



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE
1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

May 22, 2003

TO: Recipients of Update of Impacts of Tribal Economic Development
Projects In San Diego County, April 2003

FROM: Chantal Saipe
Tribal Liaison

ERRATA SHEET AND REPLACEMENT PAGES

Several errors and areas in need of clarification have been identified in the Update of Impacts of Tribal Economic Development Projects In San Diego County, April 2003 (Report). Enclosed is an Errata Sheet and replacement pages. Please substitute these replacement pages in your copy of the Report.

Should you have any questions, please call me at (619) 685-2542.

Respectfully,

CHANTAL SAIPE

Enclosure

ERRATA SHEET FOR

"Update On Impacts Of Tribal Economic Development Projects In San Diego County," Report dated April 2003

MAY 14, 2003

Table of Contents
Page "x"

The word "Capacity" was inserted in headers of Sections 4.9, 4.9.1.2 and 4.9.3. **A revised Page "x" is attached.**

Section 3.4.2.1
Page 27
Last bullet

Cuyapaibe Band provided a small correction to the acreage in a (related) comment regarding Section 6.5.1.1, Page #137. **A revised Page #27 is attached.**

Section 3.4.4
Page 29
1st bullet

Elected and appointed officials of the Cuyapaibe (Ewiiapaayp) Tribal Government were listed incorrectly. **A revised Page #29 is attached.**

Section 3.15.6.1
Page 66
7th bullet

Correction to Paragraph is shown below in Strike-Out/Underline:

- The Casino offers 782 slots, nine card tables, and a 250-seat buffet. ~~Beer and wine are served since March 14, 2002, when the Band received an interim license from the Department of Alcohol and Beverage Control. The Casino serves beer and wine pursuant to State regulations on weekend days and nights, but has restricted serving beer and wine to the hours of 5:00pm — 1:30am on weeknights to allay concerns expressed by the Valley Center School District. On March 14, 2002, the Band received a limited license to serve beer and wine in the Valley View Casino. On February 20, 2003, the Band was issued an unconditional license for full beverage service at the Valley View Casino. Additionally, p~~ Patrons must be at least

21-years of age to enter the facility. **A revised Page #66 is attached.**

Section 3.17.2
4th bullet
Page 71

The acreage for the Sycuan Reservation was incorrectly listed as "7812.15. The correct acreage is "812.15." **A revised Page #71 is attached.**

Section 3.17.9
8th bullet
Page 75

The Sycuan Community Master Plan is still only an interim plan; and it was only distributed to a subcommittee of the planning group, not "developed in consultation with the local planning group" as stated in the April 2003 Report. **A revised Page #75 is attached.**

Section 4.1
4th bullet
Page 86

The amount of tribal fairshare contributions should be "\$24 million," not "\$25 million." **A revised Page #86 is attached.**

Section 4.6.3.1.3
Pages 98 & 99
Wildcat Canyon Rd.

Language shown below to replace language in Report

"The County of San Diego has initiated the preparation of an Environmental Impact Report (EIR) for road enhancement improvements to Wildcat Canyon Road. These enhancements/improvements include the provision of a passing lane, three turn-outs, intersection improvements and a wildlife crossing. The County of San Diego, Barona Band and Bureau of Indian Affairs (BIA) are providing the following funding for the improvements: \$600,000 (County); \$1.4 million (Barona Band); and \$3 million (BIA). Although funding for the enhancements/improvements is currently available, environmental studies must be completed prior to construction of the proposed project. It is anticipated that the draft EIR will be distributed for public review in April 2003.

County of San Diego Public Works engineers and field staff have conducted field reviews to identify operational and other near-term phased improvements that can be implemented and/or constructed in the interim to improve traffic operations. A discussion of the road review process that was performed for Wildcat Canyon Road is provided in Section 4.8.1.1.4 of this report." **Revised Pages #98 & #99 are attached.**

Section 4.9 & 4.9.1.2
Pages 104 & 105

The word "capacity" has been added to headings and the first sentence of the first and third paragraphs to make it clear to the reader that the cost estimates discussed in this section concern improvements to the capacity of the impacted arterials, i.e. not other needed improvements. Additionally, on Page 105, second paragraph, the amount of tribal fairshare contributions should have been "\$24 million," not "\$25 million." **Revised Pages #104 & #105 are attached.**

Section 4.11
Page 109,
1st paragraph

The estimated cost of needed improvements to County arterials should be "\$150 million," not "\$144 million." Additionally, the word "capacity" was added to the first sentence of the first paragraph. **A revised Page #109 is attached.**

Section 6.5.1.1
Page 137
New Footer

Cuyapaipe (Ewiiapaayp) Band provided clarification, which is shown as a new Footer. **A revised Page #137 is attached.**

Section 6.10
Page 143
3rd bullet

The SIHC requested a correction to the language of the 3rd bullet. **A revised Page #143 is attached.**

Appendix B-1

Plate 8 should read "View of the Sycuan Casino looking northwest." Please make a note in your copy of the Report.

Appendix D-1

The Table in the Report failed to include the loss of taxes to the "Grand Total," due to the Jamul Band's proposed fee-to-trust action. In addition, the Barona Band's recent application has been added to the Table. **A revised Appendix D-1 is attached.**

Appendix D-2

A new map of the Barona Band's applications has been prepared to incorporate the Band's recent application. **A new Barona map is attached.**

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- Kumeyaay's travels from the coast to the mountains and desert beyond. The inland Kumeyaay Bands were centered at the present-day Cuyapaipe Indian Reservation.
- The past tribal Chairman of the Band, Tony J. Pinto, and his sister Rosalie Pinto Robertson and brother Chris Pinto (both deceased), performed their duties as Kwaaypaay (captain or band chief), and ritual leaders, acting as intermediaries protecting them and their people from the external world. Their grandfather, Paayon, the last Kuchut kwataay (tribal chief) of the Kumeyaay, their father Jim McCarty Hilmeup and their uncle Jose Hilmeup, who were also Kwaaypaay, taught Chairman Pinto, and his brothers and sister, the religious and cultural traditions of the Kumeyaay, as well as the duties and responsibilities of leadership to protect and care for the people and to protect the Cuyapaipe Indian Reservation land and sacred places whenever possible.
- Past Chairman Tony Pinto and his 4 brothers (Albert, Alfred, Chris and Anthony) all served in the U.S. armed forces in WWII, and Tony was wounded in battle during the invasion of Italy. After the war, Tony and sister Rosalie and brother Chris, along with other traditional leaders in southern California participated in the Mission Indian Federation opposing policies of the Bureau of Indian Affairs, which the traditional leaders felt would damage their people. They participated in the Mission Indians Claims case, provided information to the Bureau of Land Management to protect sacred places and cemeteries from secular desecration, and actively encouraged younger Kumeyaay to train and participate in the religious ceremonial singing and leadership. They also brought the existence of the plight of the Paipai and Kumeyaay Indians of northern Baja Mexico to the attention of the Mexican government.

3.4.2 Reservation

The Cuyapaipe Indian Reservation is located in the Laguna Mountains. It was established on February 10, 1893 under authority of the Act of January 12, 1891, and Act of the U.S. Congress (26 Stat. 712 - 714 c.65). The Band is currently seeking to obtain formal Reservation status for approximately 10 acres held in trust in its name, which are located west of the Viejas Reservation, in the Community of Alpine.

3.4.2.1 Cuyapaipe Indian Reservation

- The Cuyapaipe Indian Reservation consists of 4,102 acres in the Laguna Mountains, roughly 12 miles north of Campo. (*See map in Appendix A-1*)
- Most of the Reservation (98%) consists of rocky ridges and steep hillsides between 5,000 and 6,500 feet. Access to the Reservation is via a 12-mile, narrow, steeply graded, winding and poorly maintained dirt road.
- There are eight home sites on the Reservation.
- There are no public utilities available on the Reservation, including no telephone service, no mobile telephone or radio service, no gas or electricity, and no treatment system for wastewater, solid waste, or drinking water.
- On December 27, 2000, Congress enacted the California Indian Land Transfer Act of 2000, which added 428 acres to the Reservation; all of these acres are on ridge tops or in steep slopes.

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- Approximately 0.34 acres (APN 404-061-06), located at 4030 Willows Road, in Alpine, California. The site is located approximately one-third of a mile from the Willows Road freeway exit from east bound Interstate 8.
- Approximately 1.71 acres (APN 404-061-05), located at 4026 Willows Road, in Alpine, California. The site is located approximately one-third of a mile from the Willows Road freeway exit from east bound Interstate 8.
- Approximately 2.22 acres (APN 404-061-04), located at 4028 Willows Road, in Alpine, California. The site is located approximately one-third of a mile from the Willows Road freeway exit from east bound Interstate 8.
- Approximately 4.47 acres (APN 404-061-03), located at 4048 Willows Road, in Alpine, California. The site is located approximately one-third of a mile from the Willows Road freeway exit from east bound Interstate 8.

3.4.3 Population

The Band has eight enrolled members. The Band explains the reason for such a small enrollment, as follows:

“Due to the inaccessibility of the Cuyapaipe Reservation, the U.S. Government established an Indian school on the more accessible Campo Reservation. Cuyapaipe families with school age children were re-located from the Cuyapaipe Reservation to the Reservations of Campo, La Posta, Laguna (since terminated), and Manzanita, in order for Cuyapaipe children to attend school. Cuyapaipe families with children moved to these other Reservations; dis-enrollments in the Cuyapaipe Band followed; and the lack of utilities, roads, and any kind of employment opportunity, resulted in the Cuyapaipe Band’s enrollment consisting of only eight tribal members, today.”

3.4.4 Tribal Government

- The Ewiiapaayp Band’s tribal members govern themselves as a General Council, composed of all members under their Tribal constitution enacted in 1973. Tribal elected officials are Harlan Pinto Sr., Chairman; Michael Garcia, Vice Chairman; and Robert Pinto Sr., Secretary-Treasurer. The Tribe’s Executive Director is William Micklin, and Self-Governance Coordinator is Linda Fong.
- The Ewiiapaayp Tribal Government is a self-governance tribe in accordance with Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended. (25 U.S.C. § 450 *et seq.*)

3.4.5 Services and Benefits Provided by Tribal Government

- Bureau of Indian Affairs programs administered by the Tribe under self-governance.
- Environmental Protection Agency programs.
- Economic development through the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.*, and the Tribal-State gaming compact.

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Compact took effect when the notice of the Secretary's approval was published in the Federal Register/Vol. 65, No 95, on May 16, 2000.

- The Tribe is striving to meet the intent of the Indian Gaming Regulatory Act of 1988, which includes the promotion of tribal economic development, self-sufficiency, and strong tribal governments.
- The San Pasqual Tribe has established a Casino Management Committee consisting of five tribal members appointed by the Tribal Council to oversee the gaming enterprise.
- The San Pasqual Valley View Casino (Phase I), which opened on April 18, 2001, consists of a 40,900 square foot single-story gaming facility on approximately 16 acres. The casino includes approximately 20,160 square feet of gaming area, an approximately 4,100 square foot of dining area, including a buffet facility, and ancillary areas totaling 15,325 square feet. A 30,000-square-foot expansion area is also included in the site development plan.
- The project includes a 40,000-gpd wastewater disposal system with pretreatment gallery, water system development and associated circulation, a commercial grade fire protection system and an estimated 825 parking spaces.
- The Casino employs 31 tribal members (enrolled), 52 lineal descendants and 329 non-Indians, for a total of approximately 430 employees.
- The Casino offers 782 slots, nine card tables, and a 250-seat buffet. On March 14, 2002, the Band received a limited license to serve beer and wine in the Valley View Casino. On February 20, 2003, the Band received an unconditional license for full beverage service. Patrons must be at least 21-years of age to enter the facility.
- Band has reserved 1,218 slot machines.
- In December 2002, Band circulated an Environmental Assessment for the expansion of Valley View Casino. The proposed expansion consists of increasing the existing facility by 56,300 square feet, for a total of 96,754 square feet; and increasing the developed area on the Reservation by approximately eight acres, for a total area of development of 26 acres. The expanded gaming will consist of installing approximately 600 new slot machines; and adding a Nevada-style bingo operation and table games. The gaming expansion is estimated to result in 250 new employees.
- Band signed a Cooperative Agreement with County for \$6,149,349, which was approved by the Board of Supervisors on June 19, 2001; the Agreement mitigates traffic impacts of both the Phase I casino, and what was envisioned originally as Phase II casino and resort development. County staff will be meeting with the Band's representatives to review the Agreement in light of the current Phase II project, which differs in size and location from the project considered in the Agreement.

3.15.6.2 Other Businesses

There are no businesses other than the Casino on the Reservation.

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- Recently, the Reservation was enlarged by 172 acres, commonly known as the Bradley, Big Oak Ranch, Lenore and Cullmer parcels, when these properties were placed into trust by the Secretary of the Interior for the Band. *(See Appendices D-1 and D-2)*
- The Reservation now consists of 812.15 acres, of which 224 acres are allotted to individual Indians.
- The Reservation is comprised primarily of mountainous terrain, and is traversed by the North Fork of the Sweetwater River. The Reservation is accessed via Dehesa Road, a County-maintained road, and Sycuan Road, a private road
- Only approximately 230 acres of the original Reservation are usable for agricultural, residential or commercial uses
- Approximately 70% (161 acres) of the original Sycuan Reservation's usable acreage was long ago allotted to individuals, resulting in Sycuan only having approximately 69 acres of the original Reservation available for economic development and housing
- Governmental and non-commercial uses on the Reservation: Tribal offices; 48 residences; fire station and fire department administrative offices; fire department training facility; ambulance service; medical and dental clinic, which serves tribal members, employees, other Indians and residents of surrounding communities; library; day care facility; Learning Center, which includes a satellite campus of the Mountain Empire Unified School District; a Western Association of State Colleges (WASC) accredited satellite campus of D-Q University, an Indian college; gymnasium; Insurance Services, Human Resources; landscape services; Department of Safety; water treatment plant; 750,000-gallon water tank; and a 300,000 gpd-wastewater treatment plant.
- Commercial uses on the Reservation: A casino.
- Other businesses: *(See Sec. 3.17.5.2)*

3.17.2.1 Fee To Trust Applications and Other Actions Resulting in Expansion of Land Base

- Over the last few years, the Band has applied to have several properties placed in trust. *(See Appendix D-1)*
- Band has been successful in recently conveying title to the U.S. Government in trust for the Band on the following properties: Bradley and Big Oak Ranch, which are 61.36 acres and 27.79 acres in size, respectively; and Lenore & Cullmer properties, which total 82.85 acres.

3.17.2 Population

- Enrollment: 129 members (including children).
- At present, 122 persons live on the Reservation, of which about 107 are tribal members and their immediate family.

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- Band's purchase of Singing Hills Resort will generate significant property tax revenue to San Diego County.

3.17.9 Community Relations

- September 25, 2000: Entered into Cooperative Agreement with the County of San Diego to mitigate some of the traffic impacts near the reservation.
- November 11, 2000: Signed an historic Memorandum of Understanding with the Crest/Dehesa/Granite Hills/Harbison Canyon Planning Group for enhanced relations.
- Continues to work closely with the Crest/Dehesa/Granite Hills/Harbison Canyon Planning Group on planning, transportation, natural resources and economic development projects.
- Contributed \$247,700 towards the widening of Dehesa Road at Dehesa Elementary School.
- Purchased a speed-monitoring trailer for use by the California Highway Patrol for strategic deployment throughout the Dehesa Valley and East County.
- Committed to having a positive impact on the surrounding community.
- Will continue to work with the County of San Diego to develop a government-to-government Memorandum of Understanding to address issues of mutual concern.
- Developed an Interim Tribal Community Master Plan for the Reservation, which was distributed to County staff and a subcommittee of the Crest/Dehesa/Granite Hills/Harbison Canyon Planning Group in March of 2002.
- On August 6, 2002, contributed \$25,000 to the Pines Fire Relief Fund to help victims of the Pines Fire.

3.17.10 Issues and Challenges

The Sycuan Tribal Government faces issues that are unique, and issues that are shared with other governments. Like state and local governments, the Sycuan Tribal Government is responsible for providing services to the Reservation; and developing policy and planning in keeping with the desires of the Tribal Members who not only elect their government, but also vote on issues related to the land. The Sycuan Tribal Government has many priorities, which include the following:

- Protect Sycuan's sovereignty and preserve the well being of our people.
- Develop self-sufficiency and responsible governance.
- Provide a positive impact on our community.
- Develop strong and effective government-to-government relations with state and local agencies.
- Provide educational and economic opportunities for our people.
- Protect and enhance our natural resources and the environment.
- Continue to improve our quality of life.

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projections and infrastructure planning include all of the existing and future tribal development projects.

This report presents the following information and analysis:

- A comparison between the scope and assumptions of the traffic needs assessment utilized in this report to those presented in the November 1, 2000 Report.
- The road capacity and improvement needs associated with current or proposed projects on 12 Reservations within San Diego County. Additional information is provided in *Appendix C, "Traffic Needs Assessment of Tribal Projects within San Diego Region."* The Reservations with road capacity and improvement needs are Barona, Campo, the proposed Cuyapaipe (Ewiiapaayp) Reservation, Jamul, La Jolla, Manzanita, Pala, Pauma, Rincon, San Pasqual, Sycuan and Viejas. However, the Cuyapaipe (Ewiiapaayp) and Manzanita Tribes have not yet submitted specific project descriptions, therefore road improvement needs in the vicinity of these Reservations are only generally discussed.
- The process, time frames, and cost estimates for constructing needed road improvements identified for County arterials. The cost estimates are based upon the number of additional lanes that would be needed to improve the County arterial to LOS "D." A cost per lane mile factor was used to provide a general estimate. The cost per lane mile factor was adjusted to account for road improvements that traverse severe terrain and/or sensitive environmental habitat.
- The funding issues related to road improvements, especially the fact that the costs of the needed improvements exceed the County's ability to finance them. Estimates of the total cost to construct needed improvements to County-maintained arterials is \$150 million; of this amount the Tribes' fairshare for all post-September 1999 projects is estimated to be approximately \$24 million. This was obtained by summing the cost estimates obtained for each of the individual road segments. While Tribal contributions should be used to construct some of the needed road improvements, it is expected that State and/or federal funding will be needed to complete the construction of all of the needed road improvements.

4.2 Comparison To Previous Report

The study provided herein is an update to the November 1, 2000 traffic assessment, entitled "Preliminary Traffic Assessment of Indian Gaming Projects in the San Diego Region."

4.2.1 Overall Needs Assessment

Two major changes to the traffic analysis are included in this report. They were made based upon information that had been obtained after completion of the previous report. The changes include the following: 1) the estimated trip generation rate for an Indian gaming facility was changed from 130 trips per 1,000 square feet of casino area to 100 trips per 1,000 square feet of gaming area, and 2) updated project descriptions were incorporated for several Indian development projects.

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4.6.3.1 Scheduled Improvement Projects on County Arterials

4.6.3.1.1 Dehesa Road

A 2,000-foot section of Dehesa Road near Dehesa Elementary School (in the vicinity of Sloane Canyon Road) has recently been widened. It was widened to improve access to and from the school, and to improve traffic flow along Dehesa Road. The improvements also included the provision of a left turn pocket, improvements to the Dehesa Elementary School driveway and parking lot. The County of San Diego funded the costs associated with the environmental studies and engineering design of the proposed improvements. Additionally, the County of San Diego, Sycuan Band and the Dehesa School District entered into a cooperative agreement, whereby the County paid for the improvements made within the road right of-way and the Sycuan Band paid for the improvements made on the Dehesa School District property. The total cost of the improvements was \$635,000 of which the Sycuan Band contributed approximately \$250,000.

4.6.3.1.2 Valley Center Road

Valley Center Road from Cole Grade Road south to Lake Wohlford Road is included in the County of San Diego's Capital Improvement Program. It is scheduled to be improved from two to four lanes and take three to four years to complete. The majority of funding for this project is from the County's portion of the TransNet sales tax, with the Pauma and Rincon Bands contributing their share of the costs, pursuant to cooperative agreements, which are discussed in Section 4.10 of this report. The timelines for the various phases of the scheduled improvements are as follows:

- South Phase I, from 0.5 mile south of Escondido City limits to one mile south of Banbury Drive, is planned to start construction in September 2003 with a target date for completion of Spring 2004;
- South Phase II, from one mile south of Banbury Drive to Woods Valley Road, is targeted to begin construction Summer 2004;
- North Phase, from Woods Valley Road to and including intersection with Cole Grade Road, is scheduled to begin construction in Summer 2004; and
- Intersection improvements at North Lake Wohlford Road and Valley Center Road are scheduled to begin construction in Summer 2004;
- Construction of the Valley Center Road Bridge at San Luis Rey River is scheduled to begin Fall 2003.

4.6.3.1.3 Wildcat Canyon Road

The County of San Diego has initiated the preparation of an Environmental Impact Report (EIR) for road enhancement improvements to Wildcat Canyon Road. These enhancements/improvements include the provision of a passing lane, three turn-outs, intersection improvements and a wildlife crossing.

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The County of San Diego, Barona Band and Bureau of Indian Affairs (BIA) are providing the following funding for the improvements: \$600,000 (County); \$1.4 million (Barona Band); and \$3 million (BIA). Although funding for the enhancements/improvements is currently available, environmental studies must be completed prior to construction of the proposed project. The draft EIR was distributed for public review on April 18, 2003.

County of San Diego Public Works engineers and field staff have conducted field reviews to identify operational and other near-term phased improvements that can be implemented and/or constructed in the interim that would improve traffic operations. A discussion of the road review process that was performed for Wildcat Canyon Road is provided in Section 4.8.1.1.4 in this report.

4.6.3.2 Scheduled Improvement Projects on State Highways

4.6.3.2.1 SR 94

Caltrans is scheduled to provide operational improvements to SR 94. Preliminary design and environmental studies for these improvements will take six to seven years to complete. Construction of the improvements will then follow, as funding is available.

In addition, SANDAG has completed the Rural Highway Corridor Study. The goal of this study was to develop a strategy for accommodating future traffic in the SR 94 corridor. This study recommended that SR 94 be widened to four lanes from SR 54/SR 94 junction to Steele Canyon Road. It further recommended that SR 94 remain a two-lane highway between Steele Canyon Road and Ribbonwood Road, near the Community of Boulevard.

4.6.3.2.2 SR 76 east of I-15

The 2020 RTP does not include improvements to SR 76 east of I-15, and Caltrans does not currently have any operational or capacity improvements programmed for that portion of SR 76. Under baseline conditions, SR 76 east of I-15 was operating at LOS B. However, as shown earlier in the report, the Tribal development projects on the Pala, Pauma, Rincon and San Pasqual Reservations cause SR 76 to operate below LOS D between I-15 and Lilac Road.

Several land development projects submitted to the County of San Diego for discretionary approval, however, include as conditions of approval fairshare contributions and/or fairshare improvements to the ramps between I-15 and SR 76 and/or operational improvements along SR 76. Timing of the construction of these fairshare improvements is dependent upon construction of these land development projects.

Additionally, Caltrans' March 2002 Transportation Concept Report shows a 2020 concept of four lanes on State Route 76, from I-15 to the eastern boundary of the La Jolla Indian Reservation.

4.8.1.4 Long-range roadway construction improvements

Long-range construction improvements are large-scale projects requiring substantial funding, major design services, and significant right-of-way acquisition. These projects require extensive environmental clearance activities, and often take many years to plan and complete. Long range projects provide additional road capacity and/or address a specific need, but do not necessarily constitute the ultimate road improvements planned for the corridor as identified in the County of San Diego's General Plan Circulation Element. Examples of long-range improvements include the following:

- Major curve realignment;
- Construction of passing lanes; and
- Intersection reconstruction/signalization.

Funding sources have not been identified for most of the needed long-range improvements. Funding sources may include: voluntary fairshare contributions, which have been offered by several Tribes, State and federal funding, Special Distribution Fund specified in Tribal-State Compacts, and other special one-time funding. A discussion and assessment of potential Tribal fairshare contributions and regional funding sources is provided in Sections 4.9 and 4.11 of the Report.

4.9 Arterial/Highway Capacity Improvement Cost Estimates

4.9.1 County Arterials

4.9.1.1 Miles Impacted by Tribal Projects

It is estimated that 38.5 miles of County-maintained arterials in the vicinity of the Reservations will need additional road capacity improvements because they are identified as operating below LOS D. Of those 38.5 miles, approximately 15.6 miles were identified under Baseline Conditions as needing improvements solely due to non-Tribal development in the unincorporated area. The impacts to the additional 22.9 miles of County arterials are due to existing and near-term development of tribal projects. However, the existing and near term development of tribal projects also further impacts the 13 miles of road identified under Baseline conditions as operating below LOS "D" due to non-tribal development.

4.9.1.2 Total Cost Estimates to Improve Capacity of Impacted Arterial Segments

The cost estimates for improving the capacity of each of the County arterial segments that were prepared for the November 1, 2000 Report assumed the construction of one or two additional lanes, as needed by the forecasted future traffic volumes to improve to the roads to an acceptable level of service (no less than LOS D). An estimated length of impacted road segment and an average improvement cost factor of \$1.8 million per lane mile were used to calculate road improvement costs for each of the impacted segments. The cost estimate was increased for roads with steep or rocky terrain and/or extensive environmental constraints. These estimates were very preliminary, and were based upon average costs and general assumptions.

The cost estimates in this report differ from those identified in the previous report because the ADT rate was lowered for casinos; the estimated impacted miles of road have changed; and for some roads, such as Lake Wohlford Road and Wildcat Canyon Road, the cost estimates were revised to better reflect steep terrain and significant environmental issues that would be associated with the construction of road improvements along these roads. It should be noted that

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actual costs for each improvement project will vary from the estimated costs due to environmental constraints, mitigation measures, engineering features, right-of-way acquisitions, and other factors (such as inflation, public opposition, utility relocations and storm water/drainage considerations).

As shown in Table 4-1, below, and in Table 4 in *Appendix C*, the estimated total cost to construct all the needed capacity improvements to County-maintained arterials is approximately \$150 million. This was obtained by summing the cost estimates obtained for each of the individual road segments. Of this amount, the Tribes' fairshare is estimated to be approximately \$24 million. (See Table 5 of *Appendix C* for detailed information on the amount of contributions estimated for each Band)

It should be noted that for the Barona, Sycuan and Viejas Bands, the cost and fairshare estimates presented in this report only reflect the post-September 1999/post-Compact increments of the Tribes' enterprises. It is expected that, in addition to addressing the impacts of the post-September 1999/post-Compact additions and expansions, the County and these three Bands will discuss contributions toward mitigating the impacts of the pre-Compact gaming facilities.

4.9.2 State Highways

It is estimated that approximately 17 miles of State highways would be impacted by current tribal projects. For the November 1, 2000 report, Caltrans prepared preliminary cost estimates for needed improvements to State highways. The preparation of projects and cost estimates for near term improvements to the State Highways is more problematic. Without the preparation of alignment, environmental and project study reports it is difficult to identify specific near term projects can be implemented along the existing alignment and if realignment is needed to implement the project where the realignment should be placed. Currently, Caltrans staff is further evaluating the SR 67, SR 76, and SR 94 highway corridors to identify specific highway improvements and their cost, which will be required to accommodate the increased traffic generated by the casinos. Cost and fairshare estimates for State highways were not included in this report, because the specific highway improvements have not been fully identified at this time. Caltrans will continue to work with the Bands to determine fairshare improvements to mitigate impacts to the State highways.

4.9.3 Fairshare Estimates to Improve Capacity of Roads Impacted by Tribal Projects

Although the County often obtains fairshare contributions and road improvements from large development projects, it often does not obtain contributions from small projects. The County does not have a traffic impact fee program and relies on the identification of traffic impacts during the discretionary review process for the collection of contributions and/or conditioning of road improvements from private development.

If a road is operating at or better than LOS "D" a traffic impact is not triggered. Small projects do not generate a significant amount of traffic (>2%) and do not trigger a significant impact even when a road is currently operating at LOS "D." Since much of the area in the vicinity of Reservations was, and still is, developed via small tentative parcel and/or tentative maps, the County has not been able to collect monies for future road improvements in the area.

As stated in the trip generation Section 4.3.3 and in the traffic needs assessment (*Appendix C*), 100 trips per 1000-square feet-of-gaming-area trip generation rate reflects trip generation rate estimates used in environmental assessment prepared for various tribal projects. It should be noted this rate is much less than rates documented for several Indian gaming projects in Northern

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4.10 Cooperative Agreements

Significant contributions for roadway improvements have already been offered by the Rincon, San Pasqual and Pauma Bands. These Bands voluntarily agreed to enter into cooperative agreements with the County to fully mitigate their projects' traffic impacts by agreeing to fund frontage and offsite improvements to County-maintained arterials. The Department of Public Works worked with the Chief Administrative Office, County Counsel, and each Band, to identify a list of necessary road improvements, calculations of "fairshare" contributions, a timeline for improvements and a corresponding schedule of contributions. The Bands agreed to make contributions toward access and off-site road improvements to Valley Center Road, Lake Wohlford Road and Pauma Reservation Road. The total contributions were as follows: \$7,030,000 from Rincon, \$6,149,349 from San Pasqual and \$1,451,800 from Pauma. As requested by the County, Pauma and Rincon Bands have recently submitted checks of \$132,199 and \$727,835, respectively, as part of their agreements.

The Barona, Sycuan and Viejas Bands have also made contributions toward road improvements in the vicinity of their existing facilities. The Barona Band entered into an agreement with the County to contribute \$1.4 million for improvements to Wildcat Canyon Road. The Sycuan Band has contributed \$250,000 toward improvements to Dehesa Road and the access to Dehesa Elementary School; and the Viejas Band has stated that it has spent \$1.9 million to improve access to its casino from Willows Road. These contributions will be credited when agreements are negotiated for fair share contributions.

4.11 Potential Regional Funding Sources

The estimated \$150 million in needed capacity improvements on County Arterials is beyond what can be funded with the \$7 million average annual allocation of San Diego County gas tax funds¹. Regional TransNet funds from the 1987 Proposition A (the San Diego Transportation Improvement Program) approved by the voters have already been fully allocated. Although an extension of the TransNet sales tax has been suggested by some, it can not be assumed that such an extension would provide sufficient funds for these improvements.

Priorities and commitments have been established for the currently allocated State and federal funds. Improvements to rural highways, due to construction or expansion of tribal projects, will need to compete regionwide for additional funding as it becomes available. The County and several of the Bands have expressed an interest in lobbying jointly to obtain State and federal funds for the road improvements identified in this report.

Traditionally, funding for capacity increasing projects for the San Diego region is directed by the San Diego Association of Governments (SANDAG) and is part of the State Transportation Improvement Plan (STIP). SANDAG programs its available funding through the development

¹ Pursuant to Proposition 42, which voters approved in March 2002, starting in FY 2008-09, it is estimated that the County will receive an additional \$12 million for maintenance, rehabilitation, reconstruction and storm damage projects (not capacity improvements such as additional lanes), assuming the Governor's Congestion relief Program is paid out, and no change in the law.

are located closer to existing communities, as this kind of transfer would generate income for Tribes in rural areas; provide development potential for more urban Tribes; and lessen conflicts between rural Tribes and surrounding communities and jurisdictions.

6.5 Fee-to-Trust Regulations

6.5.1 Federal Process

The U.S. Government can take lands into trust for Tribes by one of two methods. The first method is by Congressional action; the second and more common method is through the Fee-to-Trust (FTT) application process managed by the United States Department of Interior, Bureau of Indian Affairs (BIA). For Tribes in San Diego County, both types of actions require the input from the County as principal affected agency.

Once in trust, tribal lands are not subject to NEPA if development does not require federal funding, and does not involve a lease or Right of Way changes; other federal mandates, e.g. Clean Water Act or ESA, however, would apply.

6.5.1.1 Congressional Action

On December 27, 2000, President Clinton signed into law the California Indian Land Transfer Act (Act), which transferred a total of 3,525.8 acres of excess Bureau of Land Management land to eight California Tribes for use for non-gaming economic development and housing. The County Board of Supervisors took action on three different occasions to support the various bills, which resulted in the Act, the latest action being on June 15, 1999 (10).

The Act resulted in four Reservations in San Diego County being increased by the following acreages:

- Barona – 5.03 acres
- Cuyapaipe – 1,360 acres*
- Manzanita – 1,000.78 acres
- Pala – 59.20 acres

6.5.1.2 Department Of Interior-Bureau of Indian Affairs Regulations and Processes

The regulations that set forth the authorities, policy and procedures governing the acquisition of land by the United States in trust status for individual Indians and Tribes, are found in 25 Code of Federal Regulations (CFR) Part 151. When an acquisition is intended for gaming on lands acquired by a Tribe after the enactment of IGRA (October 17, 1988), the provisions of Section 20 [§2719] regulate, unless one of several exceptions, applies. However, if none of the exceptions in Section 20 applies, a Tribe may still conduct gaming on these lands if it meets the requirements of Section 20 (b) (1) (A) of IGRA, which provides that gaming can occur on the land if the Secretary of Department Of Interior, after consultation with appropriate state and local officials, and nearby Tribes, determines that a gaming establishment will (1) be in the best interest of the Tribe and its members; and (2) not be detrimental to the surrounding community, but only if the Governor of the state concurs in the Secretary's two-part determination.

* The Act in fact resulted in only 428 "new additional" acres since of the 1,360 acres, 928 acres had previously been removed in error from the 4,102-acre Cuyapaipe Reservation.

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- The current permanent facility was built using two Indian Community Development Block Grant (ICDBG) funds awarded to the Cuyapaipe (Ewiiapaayp) and La Posta Bands.
- On December 18, 2000, the SIHC Board of Directors voted to enter into an Agreement with the Cuyapaipe (Ewiiapaayp) Band. Pursuant to the Agreement, SIHC, Inc. will receive: a \$5 million clinic in Alpine on Willows Road and later another \$5 million clinic on Alpine Boulevard; a \$1.5 million clinic on the Campo Reservation; and 2% to 8% of the Ewiiapaayp Band's net gaming revenues over the term of the Agreement. On August 30, 2002, the Viejas Band filed a suit against the SIHC and the leaders of the six other Bands that sit on the Board of Directors, over the Agreement.
- The SIHC was recently awarded a \$1.3 million grant from the U.S. Indian Health Service to replace the existing Campo clinic with a facility three times larger. The SIHC is supplementing its construction fund for the new Campo clinic with this \$1.3 million grant. Construction of the new facility may begin in 2003.

6.11 County Tribal Liaison Staff Officer Position

As directed by the Board of Supervisors on October 10, 2000, at the request of Supervisor Dianne Jacob, the Chief Administrative Officer (CAO) created a new Tribal Liaison position within the Chief Administrative Office. The County Tribal Liaison is intended to enhance communication, cooperation and coordination between the County and Indian Nations in the region. This new, full-time position was filled in late August 2001.

The responsibilities of the position include identifying and solving impacts of new and expanding tribal gaming and other development projects on the infrastructure and other County services in the unincorporated areas. The individual appointed provides support and tracks matters for the County Board of Supervisors and the Chief Administrative Officer, participates in regional land use and transportation planning, related economic and services forecasting, funding and development activities, and assists Tribes with permitting and other issues.

The Tribal Liaison reports to the Deputy Chief Administrative Officer for the Land Use and Environment Group (LUEG); works directly with the County Departments in the LUEG Group; coordinates with Office of the Sheriff, other County departments and State and Federal agencies; and responds to inquiries from the media and other interested parties.

6.12 California Native Americans Instructional and Reference Resources (S.B. 41)

On October 14, 2001, Governor Davis signed this new law thanks to the leadership of Viejas Chairman Anthony Pico, former Chairman TeSam and Vice-Chairman Barrett. The two-year law provides funding to the State Librarian for research and curriculum development for K-12 public schools on the history of California Indians and contemporary issues faced by tribal governments.

BAND	DATE RECEIVED & DATE OF COUNTY RESPONSE	APNs	DECISION BY BIA OR CONGRESS	ACRES	LOSS OF TAX, SPECIAL ASSESSMENTS & FEES	STATED PROPOSED USE
BARONA	April 12, 2001 CAO response: May 10, 2001	329-050-08 & 07 329-060-03, 06, 08, 10 & 11	Conveyed to US Govt. on December 8, 2002	385.15	16,216.23	Parcels are contiguous to the Reservation Stated purpose: Future home sites for growing tribal population.
BARONA	N/A	331-070-13	Conveyed to US Govt. on December 27, 2000	5.03	N/A - Public Domain	Taken into trust by Congressional Act (California Indian Land Transfer Act); Supported by B/S on 6/15/99 (10) Stated purpose: non-gaming economic development and housing
BARONA	February 13, 2002	(Featherstone) 330-030-05 330-041-04 & 05 332-010-03 & 04	Decision Pending	594.94	\$ 4,555.32	Parcels are contiguous to eastern external boundaries of Reservation Stated Purpose: Buffer zone from development; spread water use over different aquifer; and provide future housing for Members
BARONA	March 28, 2003	329-060-08 329-150-01	Decision Pending	85.5	\$149,74*	No change in existing use
BARONA SUBTOTAL				1080.62	20,771.55	
CUYAPAPE (EWIAAPAATP)	May 24, 2001 CAO response: June 20, 2001	(Walker) 404-080-24	6/27/02 Notice of Decision withdrawn by Assistant Secretary. Decision to be made by	18	2,288.22	Parcel is located on Alpine Blvd., approximately 40 miles from Reservation, and 1.3 miles from the Band's trust land in Alpine Stated purpose: To build a health clinic and day care facility.
CUYAPAPE (EWIAAPAATP)	N/A	413-120-08 413-130-03 413-140-03 & 04 413-150-20	Conveyed to US Govt. on December 27, 2000	1360	N/A - Public Domain	Excess BLM land taken in trust by Congressional Act (California Indian Land Transfer Act); Supported by B/S on 6/15/99 (10) Stated purpose: non-gaming economic development and housing
CUYAPAPE (EWIAAPAATP)	February 19, 2002 Filed with BIA on July 1, 2002	(Salerno) 404-090-07	Decision Pending	18.95	\$ 3,076.08	Parcel is located on Alpine Blvd., approximately 40 miles from Reservation and 1.5 miles from the Band's trust land in Alpine Stated purpose: To enhance self determination; no change in land use is proposed
CUYAPAPE (EWIAAPAATP)	Notice to County pending	404-060-39 404-061-03, 04, 05 & 06	Notice to County pending	10.46	TBD	TBD
CUYAPAPE (EWIAAPAATP) SUBTOTAL				1407.41	5,364.30	

* Due to purchase price, taxes will be much higher on 2003-2004 tax roll

BAND	DATE RECEIVED & DATE OF COUNTY RESPONSE	APNs	DECISION BY BIA OR CONGRESS	ACRES	LOSS OF TAX, SPECIAL ASSESSMENTS & FEES	STATED PROPOSED USE
	May 25, 2001 & February 8, 2001 CAO response: June 18, 2001 & March 6, 2001 Revised Notice received on December 26, 2002 CAO response: January 22, 2003 DEIS received January 17, 2003 CAO response: March 3, 2003 via facsimile		November 9, 2001 FONSI March 2002 FONSI withdrawn April 2, 2002 BIA & Band to prepare EIS Draft EIS distributed January 17, 2003	100.72	21,370.62*	Parcels are contiguous to Reservation Stated purpose: Gaming, expansion of governmental facilities and services; fire protection, aid to economic development, Indian housing, preservation of history and community
JAMUL		597-060-04 & 05 597-042-13		100.72	21,370.62	
JAMUL SUBTOTAL						
	March 6, 2001 & May 25, 2001 CAO response: March 29, 2001 & June 18, 2001	(Spencer) 605-050-08	April 19, 2001 FONSI	115.24	2,253.85	Parcel is contiguous to the western boundary of the Reservation, just north of I-8 To secure access, and to reclaim ancestral homeland. Has no plans to subject this land to any development, ground- disturbing activity of any kind, or other use except road maintenance.
LA POSTA				115.24	2,253.85	
LA POSTA SUBTOTAL						
		528-130-03 & 04 528-160-02 528-230-13	Conveyed to US Govt. on December 27, 2000			Excess BLM land taken in trust by Congressional Act (California Indian Land Transfer Act); Supported by B/S on 6/15/99 (10) Stated purpose: non-gaming economic development and housing
MANZANITA	N/A			1000.78	N/A - Public Domain	
MANZANITA SUBTOTAL				1000.78	N/A - Public Domain	

* Due to purchase price, taxes will be much higher on 2003-2004 tax roll

BAND	DATE RECEIVED & DATE OF COUNTY RESPONSE	APNs	DECISION BY BIA OR CONGRESS	ACRES	LOSS OF TAX, SPECIAL ASSESSMENTS & FEES	STATED PROPOSED USE
		246-070-22 246-090-23 246-140-13 246-160-18 286-041-02 286-060-24 & 37	Conveyed to US Govt. on December 17, 2001	882.8	16,947.66	Parcels are approximately 4,000 feet from exterior boundaries of Reservation Stated purpose: Buffalo grazing & future housing
MESA GRANDE SUBTOTAL				882.8	16,947.66	
		(Ashley) 110- 130-01 (Pfauf) 110-040- 01, 09 & 10 (Pfauf) 109-160- 04	Conveyed to US Govt. on April 30, 2002	223.56	4,779.40	Parcels lie within the exterior boundaries of the Reservation Stated purpose: Protect and enhance health, welfare and economic development. Consolidate Tribal ownership
PALA						
		(Hernandez) 110-100-06, 07, 08 & 35 and 110 (Allers) 110- 100-55 & 56	Conveyed to US Govt. on April 30, 2002	22.94	9,085.15	Parcels lie within the exterior boundaries of the Reservation Stated purpose: Tribal housing
PALA						
			Conveyed to US Govt. on December 27, 2000	59.2	N/A - Public Domain	Excess BLM land taken in trust by Congressional Act (California Indian Land Transfer Act); Supported by B/S on 6/15/99 (10) Stated purpose: non-gaming economic development and housing
PALA	N/A	109-160-14				
PALA SUBTOTAL				305.7	13,864.55	

BAND	DATE RECEIVED & DATE OF COUNTY RESPONSE	APNs	DECISION BY BIA OR CONGRESS	ACRES	LOSS OF TAX, SPECIAL ASSESSMENTS & FEES	STATED PROPOSED USE
SYCUAN	May 28, 2000 CAO response: June 27, 2000	(Bradley) 513-072-07, 21, 22, 23 & 24	Conveyed to US Govt. on January 22, 2001	61.36	8,558.12	Parcels are contiguous to Reservation Stated purpose: Parking; otherwise no change to existing single family residential uses
SYCUAN	March 6, 2001 CAO response: March 30, 2001	(Big Oak Ranch) 513- 091-06 & 513- 092-18	Conveyed to US Govt. on December 17, 2001	27.79	6,406.06	Parcels are located approximately 3/4 mile from Reservation Original application filed in 1994 Stated purpose: Cultural purposes and additional future housing needs
SYCUAN	March 29, 2001 CAO response: April 20, 2001	(Lenore & Cullmer) 513- 072-18 & 19	Conveyed to US Govt. on September 25, 2002	82.85	24,875.06	Parcels are contiguous to Reservation Stated purpose: Future tribal housing & cultural purposes
SYCUAN SUBTOTAL				172	39,839.24	
VIEJAS	April 13, 2001 CAO response: May 10, 2001	404-041-42 404-050-45 404-051-09, 10 & 24 parcels 406-091-01 406-091-02 406-130-05 & 06 406-150-02 406-020-08, 09 & 12 406-030-15 & 22 406-120-01 & 02 406-010-01 & 02 406-120-01 & 02 406-010-01 & 02 406-051-05 406-070-07, 08, 12, 15 & 16 406-051-15, 17,	Decision Pending	45.98	13,568.78	Parcels are located approximately 1.5 miles west of Reservation north and south of I-8 Stated purpose: Meet Tribe's need for consolidation of land base to enhance self-determination; two existing housing units to be used as transitional housing for tribal members or employees
VIEJAS	April 17, 2001 CAO response: May 9, 2001	406-051-05 406-070-07, 08, 12, 15 & 16 406-051-15, 17,	Decision Pending	380.25	48,129.92	All 24 parcels are contiguous to Reservation Stated purpose: Provide long-term socio-economic security through land consolidation for the purpose of preserving cultural sites and to enhance self-determination. No proposed change in existing use.
VIEJAS	Notice pending from BIA	332-160-04, 06 & 10		433	TBD	Parcels are contiguous to Capitan Grande Reservation. Stated purpose: Consolidation of historic land base
VIEJAS SUBTOTAL				839.23	61,698.70	
GRAND TOTAL				5854.5	\$ 182,110.47	

