

**Santa Ynez Rancho Estates Mutual Water Company, Inc.**  
**Post Office Box 297 -- Santa Ynez, CA 93460**

October 4, 2013

Amy Dutschke, Regional Director  
Chad Broussard, Environmental Protection Specialist  
Dept. of the Interior, Bureau of Indian Affairs  
Pacific Regional Office, Suite 2820  
2800 Cottage Way  
Sacramento, CA 95825

**RE: Comment on Environmental Assessment (EA) of Proposed Trust Acquisition of Five Parcels known as the Camp 4 Property**

Dear Ms. Dutschke and Mr. Broussard,

Thank you for extending the comment period on this document in response to numerous requests, including ours. Thank you in advance for giving serious consideration to the criticisms of the analysis which have been solicited and are herein provided.

**THESE COMMENTS ARE FILED UNDER PROTEST :**

First, the comments filed on this EA by the Santa Ynez Rancho Estates Mutual Water Company, Inc. are filed under protest for two reasons:

- > This entire process to consider annexation of Camp 4 is based upon a materially false premise: that a TCA has been lawfully approved which includes the property. Numerous legal appeals have been filed (including ours) challenging this premise on multiple material counts. Until all legal issues are fully resolved regarding the TCA there should be no action taken on this fee-to-trust application, including no action on the associated EA.
  
- > The magnitude and foreseeable impacts from this application to annex 1,400 acres -- over 2 square miles -- of land in the Santa Ynez Valley go well beyond that which can be analyzed in an EA. Under existing development practices in Santa Barbara County, this is enough land area to develop a town of between 5,000 and 10,000 population. (Solvang is same size, population is 5,000; Carpinteria is only 200 acres larger, population is 13,000.) In addition, this is a highly controversial project that has been receiving national news coverage since 2005, and it has been the subject of oversight hearings by the House Resources Sub-committee on American Indian and Alaskan Native Affairs. Therefore, an EIS is unquestionably required in this case.

There are material faults with proceeding with this process and it has the highly adverse effect on the public interest by unnecessarily consuming valuable and scarce public time, energy, and money.

## **COMMENTS RELATED TO WATER ISSUES :**

### **1) The EA's forecast demand for water usage by the 143 5-acre homes in Alternative A**

We start with the Conclusion: *the Alternative A forecast of 379 acre feet per year (or 2.6 ac. ft. per parcel) is low by over 4X.*

The Data upon which this conclusion is based:

- > Our service area is contiguous with Camp 4, and identical in nature
- > The Chumash proposal is for 143 tribal homes, 3,000-5,000 square feet each, on 5 acre parcels. Since this is represented as “desperately needed housing”, it must be assumed that they are full-time residences, not second homes.
- > In contrast, we serve 91 properties, most commonly 2,000-3,000 square feet homes, also on 5 acre parcels. Many of these are second homes which are occupied only occasionally.
- > The EA assumption is 3.5 people per home; our actual population in full-time residence is about 1.5 people per home. Second home effects reduce the full time equivalent population further.
- > Analysis of actual water usage by our users most comparable to the Chumash proposal (similar size, quality, and occupancy) is an annual water usage of 11.6 acre feet per year each --- in contrast with the EA assumption of only 2.6 acre feet per year each.
- > Conclusion: actual water usage by Alternative A will be 4.4 times as much as forecast and analyzed by the EA.

### **2) The EA's forecast demand for water usage by the 143 homes in Alternative B**

- > The water usage forecast for the 143 homes in Alternative B is similarly understated and unrealistic. An accurate assessment of the environmental impacts cannot be based on numbers which have been selected to favorably skew the analysis in favor of the applicant and against the public.

### **3) Only a small fraction of reasonably foreseeable development is analyzed**

The EA analyzes the water demand for only a tiny percentage of the clearly foreseeable development of the Camp 4 property. In addition to what was analyzed in this document, the applicant has already publicly displayed its desire on this property for a casino, a multi-hundred room hotel, two golf courses, an equestrian center and 175 related condominiums. All that proposed development used significantly less than half of the land area of Camp 4.

#### **4) Overall water usage issues**

Each individual well on Camp Four can pump between 1,000 and 2,000 gallons per minute (gpm) this is equivalent 4.4 to 9 acre/ft/day or 1600 to 3000 acre/ft/year. In contrast, recharge from precipitation in this area is roughly 5 to 10% of precipitation, close to zero in years like the past two.

For 1400 acres this yields recharge of roughly 120 acre/ft/year, assuming 1 inch of recharge. Pumping above this level will result in groundwater being taken from surrounding properties, lowering their water levels and possibly resulting in wells having to be drilled deeper and/or the development of new wells.

Even the minimal development which is analyzed by this EA exceeds this recharge significantly, and the foreseeable potential development is many times what was analyzed.

#### **OTHER AREAS OF CONCERN**

##### **1) Potential for casino development not analyzed**

This EA must consider this application as including "gaming". First, the tribe has already publicly demonstrated with their joint proposal with Fess Parker in 2005 that they wish to have their second casino on this property. In addition, the robust history of tribes -- with the active support of the BIA -- changing actual land use from that which is proposed during the fee-to-trust process makes it imperative that this be analyzed as a gaming application. The implications of this are dramatic, and cover virtually all areas of NEPA concerns.

##### **2) Impacts of numerous proposed developments are not analyzed**

The EA states: "The tribal facilities would include development of a banquet/exhibition hall designed with an agriculture/equestrian theme, associated administrative spaces, a tribal office complex, and a tribal community space including ceremony room and gymnasium....Approximately 400 parking spaces would be provided for the facilities."

However, nowhere in the EA are the impacts of the use of this facility analyzed. The proposed "community event facilities" are stated to encompass nearly 80,000 square feet, include 400 parking spaces (enough for 1,000 or more simultaneous visitors), and is proposed (but not limited to) being used 100 times per year.

Santa Ynez Valley residents already are troubled by and pursuing ordinances to regulate and restrict the number of special events that may be hosted at wineries and other privately owned facilities due to the traffic, light and sound pollution, and other negative impacts caused by these events.

The impacts from these proposed facilities must be realistically forecast and analyzed.

**3) Traffic impacts are not adequately forecast or analyzed**

The EA in no way adequately forecasts or analyzes the significant impacts on County roads and circulation that would obviously result from the reasonably foreseeable development of this currently undeveloped 1400 acres -- 2.2 square miles -- of Santa Ynez Valley land.

**4) Impacts on Public Safety services not adequately forecast or analyzed**

The EA in no way adequately forecasts or analyzes the significant new demands for County law enforcement and fire services that would result from the proposed development of this currently undeveloped 1400 acres -- 2.2 square miles -- of Santa Ynez Valley land.

**5) Impacts to Biological Resources are not adequately forecast or analyzed**

While the EA provides general information and maps regarding biological resources it fails to adequately analyze the impacts of reasonably foreseeable development on the Camp 4 property and completely fails to analyze how the project impacts the surrounding regional area. NEPA requires such an analysis.

**6) Cumulative Impacts are completely ignored**

The cumulative impacts analysis must include all reasonably foreseeable projects, on and off the subject property. This analysis is missing in the EA, and it affects numerous areas of required impact analysis.

**CONCLUSION**

Santa Ynez Rancho Estates Mutual Water Company, Inc. respectfully requests that the BIA immediately stay the processing of this EA and the associated fee-to-trust application for Camp 4 until all legal issues involving the TCA upon which they are predicated have been resolved.

In addition, we respectfully request that after such issues have been resolved the BIA prepare a full EIS for recirculation and review of this proposed fee to trust acquisition, as required by law, which includes addressing of all public comments received in response to this defective EA as well as all comments to be received in response to the EIS.

Sincerely,

Robert B. Field, President  
on behalf of the Board Of Directors  
Santa Ynez Rancho Estates Mutual Water Company, Inc