

**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

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3 **RESOLUTION NO. 2009-293**

4 **EXPRESSING CONCERNS WITH RESPECT TO DEFICIENCIES CONTAINED IN THE**
5 **DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED BY THE SOBOBA BAND OF**
6 **LUISENO INDIANS IN SUPPORT OF THE PROPOSED FEE-TO-TRUST CASINO/HOTEL**
7 **PROJECT AND EXPRESSING OPPOSITION TO APPROVAL OF THE PROJECT IN ITS**
8 **PRESENT FORM BY THE U. S. DEPARTMENT OF THE INTERIOR**
9 **(HORSESHOE GRANDE)**

10 **WHEREAS**, the Soboba Band of Luiseno Indians (hereinafter "Soboba Tribe") has proposed the
11 conveyance of 534.91 acres of Tribal-owned property that is contiguous to the existing Soboba Indian
12 Reservation, and located within the unincorporated area of Riverside County as well as the City of San
13 Jacinto, to Federal trust status in support of a proposed extensive development project involving a
14 destination hotel/casino/entertainment complex to be located on the aforementioned property also referred
15 to as the "Horseshoe Grande" property (hereinafter "Project Site");

16 **WHEREAS**, the Soboba Tribe's proposed development project (hereinafter "Project") consists of
17 the aforementioned fee-to-trust conveyance accompanied by relocation of the tribe's existing casino,
18 development of a 5-story 300 room hotel, convention center, special events arena, restaurants, retail shops
19 and spa and fitness center all within a 729,500 square foot complex on a 55-acre portion of the Project
20 Site. In addition, the Project also includes an onsite wastewater treatment plant proposed south of the
21 Project Site, potential realignment of Lake Park Drive, two Tribal fire stations totaling 13,500 square feet
22 and a 6,000 square foot convenience store with 12-pump gas station;

23 **WHEREAS**, in accordance with federal law requirements under the National Environmental
24 Policy Act ("NEPA")[Title 42 U.S.C. §§ 4321 et seq.], a Draft Environmental Impact Statement
25 (hereinafter "Draft EIS") has been prepared to assess the potential environmental effects of the Project
26 under consideration for approval by the United States Department of the Interior's Bureau of Indian
27 Affairs (hereinafter "Department of the Interior"). The sheer volume of the Draft EIS document,
28 including all appendix exhibit materials, is voluminous in nature consisting of several thousand pages of

BY *DAVID H.K. HUFF* 9/14/09
DATE

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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24 2) The Draft EIS fails to analyze traffic and circulation impacts on the surrounding local
25 communities and fails to propose appropriate mitigation measures. Based on County staff estimates, the
26 proposed Project will generate approximately 30,000 daily vehicle trips on Soboba Road which will serve
27 30% of the traffic to and from the proposed Project. The County's Transportation Department requests as
28 a mitigation measure that the Soboba Tribe improve Soboba Road to an all-weather facility with sufficient

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).

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.
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23 6) The Draft EIS fails to analyze wastewater treatment and solid waste disposal impacts on the
24 surrounding local communities and fails to propose appropriate mitigation measures. Based on the
25 County's Environmental Health Department review of the Draft EIS, it appears that there is insufficient
26 evaluation and analysis of the impacts presented by the Project's proposed wastewater treatment plant on
27 the ground and surface waters in the surrounding local communities. Moreover, County staff has
28 concerns that the Draft EIS fails to address the anticipated substantial increase in solid waste generated by

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.
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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,

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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.

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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.

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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.