of the kangaroo rat. Other construction projects have been derailed because of this issue in French Valley and other surrounding communities housing kangaroo rats.

16. Appendix H, **Biological Resource Assessment** states on page 12, Figure 4, Habitat Types, that the Project Site is barren, but that is because of illegal disking of the site every spring which causes destruction of plant and animal habitat and loss of top soil through unmonitored dust with no watering of the site.

- Page 24, Figure 5 shows the critical kangaroo habitat including the recently excavated driving range site.

17. Appendix K, Draft Phase 1, **Environmental Site Assessment**, 7/07 incorrectly states on page ii that the “subject property is surrounded by vacant land and residential homes”....“the Southern portion is bound by agricultural and undeveloped land.” The “vacant” and “undeveloped” land IS the subject property that is being considered for development. The residential homes are surrounded by this property and would become isolated communities within the Indian Reservation.

- Page iii states that all surface water drains to the ground (near the San Jacinto River). This surface water would contain pollutants from cars, trucks and activities at the site.

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- The Storage Facility for the golf course maintenance facility is environmentally unsafe as stated in the DEIS. Page 4 of the pictures (5-1 and 5-2), south of the maintenance yard nearest the riverbed levee shows an area that had a hole in the ground for dumping used oil. This was witnessed by a citizen walking the levee daily.
- Page vi states that storage tanks are not properly registered.
- These practices are indications that the Tribe is not concerned with their environment, next to the environmentally sensitive San Jacinto River and promises that they will be concerned with this new destination resort's environmental health should be taken with a great deal of skepticism.
- Page 3 shows the secondary equipment wash area with oil and contaminants seeping into the ground within site of the San Jacinto River levee.
- Page 5-3 of Appendix K states that Soboba Springs is a community of "rental homes" for retirees. This is a misstatement probably used to degrade the community of single family residential golf course homes that are well maintained and well established with parks and greenbelts. They are owned for the most part by retirees, some of whom use golf as their form of recreation and pleasure. Many have owned their homes since 1986 when the homes were first built in this light residentially zoned area.

18. Appendix O, **Tribal Compact**, on page 2, Section 1.0 states that
"Evidence of goodwill and cooperation of the Tribe and State in foster in mutually respectful government to government relationship that will serve the mutual interest of the parties.

Section 2. Purposes

The Tribe shall encourage productive and enjoyable harmony...with the surrounding non-Indian community; mitigate damage from gaming-related activities; protect health and safety of all persons; protect air, water, and land from pollution; prevent the deterioration of the standard of living, quality of life and well-being of all persons; promote tribal environmental regulation"

- This has not happened in recent years with the contentious issues between the Tribe and the County Sheriff and the unwillingness of the Tribe to meet with the City of San Jacinto on a variety of issues. The Oaks mitigation has taken at least two years to discuss and is still not complete.
- Harmony has been broken with gun shots and bullets raining over the mobile home park; 22,000 cars per day have disrupted the quiet nature of the area adjacent to the Reservation; murders, thefts, break-ins have happened in the area; pollution has increased (a row of old tires was placed on the reservation by the Chairman which are in close proximity to the riverbed; there HAS been a deterioration of the

standard of living, well-being and quality of life since the casino began its operation.

- Section 10.8.2 states that the Tribe must *submit plans to the State Clearinghouse in the Office of Planning and Research* and

(4) *meet with City and County Supervisors regarding mitigation of significant adverse off reservation environmental impacts.* This has not been done with regard to their clubhouse construction or golf course renovations.

b. (1) *keep the public apprised of projects' progress.* Many issues with the clubhouse noise, dust pollution etc. were not discussed with the surrounding citizens in the Soboba Springs Golf Course Homes development.

(2) *make good faith efforts to mitigate any and all adverse environmental impacts.* There were no mitigations initiated by the Tribe. If several citizens complained about something to the clubhouse manager, it was looked into, however, Chairman Salgado stated that the citizens bordering the new clubhouse should have known about the noise when they bought their homes there, so he had no desire to mitigate any issues.

- Page 62 (F) states that the Tribe should consult the Board of Supervisors regarding any development. The Board of Supervisors is asking for an extension in order to respond to this Horseshoe Grande Project, as it did not get advanced notice of any of the plans or the courtesy of a follow-up phone call to the County to inform them about the Tribe's plans.

19. Section 4.0 – Environmental Consequences

4.1.1 – Topography – the multitude of issues with soil, groundwater, EPA standards, and seismic issues should all be specifically detailed in the EIS with judicially enforceable mitigations already in place prior to any approval of the EIS.

Cut and fill activity mitigations for noise, dust, diesel pollution and the visual blight need to be legally written out.

Groundwater levels should be updated by EMWD and San Bernardino Valley Municipal District.

Soils testing should be completed by an independent company offering a second opinion to the Tribe's consultants.

EPA standards need to be written in judicially enforceable language.

San Andreas Fault lines would have a significant impact on underground tanks, discharge of untreated effluent, etc. and emergency issues would arise that have not been addressed. Seismic tests on reservation land adjacent to the current casino could be done to see if placement of the resort could be there.

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4.2.1 – Water

A FEMA determination and decision needs to be made before the DEIS can be decided upon.

The DEIS states that the Tribal water right of 2,900 AFY will increase to 9,000 AFY and “*other users must decrease their usage*”, therefore the three adjacent communities will probably be negatively affected in the future and nothing was mentioned about mitigation of this issue.

There is no mention of mitigations of runoff pollution from cars, trucks, and other operating machinery into the ground.

4.3 - Air Quality

The EPA requires a Tribe inform them *prior* to a project, so that proper permitting and mitigations are in place.

The intersection of Lake Park Drive and Soboba Road is a HOT SPOT with idling cars, trucks and buses causing pollution. Mitigation of this area was not mentioned.

An EPA letter to Chairman Salgado, August 21, 2008, states the area is non-attainment for 2006 PM 2.5 air quality standards. Mobile sources contribute 95% to PM 2.5 emissions and with 22,000 + cars presently and at least 4,000 more than that with the resort, there is a problem that cannot be mitigated and will be basically illegal.

4.4 – Biological Resources

Federally Listed Species are being destroyed by tribal disking/blading. 104 acres of *critical* habitat for the San Bernardino Kangaroo Rat is at the actual development site and to the west where ground was recently bulldozed for a driving range, and to the southeast adjacent to the current casino parking lot in the San Jacinto riverbed. The Final Critical Habitat Report from the Department of Fish and Wildlife, dated October 17, 2008, states that Unit 3, encompassing the Soboba Reservation area and the lands adjacent “contains one of only three large extant core populations of the San Bernardino kangaroo rat and is the only core population in Riverside County”. It goes on to state, “large scale development projects may permanently eliminate and fragment habitat containing the PCEs (primary constituent elements) for the subspecies”.

4.6 – Economic and Socioeconomic Conditions

Tax implications would be the same if the resort were placed on the current reservation.

Without knowledge of the employment statistics of tribal members working at the casino and clubhouse/golf course (Confidential Market Analysis section of the DEIS), the citizens are at a disadvantage to respond, however, based on the Save Our Communities report, Scoping Issues of the Soboba Horseshoe Grande Project, an

information survey showed only one tribal member working at the clubhouse. It appears that the 5 figure stipend given to each member of the tribe per month from the casino profits may have discouraged tribal members from working in their facilities.

The Environmental Justice issue would affect the minority and low income elderly of the three surrounding communities in adverse affects on their health and well being. Negative environmental issues would affect the retirement communities disproportionate to the rest of the City of San Jacinto residents outside the Project's sphere.

Tribal Sovereignty has been an issue and since the 2007 Management Plan, nothing has been decided.

4.29 – **The San Jacinto General Plan** would be violated in many ways with this Project. Once in trust the city land use regulations would not be applicable to the Project Site and the Project would be in conflict with current land use designations and the character of the land in the surrounding communities.

Page 4-88 Policy 1.5 – A project would develop open space recreation and general open space sites.

2.3 – there are no parks or trails in the design.

2.4 – negative impacts regarding emergency services

2.5 – all are inconsistent and can't be mitigated satisfactorily

2.7 – Lake Park and Soboba Road is not a major intersection and does not have maximum access and visibility.

Policy 3 and 4 – all inconsistent

6.7 – obstructed views by several story parking structures and hotel cannot be mitigated. The views of the mountains will be gone forever and replaced with orange and blue buildings.

7.3 – 9.6 – Would be consistent if on the *existing* reservation

Law Enforcement

Statements in the DEIS alluding to the fact that crime is declining and that crime rate in the area will not be affected by the Project are *false and misleading*. Documented studies in the SOC Report show that casinos bring crime and it is true with Soboba. Crime has increased since the casino opened. Based on evidence from law enforcement; from 2004 through 2008, Riverside County Sheriff's calls for service increased by more than 300 percent. More than 60 percent of these calls and nearly 58 percent of reservation crime were related to the casino. More than 70 banned weapons, including military-style assault rifles have been removed from the reservation.

The DEIS needs to paint a true picture of crime with a chart like the one in the SOC report (page 37 and addendum #58 "Excel Spreadsheet from Lt. Vest) that shows the

earliest recordings to the 2007 statistics reflecting a dramatic increases in all crimes from 1999 to 2007 at the casino.

The DEIS chart, Table 3-32 on page 3-136 is misleading because it only shows the *number of calls* not the crimes. If taken by percentage, the average number of calls per month in 2006 is 52.75; 2007 is 43.41 and 2008 is 57.20, so to say the number of calls is decreasing is not correct. Also, the title of the Table 3-32 states "Calls for Law Enforcement Service to the Reservation *and Existing Casino*, 2006 through May 2008. However, The Sources at the bottom of page 3-136 state that the Calls for Service are "(Not including the Soboba Casino)". Therefore the information is confusing, incorrect and misleading to the reader. Whether this was a mistake or purposeful deception remains to be seen. Do the facts reflect activity at the casino or not?

Current statistics from the San Jacinto Police Department for the area/communities off of Lake Park and Soboba Road within the city limits of San Jacinto from 05/01/08 to 08/04/09 are:

- Murder/Manslaughter – 0
- Rape – 0
- Robbery – 0
- Aggravated Assault – 4
- Burglary – 6
- Larceny/Theft – 4
- Vehicle Theft – 1
- Attempted Vehicle Burglary – 2
- Vehicle Recoveries – 3
- Arson – 0

The Burglary and Theft rates are high in our three communities of elderly retirees, whose communities are open to casino traffic. The Mobile Home Park has gates that close at 7pm and there are penetrable oleanders around the perimeter allowing non-residents to enter day or night. Several incidents of burglaries and robberies in the Mobile Home Park have upset the elderly residents in the entire Park.

The Soboba Springs Golf Course homes have had recent night-time vehicle break-ins and that community is not gated. Traffic from Soboba Road may enter at any time day or night.

Project Plans do not include any walls or fences to protect the three communities from documented crime associated with this type of project in areas surrounding the casino resort.

To say that a relocation of the casino would not change crime rates is disingenuous. Documented crime rates have risen year by year since the casino opened. Our quiet, formerly crime free residential communities have changed dramatically.

4.9.1 – Hazardous Materials

The Tribe is presently in violation of several environmental rules at the maintenance facility of the golf course and on their own reservation. To believe they would change their pattern with unenforceable mitigations in a larger Project is not reasonable.

Noise levels would increase especially for the Mobile Home Park residents and excessive noise exacerbates health issues. Most of the residents in the Park are in their 70's and 80's. There are no noise mitigation methods (5.9.2) for the Soboba Springs Golf Course Homes, which is NOT a gated community as stated on page 4-221. Several criminal incidents have ended up in this community because it is open to the public traveling Soboba Road.

Noise from cars in and out of the 3 story parking structures and the 60 car surface structure would affect the Soboba Springs Golf Course community homes on Carrera , on the 11th and 12th fairway that would back up to the structures. The map on page 4-222 shows no noise receptor for this area.

The DEIS states that noise levels are not significant to nearest residents, or perhaps only during peak casino hours. This is extremely misleading since the casino/hotel would be open 24/7 so all hours would be peak as they are now with the present casino. There is nothing on the site now, so any noise would be a change and would be significant, not LTS as the DEIS states. Noise of a commercial level is much higher than light residential noise that would end at night.

According to the DEIS, Event Center Noise to the elderly residents of the Mobile Home Park would reach 120 dBA minus 6dBA for the wall, equals 114 dBA. This is not acceptable for those residents who go to bed before the event would even start.

Visual Issues - The color of the Proposed Project, bright orange with blue trim, definitely does not blend with the earth tones of the present communities.

The creators of the DEIS are not being honest when they took pictures at various city locations to show the visual impact of the Project.

Page 4-228 Figure 4-7 (A) – This photo of Main Street looking east is taken on a downhill slope where the levee blocks most of the Project. The photo should have been taken from the corner of Ramona Expressway and Lake Park Drive where most people will see it. From that vantage point, the structure would be much higher in elevation from grade.

Figure 4-7 (c)- To take the picture on Verona Avenue looking at two homes and a large golf course tree that blocks the view of the obviously tremendous orange parking structure appears to be done to downplay the obvious impact to those home's back yards. Homes facing Verona Avenue do not have this view. Their back yards, facing the fairways, are where the pictures should be taken, as these residents would have a full view of the entire Project.

Another critical area where pictures should have been taken is the back yards of homes on Carrera Drive facing the 11th and 12th fairways. Those pictures are in the SOC report addendums as a *true* reflection of the impact of the Project on that community.

Figure 4-7 (e) – this picture is in the *inner* circle of the Mobile Home Park. It should have been taken from the outer circles and the entrance which would be most visually affected.

Figure 4-7 (F) and (f) – the Project would completely obliterate the mountain views.

4.10 - Cumulative Effects

The Oaks is not only used for Tribal functions. It is a commercial enterprise and facility with plans for movie productions, a semi pro football, softball and baseball facility and a camp retreat for private organizations. These facilities will all bring more traffic to the area and mitigations on traffic lights in the city serving that area are still being negotiated after two years.

Economic Conditions – Home values in the three surrounding communities would likely decline as a result of the increased noise, traffic, light pollution, crime, visual blight and disruption of the natural, quiet residential environment.

Traffic would be at unacceptable levels in 2010 to 2025. Even if the cities of San Jacinto, Hemet and the County of Riverside agreed to fix intersections and reconfigure freeway off ramps at taxpayers' expense to benefit the Project (except for intersection #11 which the Tribe would pay for), the traffic noise, pollution and volume would adversely affect the isolated residential communities accessed only by Indian Reservation Roads, IRRs, which could be gated.

Lighting glare from security lights that necessarily must be bright for security reasons 24/7 cannot be mitigated in what is now a dark, starry night sky.

20. There is no mitigation on the **Environmental Justice** issue.

These items, stated as facts in the DEIS, are questionable:

1. The **per capita income** of a tribal member in 1999 was \$21,636 (Sec. 3.0 page 100). Does this take into consideration the gambling money each member of the Tribe receives monthly in the 5 digits?

2. The **Law Enforcement** issue was listed at Less Than Significant (LTS), yet Crime, issues with PL 280 and relations with the County Sheriff's Department have dominated the news in the last two years.

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The DEIS states the Tribe says crime on the reservation has generally decreased over the past two years (Sec. 3.0 page 136) using Table 3-32 as evidence. However, the last column being for only five months in 2008 is deceiving. If you divide the crime stats into a per month number, crime has increased dramatically after May 2008 (footnote page 137) and 2009 has not been taken into consideration when several murders and serious criminal incidents occurred.

In 2006 crime was 18.6 incidents per month.

In 2008 crime was 32.8 incidents per month.

Murder and vehicle theft were much higher in San Jacinto, than in Riverside County, the State or the U.S.

The DEIS did not mention that Tribal Enforcement took many calls that would have gone to the County Sheriff's office and even then calls in 2006 were 52.7 and in 2008 57.2 per month.

3. The **Amount of Use** (Sec. 3.0 page 162) section of the DEIS states that, based on traffic use which is more than 45,000 cars per year; Soboba Road is a lightly traveled road. This is incorrect. According to the Traffic Survey completed by RK Engineering Group in June of 2008 for the City of San Jacinto, the number of vehicles on Lake Park and Soboba Road totaled 21,055 vehicles for one day. This is an excessive amount of traffic for a light residentially zoned area to absorb. It causes noise pollution, safety concerns since these roads were not designed to meet this traffic load, and it causes increased air pollution in an already non-attainable polluted South Coast Air Basin.

4. The City of San Jacinto **General Plan** goals would be violated as stated on Sec. 3.0 page 168 of the DEIS. These should be added to this section: 1.9; 2.1; 4.2; 9.1; 9.2.

5. Since the City of San Jacinto has fallen short of its goal of "5 acres of **parkland** for every 1000 residents (it is now only 2.99 acres of parkland for every 1000 residents) (Section 3.0 page 171 DEIS) and since parkland was part of the original master plan of the Soboba Springs Community next to the golf course, the Propose Project should have included useable parkland in its design. Since there have been no formal design plans submitted to the citizens or officials, this is a point of concern.



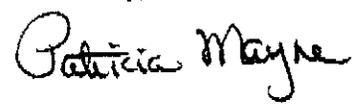
Save Our Communities (SOC) believes it is very hard to determine the true environmental impact of this fee to trust project when the DEIS keeps stating that "mutual agreements will be developed" or studies will be conducted. These agreements should be spelled out and the City/County/Sheriff must negotiate comprehensive agreements that are *judicially enforceable* in State District Court.

The Tribe should pass a resolution supporting the judicially enforceable agreements and identify someone to sign it that has the authority of the Tribe. Without this, the community has nothing but empty promises. How can a legal decision be made on those? Without all the true facts and copies of the judicially enforceable agreements, the DEIS is not worth the 1000 pages of paper it was printed on and our surrounding communities are at the mercy of decision makers who may be uninformed.

Enclosed with this letter are 500 plus signatures and letters of citizens opposed to this fee to trust transfer. As we have stated, we are not opposed to the casino/hotel resort that the Tribe may put on their *existing* reservation. We are opposed to the fee to trust acquisition of city and county land into the reservation, creating landlocked residential areas. In addition, this Horseshoe Grande land is zoned light residential/recreational and that is what the surrounding communities wish it to remain.

We ask that you, the decision makers, do not accept this flawed Environmental Impact Statement as a basis for a decision that will forever impact the Tribe and the citizens who would live in isolated communities surrounded by Indian Reservation land. We hope you determine that this would not be a prudent precedent to be set by the State of California and the Bureau of Indian Affairs.

Sincerely,



Patricia Mayne for
Members of Save Our Communities

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Mission Statement
Save Our Communities is opposed to the conversion of Horseshoe Grande land from fee-to-trust; and subsequent annexation to the Soboba Band of Luiseño Indian Reservation. We desire this land to remain with its current boundaries, jurisdictions and zoning.
P.O. Box 682, San Jacinto, CA 92581 SOC92583@gmail.com
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Comments received after 9/15/09 deadline



Mr. John Rydzik
 Regional Environmental Scientist
 Bureau of Indian Affairs
 Pacific Regional Office
 2800 Cottage Way
 Sacramento, CA 95825
 Fax: (916) 978-6099

Correction sent September 17, 2009
 Format Correction on page 8

September 15, 2009

Re: City of San Jacinto Comments on the Draft Environmental Impact Statement for the Soboba Band of Luiseño Indians' ("Tribe") Horseshoe Grande Fee-to-Trust Application

Dear Mr. Rydzik:

Thank you for the opportunity to review and comment on the draft environmental impact statement ("DEIS") for the Soboba Horseshoe Grande Fee-to-Trust Application ("Project"). As a cooperating agency, the City of San Jacinto ("City") provides the following comments.

I. Summary of Comments

As the City's Mayor noted at the public hearing on August 5, 2009, the City fully supports Tribal self-determination, autonomy, and efforts to achieve economic prosperity. The City would not oppose the construction of a new casino on existing tribal lands. However, the City, members of the public, and other affected agencies, have serious procedural and substantive concerns about the Project as it is currently proposed.

From a procedural standpoint, the City is troubled by the lack of coordination or consultation between the Bureau of Indian Affairs ("BIA") and affected agencies with respect to the Project. The City only learned of the Project from outside sources and neither Tribe officials nor BIA informed the City that the Project was in the planning stage. Moreover, BIA has not consulted sufficiently with local law enforcement, fire departments, Caltrans, the County of Riverside, and others. The National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq. ["NEPA"]) requires lead agencies to consult with affected local agencies in preparing an environmental analysis. (40 C.F.R. § 1501.7.) The DEIS must reflect all relevant views on the significance of environmental impacts, of which there are a multitude. (40 C.F.R. § 1502.9 (a) (the lead "agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the

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this, where a delicate balance of powers exists between the Tribe, federal, state, and local governments.

The City has attempted to play a constructive role in maintaining this balance. In September 2008, the City submitted detailed comments on the Administrative Draft Environmental Impact Statement ("ADEIS"). However, it appears that few, if any, of the City's comments or suggestions have been incorporated into the DEIS. The City also requested an opportunity to review the revised DEIS before it was made public in order to ensure that all of the City's concerns were addressed. This request was ignored. In its 2008 letter, incorporated here by reference, and in the City's August 5, 2009 presentation to the BIA, the City expressed particular concern over **land use** and **public safety** impacts of the Project. In addition, in its September 2008 letter the City commented on the failure of the DEIS to adequately analyze each of the following:

- **Biological Resources**
- **Aesthetic Impacts**
- **Air Quality Impacts**
- **Noise Impacts**
- **Impacts On Public Services**
- **Transportation Impacts**
- **Hazardous Waste Impacts**
- **Water Quality Impacts**
- **Socioeconomic Impacts**
- **Cumulative Impacts**

The Project as currently designed will have significant impacts in each of these areas and the fact that BIA has failed to address these serious issues or revise the Project based on the City's comments indicates a disregard for NEPA's requirements and constitutes an abuse of discretion on the part of BIA.

NEPA requires that federal agencies take a "hard look" at the environmental consequences of their actions. (Metcalfe v. Daley (9th Cir. 2000) 214 F.3d 1135, 1141.) BIA's own NEPA Handbook states:

The analysis of effects [of environmental consequences] should go beyond mere description of a change in the environment caused by a proposed action or alternative. It should include discussion of the ultimate long- and short-term significance of the change and a detailed cause and effect examination using the action elements of the proposal and the specific environmental parameters.

(30 BIAM Supplement 1, §6.3E(1)(g)(3).) Additionally, the Council on Environmental Quality has adopted regulations that the BIA must consider when preparing a DEIS. These regulations require that the DEIS must analyze "[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned." (40 C.F.R. §1502.16(c).) The DEIS offers only cursory analysis of these conflicts. Moreover, the DEIS fails to include a range of feasible alternatives and fails to consider any of the alternatives or mitigation measures put forward by the City.

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II. Purpose and Need for the Proposed Action

The DEIS provides boilerplate justifications for the Project without offering analysis to support its conclusions. Specifically, the DEIS advances five arguments intended to show why the Project is necessary. None of these justifications withstands scrutiny.

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First, the DEIS asserts that the Project will provide an adequate Tribal land base and homeland that will be subject to Tribal sovereignty. (DEIS, p. 1-5.) The DEIS does not attempt to explain why the existing Tribal land base of 6,865 acres is inadequate for the 675 Tribal members who live on the reservation or for the construction and operation of the casino and hotel proposed by the Project.

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Second, the DEIS states that the Project will “allow for a diversified and productive economic base to support the Tribe’s financial integrity and well-being of its members.” (DEIS, p. 1-5.) While certainly a laudable objective, this justification ignores the fact that the Tribe already acquired fee title to the property that will comprise the proposed Project. The DEIS provides no analysis to explain how Trust status would result in “a more diversified” or “productive economic base” than developing the property within the parameters of local land use and public safety regulations.

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Third, the DEIS notes that the Project will “assure the preservation of a homeland for Tribal members.” (DEIS, p. 1-5.) Again, no analysis is provided to explain why ownership in fee title does not assure the preservation of a homeland. Instead, the DEIS offers only the puzzling explanation that “owning the subject lands in fee-title does not allow the Tribal government to exercise its complete authority over historical aboriginal territory, because with such ownership, the Tribal Government would have oversight from external governmental bodies.” (DEIS, p. 1-8.) If “oversight” means complying with local zoning and building codes, traffic safety standards, and air quality regulations, then admittedly, external governmental bodies would exercise some control over the land held in fee. It is not clear how complying with these regulations would in any way hinder the preservation of a homeland, however.

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Fourth, the DEIS states that the Project will be “restricted against future alienation and immune from state and local taxation and regulation.” (DEIS, p. 1-5.) This simply states one of the more objectionable results of the Project but does not provide a purpose for it. As discussed in detail below, removing the Project site from state and local tax rolls will have significant impacts on the economy of the entire region, and the DEIS does nothing to show how the Project will result in an economic benefit to the surrounding community, despite claiming that such a benefit will inure as a result of the Project.

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Fifth, the DEIS claims that the Project will “allow the Tribe to avail itself of Federal laws that apply to lands held in trust status; and allows consolidation of Tribal lands.” (DEIS, p. 1-5.) This is a non sequitor. If the Fee-to-Trust Application fails to move forward, the Tribe will not have any need to avail itself of Federal laws that apply to Trust status applications. Moreover, the DEIS does not explain what these laws are or how they assist in providing Tribal self-determination.

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In short, the DEIS does not establish a legitimate purpose for the proposed Project. Instead, it provides post-hoc justifications for circumventing environmental protections by simply disregarding local regulations, while at the same time placing greater strain on already over-burdened state and local tax coffers. Without these sources of tax revenue, local services such as police protection will be undermined at the same time that a new casino will bring higher crime rates, increased traffic congestion, and a host of public safety issues. The DEIS does not begin to resolve these issues and in fact ignores them altogether. If the Tribe genuinely wants to establish cooperative relations with neighboring governmental entities, the first step must be to address the fundamental concerns that this Project raises. The DEIS, however, takes steps in the wrong direction by failing to address these important issues.

A31-449

III. Potentially Significant Impacts

A. **Land Use / Jurisdiction**

1. General Plan Inconsistency

The DEIS concedes that the Project conflicts with the City's General Plan. The DEIS states that "increased traffic, noise, air emissions, and artificial lighting and glare would be inconsistent with the nearby open space and residential communities." (DEIS, p. 4-100.) According to the DEIS, the Project conflicts with six General Plan policies:

- Policy 2.5 Preserve and enhance San Jacinto's neighborhoods by restricting or abating non-conforming buildings and uses.
- Policy 3.1 Limit development in the hillsides, ridgelines, flood plains, and other high risk areas.
- Policy 4.1 Evaluate the compatibility of new development with surrounding uses when reviewing development proposals and designing the circulation system improvements.
- Policy 4.2 Ensure that new development is compatible with the physical characteristics of the site, surrounding land uses, and available public infrastructure.
- Policy 6.7 Preserve and enhance public views of the mountains and hillsides and other scenic vistas.
- Policy 9.1 Ensure new development is compatible with its natural surroundings and the built environment in terms of architecture, scale, grading, and massing.

A31-450

Despite finding significant conflicts between land uses proposed by the Project and the City's General Plan, the DEIS concludes simply that "once the land is placed into Federal trust, the City of San Jacinto's land use regulations would not apply to the Project Site." (DEIS, p. 4-103.) This is nothing more than a legalistic slight of hand and fails to provide meaningful analysis of the serious problems that will arise as a result of conflicting land uses. Moreover, the DEIS does not even ask the question of whether the proposed Project is compatible with low-

A31-451

density residential neighborhoods in a rural setting. The DEIS simply avoids this issue by stating that potential conflicts are addressed in other sections (e.g., noise and traffic). However, these sections simply apply traditional impact analyses measuring only whether, for example, the Project causes trips or noise increases. The relevant inquiry in the context of a land use analysis is the change in community character resulting from the placement of an intense and quintessential urban use in a rural, residential setting.

A31-451 cont.

As the City previously noted, the Draft EIS for the Oneida Nation of New York Conveyance of Lands Into Trust (2006), section 4.8.6, provides an illustrative example of how these types of land use compatibility issues can be analyzed by asking whether:

- The action would conflict with public plans, as embodied in community comprehensive or master plans, for the site or surrounding area.
- The action could result in a conflict with the character of the land in the surrounding communities.
- The action could conflict with the expectations of the public for development of lands in accordance with plans ensuring predictability.
- The action creates a patchwork wherein plans could be rendered less effectual.
- The action would weaken the effectiveness of the local governments to institute comprehensive planning along the landscape.

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A similar inquiry should be undertaken for this application. Further, mitigation for such impacts should address not only reducing noise levels to below a threshold amount, but also on alleviating the human impact of the new noise source. Such measures would include limiting operating hours, establishing buffers and adequate screening, and employing personnel to address noise complaints and enforce noise limitations, among others. The BIA itself addressed similar concerns in the Draft EIS for the Oneida Nation of New York Conveyance of Lands Into Trust (2006), section 4.8.6. As originally proposed, the Oneida's trust application included 17,370 acres, not all of which were contiguous. Ultimately, the BIA developed and adopted an alternative that involved only 13,086 acres that would "establish a more contiguous and compact trust land grouping than the Proposed Action." (Record of Decision, Oneida Indian Nation of New York Fee-to-Trust Request, May 2008, at p. 19.) Because the DEIS here fails to analyze these issues or even identify them, the document is incomplete and misleading in its environmental review.

A31-453

2. Creation of Jurisdictional Islands

As the City has previously commented, the proposed Project will create at least two jurisdictional islands as a result of the expanded reservation. Namely, the Project would completely encircle the Soboba Springs Mobile Homes Estates and hillside communities. These jurisdictional islands, which are inconsistent with state and local LAFCO policies, will create land use problems, particularly with respect to the provision of public services. The DEIS makes light of this issue, stating that "Tribal Resolution No. CR07-HGFTT-51 . . . acknowledges the existing easement for roadway, water lines and underground conduits and incidental purposes

A31-454

along the Project Site, which includes a roadway easement for Lake Park Drive and Soboba Road. Furthermore, the Resolution acknowledges, as an exception to title of the Project Site, 'rights of the public in and to any portion of the subject property lying within any lawfully established streets, roads, or highways.'" (DEIS, p. 4-100.) Based on this cursory analysis, the DEIS concludes, "therefore, access to the residential communities nearby the Project Site would remain unimpeded." (DEIS, p. 4-100.)

A31-454 cont.

Notwithstanding the fact that the Tribe could rescind Resolution No. CR07-HGFTT-51 at any time, the issue of jurisdictional islands is intensified by the transition from City to Tribal jurisdiction. For example, because the Tribe currently requires State and County law enforcement to have a tribal escort on the reservation, significant delays could result for members of the City's communities that would be surrounded by the reservation in the event of an emergency. Additionally, while those communities currently enjoy the protection of a coherent land use plan, adopted and implemented by their elected officials, following the transfer, those citizens would have no recourse to their elected officials regarding potential nuisance businesses (such as unregulated adult businesses) and activities occurring directly adjacent to their homes.

A31-455

Moreover, the Tribe's assurance that it intends to ensure access to these jurisdictional islands in perpetuity is undercut by its refusal to adopt mitigation measures that would ensure such a result. Specifically, the City proposed a mitigation measure to protect the provision of public safety services to the City's residents in the islands by requiring the Tribe to enter into a binding agreement with local and State law enforcement that would guarantee their unrestricted access to City areas surrounded by the reservation, without requiring an escort. The City also proposed to subject any development in the expanded reservation to City land use approval and business regulation. Finally, the City commented that the areas surrounding the islands should be subject to permanent open-space easements to ensure that no incompatible developments are later proposed. The DEIS blithely ignores these feasible mitigation measures and fails to analyze the myriad land use and public service issues caused by the creation of jurisdictional islands.

A31-456

Such analysis would include an alternative that would reduce the size of the area to be transferred into trust so that no jurisdictional islands are created. Another potential alternative that should have been considered would be to locate the proposed Casino-related facilities adjacent to the existing Casino and allowing only open-space and low-density residential uses that would be consistent with the City's existing General Plan. Given that the DEIS acknowledged land use inconsistencies between the City's General Plan and the proposed Project, the DEIS should have included analysis of alternatives that would avoid those inconsistencies as well as effective mitigation measures.

3. Indian Gaming Regulatory Act

The DEIS also inadequately describes the scope of future permits/approvals that are required for the Project. Specifically, the DEIS assumes that only the Section 151 process will be required for the property to be placed into trust. (25 C.F.R. §§ 151.1-151.15) However, the DEIS fails to establish that all of the property subject to the application was "within or contiguous to" the boundaries of the Tribe's reservation as of October 17, 1988. (25 U.S.C., § 2719(a)(1).) If not, then the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et

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seq., applies, and additional governmental approvals, including the concurrence of the California, are required. However, the DEIS does not address this issue or substantiate the conclusions that it makes. By inaccurately listing and analyzing the future permits/approvals, the DEIS improperly separates the environmental review process from the project entitlement process. Such bifurcated analysis is prohibited by BIA's own NEPA Handbook, which provides, "[t]he decision on whether or not to proceed with the action must also take into account requirements imposed by laws, regulations, policies, procedures and other considerations unrelated to NEPA." (FY05 NEPA Handbook, § 2.1.) Without a full and complete disclosure of the regulatory environment that provides the backdrop for the Project, BIA cannot make an informed decision.

B. Public Services

1. Police

Despite overwhelming data to the contrary, the DEIS concludes that the Project will have a less than significant impact on law enforcement. The DEIS further concludes that increases in crime would not occur as a result of the Project. (DEIS, p. 4-161.) In fact, the DEIS cross-references a discussion of crime "in section 3.7.4" but that section does not exist in the document. Although the public is left to speculate as to what section 3.7.4 says, the ADEIS concluded that there would be no increase in crime. The ADEIS based this conclusion on the fact that one (1) study found that crime could result from "either gambling or tourism." Nevertheless, the Project involves both gambling (a casino) and tourist facilities (hotel, convention center¹ and Events Arena) both of which are known to result in increased crime rates. Therefore, increased demand on police services is foreseeable.

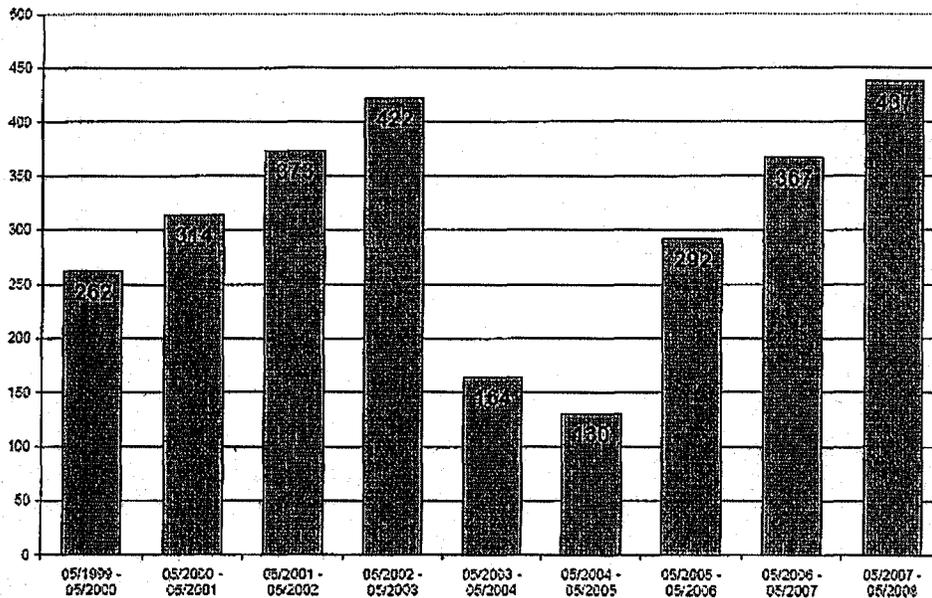
The data bears this out. According to Riverside County Sheriff's Department statistics, in 2008, 61 percent of calls for service and 57.8 percent of all crimes on the Soboba reservation were related to the casino. Furthermore, in the previous seven years local law enforcement has seized a cache of over seventy weapons on the Soboba reservation, including banned, military-style assault weapons. In the last eight years, there have been 12 calls for service for homicides on the existing reservation. That is nearly two homicides per year.

Individual crime statistics show that the casino equates to increases in crime. In 2007-2008 there were 16 DUI calls at the casino and 2 in the non-casino areas. On the reservation as a whole, calls for service have been steadily rising over the past 3 years, from 130 in 2004-2005 to 437 in 2007-2008. Calls for service have also been increasing, as shown in Figure 1.1.

¹ A convention center "may" be constructed in a later phase of development, according to the DEIS. However, the DEIS does not analyze the environmental impacts of this or any other aspects of such later phases of development. Nor does the DEIS indicate what type of environmental review, if any, will be conducted for the convention center or the rest of Phase II.

Figure 1.1

Soboba Indian Reservation calls for service has had a steady increase over the last three years. The calls for service include non criminal calls for service and assisting other departments.



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A comparison of other casinos also reveals that the majority of crimes are related to casino activity. For example, at the Fantasy Springs casino 89.5 percent of crimes are related to casino activity. Similarly, at Pechanga 72.8 percent of crimes are related to casino activity. At the Soboba reservation 57.8 percent of crimes are related to the casino. Notably, at Morongo only 12.7 percent of crimes are related to the casino. Morongo is the only Tribe to contract with the County Sheriff, and has seen decreases in crime statistics since beginning that relationship.

Moreover, post casino-expansion crime statistics show that crime increases dramatically after casino expansion. Fantasy Springs casino showed a 97% increase in crime after the casino expanded. Morongo experienced a 31 percent increase in crime. Pechanga experienced a 60 percent increase in crime. These figures illustrate the dramatic rise in crime that can be expected with an expanded Soboba casino and the concomitant burden that will be placed on local law enforcement.

The DEIS' discussion of demand for police services also lacks certain key information. For example, while the DEIS notes that crime is higher in incorporated cities than in unincorporated areas of Riverside County, it does not acknowledge that violent crime rates on the reservation are three (3) times higher than in surrounding cities. Further, contrary to the information presented in the DEIS, 911 calls to the existing casino have climbed steadily since the Tribe cancelled its contract with the Riverside County Sheriffs Department. Criminal activity on the reservation has included very dangerous and significant crimes. In August of 2007, an armed robber tied up Casino employees and stole over \$1.5 million dollars. In addition, approximately \$500,000 in stolen cars were have been found on the existing reservation. Also,

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the DEIS did not mention that the Tribe once contracted for law enforcement service with the Riverside County Sheriff's Department, but shortly thereafter cancelled that contract. This information is relevant to the analysis of law enforcement services. It speaks both to the demand created for services in the Project area, a potentially effective mitigation measure, and if such mitigation is not required, the burden that will be placed on existing local law enforcement agencies.

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The DEIS also describes an agreement between the Riverside County Sheriff's Department and the Tribe regarding jurisdiction and response to calls. However, no mention is made in the DEIS of the Tribe's insistence that County and State law enforcement be escorted when responding to calls on the existing reservation. The DEIS needs to include an analysis of the increased burden the escort requirement places on law enforcement as well as the impact of any such escort requirement on the existing communities that will be surrounded by the proposed expansion. Additionally, the discussion of the agreement between local law enforcement and the Tribe should not be overstated. That agreement addresses communication and coordination. It does not, however, provide for any additional funding or other tangible measures to reduce the potential increased burden on law enforcement.

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The City must respectfully disagree with the conclusion in the DEIS that the Project will result in less than significant impacts regarding law enforcement. The DEIS acknowledges that the Riverside County Sheriff's Department is currently operating below capacity (i.e., with fewer peace officers than its service thresholds require). The DEIS also acknowledges that studies have found a link between crime and either gambling or increased tourism, both of which are proposed by this Project. Evidence also exists that contradicts the information in the DEIS and that shows that 911 calls to the existing casino have increased, not decreased, since 2006. Further, The Tribe requires County and State law enforcement to be escorted onto the existing reservation in order to respond to service calls, and that as a result of the Project, approximately 750 of the City's residents will be encircled by the expanded reservation and that a casino will locate immediately adjacent to those residential areas. Each of these facts indicates an increased burden on local law enforcement, and the local community that will suffer diminished public safety service levels.

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The DEIS anticipates increased service calls related to fire services based on a comparison to nearby tribal casinos. It is unclear why a similar comparison was not made for law enforcement services.

Surprisingly however, the DEIS proposes no mitigation for potential impacts related to law enforcement. It should be noted that mitigation measures must be considered even for impacts that, by themselves, would not be considered "significant." (NEPA 40 Questions, (19(a) and 39(a).) Given the potential impacts discussed above, mitigation should include, among others:

- A condition on the transfer to allow State and local law enforcement unimpeded access to the City's remaining jurisdictional territory that will be encircled by the reservation.

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- A binding agreement between the Tribe and local law enforcement to provide funding for anticipated increased service calls, as well as a mechanism to increase funding.
- A binding agreement between the Tribe and local law enforcement to provide for on-reservation law enforcement services.

2. Fire Services

The DEIS indicates that the Tribe will construct two fire stations to serve the Project and the expanded reservation. While a fire department development plan is included as an appendix, there is no analysis of the financial feasibility of such an endeavor. Further, while a mutual aid agreement is "being discussed," no firm mitigation measures require it to be in place prior to finalization of the transfer. The DEIS acknowledges that the Project could increase calls for fire service by approximately 700 calls. If the Tribe does not establish its own fire department, such calls could impose a substantial new burden on existing fire services. Therefore, the transfer must be conditioned upon the Tribe's binding commitment to create a fully funded fire department. The mutual aid agreement being negotiated with Riverside County and the California Department of Forestry and Fire Protection must also be in place prior to finalization of the transfer.

C. Transportation

The DEIS wholly fails to analyze the Project's significant impact on traffic conditions. Despite finding that the Project will result in 22,225 daily vehicle trips, the DEIS analyzed Level of Service ("LOS") impacts on only 11 intersections. Moreover, the DEIS finds that six intersections and three freeway segments will operate at an unacceptable LOS during peak hours without improvements. (DEIS, p. 4-78.) Yet, the only improvements that are proposed include two traffic signals on Soboba Road and two traffic signals on I-215 freeway ramps. The DEIS does not explain how two traffic signals will increase LOS to acceptable levels on six intersections. Nor does it provide an implementation schedule or assign financial responsibility on any party for installing the traffic control signals.

Moreover, the methodology employed by the traffic study is suspect. The DEIS incorporates a ten percent reduction in trips generated based on double counting but does not identify the assumption used in generating the figure. (DEIS, p. 4-77.) The DEIS also fails to provide sufficient detail to support the basis for the trip generation methodology used, claiming that "trip generation information for Indian gaming style casinos are not readily available due to their unique trip generation characteristics compared to those of more traditional casinos." (DEIS, p. 4-76.) However, the DEIS does not explain what these "unique" characteristics are. Moreover, instead of using traffic data from neighboring casinos such as Pechanga, Morongo, and Fantasy Springs, which are Indian gaming casinos and would be more likely to result in realistic trip generation data for the Project, the DEIS appears to rely on a 2002 report and background documents used in a study of northern California casinos. Thus, the DEIS provides misleading and inaccurate information about trips generated by the Project.

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Additionally, the DEIS did not consider the possibility of creating an alternative access point to the reservation from Esplanade Avenue. Doing so could alleviate some traffic impacts at the Lake Park Drive and Ramona Expressway intersection, as well as impacts on local residents that have expressed concerns regarding access to their properties during special events. Doing so would also create an alternate route that could assist in rapid evacuation in case of an emergency. Given the above, the City urges the BIA to consider a mitigation measure requiring the extension of Esplanade Avenue in order to more efficiently serve the Project area and protect area residents as well as visitors to the Project.

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Similarly, the DEIS did not analyze potential impacts to residents of the surrounding communities, particularly Soboba Springs Mobile Home Park and the Soboba Springs and Soboba Heights communities. Residents testified during both scoping meetings that during special events, access to their homes was blocked due to "bumper-to-bumper" traffic along Lake Park Drive and Soboba Springs Road. While the DEIS acknowledges that the proposed Events Arena could create 6,848 daily trips, and while the Scoping Report stated that the BIA would do so, no analysis of the impact of that many cars on the roadways at one time was included in the DEIS. Instead, the DEIS simply finds that "the on-site and off-site roadway improvements prescribed in Section 5.7.2 and the intersection improvements shown in Table 5-2 would improve traffic conditions during normal operations as well as during special events." (DEIS, p. 4-78.) Notably, the DEIS does not assert that traffic impacts would be less than significant during events, only that conditions would be "improved." Moreover, the off-site roadway improvements for special events include only two measures: providing off-site parking at local schools and providing traffic control officers. Regarding the former, an article in the August 28, 2009 *Valley Chronicle* notes that school district officials were unaware of any overflow parking that they would allegedly be providing. With respect to the utility of having traffic control officers during special events, it is less than clear that impacts to nearby residents as a result of bumper-to-bumper traffic would be mitigated. That impact must be addressed in the EIS, as well as signals, traffic personnel and other potential mitigation.

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Although the City appreciates the Tribe's willingness to contribute funds necessary to mitigate offsite traffic impacts, as the City has commented on prior occasions, that willingness must be reduced to a binding agreement prior to transfer of the Project lands into trust. The DEIS does not propose, nor has the Tribe ever agreed, to enter into such an agreement. Therefore the mitigation that is proposed constitutes nothing more than an ephemeral and unenforceable promise.

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D. Aesthetic Impacts

While the DEIS acknowledges that the Project would result in significant aesthetic impacts, the proposed mitigation measures do not completely allay the City's concerns regarding the potential lighting scheme for the Project.

The City appreciates that unlike the ADEIS, the DEIS provides that "Exterior signage would be considered as part of the exterior architectural design and would enhance the buildings' architecture and the natural characteristics of the site by incorporating native materials in combination with the architectural trim. Illuminated signs would be designed to blend with the light levels of the buildings and landscape lighting in both illumination levels and color

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characteristics. The maximum height of an outdoor advertising display shall be twenty-five (25) feet from the grade on which it is constructed.” (DEIS, p. 5-24).

The DEIS also provides that “to the extent possible” all permanent exterior lighting will incorporate cutoff shields and non-glare fixture design and that all permanent lighting must be directed onsite and downward. (DEIS, p. 5-23). New lighting is required to be oriented to ensure that no light source is directly visible from neighboring residential areas and to be installed with motion-sensor activation. Decorative lighting must be directed away from sensitive receptors and may not generate light beyond the Development Site’s boundaries. (DEIS, p. 5-23).

These mitigation measures are a step in the right direction. However, employing language such as “would be considered” and “to the extent possible” leave open the possibility that garish Las Vegas style lighting could still be used. Notably, other casinos in the area do include highly illuminated signage, making such use at this Project reasonably foreseeable. The Project also proposes security lighting around structures and the parking garage. Similarly, the DEIS is silent on whether any height restrictions would apply to the structures associated with the Project. Bright, multicolored and animated displays would be particularly incongruous with the existing setting, in which night skies are highly valued.

Additionally, given the City’s General Plan designations of the existing Project area (Open Space – Recreation, Rural Residential and Low Density Residential), such displays would not be possible absent action by the BIA removing the City’s land use authority. Indeed, the DEIS concedes that the Project would be inconsistent with the City’s General Plan Policy 4.2 (Ensure that new development is compatible with the physical characteristics of the site, surrounding land uses, and available public infrastructure); Policy 6.7 (Preserve and enhance public views of the mountains and hillsides and other scenic vistas); and Policy 9.1 (Ensure new development is compatible with its natural surroundings and the built environment in terms of architecture, scale, grading, and massing.) Aesthetic impacts caused by lighting and building size illustrate one of the many problems with allowing a development such as the Project to be built out of conformance to the City’s General Plan.

To avoid these impacts, feasible mitigation could include a condition on the transfer that would prohibit animated signs, illuminated signs and other lights, height limitations and limits to a certain candle-foot brightness.

E. Air Quality

The DEIS must include a more thorough analysis of air quality in several respects. Also suggested below are a number of new and augmented mitigation measures. Development projects within the City and the region are subject to similar requirements, so such conditions should not present a burden on the Tribe.

1. Hot Spots

The City appreciates that the DEIS, unlike the ADEIS, includes an analysis of traffic “hotspots.” In addition to analyzing the impact of hotspots, NEPA also requires that the BIA explore mitigation of significant health impacts resulting from such traffic congestion. Several

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feasible mitigation measures are suggested below that may lessen that impact. Specifically, the BIA should condition the transfer on the following:

- Limit the size of special events, and Events Arena, to the number of guests that can be fully accommodated on local roads.
- Require the Tribe to provide traffic control officers to regulate the flow of traffic on local roads (i.e., to keep cars in the parking lot until light cycles clear).
- Provide funds for signalization and signal synchronization to provide smooth exit from the reservation to major thoroughfares.
- Provide off-site parking near major thoroughfares and shuttles between the parking center and the casino.
- Provide alternative access to the reservation – extension of Esplanade is one possibility.

These measures would reduce the potential for harmful carbon monoxide hot spots near existing residences. By reducing traffic congestion and bottlenecks, such measures would also enhance the experience of the casino’s patrons, so should not present a burden on the Tribe.

2. Construction Emissions

The City appreciates that the DEIS includes several mitigation measures to address construction air quality impacts. Several of those mitigation measures should be strengthened, however. For example, the requirement to replace groundcover should include a specific timetable within which such replacement must occur. Further, with regard to fugitive dust, the specific measures should be identified. Also, the transfer must be conditioned on the Tribe providing a limited waiver of sovereign immunity so that such measures can be enforced if necessary.

3. Operational Emissions

The DEIS states that the Tribe should solicit information from the South Coast Air Quality Management District regarding mitigation of operational emissions. Because the emissions will result, indirectly, from the transfer, it is the BIA’s (not the Tribe’s) responsibility to solicit all necessary information, and to impose mitigation as necessary. If it does not, the DEIS should analyze a worst case scenario.

Regarding potential odor-emissions from the proposed Wastewater Treatment Plant, the DEIS states that odors from the plant shall not be perceived beyond the limits of the Tribe’s property. This raises a concern for the Soboba Springs Mobile Home Park, which will be completely encircled by the reservation if accepted in trust. The DEIS should ensure that no odors should be perceptible from any of the City’s nearby residents.

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4. Global Climate Change

The City appreciates the BIA's discussion of global climate change in the DEIS. The state of the science, and analysis of climate change, has rapidly evolved. Though regulatory thresholds have not yet been established, many agencies nevertheless have been able to reach conclusions regarding the significance of greenhouse gas emissions. The DEIS fails to provide any discussion of any regulatory thresholds and simply dismisses the issue by stating "there is no regulatory or guidance mechanism for determining standards of significance for greenhouse gas effects, including General Conformity Thresholds." (DEIS, p. 4-41.) This section of the DEIS may have been drafted prior to many of the recent developments and needs to be updated. While no federal thresholds have been established, many states, including California, have developed guidelines and proposed thresholds that the DEIS should discuss. For example, the California Office of Planning and Research ("OPR") recently released a Technical Guidance memorandum regarding analysis of climate change under the California Environmental Quality Act ("CEQA"). In addition, the California Air Pollution Control Officers Association has published a white paper providing examples of how agencies may select thresholds with a quantitative analysis.

The DEIS should state what the proposed State CEQA Guidelines Appendix G thresholds are and discuss whether the Project results in a significant impact under them. On April 13, 2009, OPR submitted its proposed CEQA guidelines to the State of California Resources Agency for consideration. Among other things, those guidelines, if certified, would require that public agencies consider greenhouse gases and climate change. The proposed regulations also recommend amending Appendix G to the State CEQA Guidelines to address Global Climate Change. Although these amendments have not yet been certified, they should be addressed for the sake of completeness.

The DEIS should list the GHG mitigation measures recommended by the California Attorney General's office with which the Project will comply (available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf). The Project should implement the applicable measures as part of the Project design and construction as recommended by the California Attorney General's Office in the document *Addressing Global Warming Impacts at the Local Agency Level* (2008). These measures will also further the Green Development principles of sustainable development and reduction of the proposed project's carbon footprint.

Such analysis is important to quantifying the benefits of any proposed mitigation. Mitigation is necessary even in an uncertain regulatory context.

F. Noise

The local community expressed its concern during the scoping meeting in January of 2008 and again on August 5, 2009, that special events associated with the Project could lead to increased noise in the vicinity. Despite the Scoping Report's indication that it would do so, the DEIS did not address that concern at all. This is a serious omission given that the proposed Project now includes an approximately 4,000-seat Events Arena to be located just across Lake Park Drive from the senior citizen mobile home park. No analysis was presented of what noise levels could be produced by sporting events, concerts, or other events that may be hosted at the

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facility, or whether construction methods or materials are available that would prevent noise levels from intruding upon residential uses. Such potential impacts must be analyzed and all feasible mitigation measures and alternatives (including alternative locations) must be included.

It also does not appear that the DEIS disclosed the existing baseline noise levels in the area. It referred to the City's Noise Element contours and data for another project that is four years old. Instead of providing current data, the DEIS states that a less than 3dBA increase would be less than significant. NEPA recognizes, however, that the context in which an impact may occur is a factor in determining whether the impact is significant. Here, the context is a rural residential area. An increase in noise less than 3dBA may, therefore, be detectable and significant. Additionally, it is unclear whether cumulative noise impacts were appropriately addressed if no baseline noise data were provided.

Further, the mitigation measures identified for operational noise do not appear to include identifiable performance standards. For example, "Place refuse collection in an area that will reduce noise exposure" does not indicate where appropriate areas would be. Similarly, "Place fixed equipment, such as air conditioning condensers and cooling towers, inside enclosures and/or on roofs" does not indicate by how much the noise levels would have to be reduced. Such a performance standard is necessary in the event a certain type of enclosure, for example, does not fully reduce a noise impact and other options would have to be explored.

While the DEIS acknowledged that noise events could occur at the parking garage that could exceed the chosen threshold, the DEIS claims that such events would be infrequent. The parking garage is proposed to be located directly across the street from existing residences. An impact may result, even if infrequently, and must be mitigated if possible. With regard to the parking garage, possible mitigation could include: relocating to an area that is buffered from existing residences, pavement treatment to reduce tire squeals and external screening to reduce noise from the garage such as car alarms.

Additionally, the DEIS describes construction of a wall as an "optional" mitigation measure. If the measure is necessary to reduce impacts to a less than significant level, the EIS should so disclose, and should not describe mitigation as optional. Any potential impacts resulting from the construction of the wall (loss of views, for example) would also have to be addressed.

Noise from maintenance also does not appear to have been addressed. Leaf blowers, lawnmowers, parking lot street sweepers, power-washers and other maintenance equipment may produce very loud noise, particularly if it occurs close to residences. This potential noise impact should be addressed and appropriate mitigation should be addressed in this regard.

G. Hazardous Materials

While the DEIS did address hazardous material use and storage, to some degree, there appears to be no consideration of hazards from service station tanks or the Wastewater Treatment Plant or impacts from leakage to groundwater. Further, there is no discussion of responsibility for responding to hazardous situations. While mitigation measures were provided that dealt with leakage from gas tanks, they were not tied to any analysis. The proposed gas station and its

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underground storage tanks are proposed to be located in close proximity to groundwater that supplies many of the City's residents and businesses. It is crucial that the DEIS consider potential impacts to this drinking water source and mitigate those impacts.

H. Biological Resources

The biological resource analysis section of the DEIS provides only cursory discussion and proposes inadequate measures to mitigate the significant biological impacts of the Project. First, the Project site is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"). The MSHCP provides protection for almost 150 species. However, the Biological Resources Assessment ("BRA") concludes that simply because the Tribe is not a signatory to the MSHCP, impacts of the Project to the Plan do not need to be considered. This is simply not true.

Clearly, the BIA has an obligation to evaluate and analyze Project impacts on the MSHCP, one of the most important habitat conservation plans in the country. NEPA regulations in fact require it. (40 C.F.R. §1506.2(d).) Because the DEIS wholly fails to analyze the Project's impacts to the MSHCP, it fails to provide the requisite "hard look" required by NEPA. (Metcalf v. Daley, *supra*, 214 F.3d at p. 1141.)

Moreover, the DEIS concedes that many of the Project impacts have yet to be determined. (DEIS, p. 4-52.) The DEIS states that the Project site contains nearly 200 acres of coastal sage scrub habitat and approximately 68 acres of southern willow scrub habitat. The DEIS admits that the habitat is suitable for Federally-listed species. Furthermore, the Project has potential impacts on the Western Burrowing Owl. (DEIS, p. 4-55.) Yet the DEIS fails to mitigate Project impacts to these important resources nor does it contain final mitigation measures that will need to be implemented for the Project since the United States Fish and Wildlife Service has not yet completed its biological opinion pursuant to Section 7 of the Federal Endangered Species Act. (DEIS, p. 5-7.) The BIA must analyze these impacts and propose appropriate mitigation measures. The DEIS' failure to analyze the MSHCP as well as the lack of mitigation measures constitutes a fundamental deficiency in the DEIS, which must be revised and released for additional public comment.

I. Water Quality

As previously noted, the proposed Wastewater Treatment Plant would be placed in very close proximity to a source of groundwater that supplies potable water for many of the City's residents and businesses. No analysis of potential groundwater contamination from the operation of the Wastewater Treatment Plant was provided. Potential pollutants include nitrates, total suspended solids and others. Additionally, the DEIS needs to clarify which government entity would be responsible for monitoring and enforcement.

J. Socioeconomic Impacts

While the DEIS concludes that overall the Project will have a positive fiscal impact, the City is concerned that the DEIS did not address potential urban decay impacts, particularly associated with Alternative 3 (commercial development). The EIS should consider the potential that the Project will draw visitors and customers away from the City's commercial

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establishments, thereby leading to urban decay within the City, as well as any feasible mitigation measures.

The DEIS also ignores the loss of tax revenue to the City as a result of the Fee-to Trust transfer. Based on 2008-2009 figures, the City, County of Riverside, and San Jacinto Unified School District will lose approximately \$74,000 in annual property taxes as well as the ability to sell bonds against that revenue source. Moreover, the City will not share in any of the positive economic effects of the casino or hotel resort destination since these operations are exempt from local taxation. The DEIS uses a regional economic model to assess changes in income and employment but such a model ignores the key fact that the benefits of the Project are highly centralized and aggregate into the Tribe's general fund, to the detriment of neighboring jurisdictions. To offset these losses, the DEIS claims that local and state governments will attain positive sales tax effects from "increased business activity" primarily in the form of restaurants, a gas station, and retail stores. Local share of the tax revenue is estimated at \$220,000 dollars per year. However, the assumptions behind this figure are speculative at best. First, the DEIS assumes that at least 94 percent of the sales made on the reservation will be made to non-Indians. Second, the DEIS appears to include restaurant sales in this figure while at the same time acknowledging that food or beverages consumed on the reservation are not taxed. This appears to contradict the assumption that restaurants will contribute any meaningful tax revenue to affected local agencies.

The DEIS also predicts a positive income tax effect to state and Federal governments as a result of income taxes imposed on businesses and individuals working in these businesses. The DEIS estimates \$1.98 million per year in state income tax receipts. The mechanism by which these speculative income tax revenues get funneled back into the agencies that are deprived of property tax revenue is not explained in the DEIS.

K. Alternatives

As discussed above, one of the City's major concerns involves inconsistency of land use regulation and the potential for conflicts with existing uses. None of the alternatives analyzed in the DEIS, aside from the No Project Alternative, would address that concern. One straightforward alternative that should be analyzed in the DEIS is reducing the size of the area to be transferred into trust so that no jurisdictional islands are created. Another potential alternative is to locate the proposed casino-related facilities adjacent to the existing casino and allowing only open-space and low-density residential uses that would be consistent with the City's existing General Plan. Given that the DEIS acknowledged land use inconsistencies between the City's General Plan and the proposed Project, the DEIS must include analysis of alternatives that would avoid those inconsistencies.

Additionally, it is not clear whether the Wastewater Treatment Plant proposed as part of the Project would be required under Alternative 3 (Commercial Retail). Also, it is unclear whether the reduced casino alternative (Alternative 1) would involve a structure that is lower in height than the proposed Project, or not. All components of each alternative should be clearly disclosed.

L. Cumulative Impacts

It is not clear which projects were included in the analysis of cumulative impacts. At a minimum, that analysis must include the proposed Tenaya and Festival projects.

M. Social Justice

The DEIS concedes that it is required to analyze how the Project "would affect social conditions in the Project Site and surrounding area identified in Section 3.6, and whether any group of people, including any racial, ethnic, or socioeconomic group, will bear a disproportionate share of any adverse environmental, human health, and socioeconomic effects from the implantation of Proposed Action A." (DEIS, p. 4-69). The BIA's NEPA Handbook also provides that the BIA "must therefore reach and communicate to the extent practicable with such communities, from the earliest stages of planning through the decision proceed with a proposed action, and to specifically address in the environmental analysis any such communities that might be affected by a proposed action." (FY05 NEPA Handbook, p. 10.)

Despite these clear requirements, however, the DEIS proceeds to analyze only changes in socioeconomic conditions and fails to identify any legally protected class of persons. In fact, there are adverse environmental and human health impacts that uniquely affect the senior citizens who on fixed income at the mobile home park. As discussed above, the mobile home park will be completely surrounded by the Project and become a jurisdictional island if the Project is implemented. Those senior citizens will undoubtedly bear a disproportionate share of the Project's impacts associated land use, public services, noise, and air quality at the very least. The DEIS utterly fails to discuss these impacts on this community.

IV. Conclusion

In sum, the City, as a cooperating agency, believes that the DEIS is inadequate in a number of respects. Therefore, the City urges the BIA to address these inadequacies fully before taking any further action on the feet to trust application.

Very truly yours,



Barry McClellan
City Manager
City of San Jacinto

cc: Honorable Mayor and City Council
Tim Hults, Assistant City Manager
Jeff Ballinger, City Attorney
Karl Johnson, Legal Counsel, Soboba Band of Lusiefño Indians

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