

**Appendix E:  
Comment Letters from Tribes**

# LAW OFFICES OF ART BUNCE

ART BUNCE  
KATHRYN CLENNEY  
ATTORNEYS AT LAW

October 10, 2002

Chantal Saipe  
Office of Chief Administrative Officer  
County of San Diego  
1600 Pacific Coast Highway  
San Diego, CA 92101-2472

**By mail and FAX to 619-557-4060**

Re: Comments on behalf of Barona Band of Mission Indians on  
draft *Update on Impacts of Tribal Economic Development  
Projects in San Diego County*

Dear Chantal,

As we discussed by telephone, the following are the informal comments which I am submitting on behalf of the Barona Band on the above draft report. Please note that, simply because I do not take exception to any particular statement in the draft report, the Barona Band does not necessarily agree with that statement. These comments are limited to those which appear to be the most pressing. Please note that I do not speak for the Viejas Band in this regard, or in any other way.

1. §3.1.2., 2<sup>nd</sup> bullet point. In response to a question which you posed to me, the Barona Indian Reservation is a federal Indian reservation because the Act of Congress of May 4, 1932, 47 Stat. 146, provided that the members of the Capitan Grande Band were authorized to use the proceeds of the condemnation to reestablish themselves, individually or as groups, on substitute reservation lands to be purchased with those proceeds. If you need a citation, use this statute to support this proposition.

2. §3.1.2.1., 3<sup>rd</sup> bullet point. In late September of 2002 the Bureau of Indian Affairs determined that it will take these parcels into trust status, subject to final comment or protest.

3. §3.1.6.1., end of second point under 5<sup>th</sup> bullet point. The new casino is scheduled to open in mid-December 2002.

4. §3.1.6.2., 2<sup>nd</sup> bullet point. The hotel is scheduled to open in mid-December 2002.

5. §3.1.8. 2<sup>nd</sup> bullet point. Add that the Tribe is now hiring approximately 600 additional employees to work at the new hotel. Near all are local non-Indians.

6. §3.1.8. 5<sup>th</sup> bullet point. Nearly all vendors are local San Diego County businesses.

7. §3.1.9. *Community Relations*. The Tribe maintains good relations, on a largely informal basis with many agencies of the state and county government, as well as civic organizations. For example, although the Tribe is not required to obey orders from state courts concerning withholding back child support or spousal support payments from its 2,200+ employees, the Tribe has voluntarily established a procedure by which holders of those state court judgments can apply to have their state court judgments converted into Tribal judgments, which the Tribe does honor. The Tribe has contracted for and pays for increased levels of service, both on the Reservation, and on Wildcat Canyon Road, by the California Highway Patrol. The Tribe intermittently hosts community events, such as the annual picnic and fund-raiser of Mothers Against Drunk Drivers (MADD). On each Labor Day weekend, the Tribe sponsors an annual pow-wow, which is attended by hundreds of non-Indians. The Tribe, along with United Parcel Service, provided the bulk of the funds for the purchase of a suitable building for a community-based boxing and athletic club, with educational services, serving a largely Hispanic population in Chula Vista.

The Barona Fire Department is often the first responder to local fires, both on and off the Reservation, under mutual aid agreements with other local fire agencies. Through Barona Medical Services, the Tribe provides emergency medical services and transportation, not only on the Reservation, but also from a base in El Cajon. In addition, the Tribe is a frequent and major donor to many charitable and civic organizations, from the St. Vincent de Paul Village to local soccer organizations, from the San Diego State Aztecs to a new cardiac care wing at Scripps Hospital. In response to complaints from neighbors about noise from the moto-cross track, the Tribe instituted changes in hours and operations so that current noise levels do not exceed the standards of San Diego County, even though those standards do not apply on the Reservation. Due to the unusually severe fire danger this summer, the Barona Band voluntarily decided to cancel its annual Fourth of July fireworks display.

8. §3.1.10. *Issues and Challenges*. The Barona Tribal Council is attempting to build on its existing good relations with local governments and community organizations to forge alliances based on common interests regarding law enforcement, community services, community facilities, environmental protection, etc. The challenge is to do so, particularly with local governments, in ways that recognize the sovereignty of the Tribe.

For example, regarding environmental protection, the Tribe has been awarded a General Assistance Program grant by the Environmental Protection Agency for FY 2003. With this, the Tribe intends to inventory the environmental needs of the Reservation, and to seek other funding, as well as using its own funds, to maintain and improve water quality, air quality, solid waste disposal, and other environmental matters. To the extent

appropriate, the Tribe is interested in working voluntarily with other local government agencies on subjects such as watershed management (Regional Water Quality Control Board), adoption of a tribal habitat conservation plan that is consistent with that of San Diego County, funding a fair share of road improvements for roads leading immediately to the Reservation (San Diego County Department of Public Works). In all such matters, the challenge is to establish and maintain relationships on a government-to-government basis. Not all local governments are willing to relate to a tribe on this basis, although many are.

A further challenge is expanding and diversifying the Reservation economy. Gaming is a means to an end, not an end in itself. The end is economic self-sufficiency. The Barona Band is investigating other economic ventures which will stand on their own, but will also complement the existing businesses, such as the casino and hotel.

Another challenge is improving opportunities and services for Tribal Members. The Tribal population is expanding. Housing needs must be met, together with services to support such housing. In the future, a sewage collection system may replace the existing septic tanks for homes. Roads and increased fire and other services are needed. Cultural and related services are in demand to preserve heritage as well as increased health and educational opportunities. Seniors have increasing and special needs that the Tribal Government seeks to meet.

9. §4.10.1.2. *Wildcat Canyon Road MOU.* Add that the Barona Tribal Council authorized its Chairman to execute an enforceable MOU with San Diego County on October 8, 2002 by which the Barona Band commits to complete the funding of the \$5,000,000 Wildcat Canyon Road improvement project. Doug Isbell has a copy of the signed MOU, which is scheduled to go to the Board of Supervisors on November 11, 2002 for final approval.

10. §4.15. *Cooperative Agreements.* The Barona Band has not yet entered into such an agreement for the following reasons:

A. *Unknown Credit for State Funding from Tribal Payments.* The prior agreements with the Pauma, Rincon, and San Pasqual Bands all provide that a credit will be given against each tribe's contribution according to the amount of funding received by San Diego County from the Special Distribution Fund. The Barona Band does not know how much that credit will be and does not want to commit itself to a funding level until that credit figure is known, or at least until the California Legislature adopts a formula for calculating that figure. However, until then, the Barona Band offers to work with the County of San Diego, through its lobbyists in Sacramento, and otherwise, to see to it that the funding formula that is eventually adopted (and the funding based on that formula) reflect the principle that the bulk of these impact funds should be returned to the local communities which have those impacts for addressing those impacts.

B. *Unknown Level of Funding from SANDAG for Regional Arterial System.* Similarly, an unknown amount of funding may be available from this source, as

discussed in §4.17 of the draft report. The Barona Band would like a much clearer idea of the likelihood and amount of such funding before it commits itself to further funding.

C. *State Highway 67.* P. 13 of the Traffic Needs Assessment states that SANDAG is currently studying various improvements to State Highway 67. These improvements, when made, will likely include many of the improved intersections with various roads, including but not limited to Willow Road and Maplevue Road, which could be included in a further cooperative agreement with the Barona Band. Until it has a much clearer picture of the nature, timing, and cost of the eventual improvements to these intersections to State Highway 67, the Barona Band does not wish to commit itself to any particular level of funding of those improvements.

D. *Erroneous Trip Generation Rates.* Table 2 on p. 16 of the Traffic Needs Assessment is erroneous in various respects. For example, 1,800 daily trips, or about a fifth of the total trips, are attributed to the gas station and mini-mart. This is highly erroneous. That facility is a true convenience only, not a destination. Virtually no one from off the reservation will travel to the Reservation merely to patronize the gas station or mini-mart. Instead, virtually all of its patrons are Reservation residents, those passing through to elsewhere, or visitors to the other facilities who happen to stop by while they are on the Reservation to patronize those other facilities. Therefore, the incremental trip generation rate for this facility should be far less than 1,800 daily trips.

Similarly, few patrons of the events center will travel to the Reservation solely to patronize that facility. Instead, virtually all its patrons will also be guests at the hotel or golfers, or both, if not also casino patrons. And there will be no trips generated by the events center on those days when there is no event there. The trip generation rate for this facility is seriously overstated. On the same score, many of the hotel guests will also be casino patrons. Their trips should be counted once, not twice. There are other errors in the trip generation estimate, but these will show that the figure is seriously off from being a true incremental trip generation rate.

F. *Erroneous Listing of Responsibility for Improvements to San Vicente Road.* At its p. 22, the Traffic Needs Assessment states that an impact is considered significant if it increases traffic by 2%. One road segment which is so identified for the Barona Band is San Vicente Road (p. 23). However, this identification is based on the assumption that 20% of the Barona Casino's patrons arrive from the north, using San Vicente Road, while 80% arrive from the south. As has been previously shown to County staff by Linscott, Law & Greenspan, traffic engineers, actual traffic counts show that the split is 15%/85%, not 20%/80%. Applying the 15%/85% split, the incremental impact to San Vicente Road drops below the 2% impact threshold. Therefore, no impact to San Vicente Road should be attributed to the Barona Band's expansion.

G. *Question Regarding Desirability of Improvements to Wildcat Canyon Road North of Barona Casino.* At p. 39, the Traffic Needs Assessment identifies a cost of \$1,800,000 for short-range improvements to Wildcat Canyon Road north of the Barona Casino, and \$14,500,000-\$22,000,000 in long-range improvements. The Barona Band

questions whether such improvements are desirable. Several years ago the Barona Band succeeded in having the posted speed limit on this segment of this road dropped from 55 mph to 50 mph. The reason was to improve traffic safety by slowing down traffic which uses Wildcat Canyon Road as an alternative to State Highway 67 as a way to travel between the Ramona area and the El Cajon area, especially by residents of San Diego Country Estates. The Barona Band would like much more study and analysis of the desirability of making improvements to this road segment if much of the net effect will be merely to speed up traffic by those who use Wildcat Canyon Road as an alternative short-cut to State Highway 67.

H. *Environmental Constraints to Widening of Wildcat Canyon Road to Four Lanes South of Barona Casino.* The environmental analysis of the current project of adding a 1-mile passing lane to northbound Wildcat Canyon Road is being done as a tiered EIR, one that analyzes both this project and a potential longer-range project of widening the road to four lanes from Willow Road to the Barona Casino. The Traffic Needs Assessment estimates the cost of the much larger project is \$36,576,000, against a cost for the current smaller project of \$5,000,000. Yet, even the smaller project is in doubt. Legal challenges on environmental grounds are expected as against the smaller project, based on the adequacy of the mitigation of the unavoidable environmental impacts of any project in an environmentally sensitive corridor. Much larger environmental concerns loom over the larger project. The Barona Band believes that the larger project is seriously in doubt, to the extent that it is so speculative that it should be removed from active consideration in the Traffic Needs Assessment at this time.

**Conclusion.** Taken together, the above factors lead the Barona Band to conclude that it would be woefully premature for it to negotiate and execute what would necessarily be an open-ended cooperative agreement for payment of its fair share of traffic impacts, beyond that to which it has already agreed for initial improvements to Wildcat Canyon Road. There are too many unknown facts, erroneous assumptions, and speculative elements. With all these uncertainties, no meaningful discussion or agreement can occur *at this time*. However, then the above factors are resolved, the Barona Band will be glad to discuss the subject of its role in calculating its true fair share of realistic traffic improvements, on a government-to-government basis, based on accurate information about costs, credits, scope of improvements, and whether the largest element of the current total estimate should even be counted.

Please incorporate these views of the Barona Band into the final draft of the report before it is presented to the Board of Supervisors.

Sincerely yours,



Art Bunce

cc: Clifford M. LaChappa, Chairman



## Ewiiapaayp Tribal Office

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September 26, 2002

Chantal Saipe, CAO Staff Officer  
Chief Administrative Office  
County of San Diego  
1600 Pacific Highway, Room 212  
San Diego, CA 92101-2472

Re: Cuyapaipe Band's Comments on the April 2002 Draft Report Entitled "Update – Impacts of Tribal Economic Development Projects"

Dear Chantal:

The Cuyapaipe Band of Mission Indians, aka the Ewiiapaayp Band of Kumeyaay Indians, reviewed the July 2002 Draft Report Entitled "Update – Impacts of Tribal Economic Development Projects in San Diego County." Please find attached our comments and requested changes enclosed.

Please contact Will Micklin, Executive Director, should you have any questions. Thank you.

Sincerely,

*Harlan Pinto Sr.*

Harlan Pinto Sr.  
Chairman

“On December 11, 2001, the BIA issued a 30-day Notice of Proposed Action – Proclamation - stating that the Band has requested to receive a formal Reservation Proclamation for an 8.6-acre parcel located at 4058 Willows Road in Alpine, which was established in trust on April 1, 1986, and a 1.42 -acre parcel located at 4054 Willows Road, which was accepted in trust on October 29, 1997. The Band’s trust lands in Alpine, California are considered a “reservation” pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151. (*See map in Appendix D*)”

“The “Little Cuyapaipe Reservation” is located approximately 0.25 miles east of the West Willows Road exit, off of Interstate 8, in the Community of Alpine. The Ewiiapaayp Tribal Government office currently resides on the 1.42-acre parcel, and the remainder of the site is currently leased to the Southern Indian Health Council, Inc. (“SIHC, Inc.”), a state of California chartered non-profit corporation, in order to meet the health care needs of seven of the Kumeyaay Bands.”

**Page 26 § 3.4.2.3. ¶ 3.**

“On July 25, 2002, the County filed an appeal of the Southern Agency’s Office Notice of Decision.” *This statement is incorrect. The facts are:* “On July 26, 2002, the County filed an appeal of the Finding of No Significant Impact (FONSI) issued by the Bureau of Indian Affairs’ Pacific Region Director.”

**Page 27 § 3.4.4. ¶ 1.**

“...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.”

**Page 28 § 3.4.7.1. ¶ 2.**

“...The SIHC is a State of California chartered non-profit corporation that began as a satellite operation of the Indian Health Council located on the Rincon Reservation in North County. Relocated to the Sycuan Reservation, the SIHC incorporated in 1982, and later moved to the Barona Reservation. Responding to the SIHC’s need for a larger site in a location central to its East County tribes, the Cuyapaipe (Ewiiapaayp) Band leased its trust land in Alpine to the SIHC and used Indian Community Development Block Grants (ICDBG) sponsored by the Cuyapaipe (Ewiiapaayp) Band and the La Posta Band to construct its clinic facility, where it relocated in 1987.”

**Page 29 § 3.4.9. (insert) ¶ 6., 7. & 8.**

“In support of the GP2020 Alpine Community Plan approved by the Alpine Planning Group, the Cuyapaipe (Ewiiapaayp) Band offered to contribute up to \$8 million towards the annexation of the Alpine community area into the water and sewer public utility districts from its eastern-most boundary eastward to the Interstate 8 (I-8) East Willows Road overpass to serve the Band’s future casino and the SIHC clinic and to enable the Alpine Community to intensify housing density and add limited commercial uses along Willows Road and Alpine Boulevard, and to help the County resolve public health hazards caused by failing septic systems and failing wells in this area that has not been resolved by the County.”



“The Band offered to fund an account to hold up to \$500,000 to improve Willows Road as mitigation of its future casino’s impact on Willows Road. The offer was endorsed by the Alpine Planning Group in its August 22, 2002 meeting.”

“The Band offered to consult with the County and to negotiate a Cooperative Agreement concerning potential mitigations to the impact of its future casino on the off-reservation environment pursuant to the Tribal-State Gaming Compact § 10.8.2.”

**Page 30 § 3.4.10. (insert) ¶ 1. §§ 3. & 4.**

“Surmount the Viejas Band of Mission Indians’ opposition to the Cuyapaipe (Ewiiapaayp) Band’s casino project.”

“Protect the Southern Indian Health Council and its agreements with the Cuyapaipe (Ewiiapaayp) Band from harm from the Viejas Band and its agents.”

**Page 102 § 4.11.2. (insert) ¶ 4.**

“The Cuyapaipe (Ewiiapaayp) Band offered to fund an account to hold up to \$500,000 to improve Willows Road as mitigation of its future casino’s impact on Willows Road. The offer was endorsed by the Alpine Planning Group in its August 22, 2002 meeting.”

**Page 111 § 4.11.2. ¶ 2. & (insert) ¶ 3.**

“...and the Viejas Band has spent \$1.9 million to improve access to its casino from Willows Road, although these improvement has been on-reservation with no improvements to the off-reservation portion of Willows Road.”

“The Cuyapaipe (Ewiiapaayp) Band offered to consult with the County and to negotiate a Cooperative Agreement concerning potential mitigations to the impact of its future casino on the off-reservation portion of Willows Road pursuant to the Tribal-State Gaming Compact § 10.8.2.”

**Page 116 § 5. 2. ¶ 3. [delete]**

“...and must make good faith efforts to comply with CEQA when developing gaming facilities on reservation lands.”

*Pursuant to the Indian Gaming Regulatory Act (IGRA) and the Tribal-State Gaming Compact, tribes must comply with the National Environmental Protection Act (NEPA) for on-reservation projects.*

**Page 120 § 5. 5. ¶ 4.**

“...Additionally, in support of the GP2020 Alpine Community Plan approved by the Alpine Planning Group, the Cuyapaipe (Ewiiapaayp) Band offered to contribute up to \$8 million towards the annexation of the Alpine community area into the water and sewer public utility districts from its eastern-most boundary eastward to the Interstate 8 (I-8) East Willows Road overpass to serve the Band’s future casino and the SIHC clinic and to enable the Alpine Community to intensify housing density and add limited commercial

uses along Willows Road and Alpine Boulevard, and to help the County resolve public health hazards caused by failing septic systems and failing wells in this area that has not been resolved by the County.”

**Page 134 § 6.5.1.1. ¶ 2. § 2.**

“Cuyapaipe (Ewiiapaayp) Reservation – 1,360 acres (928 acres were already included in the Cuyapaipe Reservation’s 4,102 acres, removed by error, making the addition to the Cuyapaipe Reservation only 428 acres).”

**Page 136 § 6.5.3.**

*On August 5, 2002 the Cuyapaipe (Ewiiapaayp) Band of Mission Indians (hereinafter referred to as the Ewiiapaayp Band) received notice from the Interior Board of Indian Appeals, Office of Hearings and Appeals, United States Department of the Interior, of San Diego County’s appeal filed July 26, 2002 challenging the Finding of No Significant Impact (FONSI) relating to our trust acquisition of a 16.69-acre parcel, commonly referred to as the Walker property, for the purpose of constructing a new health care clinic for the Southern Indian Health Council, Inc. (SIHC, Inc.) and lease of the property to the SIHC, Inc. when accepted in trust.*

*The County unilaterally stopped the Cooperative Agreement between the County and the Ewiiapaayp Band that should have addressed any concerns regarding the trust acquisition. In 2001 the Ewiiapaayp Band agreed to negotiate with the San Diego County Chief Administrative Officer to conclude a Cooperative Agreement with the County regarding this Tribe’s mitigation of potential environmental impacts of the Walker property trust acquisition on the off-reservation community. The Ewiiapaayp Band consented to County Counsel drafting the Cooperative Agreement. In the draft Cooperative Agreement the Ewiiapaayp Band offered the County a waiver of sovereign immunity to ensure enforceability of the agreement. By January 24, 2002 the Ewiiapaayp Band agreed to a final draft of the Cooperative Agreement, however, the County placed a hold on it and would not let it proceed. On April 30, 2002 the Ewiiapaayp Band notified the County it would drop the Cooperative Agreement as an active issue due to the hold she placed on it unless the County notified us otherwise. No response was received.*

*The County’s failed to respond to the Ewiiapaayp Band’s requests to meet and discuss the County’s proposed appeal. On July 19, 2002, the Ewiiapaayp Band requested a meeting with the San Diego County Board of Supervisors to discuss information we received that the Board would vote on a resolution in closed session on July 23<sup>rd</sup> that would direct County counsel to file an appeal regarding the Ewiiapaayp Band’s trust acquisition of the Walker property. We contacted the office of each Supervisor with messages and correspondence directed to the Supervisors and their Chiefs of Staff: by telephone and email on July 19; by facsimile sending a letter on July 20<sup>th</sup>; by telephone again on July 22<sup>nd</sup>; and by U.S. Mail on July 22<sup>nd</sup> sending the letter dated July 20<sup>th</sup>. We received no response to our request other than telephone conversations with staff of each Supervisor, and all of them told us they had no information on the issue.*

*The Ewiiapaayp Band's Executive Director, Mr. William Micklin, met with Supervisor Bill Horn's Policy Advisor Trudy Thomas on July 26<sup>th</sup>, and with Supervisor Pam Slater's Legislative Aide Jim Gonsalves on July 29<sup>th</sup>. Again, no information was available. Mr. Micklin's requests for meetings with each of the other Supervisors or their staff were unsuccessful.*

*No Supervisor has yet responded to the Ewiiapaayp Band's requests to meet and discuss the issue of our trust acquisition or the County's appeal. No staff member of any Supervisor is willing to share any information about this issue with us.*

*The Ewiiapaayp Band is greatly concerned the facts of the trust acquisition of the Walker property have been misrepresented and misunderstood. The Viejas Band has consistently misrepresented the facts of the Ewiiapaayp Band's trust acquisition of the Walker property and caused others to misunderstand the issue. While Viejas alleges they only seek to protect the interests of the SIHC, Inc., the official position of the Viejas Tribal Government is clearly stated in their Sept. 21, 2001 letter to the Bureau of Indian Affairs wherein they claimed:*

*"Viejas has focused its community and economic development efforts on its own reservation, with recent success in the viability of the tribal economy..."*

*But what Viejas leaves unsaid is that eight years of its success was accomplished through unlawful Class III gaming without a gaming compact with the state of California and without federal regulation.*

*"Ewiiapaayp is attempting to undermine the Viejas Reservation economy..."*

*But the Ewiiapaayp Band's economic development is authorized by Federal law, by State law, and will be developed pursuant to a Tribal-State compact approved by the Governor, the California Legislature, and the Interior Secretary in conformity with the overwhelming majority of the California voters. The Ewiiapaayp Band's development plan represents the finest in free enterprise, capitalism, and fair competition that is intended to lead to self-sufficiency. How can anyone be against this? Yet the Viejas Band is determined to kill the Ewiiapaayp Band's SIHC, Inc. health care improvements and gaming development at its roots.*

*"This type of encroachment on the Viejas tribal community's economic sustainability cannot be tolerated..."*

*There is only one conclusion to draw from this – Viejas is trying to use the power it obtained through eight years of unlawful gaming to block the Ewiiapaayp Band and SIHC, Inc. from exercising their lawful powers of self-determination and free-enterprise to improve health care for Indians and non-Indians alike, and to restore the Ewiiapaayp economy.*

*“The BIA cannot, therefore, take any action which would facilitate Ewiiapaayp off-reservation gaming at the direct expense of the Viejas Band...”*

*Viejas’ assertion is misinformed and misleading:*

- *The Viejas reference to “off-reservation” is misplaced. The Ewiiapaayp Band’s eight acre parcel is tribal trust land, and the Indian Gaming Regulatory Act of 1988 specifically authorizes Class III gaming on that land under our September 10, 1999 Tribal-State Compact;*
- *The BIA has no trust responsibility to Viejas in this matter. Its trust beneficiary is the Ewiiapaayp Band;*
- *There is absolutely no authority in law, regulation, policy, or court precedent for the BIA to protect the economic development interests of one tribe over another;*
- *There is absolutely no provision in the tribal-state gaming Compact, the Indian Gaming Regulatory Act (“IGRA”), National Indian Gaming Commission (“NIGC”) statute or regulation, or court precedent that diminishes the lawful gaming rights of one tribe due to its proximity to the established gaming operation of another tribe;*
- *Viejas’ arguments are that of one commercial interest in opposition to another. Indian gaming is not commercial gaming but is tribal government gaming. Viejas’ arguments have the potential to diminish or endanger the hard-won and precious concept of Indian gaming as tribal government gaming.*

*Viejas alleges the Ewiiapaayp Band’s environmental assessment for the 16.69-acre fee parcel trust application is inadequate. The acquisition of the 16.69-acre site in trust for the benefit of the Ewiiapaayp Band has been adequately analyzed in accordance with the National Environmental Policy Act (NEPA) and is not an integral aspect, or in any way required for the construction of the new clinic for the SIHC; therefore, the proposed actions are not interrelated;*

- *The Tribe maintains regular contact with the County of San Diego’s Tribal Liaison, Chantal Saipe, who has communicated positive reactions to the environmental assessment in support of our fee to trust application and the Tribe’s willingness to enter into a Cooperative Agreement with the County of San Diego.*
- *The County of San Diego’s September 20, 2001, comments regarding the draft environmental assessment do not contain any statement that the environmental assessment in support of the fee to trust application should include an analysis of the proposed casino.*
- *The County’s comments were limited to issues of:*
  - *noise, land use compatibility, visual resource, night lighting, and traffic and circulation.*
- *Upon issuance of the revised environmental assessment and Finding of No Significant Impact, the County did not voice any objection.*

- *Viejas chose not to submit comments on the Ewiiapaayp Band's EA.*
- *The Ewiiapaayp Band's proposed use of the 16.69-acre site and the construction of the proposed casino will not jeopardize well water use or cause sewage problems. In addition, the Ewiiapaayp Band is currently in discussions with various state and local agencies regarding access to and use of community water and sewer services;*
  - *The Tribe plans to utilize well water and a septic system for the health clinic on the 16.69-acre site.*
  - *The environmental assessment resulted in the issuance by the BIA of a Finding of No Significant Impact (FONSI) for the 16.69-acre site.*
  - *The Tribe is also pursuing the availability of public utilities for water and sewer services at the request of the Alpine community and for the purpose of benefit to the Alpine community in their attempts to realize their goals for the Alpine Community Plan within General Plan 2020.*
    - *The Tribe retained an engineering firm to perform the initial studies and presented the results to the Alpine Planning Group on February 28, 2002. We are engaged in appropriate discussions with the local community, the Alpine Planning Group, the Alpine Chamber of Commerce, and the County of San Diego regarding these issues.*

*Viejas alleges the Ewiiapaayp Band will close the SIHC, Inc. clinic and replace it with a casino, destroying SIHC, Inc. healthcare and 15 years of work by its 7 member tribes. The SIHC, Inc. and the Ewiiapaayp Band mutually entered into the Lease Relinquishment Agreements and the SIHC, Inc. will not be required to relocate from its existing clinics until a new clinic is certified as ready for occupancy by the SIHC, Inc.'s construction consultant. The SIHC, Inc. Board of Directors strongly and enthusiastically supports their Agreements with the Ewiiapaayp Band. The SIHC, Inc. Board's support was most recently expressed in an open letter to the Alpine community and a letter to the Honorable Neal McCaleb, Assistant Secretary for Indian Affairs in the Department of the Interior (see Exhibit 4); both letters dated March 18, 2002. Only one member tribe to the SIHC, Inc. of the 7, Viejas, opposes the Agreements.*

*Viejas has portrayed the Ewiiapaayp Band's trust acquisition of the Walker property as what it is not. The Board should be as well informed about what this trust acquisition is as well.*

*The Ewiiapaayp Band purchased the 16.69-acre parcel, the Walker property, in San Diego County that will allow the Ewiiapaayp Band to construct a new, improved, expanded, state-of-the-art clinic for the Southern Indian Health Council, Inc. The site is located within the unincorporated area of San Diego County near the community of Alpine and south of Interstate 8, off of Alpine Boulevard approximately ½ mile east of the West Willows Road ramp of Interstate 8.*

*On March 19, 2001 the Ewiiapaayp Band submitted its application to the BIA for acceptance in trust of the Walker Site by the United States for the benefit of the Ewiiapaayp Band for the specific use in construction of a health clinic and lease to the Southern Indian Health Council, Inc. (SIHC, Inc.). Upon acceptance in trust, the Ewiiapaayp Band is contractually obligated with the SIHC, Inc. to complete a \$5 million construction project to build the new clinic for the SIHC, Inc., and to lease the entire 16.69-acre parcel to the SIHC, Inc. for 50 years and \$2 in rent. The Ewiiapaayp Band has agreed to a \$10 million construction project for the new SIHC, Inc. clinic facility should the Walker property be accepted in trust without delay.*

*The trust acquisition of the Walker property is not an integral part of the casino project, nor is the casino project an integral part of the trust acquisition and subsequent construction of the health clinic and day care facility. This fact has been repeatedly affirmed by the Bureau of Indian Affairs.*

*The Ewiiapaayp Band completed an environmental assessment of the parcel pursuant to the National Environmental Protection Act (NEPA). The BIA issued a Finding of No Significant Impact (FONSI) on November 7, 2001. The United States Fish & Wildlife Service (FWS) issued a Biological Opinion (1-6-02 F-1718.4) to BIA on April 10, 2002 addressing the potential impacts to the Arroyo Toad and its critical habitat of acquisition of the Walker property in trust for the benefit of the Ewiiapaayp Band and construction and operation of the SIHC, Inc. clinic on the site.*

*The Ewiiapaayp Band entered into a Memorandum of Agreement (MOA) with the FWS on June 14, 2002 to allow the acquisition of the Walker Site in trust by the United States for the benefit of the Ewiiapaayp Band and to allow the construction of the proposed SIHC, Inc. clinic on the Walker Site and to minimize the effects on the Arroyo Toad and its designated critical habitat. The MOA is pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544). Further, the Tribe enacted a Tribal Ordinance that, along with the MOA, is the legal means to ensure the adequate conservation of the Walker Site in furtherance of the terms and conditions of the Biological Opinion. The MOA and the Tribal Ordinance created on-site preservation measures for a Creek-Side Buffer Zone of approximately 4.58-acres of upland and riparian habitat for the Arroyo Toad, and other preservation measures including a buffer zone between the SIHC, Inc. clinic and Viejas Creek. The preservation area and the preservation measures shall remain in effect in perpetuity or until modified or terminated by mutual written consent of both the FWS and the Ewiiapaayp Band.*

*The Ewiiapaayp Band is making every effort to comply with all applicable environmental regulations appropriate to our trust acquisition of the Walker property. The Ewiiapaayp Band has made and is making every effort to work cooperatively with San Diego County and its Board of Supervisors and Chief Administrative Officer.*

*Frankly, except for the excellent work of the CAO Tribal Liaison, Ms. Chantal Saipe, our efforts to reach out to the County have run into a brick wall, built brick by brick with the false and misleading arguments offered by Viejas. The County appears to*

*be misled by Viejas, whose self-stated purpose is to eliminate competition to its Viejas Casino, even at the expense of health care improvements that benefit the 7 member tribes of the SIHC, Inc. and the communities of Alpine and East County.*

*Viejas is attempting to abuse the NEPA process through groundless appeals and frivolous litigation with the real intent of stopping the Ewiiapaayp Band's lawful right to begin economic development in a separate and unrelated project, even if the cost of stopping us is paid by SIHC, Inc. members tribes and the communities of Alpine and East County by denying them improvements to healthcare. Viejas should not be allowed to use the County as a tool for its political chicanery.*

*The Ewiiapaayp Band extended its hand of friendship to the County with the hope that it may work cooperatively to resolve legitimate concerns regarding its proposed trust acquisition.*

*The Ewiiapaayp Band again requests the Board of Supervisors meet with us and gather information from the interested parties that are the Ewiiapaayp Band and the SIHC, Inc. and the Bureau of Indian Affairs in order to make responsible decisions.*

**Page 136 § 6.5.3. and § 6.6.**

*By letter dated November 13, 2001, and August 8, 2002, the Ewiiapaayp Band of Kumeyaay Indians (hereinafter the "Tribe") requested that the Chief Administrative Officer and the County Board of Supervisors enter into discussions with the Tribe concerning a cooperative agreement, memorandum of understanding, or memorandum of agreement, as appropriate, regarding mitigation of off-reservation environmental issues for the Tribe's future tribal government gaming project pursuant to the Tribal-State Gaming Compact §10.8.2. The County has not responded to the Tribe's request.*

*The Tribe entered into negotiations for a cooperative agreement regarding the subject property of the Tribe's trust acquisition application for a 16.69-acre property, commonly referred to as the "Walker property" in December of 2001; however, after the Tribe offered suggested revisions in a draft dated January 24, 2002, the County terminated the negotiations. On April 30, 2002, the Tribe notified Supervisor Jacob it would drop the Cooperative Agreement as an active issue due to the hold she placed on it unless she notified us otherwise. Supervisor Jacob did not respond to our letter.*

*The County's recent draft report entitled "Update on Impacts of Tribal Economic Development Projects in San Diego County" on page 135, § 6.5.2. "FTT Applications by San Diego Tribes", ¶ 3 reads "...It would therefore be beneficial for the County to hold consultations with Tribes desiring to place land in trust to resolve conflicts, and to develop ways to ensure that both the Tribes and the County's concerns are resolved satisfactorily." On page 136, § 6.5.3. "Future Considerations", ¶ 1 reads "Tribes who intend to file FTT applications should consult with the County to identify any concerns regarding the proposed land uses, and work to develop solutions for any anticipated adverse impacts."; and ¶ 2 reads "When Tribes determine the specific land uses they plan to develop on trust lands, consultations should be held with County to ensure compatibility of land uses between the two governments and to minimize incompatibility;*

*and agreements should be considered to ensure adequate mitigation of any adverse impacts.”; and ¶ 3 reads “County and Tribes should consult on the feasibility of lifting County’s blanket opposition to FTT applications and development of criteria, which could make it possible for County to support the Tribes’ applications on a case by case basis.”*

*This Tribe has adhered to these recommendations offered by the County in its report. The County, however, has not.*

*The Tribe’s request for a cooperative agreement regarding its gaming project has received no response from the County.*

*The Tribe’s negotiation of a cooperative agreement regarding the Walker property trust acquisition was unilaterally terminated by the County.*

*Further, the Tribe’s request to consult with the Board regarding the County’s appeal of the Walker property trust acquisition Finding of No Significant Impact (FONSI), that began July 19, 2002, and ran through July 29, 2002, was ignored by the Board. The County appeal was approved by the Board in closed session on July 23, 2002, without notice to the Tribe or the opportunity to consult or even provide information, and the County filed the appeal on July 26, 2002.*

*The Board is not following the consultation recommendations made in the County’s report. The Tribe urges the Board and all departments of the County to follow the recommendations of the County report. A good start would be for the Board to:*

- 1. Meet with the Tribe to discuss its appeal of the Tribe’s Walker property trust acquisition FONSI; and*
- 2. Begin negotiation of a cooperative agreement regarding the Tribe’s gaming project; and*
- 3. Re-new the negotiation of the cooperative agreement regarding the Tribe’s Walker property trust acquisition; and*
- 4. Rescind the County’s appeal of the FONSI for the Tribe’s Walker property trust acquisition.*

*The Tribe awaits a response from the County.*

**Page 138 § 6.9.**

“The Cuyapaipe Band has requested approval by the Secretary of Interior to have their land currently in trust proclaimed a Reservation, even though this land is considered a “reservation” pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151). Accordingly, the BIA-Southern California Agency staff views this application as an administrative matter and considers the land to be already part of the Cuyapaipe Indian Reservation. Their recommendation for approval was sent to the Director of the Regional



Office, who approved the Agency staff's recommendation, and then sent his recommendation for approval to the Central Office for Secretarial action."

"The County considers this request to be controversial because: (1) the land in question is located approximately 35 miles west of the original Cuyapaipe Reservation; (2) it was placed in trust for the Cuyapaipe Band for the purpose of constructing a health clinic; (3) Reservation status would allow Cuyapaipe, a Compact Tribe, to build a casino on those two parcels; and (4) it is less than a mile from the Viejas Reservation and its gaming and commercial enterprises."

"The Ewiiapaayp Band does not consider this request to be controversial because: (1) there are at least four other California tribes that have geographically separated Reservations or Reservation parcels (including Barona Band, Viejas Band, 29 Palms, and Cabazon) and many more tribes throughout the country; (2) the Cuyapaipe Band's "Little Cuyapaipe Reservation" was established in trust for the sole benefit of the Cuyapaipe Band and without any restriction, limitation or encumbrance upon the title (in fact, on June 13, 1985, in a letter to John Fritz, Acting Assistant Secretary of Indian Affairs, Congressman Duncan Hunter wrote "... I strongly urge you to take whatever action is necessary to expedite placing this 8.6-acre tract in trust, by the Department of the Interior (Bureau of Indian Affairs) for the Cuyapaipe Reservation, so that construction of a new health center can begin in a timely manner." (Emphasis added)); (3) the Cuyapaipe Band always intended the "Little Cuyapaipe Reservation" be proclaimed reservation as a part of its establishment in trust in 1986 and began its active requests for the proclamation in 1994. The Cuyapaipe Band does not need the proclamation to use its "Little Cuyapaipe Reservation" for gaming purposes. IGRA defines "Indian lands" as: "(A) all lands within the limits of any Indian reservation; and (B) any lands the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation ...." 25 U.S.C. § 2703(4)(A) and (B). The 8.6 acre parcel of the "Little Cuyapaipe Reservation" was in trust, i.e., "reservation" on October 17, 1988."

"The County's concerns are as follows: 1) A second casino could be built on Willows Road, which is already operates below LOS D; 2) A second casino in this area of Alpine would eventually result in a change in the character of the area between the I-8 interchange and eastern end of the Viejas Reservation from a mix of rural residential and commercial uses to strictly commercial uses; and 3) A second casino may adversely impact groundwater, or cause extension of water and sewer infrastructure to the casino site."

"The Cuyapaipe Band does not understand the County's concerns. First, the County's reference to a "second casino" would appear to signal a bias by the County that Viejas Casino is okay, even though constructed and operated unlawfully and without a tribal-state gaming Compact applying environmental and regulatory limitations, but the Cuyapaipe Band's future casino is not. It is not the County's place to involve itself in disputes between tribes or in Federal issues. Further, that Willows Road now operates below LOS D is due to the increased traffic and safety hazards caused by the Viejas

Casino and the Viejas Outlet Center that have not been mitigated in over 10 years of operation despite the requirements of the September 10, 1999 tribal-state gaming Compact that require good faith efforts by gaming tribes to mitigate their effects upon the off-reservation environment. The Cuyapaipe Band, however, has already committed, as evidenced in its environmental assessment submitted July 1, 2002, to mitigate the impact of the tribe's future casino on traffic and safety for Willows Road prior to opening for operation. The Cuyapaipe Band is also concerned about the traffic and safety issues for Willows Road, but the Tribe is going to mitigate rather than to push their responsibility onto some other entity."

"Second, the character of Willows Road between the I-8 West Willows exit and the Viejas Reservation has already been changed by the Viejas Casino and Viejas Outlet Center. The Cuyapaipe Band's relatively small future casino will not significantly change the existing character. Further, the super majority of residents along Willows Road have demanded by petition the re-zone of Willows Road to commercial use, which pre-dated the Cuyapaipe Band's present plans and is due to the impacts of the traffic generated by the Viejas Casino and Viejas Outlet Center. The Alpine Planning Group supports the extension of water and sewer infrastructure to Willows Road and the re-zone of Willows Road to commercial uses."

"Third, the Cuyapaipe Band's environmental assessment addresses the issues of groundwater. However, the Cuyapaipe Band has offered to pay its share or more of the cost of extending water and sewer to its future casino and to the new SIHC, Inc. clinic sites, or to pay for an exclusive use of water and sewer, in order to preclude any concerns by area residents of the impacts on community wells. This option, which benefits area residents at the expense of the Cuyapaipe Band, may be facilitated or may be blocked by the County at their discretion."

**Page 138 § 6.9.1.**

"County should continue to cooperate with the Cuyapaipe Band and accept the Cuyapaipe Band's offers to mitigate the impacts of their healthcare improvement project and self-reliance project."

**Page 139 § 6.10.1.**

"The Viejas Band is requesting 860-acres of Alpine community fee land be established in trust pursuant to 25 CFR 151. The Viejas applications' environmental assessments specify no change in use and request a determination by the BIA of a Finding of No Significant Impact (FONSI)."

"However, the Viejas application includes in its attachments an Alpine Sun newspaper article reporting the Viejas Band's presentation to the Alpine Planning Group wherein Viejas officials presented their plans for a second casino, hotel and golf course. As late as June 2002 Viejas officials have met with Alpine community leaders to further discuss these plans. These uses are not disclosed in Viejas' trust applications."

“The County considers this request to be controversial because: (1) these plans are not disclosed in Viejas’ trust applications; (2) these plans are contrary to the land uses specified in Viejas’ trust applications; (3) Viejas’ trust applications do not contain the environmental assessments necessary to evaluate the impact of these changes in use for the land upon the environment and upon the local community and its infrastructure (water, sewer, traffic, circulation, etc.).”

**Page 139 § 6.10.1.**

“County should monitor closely the progress of the Viejas application for establishment of an approximate 860-acres of Alpine community fee land in trust and its required environmental assessment; assist in assessment of impacts of the Viejas proposal for casino, hospitality and entertainment; and insist on adequate mitigations of adverse impacts caused by development of its initial casino and its casino expansion pursuant to its Tribal-State Gaming Compact § 10.8.2., and its initial outlet center and its outlet center expansion.”



# Ewiiapaayp Tribal Office

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July 2, 2002

Chantal Saipe, CAO Staff Officer  
Chief Administrative Office  
County of San Diego  
1600 Pacific Highway, Room 335 217  
San Diego, CA 92101-2472

Re: Cuyapaipe Band's Comments on the April 2002 Draft Report Entitled "Update – Impacts of Tribal Economic Development Projects"

Dear Chantal:

The Cuyapaipe Band of Mission Indians, aka the Ewiiapaayp Band of Kumeyaay Indians, reviewed the April 2002 Draft Report Entitled "Update – Impacts of Tribal Economic Development Projects." Please find attached our requested changes as Exhibit 1 – Requested Changes.

Please accept our further comments on the excerpts of the Viejas Band's June 28, 2002 letter to you that pertain specifically to the Cuyapaipe Band. We are reluctant to again address the propaganda of Viejas, but their letter is replete with misinformation, errors of fact, and misrepresentations to such an extent that we cannot forgo the opportunity to provide factual information to correct the record. Our comments follow:

Viejas' raises the issues of "[c]ompeting interests between tribes" and "rights, responsibilities, and obligations tribes have with respect to each other", however these are not the concern of a County government, and cannot appropriately be addressed in the County's Report.

The seven tribes did not "combine their resources (i.e., state and federal grants, as well as Tribal Priority Allocation funds) to ensure the acquisition of the land", that is the "Little Cuyapaipe Reservation", or "construction of the facility." The land was purchased with Cuyapaipe Band Tribal Chairman's personal funds and a commercial bank loan. The facility was constructed with three Indian Community Development Block Grants (ICDBG), the first two sponsored by the Cuyapaipe Band and the third by the La Posta Band.

We appreciate the fact that Viejas acknowledges “the land was put in trust for only one tribe, the Cuyapaipe.” However, it is untrue the “decision was made for the administrative convenience of the BIA.” It was made because no other tribe would provide a portion of their Reservation for use by the SIHC, Inc. clinic. After the establishment of the SIHC, Inc. clinic on Sycuan and subsequent relocation to Barona, the SIHC, Inc. sought a larger site that was better situated for access by members of all seven member tribes and that was available. All SIHC, Inc. member tribes were well aware of SIHC, Inc.’s needs, but none offered land. The Viejas Band then had about 1,657 trust acres in the Alpine community and SIHC, Inc. appealed to Viejas for a lease of 10 acres. In a letter from the Viejas Band to SIHC, Inc. dated October 18, 1984 Viejas Tribal Chairman Anthony Pico stated: “...*[W]e have carefully considered your request for a 10-acre site on the Viejas Reservation with a long term lease and can not offer you such a site. The Viejas Reservation is pursuing a vigorous development plan and all suitable sites are presently identified for development. Also, the facts are there is heavy concern from the tribal general council which prevents us from offering a site. Hope your efforts are successful.*” The Ewiiapaayp Band has always supported and applauds the Viejas Band’s successful development of the Viejas Casino and Viejas Outlet Center. The Cuyapaipe Band, however, offered to do more than just hope SIHC, Inc. would be successful. The Cuyapaipe Band found available land suitable for the clinic in Alpine, helped acquire the land, established the land in trust for the Cuyapaipe Band, and then leased the entirety of the land to SIHC, Inc. for 25-years plus 25-year option for a rent of \$1 per term, even though the Cuyapaipe Indian Reservation is not capable of supporting economic development.

Viejas’ claim that the “lease agreement was based on a Cuyapaipe tribal resolution that provided a non-revocable promise that the land would be used only for a health care clinic for 25 years, with a 25-year renewal option” is untrue. First, the lease does not include any limitations nor mention of a limiting tribal resolution. Second, the Cuyapaipe Band enacted a resolution promising not to “rescind or cancel” the lease. Although the BIA issued a letter invalidating this resolution due to Federal regulation, the Cuyapaipe Band is holding fast to its promise because the lease is not being rescinded or cancelled – it is being amended by the consent of both landlord (Cuyapaipe Band) and tenant (SIHC, Inc.).

Viejas inaccurately claims “the Cuyapaipe are now seeking to have this trust land declared a part of their reservation.” The Cuyapaipe Band intended this to be done upon the establishment of the “Little Cuyapaipe Reservation” in trust in 1986. In fact, on June 13, 1985, in a letter to John Fritz, Acting Assistant Secretary of Indian Affairs, Congressman Duncan Hunter wrote “... I strongly urge you to take whatever action is necessary to expedite placing this 8.6-acre tract in trust, by the Department of the Interior (Bureau of Indian Affairs) for the Cuyapaipe Reservation, so that construction of a new health center can begin in a timely manner.” Even Congress Duncan Hunter intended this be done.

Incredibly, Viejas again claims “[t]he Cuyapaipe want to replace the SIHC clinic with a Class III casino.” Such language is both inaccurate and inflammatory. The Cuyapaipe

Band, as all interested parties by now must know, will first build two new SIHC, Inc. clinics (in Alpine and on the Campo Reservation) and only thereafter construct a casino on land relinquished by the SIHC, Inc. after relocation to the new Alpine clinic.

Viejas' claims the Cuyapaipe Band's "promises are largely unenforceable and wholly dependent upon speculative future casino revenues" is utterly false. The Agreements between the Cuyapaipe Band and the SIHC, Inc. are enforceable through a limited and specific waiver of sovereign immunity granted by the Cuyapaipe Band, to the satisfaction of the SIHC, Inc. counsel, that provides for enforcement of the SIHC, Inc.'s contractual rights in Federal court. Further, \$6.5 million of clinic construction funds, sufficient for the construction of the SIHC, Inc.'s new Alpine and Campo clinics, have been posted to an irrevocable letter of credit for over 18 months.

Viejas rashly claims "[t]he Cuyapaipe's ability to build a casino on this site is uncertain. The land is not reservation land and a portion of it was taken into trust after 1988." One of the few certain aspects of the Cuyapaipe Band's project is its lawful right to build a casino on its "Little Cuyapaipe Reservation." The Cuyapaipe Band does not need the "Little Cuyapaipe Reservation" proclaimed reservation to use it for gaming purposes. IGRA defines "Indian lands" as: "(A) all lands within the limits of any Indian reservation; and (B) any lands the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation ...." 25 U.S.C. § 2703(4)(A) and (B). Further, the Cuyapaipe Band has not intended to use the 1.42-acre parcel of the "Little Cuyapaipe Reservation" for gaming. The 8.6-acre parcel of the "Little Cuyapaipe Reservation" was in trust, i.e., "reservation", prior to and on October 17, 1988, the effective date for IGRA.

Viejas claims the BIA was unable "to place a parcel of land into trust for the benefit of all seven tribes" and that this action was an "administrative error" by the BIA. This is puzzling considering the number of reservations that benefit more than one tribe, such as the three confederated reservations in Washington, the four confederated reservations in Oregon, and so many other examples across the country, all with two or more tribes who are trust beneficiaries of the same reservation.

Viejas claims that only the Cuyapaipe Band benefits from the "Little Cuyapaipe Reservation." Only one who places no value on healthcare can make this claim. One need only look to the SIHC, Inc.'s benefits from a 50-year lease with a total rent of \$2, the two ICDBG funds sponsored by the Cuyapaipe Band to build the clinic, and the Agreements that contractually obligate the Cuyapaipe Band to construct two new clinics at a cost of \$6.5 million and to pay from 2% to 8% of gaming revenues to the SIHC, Inc. over 36-years to see the SIHC, Inc. and its seven member tribes are the true beneficiaries of this reservation. In fact, the benefit extends to the communities of Alpine and East County as 50% of the SIHC, Inc.'s patients are non-tribal members from these communities.

Viejas' concern that "the Cuyapaipe Band have requested that the BIA declare this land a "reservation" when it is in fact trust property" implies Viejas does not understand or acknowledge the meaning of these terms or their definition in Federal law. The Band's trust lands in Alpine, California are considered a "reservation" pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151.

Viejas is either confused or false in asserting "the Cuyapaipe have requested that the BIA take the following actions: Approve a relinquishment of the 25-year lease between the Cuyapaipe and the SIHC; Proclaim the land that is the current home of the clinic as a second "reservation" for the Cuyapaipe." The Agreements between the Cuyapaipe Band and the SIHC, Inc. provide the SIHC, Inc. consensually agrees to relinquish about 7.4-acres or all but 2.6-acres from its lease, and the lease stays in effect. SIHC, Inc. is not relinquishing the lease. Further, the Cuyapaipe Band is not requesting a second reservation, as the Capitan Grande Reservation is the second reservation of Viejas in addition to its Viejas Reservation. The request is for the "Little Cuyapaipe Reservation" to be made a part of the Cuyapaipe Indian Reservation that currently exists and as was originally intended. In fact, on June 13, 1985, in a letter to John Fritz, Acting Assistant Secretary of Indian Affairs, Congressman Duncan Hunter wrote "... I strongly urge you to take whatever action is necessary to expedite placing this 8.6-acre tract in trust, by the Department of the Interior (Bureau of Indian Affairs) for the Cuyapaipe Reservation, so that construction of a new health center can begin in a timely manner."

Viejas claims to be "unaware of the status of the County's position on the moratorium", that is the County's moratorium on the establishment of fee parcels in trust for the benefit of federally recognized Indian tribes. This further erodes their credibility, in that it is improbable Viejas is unaware of a moratorium they reference.

Viejas asserts the County's use of the Cuyapaipe Band's name for its own land, the "Little Cuyapaipe Reservation", is "unacceptable." We trust the County will not allow Viejas the arrogance to dictate to the County the name the Cuyapaipe Band uses for its own land.

Viejas claims that "[i]n the next few months, remote reservations, such as the 4,500-acre Cuyapaipe Reservation in the Laguna Mountains, will have [Internet service via satellite]." First, the Cuyapaipe Band does not give permission to Viejas to speak for it. Second, we see no evidence this service will be available in the next few months. Third, what use is Internet service when the Cuyapaipe Indian Reservation has no electrical utility service – only intermittent diesel generator power. Fourth, without utilities for electricity, water, sewer, or adequate roads or housing, Internet service is not and will not either be the focus of the Cuyapaipe Band or the answer to its problems on the Cuyapaipe Indian Reservation. It is certainly no argument against its lawful rights to conduct Indian gaming or to enter into consensual agreements with its tenant, the SIHC, Inc. If this was such an argument, then the Cuyapaipe Band would expect Viejas to take its members and its Viejas Casino and its Viejas Outlet Center to its Capitan Grande Reservation and rely on Internet service to make a go of it.

Viejas repeatedly seeks credit for supporting the SIHC, Inc.. While credit is due all seven SIHC, Inc. member tribes, Viejas should not be allowed undue credit for fulfilling the responsibilities all other member tribes have performed equally well. Viejas' fight against the best interests of the SIHC, Inc. should also be acknowledged. Viejas is attempting to thwart the will of the SIHC, Inc. Board of Directors who, by majority decision in accordance with its bylaws unanimously agreed upon by all seven member tribes, agreed enter into the Agreements with the Cuyapaipe Band in order to benefit from construction of new clinics and to receive 2% to 8% of Cuyapaipe Band gaming revenues over 36-years.

Viejas seeks credit for "[s]eeking a seat at the table on the Regional Planning Boards such as SANDAG on a government-to-government basis." If so, the Cuyapaipe Band applauds them. However, we are not aware of any such request. The Cuyapaipe Band requested a seat on SANDAG by letter to SANDAG in 2000, 2001 and 2002.

Viejas claims it has "provided funding of approximately \$1.9 million for widening and other improvements to Willows Road" and seeks credit for this alleged expenditure towards their "fairshare contribution" to Willows Road improvements requested by the County. Could this \$1.9 million be expenditures Viejas has made to widen and improve Willows Road on the Viejas Reservation? If so, this amount should not be credited towards Viejas' "fairshare contribution" for Willows Road. The Willows Road traffic and safety problems are not in front of the Viejas Casino and Viejas Outlet Center. They are between the west boundary of the Viejas Reservation and the I-8 West Willows Road overpass. These problems are caused solely by traffic from Viejas Casino and Viejas Outlet Center, and should be promptly mitigated as is the intent of the tribal-state gaming Compact for expansions of existing casinos such as the expansion of the Viejas Casino from 1,100 gaming devices to 2,000. Viejas, however, says quite clearly, "the Viejas Band currently is not proposing any expansions needing such mitigation", meaning Viejas has not and does not intend to mitigate the traffic and safety problems on Willows Road that are impacts of the Viejas Casino and Viejas Outlet Center.

Viejas claims "a bigger impact to our community may be the proposed development of a class III gaming facility at the SIHC clinic site and relocation of the clinic." Viejas made the nature of their concern crystal clear in their Sept. 21, 2001 letter to the BIA. In that letter, Viejas states: "*Viejas has focused its community and economic development efforts on its own reservation, with recent success in the viability of the tribal economy...*" But what Viejas leaves unsaid is that eight years of its success was accomplished through unlawful Class III gaming without a gaming compact with the State of California and without federal environmental regulation.

The Viejas letter also claims: "*Ewiiapaayp is attempting to undermine the Viejas Reservation economy...*" But the Cuyapaipe Band's economic development is authorized by Federal law, by State law, and will be developed pursuant to a Tribal-State compact approved by the Governor, the California Legislature, and the Interior Secretary in conformity with the overwhelming will of the majority of the California voters. The Cuyapaipe Band's development plan represents the finest in free enterprise, capitalism,



and open market competition that is intended to lead to self-reliance. How can anyone be against this? Yet the Viejas Band is determined to kill the Cuyapaipe Band's SIHC, Inc. health care and self-reliance project at its roots.

The Viejas letter also states: *"This type of encroachment on the Viejas tribal community's economic sustainability cannot be tolerated..."* There is only one conclusion to draw from this – Viejas is trying to use the power it obtained through eight years of unlawful gaming to block the Cuyapaipe Band and SIHC, Inc. from exercising their lawful powers of self-determination and free-enterprise to improve health care for Indians and non-Indians alike, and to restore the Cuyapaipe economy.

The Viejas letter then concludes that: *"The BIA cannot, therefore, take any action which would facilitate Ewiiapaayp off-reservation gaming at the direct expense of the Viejas Band..."* The Viejas reference to "off-reservation" is misplaced. The 8.6-acre parcel is tribal trust land, and the Indian Gaming Regulatory Act of 1988 specifically authorizes Class III gaming under our September 10, 1999 Tribal-State Compact on that land. Second, with this statement the Viejas Band is saying the Interior Department has a trust responsibility to Viejas to over-ride the Department's trust responsibility to Cuyapaipe Band. If this policy were adopted, it would violate fundamental Federal-Indian principles of the government-to-government relationship the United States has with each Tribe. Viejas is voicing opposition to decisions that were made a long time ago. Congress enacted IGRA in 1988. The Governor signed and the Department of the Interior approved Compacts in 1999 and 2000, respectively (when Viejas likewise first received its lawful gaming compact).

Viejas asserts the "BIA should be preparing an Environmental Impact Statement to assess all of the impacts associated with" the Cuyapaipe Band's healthcare and self-reliance projects. If the County were to accept this outrageous position, we assume the County would hold Viejas to the same standard for the 860-acres of fee land in the Alpine community it is in the process of establishing in trust.

Viejas' allegations against the BIA are unfounded, irresponsible, and not worthy of the Cuyapaipe Band's consideration.

Viejas' claims regarding the Cuyapaipe Band's request for proclamation of the "Little Cuyapaipe Reservation" as reservation, that was due in 1986 and has been actively pending with the BIA for 8 years, is equally as irresponsible, misleading, misinformed, and confused as is the preceding portion of their letter. The Cuyapaipe Band has requested approval by the Secretary of Interior to have their land currently in trust proclaimed a Reservation, even though this land is considered a "reservation" pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151). Accordingly, the BIA-Southern California Agency staff views this application as an administrative matter and considers the land to be already part of the Cuyapaipe Indian Reservation. Their recommendation for approval was sent to the Director of the Regional Office, who approved the Agency staff's recommendation, and then sent his recommendation for approval to the Central Office for Secretarial action.

The Cuyapaipe Band requests the County listen and respond to facts, and not to the irresponsible and false prattle that is and has been espoused by Viejas.

Should you have any questions, please contact William Micklin at the Tribal Office.  
Thank you.

Sincerely,

A handwritten signature in black ink that reads "Harlan Pinto Sr." in a cursive style.

Harlan Pinto Sr.  
Chairman

Exhibit 1 – Requested Changes.

## **Tribal Nations of San Diego County**

County Staff would also like to acknowledge the Tribal Nations of San Diego County for providing input into, and reviewing, the information in this document pertaining to their respective Tribal Nations:

Barona Band of Mission Indians, Hon. Clifford LaChappa Sr., Chairman

Campo Band of Mission Indians, Hon. Ralph Goff, Chairman

Cuyapaipe (Ewiiapaayp) Band of Mission Indians, Hon. ~~Fony~~Harlan Pinto Sr.,  
Chairman

## **2.2 Indian Tribes in San Diego County**

San Diego County has the largest number of Tribes and Reservations of any County in the nation. There are 18 federally recognized Tribes; 18 Reservations; and 17 Tribal Governments in San Diego County. The additional Reservation is the Capitan Grande Resrvation. The Barona and Viejas Bands share a joint-trust patent and joint administrative responsibility for the Capitan Grande Reservation. The List of Federally Recognized Indian Tribes published in the Federal Register of March 13, 2000 (Volume 65, Number 49) Notices [Page 13298-13303] lists among “Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs” pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792) as entity number 32 the Capitan Grande Band of Diegueno Mission Indians of California:

- Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
- Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

The 18 Reservations currently cover approximately 116,000 acres in trust of the federal government; additionally, eight Tribes have applied to place approximately 2,600 additional acres in trust of the federal government.

The ~~18~~17 Tribes in San Diego County have approximately 5,815 enrolled Tribal Members, and house approximately 6,821 persons on the Reservations. Each Tribe, except the Capitan Grande Tribe, has its own individual government. A map showing the location of the 18 Reservations in San Diego County can be found in *Appendix A -1*.

## **3.4. Cuyapaipe Band of Mission Indians/ Ewiiapaayp Band of Kumeyaay Indians**

The Cuyapaipe Band of Kumeyaay Indians is a self-governing, federally recognized Indian Tribe exercising sovereign authority over the lands of the Cuyapaipe Indian Reservation and its other reservation lands. The Band is one of the 13 Kumeyaay Bands in San Diego County.

### **3.4.1. Tribal History**

- The Cuyapaipe Band is a federally recognized Indian tribe listed in the Federal Register (Vol. 65, No. 49, pg. 13299) as “The Cuyapaipe Community of Diegueño Mission Indians of the Cuyapaipe Reservation, California.” The BIA uses the name “Cuyapaipe Band of Mission Indians.” The Band identifies itself as “Ewiiapaayp Band of Kumeyaay Indians.”
- The Tribe has petitioned the BIA to change its name to “The Ewiiapaayp Band of Kumeyaay Indians;” however, this change can take years to effect. "Ewiiapaayp" is the Kumeyaay language word meaning "leaning rock." This rock is on a high ridge of the Cuyapaipe Reservation and served as the touchstone and site-marker in the 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 Ewiiapaayp Band of Kumeyaay Indians 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.
- 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 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. *(See map in Appendix D-1)*

#### **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 no public utilities available on the Reservation, including no telephone service, no mobile telephone or radio service, no electricity, no gas, no treatment system for wastewater, solid waste, or drinking water.
- On December 27, 2000, Congress enacted the California Indian Land Transfer Act of 2000 that added 432 acres to the Reservation; all of these acres are on ridge tops or in steep slopes.

### 3.4.2.2. Proposed Little Cuyapaipe Reservation

- On December 11, 2001, the BIA issued a 30-day Notice of Proposed Action – Proclamation - stating that the Band has requested to receive a formal Reservation status Proclamation for an 8.6-acre parcel located at 4058 Willows Road in Alpine, which was established in trust on April 1, 1986, and a 1.42 -acre parcel located at 4054 Willows Road, which was accepted in trust on October 29, 1997. The Band’s trust lands in Alpine, California are considered a “reservation” pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151. (*See map in Appendix D*)
- ~~If given Reservation status,~~ The “Little Cuyapaipe Reservation” ~~would be~~ is located approximately 0.25 miles east of the West Willows Road exit, off of Interstate 8, in the Community of Alpine. The Ewiiapaayp Tribal Government office currently resides on the 1.42-acre parcel, and the remainder of the site is currently leased to the Southern Indian Health Council, Inc. (“SIHC, Inc.”), a state of California chartered non-profit corporation, in order to meet the health care needs of seven of the Kumeyaay Bands.

### 3.4.2.3. Fee To Trust Applications and Other Actions Resulting in Expansion of Land Base

- The Band also owns in fee certain parcels that are, or will be, the subject of applications to the BIA requesting that the United States take title to, in trust status for the Band. The Band’s latest application is summarized below, and is shown on a map in *Appendix D*.
- On May 14, 2001, the Band applied to take an additional 18.10 acres into trust, located south of Interstate 8, directly across from the proposed Little Cuyapaipe Reservation. The proposed trust parcel is located off of Alpine Boulevard, approximately ½ mile east of the Willows Road exit. This land, when established in trust for the Band, will be leased to the SIHC, Inc. and will host their new health clinic upon relocation from the clinic on Little Cuyapaipe Reservation. The BIA has issued a Finding of No Significant

Impact (FONSI). On June 27, 2002 the BIA issued a Notice of Decision to have this property accepted by the United States of America in trust for the Ewiiapaayp Band.

- On February 14, 2002, the BIA sent a notice of application to place approximately 18.95 acres (APN 404-090-07), located on Alpine Boulevard, in Alpine, California. The site is located approximately one-half (.5) of a mile from the Willows Road freeway exit from east bound Interstate 8, and east of the aforementioned 18.10-acre parcel.
- ~~The~~ On July 1, 2002 the Band intends to file applications to have the following properties accepted into trust by the Federal Government:
  - Approximately 1.72 acres (APN 404-060-39), located at 4160 Willows Road, in Alpine, California. The site is located approximately 0.4 miles from the Willows Road freeway exit from eastbound Interstate 8.
  - Approximately 0.34 acres (APN 404-061-06), located at 4030 Willows Road, in Alpine, California. The site is located approximately one-third (.3) 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 (.3) 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 (.3) 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 (.3) 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 officials elected are Harlan Pinto Sr., Chairman, and Michael Garcia, Vice Chairman. Appointed officials are Vivian Silva, Tribal Secretary/ Treasurer, and William Micklin, Executive Director.

- 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 state/tribal gaming compact.

### **3.4.6. Economic Enterprises**

#### **3.4.6.1. Gaming**

- The Band signed a Tribal-State Compact on September 10, 1999. The Compact was approved by the Assistant Secretary – Indian Affairs, Department of the Interior, on May 5, 2000. The 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.
- Band plans to build a casino in accordance with the Tribal-State Compact on the front six acres of the (proposed) Little Cuyapaipe Reservation after the existing SIHC Inc. clinic is relocated to the back of Little Cuyapaipe Reservation The Tribal Government has determined that the site was suitable for this use.
- The Tribe is seeking no exceptions from law, regulation or policy for the construction and operation of the Tribe’s casino on the front 6.0 acres of its 10.0-acre (proposed) Little Cuyapaipe Reservation.

#### **3.4.6.2. Other Businesses**

Commercial economic development is impossible on the Cuyapaipe Indian Reservation.

### **3.4.7. Tribal Projects Funded from Gaming and/or Other Revenues**

#### **3.4.7.1. Ewiiapaayp/SIHC, Inc. Agreement for New Clinic Construction and New Funding**

- Southern Indian Health Council, Inc. (“SIHC”) is a California Public Benefit Corporation whose membership and Board of Directors is composed entirely of seven federally recognized Indian tribes located in the County of San Diego, California.
- The SIHC, Inc. receives funding pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638. See 25 U.S.C. § 450 *et seq.*



- There are no Indian Health Service (IHS) or federally owned facilities under the jurisdiction of the California IHS Area Office. Instead, only tribal contractors operate programs from facilities that are owned by the tribes, health corporations or leased from private sources.
- The SIHC serves seven tribes: Barona, Campo, Cuyapaipe (Ewiiapaayp), Jamul, La Posta, Manzanita and Viejas, and residents of the East County. Programs and services offered are as follows: medical clinic; dental clinic; community health; social services; mental health; senior home and substance abuse.
- The SIHC also operates a satellite clinic on the Campo Reservation and the Youth Regional Treatment Center on the La Posta Reservation.
- The SIHC began as a satellite operation of the Indian Health Council located in North County. It incorporated in 1982 as a nonprofit, public benefit corporation, and moved to the Barona Reservation. In late 1987, the Cuyapaipe (Ewiiapaayp) Band leased 10 acres in Alpine to SIHC, Inc. and the current permanent facility was built using two Indian Community Development Block Grant (ICDBG) funds awarded to the Cuyapaipe (Ewiiapaayp) Band and the La Posta Band.
- On December 18, 2000, the SIHC Board of Directors voted to enter into an Agreement with the 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 ~~an estimated \$100 million over the first 15 years and \$211 million over the full term of its 36-year~~ 2% to 8% of the Ewiiapaayp Band's net gaming revenues over the term of the Agreement.
- Prompt action by the BIA on the Fee-to-Trust application for the Walker property may obviate the need to build the new clinic facility on the (proposed) Little Cuyapaipe Reservation, and instead permit the immediate construction of a new clinic on the 17-acre Walker property. The BIA's June 27, 2002 Notice of Decision provides a 30-day period for comments, and the Notice of Final Agency Action immediately following provides a final 30-day comment period. The Viejas Band of Mission Indians has already appealed the Finding of No Significant Impact (FONSI) for this property's environmental assessment (EA). Should this appeal be cleared, and no further appeal is received, then the Ewiiapaayp Band will be able to begin construction of the new SIHC, Inc. clinic on this property as early as September 2002. Any appeals with delay the construction of the new clinics.
- The ~~projected \$100 million~~ Ewiiapaayp Band's in-contributions of gaming revenues to the SIHC, Inc. would allow their further expansion of existing services and evaluation of new urgent care services, which are much needed by the East San Diego County community.
- To the extent that the Band's right is granted Reservation status for its current land north of Interstate 8, and is allowed to build a casino is not thwarted on that land, it intends to make donations to charitable organizations and local government agencies in the Alpine

community with health, educational and community activity causes to be primary considerations.

### **3.4.8. State and Regional Economic Impacts**

- SIHC, Inc. clinics are the only health care facilities serving the East County. The SIHC, Inc. services the health care needs of Alpine and other communities of East San Diego County. Over 50% of the 58,000 annual visitors to the SIHC, Inc. clinics are non-Indian residents of East San Diego County.
- The closing of Scripps East Hospital, and the scarcity and over utilization of emergency room beds serving East San Diego County, make the prospect of new urgent care services at the SIHC, Inc. Alpine Clinic, due to the Band's construction of the clinic, and estimated \$100 million of new funding, an important opportunity for the East County community.

### **3.4.9. Community Relations**

- Currently actively soliciting community input on proposed new clinic.
- Committed to work with Alpine community as plans evolve.
- Formed the Alpine Advisory Group, comprised of nine leading citizens of the Alpine community.
- Has met periodically with elected and appointed officials of the County, State, and Federal Governments, and has begun negotiating a Cooperative Agreement with the County related to the future clinic on the 4718.10-acre Walker property.
- Has committed to make its best effort to reasonably mitigate any potential significant effects on off-Reservation lands directly caused by the construction of new SIHC, Inc. clinics and future casino.

### **3.4.10. Issues and Challenges**

The Cuyapaipe (Ewiiapaayp) Tribal Government faces issues that are unique, and issues that are shared with other governments. Like state and local governments, the Cuyapaipe (Ewiiapaayp) 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 all issues not delegated to Tribal officials. The Cuyapaipe (Ewiiapaayp) Tribal Government has many challenges, three of which are as follows:

- Develop the new SIHC, Inc. Alpine Clinic in compliance with the National Environment Protection Act (NEPA). Environmental assessments are in progress.
- Develop the proposed casino in compliance with NEPA and the Tribal-State Compact.
- Develop the new SIHC, Inc. clinics and its future casino against the desperate opposition of the Viejas Band and well-funded army of attorneys, lobbyists, and politicians.

## 6.9. Proclamation of Reservation Status for Existing Cuyapaipe Trust Land

The Cuyapaipe Band has requested approval by the Secretary of Interior to have their land currently in trust proclaimed a Reservation, even though this land is considered a "reservation" pursuant to Federal regulations (25 CFR § 151.2(f) and 18 U.S.C. § 1151). Accordingly, the BIA-Southern California Agency staff views this application as an administrative matter as the two subject parcels have been used by the Tribe for several years, and therefore staff of the Agency and considers them the land to be already part of the Cuyapaipe Indian Reservation. Their recommendation for approval will be sent to the Director of the Regional Office, who will approve or disapprove the Agency staff's recommendation, and then send his recommendation for approval to the Central Office for Secretarial action.

~~This~~ The County considers this request is to be controversial because: (1) the land in question is located approximately 35 miles west of the original Cuyapaipe Reservation; (2) it was placed in trust for the Cuyapaipe Band for the purpose of constructing a health clinic; (3) Reservation status would allow Cuyapaipe, a Compact Tribe, to build a casino on those two parcels; and (4) it is less than a mile from the Viejas Reservation and its gaming and commercial enterprises.

The Ewiiapaayp Band does not consider this request to be controversial because: (1) there are at least four other California tribes that have geographically separated Reservations or Reservation parcels (including Barona Band, Viejas Band, 29 Palms, and Cabazon) and many more tribes throughout the country; (2) the Cuyapaipe Band's "Little Cuyapaipe Reservation" was established in trust for the sole benefit of the Cuyapaipe Band and without any restriction, limitation or encumbrance upon the title (in fact, on June 13, 1985, in a letter to John Fritz, Acting Assistant Secretary of Indian Affairs, Congressman Duncan Hunter wrote "... I strongly urge you to take whatever action is necessary to expedite placing this 8.6-acre tract in trust, by the Department of the Interior (Bureau of Indian Affairs) for the Cuyapaipe Reservation, so that construction of a new health center can begin in a timely manner." (Emphasis added)); (3) the Cuyapaipe Band always intended the "Little Cuyapaipe Reservation" be proclaimed reservation as a part of its establishment in trust in 1986 and began its active requests for the proclamation in 1994. The Cuyapaipe Band does not need the proclamation to use its "Little Cuyapaipe Reservation" for gaming purposes. IGRA defines "Indian lands" as: "(A) all lands within the limits of any Indian reservation; and (B) any lands the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation ...." 25 U.S.C. § 2703(4)(A) and (B). The 8.6 acre parcel of the "Little Cuyapaipe Reservation" was in trust, i.e., "reservation" on October 17, 1988.

The County's concerns are as follows: 1) A second casino could be built on Willows Road, which is already operates below LOS D; 2) A second casino in this area of Alpine would eventually result in a change in the character of the area between the I-8 interchange and eastern end of the Viejas Reservation from a mix of rural residential and commercial uses to strictly commercial uses; and 3) A second casino may adversely impact groundwater, or cause extension of water and sewer infrastructure to the casino site.

The Cuyapaipe Band does not understand the County's concerns. First, the County's reference to a "second casino" would appear to signal a bias by the County that Viejas Casino is okay, even though constructed and operated unlawfully and without a tribal-state gaming Compact applying environmental and regulatory limitations, but the Cuyapaipe Band's future casino is not. It is not the County's place to involve itself in disputes between tribes or in Federal issues. Further, that Willows Road now operates below LOS D is due to the increased traffic and safety hazards caused by the Viejas Casino and the Viejas Outlet Center that have not been mitigated in over 10 years of operation despite the requirements of the September 10, 1999 tribal-state gaming Compact that require good faith efforts by gaming tribes to mitigate their effects upon the off-reservation environment. The Cuyapaipe Band, however, has already committed, as evidenced in its environmental assessment submitted July 1, 2002, to mitigate the impact of the tribe's future casino on traffic and safety for Willows Road prior to opening for operation. The Cuyapaipe Band is also concerned about the traffic and safety issues for Willows Road, but the Tribe is going to mitigate rather than to push their responsibility onto some other entity.

Second, the character of Willows Road between the I-8 West Willows exit and the Viejas Reservation has already been changed by the Viejas Casino and Viejas Outlet Center. The Cuyapaipe Band's relatively small future casino will not significantly change the existing character. Further, the super majority of residents along Willows Road have demanded by petition the re-zone of Willows Road to commercial use, which pre-dated the Cuyapaipe Band's present plans and is due to the impacts of the traffic generated by the Viejas Casino and Viejas Outlet Center. The Alpine Planning Group supports the extension of water and sewer infrastructure to Willows Road and the re-zone of Willows Road to commercial uses.

Third, the Cuyapaipe Band's environmental assessment addresses the issues of groundwater. However, the Cuyapaipe Band has offered to pay its share or more of the cost of extending water and sewer to its future casino and to the new SIHC, Inc. clinic sites, or to pay for an exclusive use of water and sewer, in order to preclude any concerns by area residents of the impacts on community wells. This option, which benefits area residents at the expense of the Cuyapaipe Band, may be facilitated or may be blocked by the County at their discretion.

#### **6.9.1. Future Considerations**

- County should continue to cooperate with the Cuyapaipe Band and accept the Cuyapaipe Band's offers to mitigate the impacts of their healthcare improvement and self-reliance project.

#### **6.10.1. Viejas Request for Establishment of 860-acres of Alpine Community Fee Land in Trust**

The Viejas Band is requesting 860-acres of Alpine community fee land be established in trust pursuant to 25 CFR 151. The Viejas applications' environmental assessments specify no change in use and request a determination by the BIA of a Finding of No Significant Impact (FONSI).

However, the Viejas application includes in its attachments an Alpine Sun newspaper article reporting the Viejas Band's presentation to the Alpine Planning Group wherein Viejas officials presented their plans for a second casino, hotel and golf course. As late as June 2002 Viejas officials have met with Alpine community leaders to further discuss these plans. These uses are not disclosed in Viejas' trust applications.

The County considers this request to be controversial because: (1) these plans are not disclosed in Viejas' trust applications; (2) these plans are contrary to the land uses specified in Viejas' trust applications; (3) Viejas' trust applications do not contain the environmental assessments necessary to evaluate the impact of these changes in use for the land upon the environment and upon the local community and its infrastructure (water, sewer, traffic, circulation, etc.).

**6.10.1. Future Considerations**

County should monitor closely the progress of the Viejas application for establishment of an approximate 860-acres of Alpine community fee land in trust and its required environmental assessment; assist in assessment of impacts of the Viejas proposal for casino, hospitality and entertainment; and insist on adequate mitigations of adverse impacts.

LLP

Founded 1946

Theodore J. Griswold

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June 28, 2002

**VIA FACSIMILE**

Ms. Chantal Saipe  
Chief Administrative Office  
County of San Diego  
1600 Pacific Highway  
San Diego, CA 92101-272

Re: Comments on Draft Update on Impacts of Tribal Economic  
Development Projects in San Diego County (April 2002)

Dear Ms. Saipe:

On behalf of the Jamul Indian Village ("Jamul"), please accept the attached response to the County of San Diego's Draft Update on Impacts of Tribal Economic Development Projects in San Diego County, dated April 2002 ("County Report" or "Report"). This document is a later iteration of the July 13, 2001 draft County Report which Jamul commented on last year. The County has requested additional review by the local Tribes prior to finalizing the Report. Our response addresses factual corrections and omissions in the Report, the premise behind this extensive effort, and the analyses used in the Report. We have sought to avoid duplication of the comments which we submitted regarding the previous draft and for that reason, incorporate those comments by reference with this response.

If you have any questions regarding these comments, please feel free to call.

Very truly yours,



THEODORE J. GRISWOLD

TJG/se  
Attachment

**JAMUL INDIAN VILLAGE RESPONSE TO THE COUNTY OF SAN DIEGO'S  
(SECOND) DRAFT UPDATE REPORT ON ISSUES RELATING TO TRIBAL LANDS IN  
SAN DIEGO COUNTY, DATED APRIL, 2002**

**General Comments**

We appreciate the work of County staff in making the many significant revisions to the draft County Report in response to comments on the July 13, 2001 draft. This iteration makes a stronger attempt at identifying the Tribes as governmental entities and begins to present the County-wide benefits derived from Indian gaming. However, as the comments below provide, we believe that the Report can still be improved by gaining additional perspective regarding the role of the Tribes in the overall County economy and through some factual corrections and additions to the Report.

In our previous response to the first draft County Report, we noted that the County's land use plans reflect a long-standing failure to recognize the independent economic and land acquisition opportunities of the Tribes and that the County Report is an extension of this failure. In this iteration of the Draft County Report, the County seems to have accepted that economic development will occur on the reservations despite the undersized transportation corridors around most reservations. However, this Report still seems to make little effort to hide its purpose—to provide a facially defensible method of leveraging funds from tribal gaming activities to improve the County road system. We hope that the direction of the final Report will be more focussed on the potential for developing a mutually beneficial intergovernmental relationship between the Tribes and the County.

**The County's focus should be expanded.**

The County's focus on Tribal economic development as a singular industry impacting County facilities is misleading at best. While the Tribes and their reservations are easily identifiable as political and geographic contrasts to other back country areas, it does not follow that they are a single industry or the only causes of the perceived strain on County facilities. In fact, according to County documents, Tribal members account for less than one percent of the County's back country population. There are many other readily identifiable industries which burden County facilities which have been wholly ignored by the findings in the report. Agriculture, sand and aggregate mining, residential development, landfills, and recreation industries all provide significant strain on County traffic facilities as well as other environmental and economic impacts.

If the County truly wishes to be provided a platform for "informed decision making" as the Report states (p.1), the County should prepare companion reports on the impacts of these other types of economic development projects in San Diego County. The cumulative effect of backcountry residential lot splits and small subdivisions have significantly increased commuter traffic. Mining operations in support of the development industry have created watercourse impacts and complicate traffic problems. These types of industries have placed the back country at the precipice of road failures but have been ignored in the County's analysis. Tribal economic development is being focussed as the root of the problem when in fact it is merely the industry that provides the last few drops to cause the cup to overflow. Without an analysis of other types of industries, the Board of Supervisors will receive only a small part of the information necessary to resolve problems with County facilities.

**“Last one in pays the bill” notion is unjust.**

Despite limited disclaimers imbedded in the document stating that the County does not expect the Tribes to pay for all of the identified road improvements, the overall tenor of the Report is to point the finger squarely at the local reservations as the cause of current and future back country traffic problems and as the “logical” source to fund roadway improvements. The Tribes suffered without basic 20<sup>th</sup> century infrastructure for years because of the remote nature of their reservations and received no assistance from the County in gaining such infrastructure. The County, by its own admission, ignored the local tribes and the prospects of their ability to economically develop when creating regional transportation and land use plans. Meanwhile, the County processed development projects under the apparent assumption that no traffic would arise from the reservations. The County is now finding that this assumption was invalid and it is scrambling for a way to avoid paying for its mistake.

The County’s dilemma is particularly dismaying because it was entirely avoidable. The County could have recognized the Tribes as valid neighboring jurisdictions at any time and included them in the regional land use and transportation planning process, but it did not. Indications that the reservations would begin developing a local tourism-based industry arose nearly 20 years ago when the first reservations began opening casinos and bingo parlors. While the process developed slowly, having the Tribes at the table when land use projections were made would have allowed early detection of potential problems and the County could adjust its land use plans to account for the development under the existing road system. Unfortunately this did not occur.

A complicating factor is that the locations of Tribal economic development are inflexible. Unlike private industry, Tribal economic development is constrained to a limited area for development--the reservation. The Tribes do not realistically have the option of locating their activities in a manner that can adjust to the County’s existing transportation plans. This constraint is not the choice of the Tribes, but is a geographic reality that was apparently overlooked when the County was developing transportation plans exclusive of the Tribes. While we are pleased that the County is finally recognizing the Tribes as valid neighboring jurisdictions, the County should not be now looking to the Tribes to shoulder the responsibility for its failure to recognize them earlier.

**Tribal economic development is not analogous to other private development within the County and it should not carry with it the same burdens.**

The County Report addresses the impact of Tribal economic development using the same methods that it would in assessing the impact of a private industry within County jurisdiction. In so doing, the County misses a key distinction between private development and Tribal economic development: Tribal economic development provides the financing necessary for the Tribe to conduct all of its governmental functions, while private development relies upon the County for all of its basic municipal infrastructure needs. Functions such as health and social services, trash collection, road maintenance, fire protection, education, libraries, parks and recreation, environmental protection and police patrol must be funded out of the proceeds of Tribal economic development. These services are provided by the County for the beneficiaries of private industry and are not provided by the County Tribal members. To burden Tribes with additional extrajurisdictional governmental infrastructure costs at the same rate required by private industry places a significant disproportionate burden on the Tribes that does not hamper



private industry. If the County hopes to develop cooperative agreements with the Tribes for County road improvements, a new model for apportioning costs will need to be developed.

## **Specific Comments**

### **Acknowledgments, p. xiv.**

The Report incorrectly implies that the Jamul Indian Village and its Chairman reviewed and provided information to this draft document. The Jamul Indian Village did not provide independent factual information for this report. Members of the Village met with County Tribal Liaison Chantal Saipe on one occasion several months prior to the release of the document to discuss the nature of the reservation. This acknowledgment in the front of the Report implies that the Jamul Indian village agrees with and/or verifies the factual information contained in the report and appendices. As noted in the comments provided below, the Jamul Indian Village cannot verify many of the facts cited in this report as many of the facts are not supported by citations.

### **2.1 Indian Nations**

Most governance business conducted by Native American Indian Tribes actually occurs within the Tribe, as they are responsible for their own self governance first, and intergovernmental relations second.

### **2.2 Indian Tribes in San Diego County**

The Tribes appreciate the acknowledgement by the County of the 10,000 year tenure of the Kumeyaay people in San Diego County.

### **2.3 Land Tenure on Reservations**

This section should describe how each of the types of land ownership or reservation is created (this aspect is partially addressed only in the discussion of allotted lands). For example, assignments are created by the Tribal governments, with the approval of BIA. The ownership/occupancy rights vary considerably from those on allotted land. If the type of land ownership on reservations is important to the Report, this section should be augmented with additional research and discussion.

### **2.4 Barriers to Economic Development**

This discussion is missing several historically significant elements which provide the necessary context for understanding the land ownership and acquisition by the Native American Tribes. While the Report is not intended as an historic work, the omissions leave the Report incomplete and potentially misleading. The basis for lands being brought into trust by the Tribes is an important element in understanding why Tribes are allowed to acquire lands through the fee to trust process.

The Report fails to acknowledge that the General Allotment Act of 1887 led to significant reduction and physical or cultural fracturing of Tribal lands. The creation of allotments and the sale of "surplus" lands to non-Indian buyers separated previously contiguous Tribal lands and decimated the land holdings and cultural contiguity of Tribes throughout the Nation. Indian land holdings were reduced by 90 million acres from 1887 to 1934. Of this amount, 60 million acres were sold to non-Indians as "surplus" lands.

By 1934, Congress recognized the need to preserve the cultural heritage of the American Indians and elected to reverse the trend caused by the Allotment Act by enacting the Indian Reorganization Act of 1934 (IRA). The IRA was intended to stop the alienation of Tribal land needed to support Indians, and to provide for the acquisition of additional acreage by the Tribes. It is under the auspices of the IRA that many of the San Diego County Tribes are seeking to bring land into trust in order to regain lands necessary for sustenance that were lost during the Allotment era.

Correction in Paragraph 1 – Tribal land can be used as collateral, but this is seldom done because it requires a waiver of sovereign immunity.

Correction in Paragraph 3 – As stated above in discussion regarding Section 2.3, the purpose of fee to trust is to regain usable land lost by the Tribes during the Allotment Act era

## **2.5 Gaming**

Gaming has already provided a substantial benefit to the county and the state by creating a need for goods and services and providing employment opportunities as well as significant income from payroll taxes. Charitable giving has been noted in the Report by two tribes; however, charitable giving has become a hallmark of most if not all successful Tribes once capitalization costs are recovered. In fact, the Jamul Indian Village has already created a Community Foundation for funding charitable and community projects and needs with a percentage of the proceeds from their gaming facility.

### **2.5.2 Gaming Establishments in California**

Paragraph 2 – The Pechanga Reservation visitors take their primary access off of SR79 to Pala Temecula Road, which lies outside the County's jurisdiction.

### **2.5.5 Tribal-State Compact**

This section properly lists those Tribes that have a Compact with the State, however, the figure in Appendix A-2 does not include the Jamul Reservation among the Tribes with compacts. This graphic should be corrected to include the Jamul Indian Village.

## **3.6 Tribal History**

The Report fails to state that the Jamul Indian Village is a federally recognized reservation and that the Jamul Band is a federally recognized Native American tribe. During a meeting with Chantal Saipe and the Tribe, the history of Tribe was provided, including the chronology of how the reservation was formed and the mechanism by which tribal recognition occurred. The history of the tribe in Jamul was also reviewed and is provided below again for inclusion in the Report (from [www.jamulindianvillage.com](http://www.jamulindianvillage.com)).

**Pre-contact**--For more than 10,000 years, the native people of what is now San Diego County co-existed peacefully with one another. Before the arrival of the Europeans, there were more than 30,000 Kumeyaay living throughout the San Diego area to 60 miles south of the present Mexican border.

The Kumeyaay were seasonal hunters and gatherers. They organized themselves into clearly defined territories of approximately 10 to 30 miles that included individual and collectively

owned properties, and each self-governing band of between 200 and 1,000 members had access to the resources in their territory.

They were accomplished astronomers, who used the stars to determine when to plant and harvest their crops. They were also skillful horticulturists who grew grains, grasses, beans, squash, perennials, shrubs, oaks, cactus and corn. The Kumeyaay lived in harmony with the Earth, relying on the things that nature provided to survive.

**1769-1820**--When the Spanish entered the San Diego area in 1769 to build the first California mission, they encountered a thriving population. The mission system, designed to convert the Natives to Christianity, destroyed the Kumeyaay way of life. Soldiers scoured the countryside and rounded up Natives for conversion and slave labor.

The padres converted many Kumeyaay against their will and used them to build and maintain the missions. The hard labor, changes in diet, segregation of the sexes and the introduction of new diseases decimated their population. By the time of mission secularization, the Kumeyaay Nation had dropped to about 3,000 people.

**1821-1847**--Following Mexico's independence from Spanish rule in 1821, the missions became parish churches and rancharos. The Mexican government gave large land grants to Mexican nationals, including farms belonging to baptized Natives and Kumeyaay villages.

Although some were turned over to Mexican nationals to serve as laborers, many Kumeyaay fled to the mountains, and the population began to increase again.

**1848-1920**--When California became a U.S. territory in 1848, the country guaranteed existing land titles, rights, immunities and religious freedoms to Mexican citizens, including baptized Kumeyaay. The government rarely enforced these rights for Christian Kumeyaay, however, and never did for unconverted Kumeyaay.

In 1869, gold was discovered in Julian. This discovery continued the land appropriation from the Kumeyaay, especially their farmlands and water resources, and the Native population began to drop again as soldiers and settlers consumed local resources.

In the late 1800s, many homeless Kumeyaay took refuge on a plot near the Jamul Rancho and buried their dead in a nearby cemetery.

**Present Day**--One of 18 tribes in San Diego County, the Jamul Indian Village sits on approximately six acres of land. The reservation is 10 miles southeast of El Cajon and 60 miles east of San Diego. It is a federally recognized California Indian Reservation, attaining federal Indian reservation status in 1975. The tribe strives to protect its culture and heritage and to preserve it for future generations.

The Jamul Indian Village website ([www.jamulindianvillage.com](http://www.jamulindianvillage.com)) provides additional historical and cultural information regarding the Kumeyaay people that should be incorporated into the County Report. An excellent source for additional information regarding the history of San Diego County Native American people is found at the University of San Diego historical department website ([www.acusd.edu/nativeamerican/chronology.html](http://www.acusd.edu/nativeamerican/chronology.html)). This source reiterates the establishment of the Jamul Reservation in 1912, though federal recognition did not occur until years later.

### **3.6.1 Tribal History**

When the Jamul Indian Reservation was officially recognized as a Native American Tribe, it was authorized to establish its own rules of governance and governing body. Federal law dictates the parameters upon which this governing body and the tribe may operate. The Report incorrectly states that the federal recognition of the Jamul Tribe allowed for a community of one-half degree or more California Indian blood. In fact, the criteria was one-half degree or more Jamul Indian blood.

### **3.6.2 Reservation**

In 1912, the owner of Jamul Rancho (San Diego Diocesan Office of Apostolic Ministry) created the reservation when it deeded 2.34 acres to the Jamul Band of Mission Indians to create the Jamul Indian Village.

Additional governmental services on the Reservation include governmental offices, sanitation services, tribal library, language program, environmental protection and education benefits. The Rural Fire Protection District is not located on the Reservation; however it is located on lands owned by the Jamul Band and leased to the District for \$1/yr. The District's Lease expires on December 31, 2008.

#### **3.6.2.1 Fee To Trust Applications**

Revise fourth bullet to reflect that plans for the layout of the proposed casino and other development facilities on the proposed fee to trust lands are undergoing environmental review. Modifications may be made to the project based on this environmental review. As a result, the project description contained in the County Report may not be accurate when the final Report is released.

The fire station to be constructed on the fee to trust lands will service the Jamul reservation facilities and will secure a reciprocal services agreement with other response entities in the area.

### **3.6.9 Community Relations**

The offer presented to the Rural Fire District to relocate was to contribute approximately \$22 million over a 20 year period for the construction, staffing, equipment and operation of a new fire station. This offer of assistance was rejected by the Fire District Board, resulting in the Fire Board becoming a finalist in the San Diego Taxpayers Association Golden Fleece awards. Additional community relations efforts by the Jamul Band are documented on the Tribe's website ([www.jamulindianvillage.com](http://www.jamulindianvillage.com)).

### **4.1 Traffic Impacts -- Introduction**

The Report acknowledges that County land use and transportation planning has not assumed large scale development on Indian Reservations. Please see previous General Comments regarding the Tribe's objection to isolating the traffic analysis to Tribal economic development. This analysis should include all industries operating and developing in the County which impact the County road system. The County's failure to include Tribes in land use and transportation planning should not create an exemption to businesses benefiting from the oversight, nor should it create a disproportionate burden on the Tribes, the group that was overlooked.

### **4.3.1 Baseline Conditions**

When considering baseline traffic conditions, the Report should acknowledge the burden of pre-existing traffic and the status of other development projects and industries which contributed to traffic conditions. Which projects approved within the past 10 years were required to fund fair share improvements along the roads at issue in the report? Are these improvements included in the baseline conditions? Dates of data and assumptions used in the documents used in estimating baseline traffic counts are not provided by the report. As a result, we are unable to confirm or take issue with the baseline assumed for the Report. Additionally, because each of the documents is undated, the conditions present when the traffic counts were created are undeterminable from the Report text. It is surprising that later in the document (4.3.3), the Report notes that the specific date of the Reservation Transportation Authority (RTA) traffic generation estimates (January-October 2001) and economic conditions during this period is vital to the utility of the data generated by the RTA report (and on this basis, the County chose not to use this data). On what basis does the County justify this double standard?

### **4.5 Road capacity needs for each Reservation.**

It is evident from the Report that the trip distribution numbers for any given project were manually distributed by County Staff. The objective basis for these trip distributions should be provided in the Report. The County normally requires traffic analysis to use the SANDAG trip model simulation which takes into account driver's behaviors and possible routes which a consumer may use to arrive at a project site. Criteria for the manual distribution of trips used by the County were not well defined; however, it is strangely coincidental that the manually-based distributions created additional impacts on County roads that were not identified in Tribal project traffic analyses. For example, with the Jamul reservation, the County has attributed traffic impacts from the Jamul project on Willow Glen Drive and on Steel Canyon Road which the SANDAG model does not produce. The use of the SANDAG model in the Jamul traffic analysis has already been approved by Caltrans. It appears the only basis for the contrary manual distribution is to attempt to tie the Jamul project to County road impacts.

### **4.10 Scheduled Capital Improvement Projects**

The Report notes that the 2020 Regional Transportation Plan (RTP) was adopted in April 2000 by SANDAG, in a process which excluded consideration of Tribal projects or Tribal involvement. The Report indicates that only those parties involved in the process (all 18 cities, the County and Caltrans) are involved in the regional competitive process of selecting projects for inclusion in the RTP. Now, in part because of the exclusion of the Tribes in the development of the RTP, the Report indicates that many of the projects identified as necessary in the Report near reservations will have difficulty being funded through the RTP process. The County and SANDAG should involve the Tribes as separate governments in the development of the next update to the RTP so that this oversight is not compounded.

#### **4.14.3 Fairshare Estimates**

The fairshare estimates should include the other actors, past present and future, that have lead to the need for the traffic improvements.

Table 4-1--Erroneously states that the Pala, Pauma, Rincon and San Pasqual gaming facilities affect the same network of roadways. Pala's traffic generation is almost exclusively

from SR 76 and is located in a completely different corridor from the San Pasqual reservation. This statement and resulting calculation should be corrected.

#### **4.16 Regional Funding Source.**

A large part of the regional transportation conflict between the County, SANDAG and the Tribes could be resolved by providing representation from each of the Tribes at SANDAG (which, after all, is supposed to be the association of governments, but leaves out all Tribal governments).

### **5 Impacts on other County resources**

The Report indicates, without citation, that the Tribes are the largest landowners in the backcountry. What is meant by this? Is the Report referring to the collective separate and sovereign governments? The ethnic group? This is unclear and deserves clarification. If the reference is to the governmental entities, then the Report should include in its estimation land holdings by the County, State and Federal governments as well.

#### **5.1 Air Resources**

The Report indicates concerns that the air quality “hotspots” may develop on County roads due to traffic congestion, and implies that the Tribes may be responsible resolution of this potential air quality impact. The Tribes are also concerned about air quality, but generally disagree with the County regarding the source of air quality impacts. What action is the County taking to resolve this potential air quality concern with respect to mobile stationary sources sources within its jurisdiction?

##### **5.2.1 Multiple Species Conservation Program (MSCP)**

The Multiple Species Conservation Plan (MSCP) preserve boundary is an excellent recent example of the effect of failing to involve Tribes in the development of regional land use plans. The MSCP preserve system is based on all of the previous regional land use plans developed by the County. Given that these land use plans assumed the continued non-use of reservation lands, the MSCP surrounded most of the reservations with its preserve system. The Tribes were not provided a seat at the (very sizable) table in the development of the MSCP, nor were they even provided administrative drafts of the program. As a result, the creation of the MSCP system failed to consider the economic development opportunities of the Tribes and federal laws which allow Tribes to annex adjacent lands to their reservation.

It is important for the County to be aware of the Tribal perspective on the MSCP: The need for MSCP preserve arose from the impacts of development throughout the County which has diminished habitat lands to a fraction of their historic areas. The preserve areas encompass those areas left undeveloped and that provide a sufficient balance of habitat such that County planned development will not lead to the extinction of any local species. Because Tribal economic conditions kept Tribal lands, Tribal lands were seen as potential cornerstones for the MSCP preserve, under the assumption that they would not be developed in the future. This is how the MSCP preserve came to surround many of the reservations. Implicitly, the habitat acreage and corridors on reservations were included in the habitat/development balancing which the County undertook with the resource agencies when the MSCP was passed.

Now that the Tribes are capable of using their reservation lands, the County’s habitat/development balance may well not fit the intentions of the MSCP. The Tribes should not

be asked to bear the burden of the County's erroneous assumption by forfeiting development opportunities on Tribal lands to make the MSCP equation work for the County. With respect to MSCP subareas that have yet to be finally planned, the County should coordinate with the adjacent Tribes regarding reservation land uses to ensure that the County can independently satisfy resource concerns.

### **6.1 Economic Impacts**

In reviewing the impacts of Tribal economic development on the County, the Report makes little effort to quantify the offsetting benefits that the County gains by Tribal economic development. These benefits include the direct payment to the state of a percentage of the gaming profits, (some of which are received by the County), a reduction in the costs of administering municipal programs (because Tribes administer their own programs), and direct benefits from charitable gifts and payroll taxes. In 1997, Indian gaming was reported to contribute \$5 million in charitable gifts, provide 4000 jobs to the County and payroll tax revenue of \$5.5 million. As noted in the Report, these benefits have continued to rise over the past 5 years.

The County also receives indirect benefits by the attraction of tourism-based dollars and increased commerce in the areas surrounding the reservations. This benefit was emphasized in Supervisor Dianne Jacob's May 23, 2002 State of the East County Speech:

“The tribal nations of Sycuan, Barona and Viejas are growing stronger. They are sharing that bounty with the entire East County. Sycuan, Barona and Viejas do more than just provide jobs. Their charitable outreach is unrivaled throughout the region. Barona's award-winning golf course, Viejas' first-class shopping experience, and Sycuan's new state-of-the art theater have helped put East County on the map as a tourist destination.”

These Tribes were the first to enter the gaming industry and have been able to pay off their early capitalization costs in building their gaming operations. Their model of investing in the non-tribal community and providing other non-gaming commerce for the east county once initial capitalization costs are satisfied will undoubtedly be followed by other Tribes. In fact, the Jamul Indian Village has already created a Community Foundation which will begin channeling funds to community projects immediately upon the opening of its casino. Prior to suggesting that additional funds from the Tribes be provided to the County, these benefits should be approximated and included in any Tribal/County cooperative agreement as part of the mutual benefits enjoyed by the two governments.

### **6.2.3 County's Share of Tribal Revenues paid to the State.**

The Tribes generally agree that the funds paid to the State out of gaming revenues should be preferentially allocated to projects or services that occur in the region of the gaming enterprise.

### **6.5.2 FTT Applications by San Diego Tribes.**

The County's blanket opposition to all fee to trust applications has caused significant strain and mistrust among the Tribes and the County. The Tribes ask that the County recognize the purpose of the Indian Reorganization Act process for adding lands to trust and withdraw its blanket opposition.

### **6.6 Tribal-County Cooperative Agreements**

The Report's proposal under "future considerations" that the Tribes share revenues with the County for off reservation impacts as well as to compensate the County for staff time expended by the County in dealing with Tribal projects presents a very difficult proposition. The proposal fails to recognize that the situation involves negotiations among two governmental units. It also fails to acknowledge the aggressive stance that the County has taken against many of the Tribes, and expects the Tribes to financially support the County in these efforts. Prior to meaningful consideration of this proposal by the Tribes, the County would need to significantly change its policies toward the Tribes.





DCAO

DEC 02 2002

COPPER

November 25, 2002

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 County of San Diego  
 1600 Pacific Avenue, Room 209  
 San Diego, Ca 92101

Kenneth A. Meza  
*Chairman*

Carlene A. Chamberlain  
*Vice Chairwoman*

Bill Mesa  
*Councilman*

Erica M. Pinto  
*Councilwoman*

Adolph Thing  
*Councilman*

Julia Lotta  
*Tribal Administrator*

**RE: San Diego County Draft Update On Tribal Economic Development Projects**

This is in response to Mr. Patrick Webb's letter dated September 26, 2002 sent to your office regarding the Draft Update on Impacts of Tribal Economic Development Projects in San Diego County (Draft Report). Before relying on any of the information in his letter, we respectfully request that the County pause to reflect on the factual accuracy of Webb's claims, and to carefully review his misuse of authority.

Mr. Webb has taken great care in creating the illusion of truth in his letter; however, upon closer scrutiny you will note that Mr. Webb raises false and misleading claims, cites cases and administrative findings which have been legislatively superceded, cites cases which do not conclude the findings he states, and fails to provide any supporting documentation for his claims. We are aware of the extraordinary efforts of the County in assembling the Draft Update and urge you to consider these comments to ensure that the Draft Update includes accurate, reliable information for the Board of Supervisors and not one person's smear tactics.

At the outset, the Jamul Tribe notes that most of the false claims raised by Mr. Webb in his letter to the County concern the membership of the Jamul Indian Village, and the status of Jamul Reservation lands. No such issues exist except as created by Mr. Webb, and if they did, such issues are internal matters that could only be resolved by the Jamul Indian Village itself. Despite this fact, on various previous occasions and continuing to date, Mr. Webb has attempted to involve the Courts (and now the County) in issues he has manufactured regarding internal tribal affairs. The Courts have been clear in their admonitions to Mr. Webb that such issues may only be dealt with exclusively by the Jamul Tribe itself. In the first of seven suits filed by Mr. Webb the Southern District Federal Court stated:

"This Court will not usurp the Tribe's authority to determine who is an Indian and who is a member of the Tribe. One of a tribe's most fundamental powers is the power to determine its own membership and is central to its existence as an independent political community". . . .

**JAMUL INDIAN VILLAGE**

*A Federally Recognized Tribal Nation*

Accordingly, this Court declines to hear Dumas' complaint and intrude into the internal affairs of a sovereign nation". Order of the Honorable John S. Rhoades, Sr., United States District Court Judge, dated 6/21/95.

Even though the issues Webb raises are not real existing issues, and only internally relevant to the Tribe in any regards, the Jamul Tribe has chosen to respond to Mr. Webb's false allegations so that the County will have the true facts. The following facts and supporting documentation demonstrate the falsity of Mr. Webb's letter, and his intentions to mislead and confuse.

1) General Introductory Comments: Mr. Webb claims, without supporting documentation, to represent "the majority of the properly enrolled surviving members of the original 23 individuals who adopted the Jamul constitution in 1981".

In fact, Mr. Webb does not represent *any* of the original 23 members. Instead, he represents two Indian individuals that are not enrolled members of the Jamul Tribe, Mr. Walter Rosales and Ms. Karen Toggery. See Attachment 1, a list of the original 23 members. These 23 individuals enrolled as original tribal Members and voted to adopt the original Jamul Indian Village Constitution in 1981. Webb's clients, Mr. Rosales and Ms. Toggery, did not participate in that vote, are not original tribal members, and are not current tribal members. It should also be noted that out of the original 23 members, only 9 are now living:

- |                     |  |
|---------------------|--|
| 1. Lupe J. Cuero    | 6. Robert Mesa   |
| 2. Mary Cuero       | 7. William C. Mesa (Current Executive Member)                                  |
| 3. Vivian C. Flores | 8. Kenneth A. Meza (Current Chairman)  |
| 4. Gerald Mesa      | 9. Carlene A. Toggery (Current Vice-Chairperson<br>& now Carlene Chamberlain). |
| 5. Leslie A. Mesa   |  |

Mr. Webb does not represent any of the above original tribal members. See, Attachment 2, copies of declarations from each of the above 9 original members attesting to the fact that Mr. Webb does not represent them in any manner, and specifically requesting that he stop using their names for any purpose. These declarations were deemed necessary when Mr. Webb repeatedly falsely represented to Courts and public bodies that he represented some or all of these members. In addition, as noted above, 3 of the current elected officials of the Tribe, conveniently not recognized by Mr. Webb, are original members of the Tribe that adopted the Jamul Constitution in 1981.

Mr. Webb's use of the term "gaming faction" is intentionally misleading. The properly enrolled members of the Indian Village Government have unanimously voted for undertaking the gaming project. In reality, no dissention regarding the project exists among the members of the Jamul Indian Village. Mr. Webb's only two clients are in fact non-member outside dissidents of the Tribe and cannot therefore be considered a faction of the Jamul Tribe.

2) Paragraphs 2.2, 3.6, 3.6.2:

It is claimed that the Village is “under siege by out of state gambling interests” who are acting contrary to the wishes of “the majority of the legitimate members of this village”. In fact, as noted above, Mr. Webb does not represent any tribal members. The true and legitimate tribal members have acted to enter into an economic development contract with its current investor because this relationship will provide innumerable positive benefits to all tribal members.

It is claimed, without supporting documentation, that “there is no Jamul Indian Reservation”. Mr. Webb made these same assertions in a suit he recently filed in the Federal Southern District Court in San Diego on May 30, 2001. The plaintiffs were the same two non-members referenced in paragraph one above.<sup>1</sup> On February 13, 2002, the Court dismissed Mr. Webb’s suit, finding that the land that was deeded to the Tribe in 1978 established the Jamul Reservation:

“In addition to the 1978 deed, the 1978 letter from the United States Department of the Interior . . . also shows that parcel number 597-080-01 was taken into trust for the benefit of the *Jamul Tribe* . . . [T]he Department of Interior had received eleven signatures out of the thirteen ½ bloods for the Bureau of Indian Affairs to proceed with the proposed acquisition through donation to establish the *Jamul Indian Reservation*”. Rosales v. United States of America, Case No. 01-951-IEG, Order of the Honorable Irma E. Gonzalez, District Court Judge, 2/13/02.

Mr. Webb sought review of this decision not once, but twice, and lost on both motions. See, Attachment 3, rejecting Mr. Webb’s request to reconsider the decision a second time.

A long reference is also made to a letter sent by Ms. Carol Bacon dated July 1, 1993, as evidence challenging the existence and sovereign authority of the Jamul Tribe. In fact, the basis for such letter was a distinction between “historical” and “created” tribes. What Mr. Webb fails to inform the County is that this artificial distinction was repudiated by federal legislation enacted the following year on May 31, 1994. See, Attachment 4, Memorandum from Ada E. Deer, Assistant Secretary – Indian Affairs, dated June 9, 1994, advising all Bureau Offices of the Senate amendment:

“Specifically, the amendment, signed into law by President Clinton on May 31, 1994, overrules a 1936 Solicitor’s Opinion which concluded that, in authorizing the approval of Tribes’ constitutions under Section 16 of the Indian Reorganization Act of 1934 [citation omitted] Congress distinguished between the governmental powers which may be exercised by, respectively, what have come to be known as ‘historic’ Tribes on the one hand, and ‘non-historic’ or ‘created’ Tribes or adult Indian communities on the other. The amendment has the effect of nullifying that opinion.”

Although Mr. Webb is well aware of the above change in law, which has been cited to

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<sup>1</sup> A third plaintiff, Ms. Marie Toggery, died shortly after the suit was filed.

him on numerous occasions, he has nevertheless continued to cite Ms. Bacon's letter despite his knowledge that the U.S. Government no longer adheres to any policies contained in Ms. Bacon's letter.

A reference is made to the United States Department of Commerce, and its listing of Federal and State Indian Reservations in support of Mr. Webb's claim that the Jamul Indian Village Reservation does not exist. In fact, if you log onto the United States Department of Commerce's official website and request information on American Indian Reservations, you will find a report listing all federal reservations in the United States. The Jamul Indian Village is specifically listed as: "Federal Reservation, Kumeyaay, San Diego County California". See, U.S. Dept of Commerce Report on Indian Reservations, Attachment 5. It should also be noted that the U.S. Department of Interior publishes a list of all federally recognized Indian tribes in the United States and the Jamul Indian Village has appeared on that official government list every year since the Tribe's establishment in 1981. See Attachment 6, Federal Register listing dated July 12, 2002.

References are made to miscellaneous cases concerning how a reservation is established, as purported evidence that Jamul Indian Village is not a reservation. However, as referenced in paragraph 2 above, a Federal Court directly and recently addressed Mr. Webb's spurious claims in Rosales v. United States of America. The Court concluded that the Jamul Indian Reservation was in fact established when the United States accepted certain lands into trust for the benefit of the Jamul Tribe.

In addition to the above, the cases cited by Mr. Webb are either not similar in facts and circumstances, or actually support the position that Jamul's lands are reservation lands. For example, Sac and Fox Nation of Missouri, et al. v. Gale Norton et al., 240 F. 3d 1250 (10<sup>th</sup> Cir. 2001) is quoted by Mr. Webb as saying that merely "holding land in trust for specifically identified Indians does not constitute the creation of an Indian reservation", implying that therefore Jamul's lands may not be reservation lands. However, the case actually held that the land in question therein was, and always had been, used only as a burial ground, and not for residential purposes. Therefore, such land was not a "reservation" for purposes of the Indian Gaming Regulatory Act. (IGRA). The Court quoted the leading treatise on Indian law, F. Cohen, Handbook of Federal Indian Law (1982 Edition), for a definition of reservation lands, under IGRA, "During the 1850's, the modern meaning of reservation emerged, referring to land set aside under federal protection for the residence of tribal Indians regardless of origin". Thus, under the definition delineated in Sac and Fox, Jamul's lands would clearly be "reservation" lands because when the reservation was created tribal members were already residing on those lands.

3) Paragraph 3.6: It is claimed, without supporting documentation, that the Tribe does not exercise sovereign authority over Parcel 597-080-01, (one of the two original parcels that currently comprise the Jamul Indian Village), because title is held for individual Indians and not the Tribe. In fact, as detailed above in paragraph 2 above, the Southern District Federal Court has determined that such parcel is Jamul Reservation land. Although Webb argued in that case that the deed for the above parcel was intended to

transfer title to individual Indians, as previously noted this argument was rejected by the Court. (See Rosales v. United States of America, Case No. 01-951-IEG, previously quoted). Thus, there exists no document which purports to have set the land aside for any individual member of the Tribe.

Paragraph 3.6.1: It is stated that the Jamul Indian Village was not “recognized” until it was “created” in 1981. While this statement may be accurate, it did not effect the creation of the Jamul Indian Village Reservation. The Federal Court in Rosales, noted above, found that land was taken into trust for the benefit of the Jamul Tribe, which was being organized at the time.

4) Paragraph 3.6.2: It is claimed, without supporting documentation, that the Jamul Reservation is not 6 acres in size, because 4.66 acres of land were “allotted to individual members.” These 4.66 acres (The same Parcel 597-080-01 lands referenced above), have been determined to by a Federal Court to constitute reservation lands, as referenced in paragraph number 2 above. These lands were found to have been set aside for the Tribe as an entity.<sup>2</sup>

5) Paragraph 3.6.3: It is claimed, without supporting documentation, that the population of the Jamul Reservation is 12 enrolled members. In fact, the Jamul Tribe has adopted an Enrollment Ordinance, which has been approved by the Bureau of Indian Affairs, and under said Ordinance there are now 56 enrolled members of the Jamul Tribe. See, Attachment 7, BIA approval the Tribe’s Enrollment Ordinance.

6) Paragraph 3.6.4: It is claimed, without supporting documentation, that the BIA does not recognize the current Tribal Government. In fact, the BIA has recognized the current elected officials of the Jamul Tribe, three of which are members of the original 23 original members of the Tribe that Mr. Webb himself references in his opening paragraph. (Chairman, Kenneth Meza, Vice-Chair, Carlene Chamberlain, and Committee Member, William Mesa). See, Attachment 8, BIA recognition letters for the past two Jamul Tribal elections. Although Mr. Webb has challenged this most recent election before the IBIA, as he has done in the past several elections, no challenge filed by Mr. Webb has resulted in a change of tribal leadership. Such appeals, as with Mr. Webb’s seven unsuccessful lawsuits, have merely attempted to delay the Tribe’s economic development plans.

While the IBIA did issue a ruling in 1998 that tribal officers elected in a 1992 election should be reinstated, this action was a distinction without a difference--it only reinstated the then sitting Tribal Chairman, Raymond Hunter, who had also been elected Chairman in 1992. The 1998 ruling has not affected subsequent tribal elections, and the current elected tribal officers have been certified by both the Southern California Agency Office of the Bureau of Indian Affairs, and the Sacramento Regional Office of the Bureau of Indian Affairs. For a change to the currently federally recognized Tribal Officials to

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<sup>2</sup> It should also be noted that the ability for the U.S. Government to create allotments for individual tribal members was effectively repealed in 1934 with the adoption of the Indian Reorganization Act.

occur, (i.e. Chairman Kenneth Meza and his Executive Committee recognized on August 9, 2001), the IBIA would have to specifically order such a change of recognition.

7) Paragraph 3.6.4: It is claimed the BIA Tribal Government Services Office in D.C. does not recognize the current tribal leadership, and has determined that the Tribe's constitution cannot be amended to allow less than ½ degree of Indian blood for membership. Mr. Webb again references the 1998 IBIA decision which did not displace Chairman Hunter, and which did not effect the most recent election of Chairman Kenneth Meza or his Executive Committee.

Mr. Webb also again quotes from Carol Bacon's 1993 letter. As previously discussed, this letter no longer represents the policy of the BIA on the issues it addressed. In fact, the BIA conducted an election on August 31, 1996 in conformance with procedures contained in 25 Code of Federal Regulations Part 81. This election amended the Tribe's Constitution, and amended the enrollment requirements for the Tribe. The election lowered the tribal membership blood requirement from ½ degree to ¼ degree of Indian blood. On October 15, 1996 Deputy Commissioner of Indian Affairs, Hilda Manuel, approved the results of the election. See, Attachment 9. The IBIA, the final agency of appeal for the BIA, has also upheld the validity of the election. Thus, the Jamul Tribe has in fact lowered its blood degree requirement, with the necessary federal approvals, and now has 56 enrolled members.

8) Paragraph 3.6.6.1: It is claimed that gaming has not been authorized by the Jamul Tribe, and that violations of both IGRA and the Tribal-State Compact have been made. Both statements have no basis in fact. As previously noted, the General Council of the Jamul Tribe has authorized a gaming project on tribal lands. In addition, no violations of either IGRA or the Tribal-State Compact have occurred. These same allegations were made by Mr. Webb in a suit he filed against the Tribe's gaming investor, Lakes Gaming, on September 22, 2000. That suit, as with seven other of Mr. Webb's suits, has been dismissed:

“By order dated February 1, 2001 this Court dismissed Plaintiff's entire Second Amended Complaint. Specifically, the Court held that: (1) IGRA and the Compact did not provide Plaintiffs with a private right of action; (2) IGRA preempted Plaintiffs' state law claims; (3) The Compact did not require the application of California law to Plaintiffs' claims; and (4) Plaintiffs' civil rights claims were deficient”. Order of The Honorable Thomas J. Whelan, District Court Judge, dated April 18, 2001. Review was also summarily denied by the 9<sup>th</sup> Circuit Court of Appeals in May of 2002.

12) Paragraph 3.6.7. It is claimed that the Jamul Tribe will receive “in excess of 1.1 million per year”, and this figure should increase. In actuality, the Tribe's Tribal-State Compact states that tribes operating less than 350 gaming devices may receive *up to* 1.1 million dollars. Thus, funds payable to any tribe cannot exceed 1.1 million, and to date funds provided under this provision have not even approached the upper limit.

CONCLUSION:

The above facts and supporting attachments clearly demonstrate that the arguments raised by Mr. Webb are without merit and cannot be corroborated by any written documentation. Instead, Mr. Webb continues to make unsupported and contradictory claims meant only to confuse. As you are probably aware, Mr. Webb lives in Jamul. Additionally, he has recently also admitted to representing the Jamul Action Committee ("JAC"). Mr. Webb's arguments have been clouded by the agenda of that group, which has been to delay and hinder progress on the Tribe's economic development plans. The County should recognize this fact and endeavor to present only accurate information, supported by the facts.

Thank you for your consideration of the comments of the Jamul Indian Village.

Sincerely,

  
Kenneth Meza, Chairman  
JAMUL INDIAN VILLAGE





JAMUL INDIAN VILLAGE

JAMUL, CALIFORNIA

May 4, 1981

Jamul Indians Who Have Registered to Vote in the May 9, 1981 Election:

- |                               |                        |
|-------------------------------|------------------------|
| 1. Henry Aldamos              | 13. Valentine Mesa     |
| 2. Sarah C. Aldamos           | 14. William C. Mesa    |
| 3. Tony Camacho               | 15. Eugene Meza        |
| 4. Isabel Cuero               | 16. Kenneth A. Meza    |
| 5. Lupe J. Cuero              | 17. Edward Rosales     |
| 6. Mary A. Cuero              | 18. Joe Luther Rosales |
| 7. Ramona E. Cuero            | 19. Manuel Rosales     |
| 8. Seraphile Helen Helm Cuero | 20. Reginold S. Thing  |
| 9. Vivian C. Flores           | 21. Carlene A. Toggery |
| 10. Gerald Mesa               | 22. Marie A. Toggery   |
| 11. Leslie A. Mesa            | 23. Gennie M. Walker   |
| 12. Robert Mesa               |                        |

Just a reminder that the polls will be open from 11:00 AM - 4:00 PM Saturday, May 9, 1981. Those that did not vote by absentee ballot should plan to vote at the reservation on adoption of the Constitution for the Jamul Village. Please make arrangements to visit the reservation and vote during the time that the polls are open.

ELECTION BOARD



I, Lupe Curo declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I am aware that a small tribal faction has attempted to represent the Jamul Tribe despite not being recognized by the U.S. Department of Interior, Bureau of Indian Affairs, as tribal officials.
3. I do not condone the actions of the unrecognized tribal faction. I specifically recognize the present properly elected tribal officials: Kenneth Meza, Chairman; Carlene Chamberlain, Vice-Chair; Adolph Thing, Committee Member; Erica Pinto, Committee Member; Jessie Pinto, Committee Member; and Julia Lotta, Secretary.
4. The unauthorized actions of the tribal faction have greatly disrupted the operation of tribal government, caused harm to tribal programs, caused the tribe to waste valuable tribal resources in fending off such frivolous suits and attacks, and have generally caused great harm to the tribe.
5. I support the efforts of the above listed properly elected tribal officials in their efforts to move forward with programs that benefit the entire tribe.


I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on September 25 1998.

  
Lupe Curo

I, Mary Cuero declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I am aware that a small tribal faction has attempted to represent the Jamul Tribe despite not being recognized by the U.S. Department of Interior, Bureau of Indian Affairs, as tribal officials.
3. I do not condone the actions of the unrecognized tribal faction. I specifically recognize the present properly elected tribal officials: Kenneth Meza, Chairman; Carlene Chamberlain, Vice-Chair; Adolph Thing, Committee Member; Erica Pinto, Committee Member; Jessie Pinto, Committee Member; and Julia Lotta, Secretary.
4. The unauthorized actions of the tribal faction have greatly disrupted the operation of tribal government, caused harm to tribal programs, caused the tribe to waste valuable tribal resources in fending off such frivolous suits and attacks, and have generally caused great harm to the tribe.
5. I support the efforts of the above listed properly elected tribal officials in their efforts to move forward with programs that benefit the entire tribe.

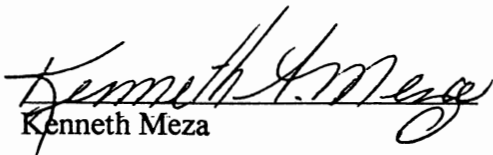
I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on September 23, 1998.

  
Mary Cuero

I, Kenneth Meza, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I am aware that a small tribal faction has attempted to represent the Jamul Tribe despite not being recognized by the U.S. Department of Interior, Bureau of Indian Affairs, as tribal officials.
3. I do not condone the actions of the unrecognized tribal faction. I specifically recognize the present properly elected tribal officials, of which I am one: Kenneth Meza, Chairman; Carlene Chamberlain, Vice-Chair; Adolph Thing, Committee Member; Erica Pinto, Committee Member; Jessie Pinto, Committee Member; and Julia Lotta, Secretary.
4. The unauthorized actions of the tribal faction have greatly disrupted the operation of tribal government, caused harm to tribal programs, caused the tribe to waste valuable tribal resources in fending off such frivolous suits and attacks, and have generally caused great harm to the tribe.
5. I support the efforts of the above listed properly elected tribal officials in their efforts to move forward with programs that benefit the entire tribe.

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge. Executed at Jamul Indian Village California, on September 19, 1998.

  
Kenneth Meza

I, Carlene Chamberlain declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I am aware that a small tribal faction has attempted to represent the Jamul Tribe despite not being recognized by the U.S. Department of Interior, Bureau of Indian Affairs, as tribal officials.
3. I do not condone the actions of the unrecognized tribal faction. I specifically recognize the present properly elected tribal officials, of which I am one: Kenneth Meza, Chairman; Carlene Chamberlain, Vice-Chair; Adolph Thing, Committee Member; Erica Pinto, Committee Member; Jessie Pinto, Committee Member; and Julia Lotta, Secretary.
4. The unauthorized actions of the tribal faction have greatly disrupted the operation of tribal government, caused harm to tribal programs, caused the tribe to waste valuable tribal resources in fending off such frivolous suits and attacks, and have generally caused great harm to the tribe.
5. I support the efforts of the above listed properly elected tribal officials in their efforts to move forward with programs that benefit the entire tribe.

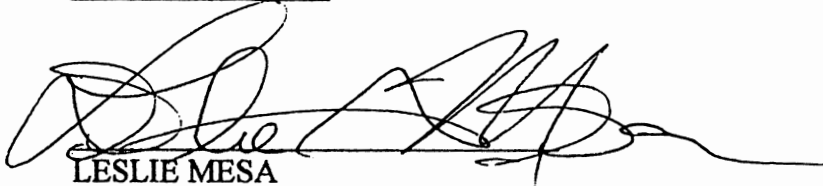
I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on September 19, 1998.

Carlene Chamberlain  
Carlene Chamberlain

I, Leslie Mesa, declare and say:

1. I am a member of the Jamul Indian Village.
2. I have been advised by Chairman Kenneth Meza and the federally recognized Executive Committee of the Jamul Tribe that my name is being used in various court and/or BIA appeals.
3. I do not authorize the use of my name in any such matter, and I hereby expressly withdraw any permission purportedly previously given to use my name in any court action or BIA appeal.
4. I ask that my name be immediately removed from any pending court action, state or federal, and any pending BIA appeal to the Interior Board of Indian Appeals.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 11-20, 1999, at JAMUL California.



LESLIE MESA

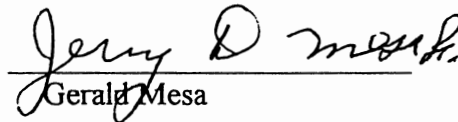
I, Gerald Mesa, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I have been advise that my name is being used in connection with a suit in federal court.
3. I do not wish my name to be used in any suits, I have not knowingly authorized any attorney to represent me.
4. Because I do not wish to be represented by any attorney, I specifically withdraw any such alleged authorization for such represented previously given.

I declare under penalty of perjury that the foregoing is true and correct to

the best of my knowledge. Executive at Camp,

California; on September 22, 1998.

  
Gerald Mesa



I, Vivian Flores, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I have been advised that my name is being used in connection with lawsuits and/or other appeal actions.
3. I do not wish my name to be used in any suits or other actions, and I have not knowingly authorized any attorney to represent me.
4. Because I do not wish to be represented by any attorney, I specifically withdraw any such alleged authorization for such representation previously given connection with any state court suit, federal court suit, and BIA administrative appeal.

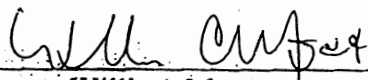
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed at Jamul INDIAN Village California, on September 19, 1998.

Vivian B. Flores  
Vivian Flores

I, William Mesa, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I have been advised that my name is being used in connection with appeals filed with the Department of the Interior Board of Indian Appeals.
3. I do not wish my name to be used in any such appeals, or suits, and I have not knowingly authorized any attorney to represent me in any such actions.
4. Because I do not wish to be represented by any attorney, I specifically withdraw any such alleged authorization for such representation previously given.

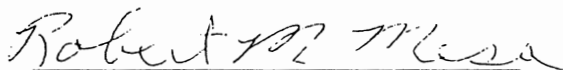
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on March 5, 1999.

  
\_\_\_\_\_  
William Mesa

I, Robert Mesa declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I am aware that a small tribal faction has attempted to represent the Jamul Tribe despite not being recognized by the U.S. Department of Interior, Bureau of Indian Affairs, as tribal officials.
3. I do not condone the actions of the unrecognized tribal faction I specifically recognize the present properly elected tribal officials: Kenneth Meza, Chairman; Carlene Chamberlain, Vice-Chair; Adolph Thing, Committee Member; Erica Pinto, Committee Member; Bill Mesa, Committee Member; and Julia Lotta, Secretary.
4. The unauthorized actions of the tribal faction have greatly disrupted the operation of tribal government, caused harm to tribal programs, caused harm to tribal programs, caused the tribe to waste valuable tribal resources in fending off such frivolous suits and attacks, and have generally caused great harm to the tribe.
5. I support the efforts of the above listed properly elected trial officials in their efforts to move forward with programs that benefit the entire tribe.

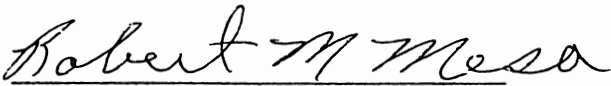
I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on 6-17- 2000.

  
Robert Mesa

I, Robert Mesa, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I have been advised that my name is being used in connection with appeals filed with the Department of the Interior Board of Indian Appeals.
3. I do not wish my name to be used in any such appeals, or suits, and I have not knowingly authorized any attorney to represent me in any such actions.
4. Because I do not wish to be represented by any attorney, I specifically withdraw any such alleged authorization for such representation previously given.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed at Jamul, California, on 6-17 2000.

  
Robert Mesa

I, Gerald Mesa, declare and state:

1. I am one of the original twenty-three members of the Jamul Indian Village.
2. I have been advise that my name is being used in connection with a suit in federal court.
3. I do not wish my name to be used in any suits, I have not knowingly authorized any attorney to represent me.
4. Because I do not wish to be represented by any attorney, I specifically withdraw any such alleged authorization for such represented previously given.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executive at Camjo,  
California, on September 22, 1998.

Gerald Mesa  
Gerald Mesa

I GERALD MESA, AM ONE OF THE TWENTY-THREE MEMBERS WHO WAS ELIGIBLE TO VOTE ON THE ORIGINAL CONSTITUTION OF THE JAMUL INDIAN VILLAGE.

I RECOGNIZE KENNETH MEZA, CARLENE CHAMBERLAIN, WILLIAM MESA, ADOLPH THING, AND ERICA PINTO, AS THE ELECTED COUNCIL OF THE JAMUL INDIAN VILLAGE.

AS A LEGITIMATE MEMBER OF THE JAMUL INDIAN VILLAGE I HAVE NEVER AUTHORIZED ATTORNEY PATRICK WEBB TO REPRESENT ME OR THE TRIBE IN ANY MATTER.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO BEST OF MY PERSONAL KNOWLEDGE.

DATE 9/21/02

SIGNED Gery Mesa



2006 WOS 20  
PJS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

02 MAY -3 AM 7:52

This space for  
Clerk's Office File Stamp  
CLERK, U.S. DISTRICT COURT OF SOUTHERN DISTRICT OF CALIFORNIA

TO:  U. S. DISTRICT JUDGE /  U. S. MAGISTRATE JUDGE  
FROM: \_\_\_\_\_, Deputy Clerk  
CASE NO.: 11cv951 DOCUMENT FILED BY: Pliffs  
CASE TITLE: Losales v. United States  
DOCUMENT ENTITLED: Request to Set a Motion

RECEIVED DATE: \_\_\_\_\_  
DEPUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

Local Rule	Discrepancy
<input checked="" type="checkbox"/> 5.1.j.5	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3.c	Document illegible or submitted on thermal facsimile paper
<input checked="" type="checkbox"/> 7.1.e or 47.1.b.1	Date noticed for hearing not in compliance with rules
<input checked="" type="checkbox"/> 7.1.f or 47.1.b.3	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1.h or 47.1.e	Briefs or memoranda exceed length restrictions
<input checked="" type="checkbox"/> 7.1.h	Missing table of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated intrest
<input checked="" type="checkbox"/>	<u>OTHER: The Court ruled on plaintiffs' motion for reconsideration on 4/22/02. No further motions for reconsideration will be entertained.</u>

Date forwarded: \_\_\_\_\_

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed nunc pro tunc to date received.
- The document is NOT to be filed, but instead REJECTED and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document returned to pro se or inmate?  Yes. Court Copy retained by chambers

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 1.3.

CHAMBERS OF: Judge Gonzalez

Dated: 5/2/02  
cc: All Parties

By: \_\_\_\_\_

48



**REJECTED**

1 Patrick D. Webb, Esq., State Bar No. 82857  
2 **WEBB & CAREY**  
3 401 B Street, Suite 306  
4 San Diego, Calif. 92101  
5 (619) 236-1650

6 Attorneys for Plaintiffs

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 **WALTER ROSALES, MARIE**  
11 **TOGGERY, and KAREN TOGGERY**

12 Plaintiffs,

13 vs.

14  
15 **UNITED STATES OF AMERICA, and its**  
16 **divisions, including but not limited to, the**  
17 **DEPARTMENT OF THE INTERIOR, the**  
18 **BUREAU OF INDIAN AFFAIRS, the**  
19 **NATIONAL INDIAN GAMING**  
20 **COMMISSION, and DOES 1-20,**

21 Defendants.

Case No. 01 CV 0951 IEG (JAH)

**PLAINTIFFS' REQUEST TO SET A  
MOTION FOR RELIEF FROM  
JUDGMENT**

**and MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
THEREOF**

**Oral Argument Requested**

(Honorable Irma E. Gonzalez)

22 **The Plaintiffs, WALTER ROSALES, MARIE TOGGERY, and KAREN TOGGERY,**  
23 **through their counsel, respectfully submit the following memorandum of points and authorities**  
24 **in support of their request to set a motion for relief from judgment and the Court's April 22, 2002**  
25 **order.**

ORIGINAL

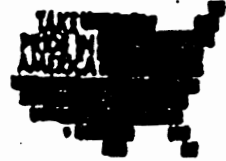
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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240



SEP 9 1994

## Memorandum

To: Deputy Commissioner of Indian Affairs  
All Central Office Directors  
All BIA Area Directors

From: Ada E. Deer *Ada E. Deer*  
Assistant Secretary - Indian Affairs

Subject: Amendment of the Indian Reorganization Act

On June 14, 1994, all Central and Area Office Directors of the Bureau of Indian Affairs (BIA) received a memorandum from the Director, Office of Congressional and Legislative Affairs. The memorandum, a copy of which is attached, notified BIA personnel of Public Law 103-263, an Act "To make certain technical corrections" and addressed the "historic, non-historic" issue.

Section 5 of the Act amends section 16 of the Act of June 18, 1934 (IRA) (25 U.S.C. 476) by adding subsections (f) and (g) to address the development of a distinction within the Department between "created" and "historic" Tribes. This subsection precludes the Department and any other agency from promulgating regulations or any other actions which draw distinctions between federally recognized Tribes regarding the extent of their inherent sovereign powers. Basically, this Act represents an "equal footing" doctrine for Tribes in that they all have the same sovereignty and political relationship with the United States regardless of the means by which they were recognized or the method of their governmental organization. Subsection (f) refers to the IRA primarily because such distinctions were often made in the course of reviewing Tribes' constitutions and amendments adopted under that Act. Recall that in 1988 Congress passed an amendment to the IRA to streamline and expedite the BIA's review of proposed constitutions and amendments. Once again, this law requires the BIA to act as facilitator for the Tribes' political process in this regard.

Specifically, the amendment, signed into law by President Clinton on May 31, 1994, overrules a 1936 Solicitor's Opinion which concluded that, in authorizing the approval of Tribes' constitutions under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. subsection 476, Congress distinguished between the governmental powers which may be exercised by, respectively, what have come to be known as "historic" Tribes on one hand, and "non-historic" or "created" Tribes or adult Indian communities on the other. The amendment has the effect of nullifying that opinion.

The amendments were agreed to as follows:

AMENDMENT NO. 1736

Mr. FORD offered an amendment No. 1736 for Mr. McCAIN and Mr. INOUE.

The amendment is as follows:

(Purpose: To clarify provisions of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992)

On page 1, strike all of Section 1 and insert in lieu thereof the following:

(a) ENVIRONMENTAL COSTS.—Section 7 of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended by adding the following new subsections (f) and (g) and redesignating the succeeding subsections accordingly:

“(f) ENVIRONMENTAL COSTS.—All costs associated with the Tongue River Dam Project for environmental compliance mandated by federal law and fish and wildlife mitigation measures adopted by the Secretary are the sole responsibility of the United States. Funds for such compliance shall be appropriated pursuant to the authorization in subsection (e), and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act. The Secretary is authorized to expend not to exceed \$625,000 of funds appropriated pursuant to subsection (e) for fish and wildlife mitigation costs associated with Tongue River-Dam construction authorized by the Act, and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act.

“(g) REIMBURSEMENT TO STATE.—The Secretary shall reimburse Montana for expenditures for environmental compliance activities, conducted on behalf of the United States prior to enactment of this subsection (g), which the Secretary determines to have been properly conducted and necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this subsection (g), the Secretary may not reimburse Montana for any such environmental compliance activities undertaken without the Secretary's prior approval.”

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended to read as follows: “Except for authorizations contained in subsections 7(b)(1)(A), 7(B)(1)(B), and the authorization for environmental compliance activities for the Tongue River Dam Project contained in subsection 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.”

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

AMENDMENT NO. 1737

Mr. FORD offered an amendment No. 1737 for Mr. McCAIN and Mr. INOUE.

The amendment is as follows:

(Purpose: To prohibit regulations that classify, enhance, or diminish the privileges and immunities of an Indian tribe relative to other federally recognized Indian tribes, and for other purposes)

At the end of the bill add the following: “Section 16 of the Act of June 18, 1934 (25 U.S.C. 476) is amended by adding at the end of the following new subsections:

“(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934, (25 U.S.C.

461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

“(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect.”

Mr. McCAIN, Madam President, I am pleased to join the chairman of the Committee on Indian Affairs, Senator INOUE, in offering an amendment to S. 1654, a bill to make certain technical corrections. The purpose of this amendment is to clarify provisions of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992.

Not long after enactment of the settlement act, representatives of the State of Montana and the Interior Department found themselves in disagreement over their respective responsibilities for costs of compliance with environmental laws and fish and wildlife mitigation under the terms of a water rights compact signed by the State, the tribe, and the Department, and under the language of the settlement act (Public Law 102-374, 106 Stat. 1186 et seq.).

Article VI(C) of the water rights compact states that “The Secretary of the Interior shall comply with all aspects of the National Environmental Policy Act and the Endangered Species Act and other applicable environmental acts and regulations in implementing this Compact”. Accordingly, the Congress, in section 7(e) of the settlement act, authorized “such sums as are necessary to carry out all necessary environmental compliance associated with the water rights compact entered into by the Northern Cheyenne Tribe, the State of Montana, and the United States, including mitigation measures adopted by the Secretary”.

The centerpiece of the settlement is the Tongue River Dam Project, which includes repairing the dam to cure safety defects and enlarging it to provide additional water for the Northern Cheyenne Tribe. The bulk of the contemplated environmental compliance and fish and wildlife mitigation is associated with this project. However, because funds for the project are authorized under section 7(b) of the settlement act, the Department and Montana were unclear as to what work would be considered funded under that section and what would be funded under section 7(e).

In 1993, the Senate passed S. 1654, which included language intended to clarify the language of the settlement act. Section 1 of S. 1654 was drafted to accomplish three purposes, described in

Senate Report 103-191 as to make clear that first, “all costs of environmental compliance and mitigation associated with the compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States”; second, “section 7(e) environmental compliance funds are authorized in addition to funds authorized in section 7(b)(1) for the Tongue River Dam Project”; and, third, “section 7(e) funds can be expended prior to the Montana water court's issuance of a settlement decree”.

Subsequent to the Senate's action, the administration, while agreeing to sole responsibility for environmental compliance associated with the Tongue River Dam Project, expressed concern that the new language might preclude the Secretary from seeking third party, nontribal cost-sharing for environmental compliance and mitigation for development projects on the Northern Cheyenne Reservation, unrelated to the Tongue River Dam Project, that would use water secured to the tribe under the compact. Efforts to address these concerns while S. 1654 was pending in the House of Representatives failed to produce agreement prior to the House passing the bill and returning it to the Senate.

Subsequently, all parties to the settlement have worked with the staffs of the Committee on Indian Affairs and the House Natural Resource Committee to develop an amendment that would resolve the major issues in disagreement. I am pleased to state that the amendment Chairman INOUE and I offer today achieves that end.

Our amendment makes clear that the costs associated with the Tongue River Dam Project for environmental compliance mandated by Federal law and fish and wildlife mitigation measures adopted by the Secretary of the Interior are the sole responsibility of the United States.

The amendment limits the amount of money authorized by the settlement act which the Secretary may spend on fish and wildlife mitigation associated with the Tongue River Dam Project to \$625,000. It further provides that these funds, as well as funds for compliance with Federal environmental laws, are authorized by section 7(e) and are in addition to funds authorized for the Tongue River Dam Project in section 7(b)(1).

The amendment authorizes the Secretary to reimburse Montana for expenditures of State funds for environmental compliance activities undertaken prior to enactment of the amendment. The Secretary is required to reimburse the State only for those compliance activities that the Secretary determines have been properly conducted and are necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this amendment, the Secretary could not reimburse Montana for environmental compliance activities undertaken without his prior approval.





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## U.S. Department of Commerce Economic Development Administration



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### EDA Reports & Publications

The following documents are in PDF format. [Click here to download Adobe Acrobat Reader.](#)

#### ***Economic Studies of the Economic Development Administration: An Annotated Bibliography, 1995–2001***

This annotated bibliography describes 132 economic research, evaluation, and technical assistance reports funded by the agency. The reports are available from EDA or the National Technical Information Service. **EDA, 2001.**

#### ***American Indian Reservations and Trust Areas***

This comprehensive publication presents profiles, by state, of the economy of every Indian reservation in the United States. **Tiller Research, Inc., 1996.**

#### ***Assessing the Economic Impact of Ecotourism Developments on the Albemarle/Pamlico Region***

Three development projects in eastern North Carolina are examined to determine the insights they provide for other regions with ecotourism potential. The study was drawn from a survey of visitors to the three ecotourist attractions during the summer of 2000. **East Carolina University, 2001.**

#### ***Assessment of Technology Infrastructure in Native Communities***

This study assesses the current state of technology infrastructure in Native communities, identifies and describes the challenges and barriers to its development, and proposes solutions for overcoming these challenges and barriers. **New Mexico State University, 1999.**

#### ***Cluster Based Economic Development: A Key to Regional Competitiveness***

This summary describes a framework for regional economic development based on the recognition that healthy regional economies are composed of industry clusters including their supporting economic infrastructure. [For the complete report contact RNTA at 202-482-4085.] **Information Design Associates, 1997.** (Jim Gollub is now with ICF Consulting, Global Economic Development Practice, San Francisco, CA)

#### ***Defense Adjustment Infrastructure Bonds: Credit Enhancement Grants Make Affordable Capital Available***

The Council officers include a chairperson, vice-chairperson, and a secretary/treasurer.

#### FORESTRY

The densely forested land in and near Mewuk territory has traditionally provided employment opportunities through lumber-related industries. However, the small size of the Jackson Rancheria strictly limits the tribe's timber resources.

#### GAMING

Jackson Indian Bingo-Casino, built in 1985, serves as the tribe's primary business enterprise and employment opportunity. As of late 1994, the casino employed 220 people. The casino includes a fast-food stand that is currently being renovated to include full dinner service. A planned expansion of the casino has been temporarily suspended.

#### GOVERNMENT AS EMPLOYER

Since the Tribal Government directly controls and operates the casino, most employed tribal members work for or through the Tribal Government.

#### MINING

Though the legendary California gold rush played itself out within a few years, the region remains a site for free-lance prospectors, as well as a few tourist ventures that advertise gold-panning in area creeks and streams.

#### INFRASTRUCTURE

Highway 88, which connects to Stockton 45 miles to the southwest, serves as the primary highway access to the rancheria. Highway 16 provides access to Sacramento. Commercial air service is available at a municipal airport located six miles from the rancheria. Bus service is available four miles away. Federal Express serves the nearby town of Jackson, while UPS serves the region.

#### COMMUNITY FACILITIES

A community water system is currently under construction. Sewage service is provided through individual septic tanks. Health care is provided by Tuolumne Indian Health Service, which has a satellite clinic on the Jackson Rancheria. The town of Jackson (four miles away) provides public school services. Revenue from the casino is providing funds for the construction of housing for all tribal members in need.

## Jamul Indian Village

Federal reservation  
Kumeyaay  
San Diego County, California

Jamul Indian Village  
P.O. Box 612  
Jamul, CA 92035  
(619) 669-4785  
Fax: 669-4817

Total area	6 acres
Tribal members in area	60

#### LOCATION AND LAND STATUS

The small reservation is located in rolling hills about 10 miles

southeast of El Cajon in southern California, along State Highway 94 in San Diego county. In 1912 the San Diego Diocesan Office of Apostolic Ministry deeded 2.34 acres of land to Jamul Village, and a further 4.0 acres was deeded by the Daley Corporation of San Diego. The residents of Jamul attained federally recognized reservation status in 1981.

#### CULTURE AND HISTORY

The Jamul Band of Mission Indians are part of the Kumeyaay or Diegueño Tribe of southern California. Their language belongs to the Hokan language group; languages included in this group are spoken by peoples from southern Oregon to southern Mexico. The Kumeyaay people are related to the Colorado River people, who are believed to have been the first Native Americans in the Southwest to come into contact with Europeans. The area's heavy concentration of Spanish missionaries, with their zeal for assimilation, adversely affected the Kumeyaay people's native language and culture retention.

The Kumeyaay presently occupy eight of the 17 reservations in San Diego County. Prior to the Mexican-American War, the people freely traveled and lived in what is now southern San Diego County and northern Baja California, Mexico. Although the 1891 Act for the Relief of Mission Indians established a number of reservations for the Kumeyaay people, several small bands, including the Jamul, remained landless.

During the early 1900s, many Jamul members worked for John Spreckels, who owned the Jamul Rancho and was the proprietor of Spreckels Sugar. They camped near their cemetery, which was close to a corner of the rancho. Spreckels assured them they would not be evicted, and in 1912 deeded 2.5 acres of "cemetery and approaches" to the Catholic Bishop for Jamul habitation.

Because of their lack of federal recognition for so many years, the tribe was not eligible for many federal funds designed to aid Indian people. Through their own efforts, and with the assistance of the California Indian Legal Services, the tribe was finally able to obtain federal recognition in 1975, which granted them rights to certain BIA and other federal services. (For additional cultural information, see California introduction.)

#### GOVERNMENT

The Jamul tribal government operates under articles of association and bylaws that established a General Tribal Council, composed of the entire voting membership of the tribe and a smaller Tribal Council, whose members are elected every two years. The six-member Tribal Council includes a chairperson, a vice-chairperson, and a secretary-treasurer. The General Tribal Council meets twice annually, or as necessary to conduct urgent business, and the Tribal Council usually meets monthly.

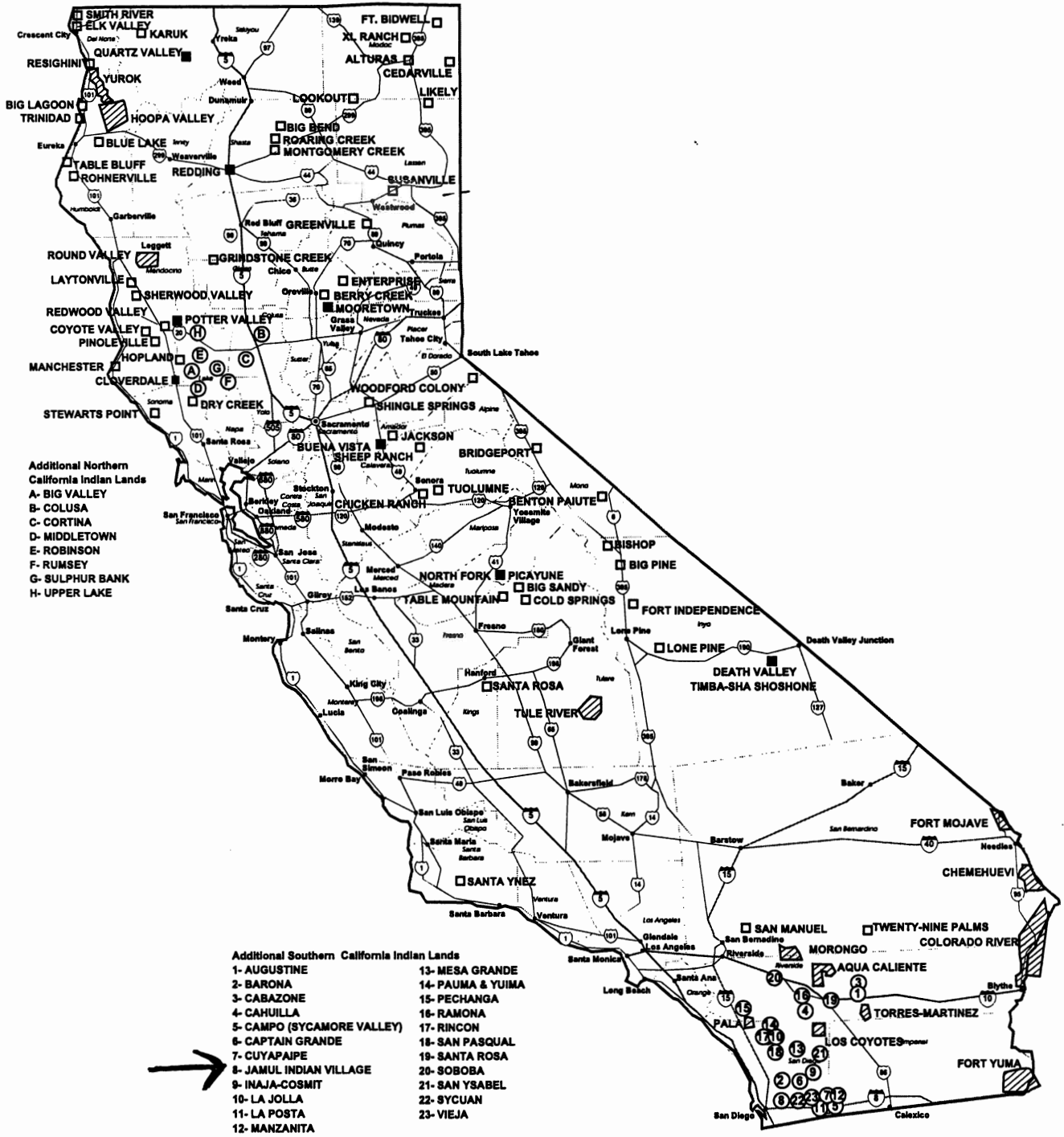
#### AGRICULTURE AND LIVESTOCK

The Jamul Tribal Council consider a vegetable garden project their primary economic objective. Because of the area's ideal frost-free climate, the tribe, along with outside consultants, are of the opinion that this project would enhance the livelihood of the Jamul Tribe. There are two other vegetable garden projects within the vicinity that have been successful for several years.

#### INFRASTRUCTURE

State Route 94, accessible a mile east of Jamul, serves as the reservation's closest major artery. Roads inside the reservation are unpaved. The nearest commercial airline service is available in San Diego. Bus and freight services are available in nearby El Cajon.

California









# Federal Register

Friday,  
July 12, 2002

## Part IV

## Department of the Interior

### Bureau of Indian Affairs

#### Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs; Notice

46328 Federal Register / Vol. 67, No. 134  
Friday, July 12, 2002 / Notices

#### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

#### Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

#### AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792)

#### FOR FURTHER INFORMATION

CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street, NW, Washington, D.C. 20240. Telephone number: (202) 208-2475.

**The listed entities are acknowledged to have the immunities and privileges available to other federally**

**acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes.** We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

#### Neal A. McCaleb, *Assistant Secretary-Indian Affairs*

Ione Band of Miwok Indians of California

Iowa Tribe of Kansas and Nebraska

Iowa Tribe of Oklahoma

Jackson Rancheria of Me-Wuk Indians of California

Jamestown S'Klallam Tribe of Washington

#### **Jamul Indian Village of California**

Jena Band of Choctaw Indians, Louisiana

Jicarilla Apache Nation, New Mexico

Los Coyotes Band of Cahuilla

Mission Indians of the Los

Coyotes Reservation, California

Lovelock Paiute Tribe of the

Lovelock Indian Colony, Nevada

Source:

[www.gpo.gov/su\\_docs/aces/aces140.html](http://www.gpo.gov/su_docs/aces/aces140.html)





# United States Department of the Interior



## BUREAU OF INDIAN AFFAIRS

Sacramento Area Office  
2800 Cottage Way  
Sacramento, California 95825

IN REPLY REFER TO:

Kenneth Meza, Chairman  
Jamul Indian Village  
P.O. Box 612  
Jamul, California 91935

MAR 25 1999

Dear Mr. Meza:

This concerns the Enrollment Ordinance of the Jamul Indian Village which was submitted by the Superintendent, Southern California Agency, by Memorandum dated March 13, 1998. We apologize for the delay in responding.

We have completed a technical review and find that it is in compliance with the Jamul Indian Village Constitution as amended and approved by the Deputy Commissioner, Indian Affairs on October 15, 1996. Specifically, the Ordinance is adopted pursuant to Article 9 - TRIBAL ENACTMENTS, Section 1.

As requested by the Tribe, the Enrollment Ordinance (un-numbered) is hereby approved.

Sincerely,

Area Director

cc: Superintendent, Southern California Agency





IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR

Tribal Operations  
3705-P3 Jamul

BUREAU OF INDIAN AFFAIRS  
SOUTHERN CALIFORNIA AGENCY  
2038 IOWA AVENUE, SUITE 101  
RIVERSIDE, CALIFORNIA 92507-2471  
PHONE (909) 276-6624 FAX (909) 276-6641

JUN 25 1999

Kenneth A. Meza, Chairman  
Jamul Indian Village  
P.O. Box 612  
Jamul, California 91935

Dear Mr. Meza:

Thank you for providing the official Jamul election results of June 19, 1999. Receipt at the Agency was June 23, 1999.

Included with the results was a copy of the Voters Sign-In Sheet and Tally Certification by the Election Committee.

The following individuals are recognized as the elected officials for a term of 2 years:

**Chairman:** Kenneth A. Meza  
**Vice-Chairwoman:** Carlene A. Chamberlain  
**Council Members:** Erica M. Pinto, Adolph Thing & William Mesa

The position for the **Secretary/Treasurer** is separate from regular elections. This position is selected by the Executive Committee and may or may not be a member of the Jamul Indian Village is not entitled to vote as an officer. (*reference Article 4 – Governing Body, Section 2*)

Congratulations on your re-election and to all newly elected officials. A copy of this letter will be provided to each official.

Any questions or assistance the Village may need, please contact the Branch of Tribal Operations at (909) 276-6630, ext. 240.

Sincerely,

Virgil Townsend  
ACTING Superintendent

cc: Carlene A. Chamberlain  
Erica M. Pinto  
Adolph Thing  
William Mesa  
Veronica Thing  
SAO/TO – w/election information

BUREAU OF INDIAN AFFAIRS  
SOUTHERN CALIFORNIA AGENCY  
2038 IOWA AVENUE, SUITE 101  
RIVERSIDE, CA 92507

Tribal Operations  
3702-P5 Jamul

AUG 9 2001

Mr. Kenneth A. Meza, Chairman  
JAMUL INDIAN VILLAGE  
P.O. Box 612  
Jamul, California 91935

Dear Mr. Meza:

This will serve as acknowledgement for two separate tribal election results provided to the Agency. The first pertaining to the elected officials and the second involving the run-off election for the position of Chairman. The final results for the Jamul Run-off Election held July 21, 2001 were provided via facsimile to this office July 23, 2001.

**Tribal Election held June 16, 2001:**

VICE-CHAIRMAN: Carlene A. Chamberlain

COMMITTEE MEMBERS: Erica M. Pinto  
Adolph Thing  
William "Bill" Mesa

**Non-Member & Non-Voting:**

SECRETARY-TREASURER: Julia Lotta

**Run-off Tribal Election held July 21, 2001:**

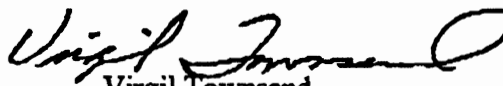
CHAIRMAN: Kenneth Meza

Term of office will be for two (2) years.

Congratulations are extended to all officials on being re-elected to the same positions. A copy of this letter will be provided to all officials.

Any questions or assistance may be directed to the Branch of Tribal Operations at (909) 276-6624 extension 240.

Sincerely,



Virgil Townsend  
(FACSIMILE SIGNATURE)  
Superintendent

cc: Carlene A. Chamberlain, Vice-Chairman  
Erica M. Pinto, Committee Member  
Adolph Thing, Committee  
William "Bill" Mesa, Committee Member  
Tribal Operations/Pacific Region - w/election results







# United States Department of the Interior



BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:

Tribal Government Services - TR

OCT 15 1996

Mr. Ronald M. Jaeger  
Area Director, Sacramento Area Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, California 95825-1884

Dear Mr. Jaeger:

We have received the results of the election held on August 31, 1996, by the qualified voters of the Jamul Indian Village (Village). The election was called in accordance with an order issued by the Deputy Commissioner of Indian Affairs on June 7, 1996, which permitted the qualified voters of the Village to vote on the adoption or rejection of the proposed Constitution of the Jamul Indian Village, San Diego County, Jamul, California.

As evidenced by the completed Certificate of Results of Election, the proposed constitution was duly adopted on August 31, 1996, by a vote of 7 for, 0 against, in an election in which at least thirty percent of the 8 members registered and entitled to vote cast their ballots.

The Constitution of the Jamul Indian Village, as adopted on August 31, 1996, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4. Please deliver the enclosed approved document to the Village.

Sincerely,

**Hilda A. Manuel**

Deputy Commissioner of Indian Affairs

Enclosure

cc: Superintendent, Southern California Agency  
Chairman, Jamul Indian Village  
Assistant Solicitor, Tribal Government & Alaska, MS/MIB-6456



September 24, 2002

Chantal Saipe, Tribal Liaison  
San Diego County  
1600 Pacific Highway, Room 212  
San Diego, CA 92101

Kenneth A. Meza  
Chairman

Carlene A. Chamberlain  
Vice Chairwoman

Bill Mesa  
Councilman

Erica M. Pinto  
Councilwoman

Adolph Thing  
Councilman

Julia Lotta  
Tribal Administrator

Dear Ms. Saipe:

On behalf of the Jamul Indian Village, we would like to submit our comments regarding the *Draft Update on Impacts of Tribal Economic Development Projects in San Diego County*. They are broken down by section for easy reference and are accompanied by recommendations that are meant to clarify or correct any inconsistencies the update may have.

First, we would like to point out that this update seems to go beyond the county's original intent to develop a report on the potential impacts of tribal gaming in San Diego County. This newest version now encompasses tribal economic development projects that are unrelated to gaming, which could be construed as an effort by the county to show as much impact on roads, traffic and other county infrastructure as possible. We are concerned that this sets a troubling precedent, and since the county does not use its resources to study and report on any other business, industry or governmental entity in this manner, we question why the tribes of the region are being singled out.

Further, counties have no jurisdiction over economic developments on tribal lands. Dave Rosenberg, senior advisor to Governor Davis and director of community and intergovernmental relations for the governor's office, made this abundantly clear in a recent Woodland Daily Democrat editorial. In his editorial, he specifically states that federal law governs tribal lands and that state laws and local ordinances do not apply.

Another unrelated issue that troubles the Jamul Indian Village is the letter the Jamul-Dulzura Community Planning Group sent to Supervisor Dianne Jacob in response to the update. Dated September 10, 2002, it is full of misinformation that we strenuously object to. It would be very irresponsible for the county to include these falsehoods, which are regularly spread by local attorney Patrick Webb, in its revised update.

## JAMUL INDIAN VILLAGE

— A Federally Recognized Tribal Nation —

The letter states that the Jamul Indian Village is not a recognized reservation. Had members of the planning group contacted us to verify their information, they would have learned that the Bureau of Indian Affairs officially recognized the reservation in 1981. Additionally, the Southern District Court found in *Rosales v. the United States, et al*, Case No. 01-951-IEG (February 13, 2002) that the present Jamul Indian Village lands were set aside “for the benefit of the Jamul Tribe” and are reservation lands. The Jamul Tribe appears on the U.S. Department of the Interior’s list of federally recognized Indian tribes, published in the Federal Register. We have included a copy for your information.

The letter goes on to state that the tribe’s leadership is in dispute, which is also false. The BIA recognizes the current Tribal Council, which was initially elected in 1997, as the legitimate leadership of the tribe. No election involving Mr. Webb’s clients, two non-enrolled Native Americans who live on the reservation, has ever been recognized, or even considered, by the BIA.

Another issue the letter misrepresents is the offer made by the tribe to the San Diego Rural Fire Protection District Board. According to the letter, the Fire Board continues to request clarification from the tribe prior to making its decision. In truth, it has seen the project’s specifications on a number of occasions but still rejected the tribe’s offer of more than \$20 million over a 20-year period to relocate, build, equip and staff a fire station. The tribe made its final offer in an April 2001 letter that set a clear deadline for a decision, which the Fire Board gave at its May 1, 2001 meeting. At that meeting, the Board, in a 3-2 vote led by Dale Amato, Will Eastwood and Randy Terry, voted to:

*“...reject the Tribe’s contract proposal, as set forth in the April 12, 2001 letter and further more that the District does not entertain any additional negotiations to move the station and relinquish the lease...”*

Finally, the letter from the planning group states that our casino project threatens to degrade significant environmental resources. This is not true. Out of the 101 acres being taken into trust, more than half will be preserved, which exceeds the amount identified for preservation under the Multiple Species Conservation Program plan. In fact, our plan is better both in the amount of land preserved and in the placement of preservation areas. It will facilitate crucial animal migratory paths and ecological relationships between areas, protecting the natural environment and ecology of the area and enabling the plants and animals of the region to continue to flourish.

Many of these issues are also addressed in our comments on the county's draft update, but we felt strongly the need to confront them immediately and directly. We trust that these incorrect comments will not be incorporated into future county updates.

With that said, here are our comments. Again, they are organized by section for easy reference and are accompanied by our recommendations.

## **Chapter 2: Overview of Indian Nations, Tribes in San Diego County and Gaming**

**2.2 Indian Tribes in San Diego County:** Although the update briefly discusses the number of tribes in the county and the amount of land they control, the information is not put into context for the reader.

- Important facts from the county's website should be added to give a complete understanding of the history of the Tribal Nations in the region. When the County was created in 1852, Native Americans made up approximately 77% of the county population. Now, 150 years later, Native Americans comprise only 0.2% of the county population. As the County grew, reservations were created to provide for the long-term health and survival of the indigenous population. The update states that tribes currently have approximately 116,000 acres in trust, but that only constitutes 4% of the county's land, most of it in the far reaches of the region.

**2.2.2 Brief History of the Kumeyaay:** The update includes a brief history of the Kumeyaay and states that historical information on the remaining nations will be added once they provide information. However, no mention is made in this section regarding the state's contributions to the struggles of the region's native population over the years or the fact that the Kumeyaay have lived in what is today San Diego County for more than 10,000 years.

- Some of the issues the report should include are the sanctioned enslavement of Indians by the state of California, the confiscation of Indian lands and the state's refusal to recognize tribes as sovereign governments, or that they even existed.

**2.3 Land Tenure on Reservations:** Although the update discusses the formation of reservations, it does not give a definition of what a reservation is.

- Since there has been some confusion over whether a village is indeed a reservation, a formal definition should be included in the update, since reservations are often called ranches, rancherias, colonies, communities, nations or villages, to name just a few examples. In fact, many federally recognized Indian reservations are called villages, and this should be noted so that readers will understand that the Jamul Indian Village is, in fact, a reservation. A good definition to use would be the one used in the recent Big Lagoon lawsuit, which looked at what constitutes a reservation for the purposes of IGRA. It read: "...the term reservation...is land set aside under federal protection for the occupation or residence of tribal member," Big Lagoon Rancheria v. State of California Case No. C 97-04693, (March 18, 2002).

**2.5 Gaming:** The update includes a quote from NIGC Chairman Montie Deer regarding intertribal competition for the gambling market. The purpose and relevance of this citation is unclear. Absent any relevant context, there are many troubling conclusions that can be drawn from this quotation.

- It would be prudent to remove the quote from the update, since inclusion of the quote raises many questions. Some of those questions include:
  1. Is the County proposing that some of the gaming facilities may be transient in nature?
  2. If so, are the county's concerns regarding tribal impacts also transient?
  3. Is the County asking the tribes to diversify their economic development or is the County seeking to verify Mr. Deer's prediction that cash-starved governments will turn to gambling dollars for easy revenues?

### **Chapter 3: Indian Reservations and Tribal Governments of San Diego County**

**3.6.1 Tribal History:** This section is very brief, focusing only on the federal recognition of the tribe. It also mentions that the tribe was recognized in 1934 as a community of one-half degree or more of Jamul Indian blood, failing to add that tribal membership requirements have changed. In no other tribal overview was blood quotient mentioned.

- Since this could be construed as an attempt to further our opposition's agenda, which is in part based on the tribe's blood quotient at the time of its inception, it should be removed.
- The tribal history should also mention that artifacts and remnants of an ancient Kumeyaay village were found during the construction of the Rancho Jamul Estates, an upscale housing division near the reservation.

- Some tribal histories in the report list the involvement of tribal members in the Armed Forces. Many members of the Jamul Indian Village have also served their country, and they should be recognized for their contributions to the lives of all Americans.

**3.6.2 Reservation:** The update states that the tribe has proposed two conservation areas to protect sensitive biological and cultural resources. However, it does not mention that the area encompasses approximately half of the 101 acres the tribe is applying to take into trust or that the land is adjacent to the joint county-state-federal Multiple Species Conservation Program (MSCP).

- The tribe's proposal is significantly better than the current MSCP plan in both the amount of land preserved and in the placement of preservation areas. This information should be included in the update, since its omission downplays the significance of the tribe's proposal and strong commitment to the environment.

**3.6.4 Tribal Government:** In this same section for other tribes, the term "democratically elected" is used.

- This term should be added to Jamul's government profile, since it identifies the Executive Council as the legitimate representative of the tribe. This section should also mention that the General Council provides direction to the Executive Council and has the power to veto any plan presented to it.
- The update should also include that the Bureau of Indian Affairs recognizes the current Tribal Council, which was initially elected in 1997, as the legitimate leadership of the tribe.

**3.6.5 Services and Benefits Provided by Tribal Government:** The update states that the tribal government is only able to provide modest assistance to some of the tribal elders but fails to mention some of the many services that the tribe must do without. To omit these is to downplay the tribe's current living conditions and needs.

- This subsection should be augmented to include services and benefits that the tribal members need but do not receive, such as adequate housing, healthcare, education, scholarships and infrastructure.

**3.6.7 Tribal Projects Funded From Gaming and/or Other Revenues:** A section on the tribe's historical exhibit is included in the report, which mentions that more than 5,000 children and 2,300 adults have viewed it since October 2000.

- This information should be updated with the most recent figures. To date, at least 7,000 students have had the opportunity to view the exhibit. Additionally,

the tribe's website is incorrect and should be changed to [www.jamulindianvillage.com](http://www.jamulindianvillage.com).

**3.6.7.1 Education:** This section mentions a language program but does not discuss it at any length.

- The section should be expanded to say that tribal members actively participate in language restoration classes and that Chairman Meza teaches Kumeyaay language classes at D-Q University.

**3.6.7.3 Services to Tribal Members:** The update mentions that gaming revenues will enable the tribe to upgrade equipment, hire additional staff and expand environmental, health and safety programs.

- It should also state that gaming revenues would help the tribe provide basic services for its members, better housing and an improved quality of life and allow it to preserve its culture and heritage for future generations.

**3.6.9 Community Relations:** The update only identifies a few ways in which the tribe has kept the community informed of its project. Additionally, the update also mentions the tribe's offer to the Fire Board but does not mention the Hunt Report and its relationship to the tribe's initial and follow-up offers. Since the county report fails to identify the tribe's responsiveness or the community's need, the reader will not understand the significance of the tribe's offer.

- The update should include additional efforts by the tribe to maintain a positive relationship with the community that it has been a part of since its inception. For example, tribal members and elders have taken an active role in sharing the Kumeyaay history and culture with school children and the greater San Diego community, and some, like elder Jane Dumas, have been honored and recognized for their work throughout the region.
- The tribe has made a concerted effort to keep its representatives up to date on its project's progress, and many elected officials have even toured the Jamul Reservation. The tribe has also had on-going meetings with Supervisor Dianne Jacob, Congressman Duncan Hunter and other local, state and federal officials. This information should be included in the update.
- The tribe maintains an open door policy. Elected officials and members of the community are welcome to drop by whenever they have any questions about the project.
- The update should mention that the San Diego Rural Fire Protection District commissioned a study of fire protection and emergency medical services for



the Jamul Community Service Zone by the Hunt Research Corporation. The Fire Board adopted Hunt's findings, which concluded that the present location of the Jamul Fire Station is too small and dangerous and should be moved. The county report should additionally say that the tribe's initial offer was increased to match the requirements specified in the Hunt Analysis and Addendum.

- Although the tribe's lease with the San Diego Rural Fire Protection District is included in the "Other Businesses" section, it should also be included in the "Community Relations" section. The tribe leases the property to the District for \$1 per year yet pays significantly more than that each year in property taxes on the land. This amounts to a tribal subsidy of the District and an existing community benefit.

**3.6.10 Issues and Challenges:** Although the report says that the tribe faces issues that are unique, as well as ones that are shared with other governments, it does not mention any of those issues.

- A primary challenge for the tribe is the size of the reservation and the subsequent lack of economic opportunity. This is an issue not many tribes are faced with, since many have hundreds of acres of land with natural resources that can be used to begin an economic enterprise. The update should include this fact.
- Other issues and challenges that should be mentioned include the preservation of precious Kumeyaay resources and culture and balancing the need for economic development while preserving and enhancing the natural environment.

## **Chapter 4: Update of Traffic Impacts**

**4.1 Introduction and Overview:** The update points out an important, often overlooked factor in tribal economic development. The location of tribal projects is inflexible, since tribes do not usually have the option of locating their projects in places other than on their reservations.

- We appreciate the County's inclusion of this factor.

**4.3.1 Baseline Conditions:** The update does not fully describe the methods used in determining baseline traffic conditions and information such as the timing, dates, and duration of traffic counts are not included in the traffic report or the county summary.

- Since these are the criteria used by the County in discounting the Reservation Traffic Authority (RTA) traffic count data, standards for data inclusion should be uniform and justified.

**4.3.3 Trip Generation Assumptions:** Traffic data collected from the RTA shows that current traffic data for roads near Rincon are less than those estimated in the county's update.

- The update calls for trip generation studies to better document the Indian gaming facilities in the San Diego region. An objective third party should complete this study to ensure that the information gathered is as fair and accurate as possible.

**4.5.4 Jamul (Road Capacity Needs):** The update's traffic distribution differs from the tribe's traffic consultants' distribution. While the traffic generation rates are approximately the same, the County's distribution places a higher expected burden on county roads. We understand, after discussions with county traffic engineers, that the difference in traffic distribution arises from the County's use of the Simpson Farms Traffic Report (a residential project) and additional manual adjustment of trips by the county engineers. Given the nature of the project (a destination entertainment facility), the tribe's traffic consultants found that the trip distribution would significantly differ from a residential project, with a vast majority of the traffic coming in on SR 94 and not on side county roads.

- As a result, a direct comparison with the Simpson Farms project is not an accurate depiction of the likely traffic generated from the project and should not be used in the update.

**4.7 Build-Out Community Road Capacity Needs:** The county's General Plan Circulation Element (CE) was done before the tribal-state compacts were signed in 1999 and does not consider reservation development. The county has indicated that it will attempt to factor in growth on reservations and incorporate traffic projections into the CE.

- The county should consult with area tribes regarding their future gaming and other projects and how those projects will affect the CE, rather than attempting to arbitrarily factor in additional growth.

**4.10 Scheduled Capital Improvement Projects:** The update mentions that the Tribes were invited to comment on the draft 2020 Regional Transportation Plan (RTP) concurrently with other government agencies, but did not comment. Because of their exclusion from the RTP process in the past, many of the tribes no

doubt were unaware of the relevance of the RTP or lacked the technical expertise to provide meaningful comments.

- The update should note that the County did not provide any consultation or informational workshops to the tribes to ensure that they understood the document and its use.

**4.14.1.2 Cost Estimates to Improve Impacted Arterial Segments:** The County estimates that it will cost \$144 Million to improve all of the impacted arterial segments, and that the tribes should be responsible for \$24.6 million of those improvements. That places an improvement burden of over 17% of the costs of county road improvements on 0.2% of the county's population, which amounts to an average taxation of \$4,230 to each Native American in San Diego County. The burden on the remainder of the non-native county population would be \$41 per capita. This disproportionate burden is extraordinarily unfair and is due, in part, to a simplified method of calculating the tribes' fair share contributions that does not take into account historical uses that have driven county roads to near capacity.

- The appropriate manner to estimate fairshare contributions by the tribes deserves much greater consideration of all factors leading to the need for road improvements.

## **Chapter 5: Impacts on Other County Resources and County Programs and Services**

The update identifies "tribal governments" as the "largest owners of land in the backcountry" after state and local government. This statement is misleading since tribal governments are not a singular entity—they are each individual entities and should not be grouped together for the purpose of identifying them as a single landowner.

- A listing of individual property owners throughout the county (including non-profit organizations and corporations) will show that many landowners have holdings at least as large as the individual reservations.

**5.2.1 Multiple Species Conservation Program (MSCP):** The extended discussion regarding the MSCP preserve formation around reservations deserves clarification. We appreciate the update's clarification that since the MSCP does not include reservations, economic development on reservations has no effect on the viability of the MSCP, especially since the County previously submitted comments on our project that claimed that economic development on the existing reservation would have impacts on the MSCP in the form of edge effects.

- The update should mention that development for the Jamul project on the proposed fee-to-trust land is separated from the MSCP preserve area by the existing reservation in order to avoid edge effects.

## **Chapter 6: Economic, Fiscal, Legislative and Other Issues Related to Tribal Lands and Indian Gaming**

**6.2.1 Federal and State Taxes:** While the update explains that tribes are exempt from some federal taxes because the federal government views them as sovereign, it does not mention that tribal revenues are used to fund vital government services on reservations. It also fails to mention that the county and state do not fund improvement projects on reservations, nor do they provide any services outside of responding to emergency calls.

- The update should offer additional information regarding taxation, i.e., that Native Americans do pay federal and state taxes as required by law, but as sovereign nations, tribes do not pay taxes on revenues to any other governments since the revenues are used to provide services to tribal members.

**6.4.1 Future Considerations:** The update includes several recommendations concerning the tribal-state compacts. One would be to give tribes the time they need to work with the county and comply with the compact's Section 10.8.2. Another would be to encourage the location of future gaming facilities on reservations closer to existing communities. While the Jamul Indian Village agrees with this, there are significant difficulties with the second portion of the recommendation (to sell slot machine rights).

- Both these suggestions could have adverse impacts on the tribes and are outside of the County's area of responsibility. They should be removed from the update.

## **Appendix C: Traffic Needs Assessment of Indian Development Projects in the San Diego Region**

**Traffic Needs Assessment:** Although the report has a trip generation rate of 100 trips per 1,000 feet of gaming area, facilities with hotels also have a trip generation rate of three trips per room. Since the vast majority of people staying in the hotel are doing so in order to visit the casino, they are, in effect, being counted twice, increasing the trip generation rate for the facility as a whole. This is true to a lesser extent with visitors to facility restaurants.

- The trip generation rate for each project should be at a mutually acceptable rate that addresses this issue, completed by an objective third party.

Although the county has addressed some of the concerns the tribe brought up about previous versions of this report, there are still outstanding issues the county must address in order to ensure an objective and impartial review of the impacts of Indian gaming in the San Diego region. We invite you to contact us to discuss these comments and recommendations.

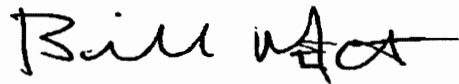
Respectfully,



Kenneth A. Meza  
Chairman



Carlene A. Chamberlain  
Vice Chairwoman



Bill Mesa  
Executive Councilman



Erica M. Pinto  
Executive Councilwoman



Adolph Thing  
Executive Councilman



# Federal Register

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Friday,  
July 12, 2002

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Part IV

## Department of the Interior

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Bureau of Indian Affairs

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**Indian Entities Recognized and Eligible  
To Receive Services From the United  
States Bureau of Indian Affairs; Notice**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792).

**FOR FURTHER INFORMATION CONTACT:** Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street, NW, Washington, D.C. 20240. Telephone number: (202) 208-2475.

**SUPPLEMENTARY INFORMATION:** This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska. The list is updated from the notice published on March 13, 2000 (65 FR 13298). Six tribal entities have been added to the list. Three of the six tribes became newly recognized since the last publication. The other three tribes were omitted from earlier *Federal Register* publications of the Tribal Entities List. The Shawnee Tribe and the Graton Rancheria, were recognized under Titles 7 and 14 of the Act of December 27, 2000, Pub. L. 106-568, 114 Stat. 2868. The Cowlitz Indian Tribe was acknowledged under 25 CFR part 83. The final determination for federal acknowledgment became effective on January 4, 2002. The Assistant Secretary—Indian Affairs reaffirmed the formal recognition of the King Salmon Tribe, the Shoonaq' Tribe of Kodiak, and the Lower Lake Rancheria, on December 29, 2000. The reaffirmation acknowledged that an administrative oversight had occurred and that three tribes had been omitted from the *Federal Register* list of entities recognized and eligible to receive services from the United States Bureau of Indian Affairs.

Several tribes have also made changes to their tribal name. Most of the name changes are minor in nature, except for the California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria). To aid in identifying tribal name

changes, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: July 1, 2002.

Neal A. McCaleb,  
Assistant Secretary—Indian Affairs.

**Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

Absentee-Shawnee Tribe of Indians of Oklahoma  
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California  
 Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona  
 Alabama-Coushatta Tribes of Texas  
 Alabama-Quassarte Tribal Town, Oklahoma  
 Alturas Indian Rancheria, California  
 Apache Tribe of Oklahoma  
 Arapahoe Tribe of the Wind River Reservation, Wyoming  
 Aroostook Band of Micmac Indians of Maine  
 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana  
 Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California  
 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin  
 Bay Mills Indian Community, Michigan (previously listed as the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan)  
 Bear River Band of the Rohnerville Rancheria, California  
 Berry Creek Rancheria of Maidu Indians of California  
 Big Lagoon Rancheria, California  
 Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California  
 Big Sandy Rancheria of Mono Indians of California  
 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California  
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
 Blue Lake Rancheria, California  
 Bridgeport Paiute Indian Colony of California  
 Buena Vista Rancheria of Me-Wuk Indians of California  
 Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon  
 Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California  
 Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California  
 Caddo Indian Tribe of Oklahoma  
 Cahuilla Band of Mission Indians of the Cahuilla Reservation, California  
 Cahto Indian Tribe of the Laytonville Rancheria, California  
 California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)  
 Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California  
 Capitan Grande Band of Diegueno Mission Indians of California:  
 Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California  
 Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California  
 Catawba Indian Nation (aka Catawba Tribe of South Carolina)  
 Cayuga Nation of New York  
 Cedarville Rancheria, California  
 Chemehuevi Indian Tribe of the Chemehuevi Reservation, California  
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California  
 Cherokee Nation, Oklahoma  
 Cheyenne-Arapaho Tribes of Oklahoma  
 Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota  
 Chickasaw Nation, Oklahoma  
 Chicken Ranch Rancheria of Me-Wuk Indians of California  
 Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana  
 Chitimacha Tribe of Louisiana  
 Choctaw Nation of Oklahoma  
 Citizen Potawatomi Nation, Oklahoma  
 Cloverdale Rancheria of Pomo Indians of California  
 Cocopah Tribe of Arizona  
 Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho  
 Cold Springs Rancheria of Mono Indians of California  
 Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California

- Comanche Nation, Oklahoma (formerly the Comanche Indian Tribe)
- Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
- Confederated Tribes of the Chehalis Reservation, Washington
- Confederated Tribes of the Colville Reservation, Washington
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
- Confederated Tribes of the Goshute Reservation, Nevada and Utah
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of the Siletz Reservation, Oregon
- Confederated Tribes of the Umatilla Reservation, Oregon
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Confederated Tribes and Bands of the Yakama Nation, Washington (formerly the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation)
- Coquille Tribe of Oregon
- Cortina Indian Rancheria of Wintun Indians of California
- Coushatta Tribe of Louisiana
- Cow Creek Band of Umpqua Indians of Oregon
- Cowlitz Indian Tribe, Washington
- Coyote Valley Band of Pomo Indians of California
- Crow Tribe of Montana
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California
- Death Valley Timbi-Sha Shoshone Band of California
- Delaware Nation, Oklahoma (formerly the Delaware Tribe of Western Oklahoma)
- Delaware Tribe of Indians, Oklahoma
- Dry Creek Rancheria of Pomo Indians of California
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians of North Carolina
- Eastern Shawnee Tribe of Oklahoma
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community, Wisconsin (previously listed as the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin)
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Yavapai Nation, Arizona (formerly the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation)
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan (previously listed as the Grand Traverse Band of Ottawa & Chippewa Indians of Michigan)
- Graton Rancheria, California
- Greenville Rancheria of Maidu Indians of California
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Hannahville Indian Community, Michigan (previously listed as the Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan)
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Ho-Chunk Nation of Wisconsin (formerly the Wisconsin Winnebago Tribe)
- Hoh Indian Tribe of the Hoh Indian Reservation, Washington
- Hoopa Valley Tribe, California
- Hopi Tribe of Arizona
- Hopland Band of Pomo Indians of the Hopland Rancheria, California
- Houlton Band of Maliseet Indians of Maine
- Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
- Huron Potawatomi, Inc., Michigan
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
- Ione Band of Miwok Indians of California
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Jackson Rancheria of Me-Wuk Indians of California
- Jamestown S'Klallam Tribe of Washington
- Jamul Indian Village of California
- Jena Band of Choctaw Indians, Louisiana
- Jicarilla Apache Nation, New Mexico (formerly the Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation)
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
- Kalispel Indian Community of the Kalispel Reservation, Washington
- Karuk Tribe of California
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
- Kaw Nation, Oklahoma
- Keweenaw Bay Indian Community, Michigan (previously listed as the Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan)
- Kialegee Tribal Town, Oklahoma
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Kickapoo Traditional Tribe of Texas
- Kiowa Indian Tribe of Oklahoma
- Klamath Indian Tribe of Oregon
- Kootenai Tribe of Idaho
- La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (previously listed as the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin)
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan (previously listed as the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan)
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Little River Band of Ottawa Indians, Michigan (previously listed as the Little River Band of Ottawa Indians of Michigan)
- Little Traverse Bay Bands of Odawa Indians, Michigan (previously listed as the Little Traverse Bay Bands of Odawa Indians of Michigan)
- Lower Lake Rancheria, California
- Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
- Lower Sioux Indian Community in the State of Minnesota (previously listed as the Lower Sioux Indian Community of Minnesota)
- Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota)



- Lummi Tribe of the Lummi Reservation, Washington
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation, Washington
- Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Tribe of Connecticut
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians of Florida
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians, Mississippi
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Modoc Tribe of Oklahoma
- Mohegan Indian Tribe of Connecticut
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California
- Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
- Muscogee (Creek) Nation, Oklahoma
- Narragansett Indian Tribe of Rhode Island
- Navajo Nation, Arizona, New Mexico & Utah
- Nez Perce Tribe of Idaho
- Nisqually Indian Tribe of the Nisqually Reservation, Washington
- Nooksack Indian Tribe of Washington
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of Shoshoni Nation of Utah (Washakie)
- Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
- Omaha Tribe of Nebraska
- Oneida Nation of New York
- Oneida Tribe of Indians of Wisconsin (previously listed as the Oneida Tribe of Wisconsin)
- Onondaga Nation of New York
- Osage Tribe, Oklahoma
- Ottawa Tribe of Oklahoma
- Otoe-Missouria Tribe of Indians, Oklahoma
- Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
- Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
- Pala Band of Luiseno Mission Indians of the Pala Reservation, California
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe of Maine
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Tribe of Maine
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Rancheria of Pomo Indians of California
- Pit River Tribe, California (includes Big Bend, Lookout, Montgomery Creek & Roaring Creek Rancherias & XL Ranch)
- Poarch Band of Creek Indians of Alabama
- Pokagon Band of Potawatomi Indians, Michigan and Indiana (previously listed as the Pokagon Band of Potawatomi Indians of Michigan)
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble Indian Community of the Port Gamble Reservation, Washington
- Potter Valley Rancheria of Pomo Indians of California
- Prairie Band of Potawatomi Nation, Kansas (formerly the Prairie Band of Potawatomi Indians)
- Prairie Island Indian Community in the State of Minnesota (previously listed as the Prairie Island Indian Community of Minnesota)
- Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota)
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Juan, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Santo Domingo, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Indians, Oklahoma
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation, Washington
- Quinault Tribe of the Quinault Reservation, Washington
- Ramona Band or Village of Cahuilla Mission Indians of California
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota (previously listed as the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota)
- Redding Rancheria, California
- Redwood Valley Rancheria of Pomo Indians of California
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria of Pomo Indians of California
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes of the Round Valley Reservation, California (formerly the Covelo Indian Community)
- Rumsey Indian Rancheria of Wintun Indians of California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Saginaw Chippewa Indian Tribe of Michigan (previously listed as the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation)
- St. Croix Chippewa Indians of Wisconsin (previously listed as the St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation)
- St. Regis Band of Mohawk Indians of New York

- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Tribe, Washington
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
- Santee Sioux Tribe of the Santee Reservation of Nebraska
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- Scotts Valley Band of Pomo Indians of California
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota (previously listed as the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake))
- Shawnee Tribe, Oklahoma
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota
- Skokomish Indian Tribe of the Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians of Utah
- Smith River Rancheria, California
- Snoqualmie Tribe, Washington
- Soboba Band of Luiseno Indians, California (formerly the Soboba Band of Luiseno Mission Indians of the Soboba Reservation)
- Sokaogon Chippewa Community, Wisconsin (previously listed as the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin)
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
- Spirit Lake Tribe, North Dakota
- Spokane Tribe of the Spokane Reservation, Washington
- Squaxin Island Tribe of the Squaxin Island Reservation, Washington
- Standing Rock Sioux Tribe of North & South Dakota
- Stockbridge Munsee Community, Wisconsin (previously listed as the Stockbridge-Munsee Community of the Mohican Indians of Wisconsin)
- Stillaguamish Tribe of Washington
- Summit Lake Paiute Tribe of Nevada
- Suquamish Indian Tribe of the Port Madison Reservation, Washington
- Susanville Indian Rancheria, California
- Swinomish Indians of the Swinomish Reservation, Washington
- Sycuan Band of Diegueno Mission Indians of California
- Table Bluff Reservation—Wiyot Tribe, California
- Table Mountain Rancheria of California
- Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
- Thlopthlocco Tribal Town, Oklahoma
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tohono O'odham Nation of Arizona
- Tonawanda Band of Seneca Indians of New York
- Tonkawa Tribe of Indians of Oklahoma
- Tonto Apache Tribe of Arizona
- Torres-Martinez Band of Cahuilla Mission Indians of California
- Tule River Indian Tribe of the Tule River Reservation, California
- Tulalip Tribes of the Tulalip Reservation, Washington
- Tunica-Biloxi Indian Tribe of Louisiana
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Tuscarora Nation of New York
- Twenty-Nine Palms Band of Mission Indians of California (previously listed as the Twenty-Nine Palms Band of Luiseno Mission Indians of California)
- United Auburn Indian Community of the Auburn Rancheria of California
- United Keetoowah Band of Cherokee Indians in Oklahoma (previously listed as the United Keetoowah Band of Cherokee Indians of Oklahoma)
- Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
- Upper Sioux Community, Minnesota (previously listed as the Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota)
- Upper Skagit Indian Tribe of Washington
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
- Walker River Paiute Tribe of the Walker River Reservation, Nevada
- Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
- Winnebago Tribe of Nebraska
- Winnemucca Indian Colony of Nevada
- Wyandotte Tribe of Oklahoma
- Yankton Sioux Tribe of South Dakota
- Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
- Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
- Yomba Shoshone Tribe of the Yomba Reservation, Nevada
- Ysleta Del Sur Pueblo of Texas
- Yurok Tribe of the Yurok Reservation, California
- Zuni Tribe of the Zuni Reservation, New Mexico
- Native Entities Within the State of Alaska Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs**
- Village of Afognak
- Agdaagux Tribe of King Cove
- Native Village of Akhiok
- Akiachak Native Community
- Akiak Native Community
- Native Village of Akutan
- Village of Alakanuk
- Alatna Village
- Native Village of Aleknagik
- Algaaciq Native Village (St. Mary's)
- Allakaket Village
- Native Village of Ambler
- Village of Anaktuvuk Pass
- Yupit of Andreafski
- Angoon Community Association
- Village of Aniak
- Anvik Village
- Arctic Village (See Native Village of Venetie Tribal Government)
- Asa'carsarmiut Tribe (formerly the Native Village of Mountain Village)
- Native Village of Atka
- Village of Atmautluak

Atkasuk Village (Atkasook)  
 Native Village of Barrow Inupiat  
     Traditional Government  
 Beaver Village  
 Native Village of Belkofski  
 Village of Bill Moore's Slough  
 Birch Creek Tribe  
 Native Village of Brevig Mission  
 Native Village of Buckland  
 Native Village of Cantwell  
 Native Village of Chanega (aka Chenega)  
 Chalkyitsik Village  
 Cheesh-Na Tribe (formerly the Native  
     Village of Chistochina)  
 Village of Chefnak  
 Chevak Native Village  
 Chickaloon Native Village  
 Native Village of Chignik  
 Native Village of Chignik Lagoon  
 Chignik Lake Village  
 Chilkat Indian Village (Klukwan)  
 Chilkoot Indian Association (Haines)  
 Chinik Eskimo Community (Golovin)  
 Native Village of Chitina  
 Native Village of Chuathbaluk (Russian  
     Mission, Kuskokwim)  
 Chuloonawick Native Village  
 Circle Native Community  
 Village of Clarks Point (previously listed  
     as the Village of Clark's Point)  
 Native Village of Council  
 Craig Community Association  
 Village of Crooked Creek  
 Curyung Tribal Council (formerly the  
     Native Village of Dillingham)  
 Native Village of Deering  
 Native Village of Diomedea (aka Inalik)  
 Village of Dot Lake  
 Douglas Indian Association  
 Native Village of Eagle  
 Native Village of Eek  
 Egegik Village  
 Eklutna Native Village  
 Native Village of Ekuk  
 Ekwok Village  
 Native Village of Elim  
 Emmonak Village  
 Evansville Village (aka Bettles Field)  
 Native Village of Eyak (Cordova)  
 Native Village of False Pass  
 Native Village of Fort Yukon  
 Native Village of Gakona  
 Galena Village (aka Loudon Village)  
 Native Village of Gambell  
 Native Village of Georgetown  
 Native Village of Goodnews Bay  
 Organized Village of Grayling (aka  
     Holikachuk)  
 Gulkana Village  
 Native Village of Hamilton  
 Healy Lake Village  
 Holy Cross Village  
 Hoonah Indian Association  
 Native Village of Hooper Bay  
 Hughes Village  
 Huslia Village  
 Hydaburg Cooperative Association  
 Igiugig Village  
 Village of Iliamna  
 Inupiat Community of the Arctic Slope  
 Iqurmit Traditional Council (formerly  
     the Native Village of Russian Mission)  
 Ivanoff Bay Village  
 Kaguyak Village  
 Organized Village of Kake  
 Kaktovik Village (aka Barter Island)  
 Village of Kalskag  
 Village of Kaltag  
 Native Village of Kanatak  
 Native Village of Karluk  
 Organized Village of Kasaan  
 Native Village of Kasigluk  
 Kenaitze Indian Tribe  
 Ketchikan Indian Corporation  
 Native Village of Kiana  
 King Island Native Community  
 King Salmon Tribe  
 Native Village of Kipnuk  
 Native Village of Kivalina  
 Klawock Cooperative Association  
 Native Village of Kluti Kaah (aka Copper  
     Center)  
 Knik Tribe  
 Native Village of Kobuk  
 Kokhanok Village  
 Native Village of Kongiganak  
 Village of Kotlik  
 Native Village of Kotzebue  
 Native Village of Koyuk  
 Koyukuk Native Village  
 Organized Village of Kwethluk  
 Native Village of Kwigillingok  
 Native Village of Kwinhagak (aka  
     Quinhagak)  
 Native Village of Larsen Bay  
 Levelock Village  
 Lesnoi Village (aka Woody Island)  
 Lime Village  
 Village of Lower Kalskag  
 Manley Hot Springs Village  
 Manokotak Village  
 Native Village of Marshall (aka Fortuna  
     Ledge)  
 Native Village of Mary's Igloo  
 McGrath Native Village  
 Native Village of Mekoryuk  
 Mentasta Traditional Council  
 Metlakatla Indian Community, Annette  
     Island Reserve  
 Native Village of Minto  
 Naknek Native Village  
 Native Village of Nanwalek (aka English  
     Bay)  
 Native Village of Napaimute  
 Native Village of Napakiak  
 Native Village of Napaskiak  
 Native Village of Nelson Lagoon  
 Nenana Native Association  
 New Koliganek Village Council  
     (formerly the Koliganek Village)  
 New Stuyahok Village  
 Newhalen Village  
 Newtok Village  
 Native Village of Nightmute  
 Nikolai Village  
 Native Village of Nikolski  
 Ninilchik Village  
 Native Village of Noatak  
 Nome Eskimo Community  
 Nondalton Village  
 Noorvik Native Community  
 Northway Village  
 Native Village of Nuiqsut (aka Nooiksut)  
 Nulato Village  
 Nunakauyarmiut Tribe (formerly the  
     Native Village of Toksook Bay)  
 Native Village of Nunapitchuk  
 Village of Ohogamiut  
 Village of Old Harbor  
 Orutsararmiut Native Village (aka  
     Bethel)  
 Oscarville Traditional Village  
 Native Village of Ouzinkie  
 Native Village of Paimiut  
 Pauloff Harbor Village  
 Pedro Bay Village  
 Native Village of Perryville  
 Petersburg Indian Association  
 Native Village of Pilot Point  
 Pilot Station Traditional Village  
 Native Village of Pitka's Point  
 Platinum Traditional Village  
 Native Village of Point Hope  
 Native Village of Pilot Lay  
 Native Village of Port Graham  
 Native Village of Port Heiden  
 Native Village of Port Lions  
 Portage Creek Village (aka Ohgsenakale)  
 Pribilof Islands Aleut Communities of  
     St. Paul & St. George Islands  
 Qagan Tayagungin Tribe of Sand Point  
     Village  
 Qawalangin Tribe of Unalaska  
 Rampart Village  
 Village of Red Devil  
 Native Village of Ruby  
 Saint George Island (See Pribilof Islands  
     Aleut Communities of St. Paul & St.  
     George Islands)  
 Native Village of Saint Michael  
 Saint Paul Island (See Pribilof Islands  
     Aleut Communities of St. Paul & St.  
     George Islands)  
 Village of Salamatoff  
 Native Village of Savoonga  
 Organized Village of Saxman  
 Native Village of Scammon Bay  
 Native Village of Selawik  
 Seldovia Village Tribe  
 Shageluk Native Village  
 Native Village of Shaktoolik  
 Native Village of Sheldon's Point  
 Native Village of Shishmaref  
 Shoonaq' Tribe of Kodiak  
 Native Village of Shungnak  
 Sitka Tribe of Alaska  
 Skagway Village  
 Village of Sleetmute  
 Village of Solomon  
 South Naknek Village  
 Stebbins Community Association  
 Native Village of Stevens  
 Village of Stony River  
 Takotna Village  
 Native Village of Tanacross  
 Native Village of Tanana  
 Native Village of Tatitlek

Native Village of Tazlina  
Telida Village  
Native Village of Teller  
Native Village of Tetlin  
Central Council of the Tlingit & Haida  
Indian Tribes  
Traditional Village of Togiak  
Tuluksak Native Community  
Native Village of Tuntutuliak  
Native Village of Tununak

Twin Hills Village  
Native Village of Tyonek  
Ugashik Village  
Umkumiute Native Village  
Native Village of Unalakleet  
Native Village of Unga  
Village of Venetie (See Native Village of  
Venetie Tribal Government)

Native Village of Venetie Tribal  
Government (Arctic Village and  
Village of Venetie)  
Village of Wainwright  
Native Village of Wales  
Native Village of White Mountain  
Wrangell Cooperative Association  
Yakutat Tlingit Tribe  
[FR Doc. 02-17508 Filed 7-11-02; 8:45 am]  
BILLING CODE 4310-4J-P

implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1501.7 and 1508.22).

**DATES:** Oral and written comments will be accepted at public meetings to be held on January 28, 1999, 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m. Written comments should be received on or before February 1, 1999.

**ADDRESSES:** The meetings will be held at the Mojave Desert Air Quality Management District Office, Board Chambers (2nd floor), 15428 Civic Drive, Victorville, California. Comments should be addressed to Diane Noda, Field Supervisor, Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may be sent by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Denise Washick, Fish and Wildlife Biologist, at the above address (telephone 805-644-1766).

**SUPPLEMENTARY INFORMATION:**

#### Project Description

The High Desert Power Plant Project is located on a 25-acre parcel in the northeast corner of the Southern California International Airport, formerly part of George Air Force Base, in the City of Victorville, San Bernardino County, California. The project site is bordered by Perimeter Road on the east, Southern California International Airport taxiways to the west, abandoned bunkers adjacent to Phantom Street on the south, and existing evaporation ponds on the north. The project site is located in Section 24, Township 6 North, Range 5 West. The site has been previously graded and leveled.

The High Desert Power Project, Limited Liability Company (lead project proponent), and others propose to construct and operate a 680- to 830-megawatt natural gas-fueled electricity generation power plant on a 25-acre site located in the northeast corner of the Southern California International Airport. In addition to the power plant, an additional 24 acres, which is currently graded, will be used as a staging area. The project includes the construction of 7 water extraction wells within the Mojave River watershed. The linear facilities associated with the project include a 7-mile electrical transmission line; a 3.5-mile natural gas pipeline; and construction of 2 water pipelines with pipeline #1 measuring 2.5 miles and pipeline #2 measuring 6.5 miles. These linear facilities are all to be constructed within private lands.

As part of the project, the High Desert Power Project, Limited Liability

Company, proposes to prepare a habitat conservation plan to be submitted to the Fish and Wildlife Service as part of an application for an Endangered Species Act incidental take permit for the desert tortoise, Mohave ground squirrel, and burrowing owl. The latter two species would be listed on the permit with a delayed effective date. Should these species be listed under the Federal Endangered Species Act in the future, the permit for incidental take would become effective concurrent with their listing.

Construction of a 32-mile natural gas pipeline through Federal lands designated as desert tortoise critical habitat and managed by the Bureau of Land Management are also part of the High Desert Power Plant Project. The Bureau proposes to issue a right-of-way permit under the Federal Land Policy and Management Act to Southwest Gas Corporation for the construction and maintenance of this pipeline.

#### Supplemental Reports

The High Desert Power Project, Limited Liability Company, has prepared several reports required by the California Energy Commission, including an Application for Certification. The Commission is serving as the lead licensing and environmental review agency in accordance with the California Environmental Quality Act. The Commission required preparation of a Draft Biological Resources Mitigation Implementation Plan and a Draft Erosion Control and Revegetation Plan for the High Desert Power Plant Project. These plans have been prepared for the project site and all linear facilities including the 32-mile natural gas pipeline which is also being permitted as part of the High Desert Power Plant Project. Copies of the reports may be requested by contacting Ms. Amy Cuellar at Resource Management International, Inc., 3100 Zinfandel Drive, Suite 600, P.O. Box 15516, Sacramento, California 95670-1516, or calling (916)-852-1300. Copies may also be reviewed at the following libraries:

California Energy Commission, Energy Library, 1516 Ninth Street, Sacramento, California 95814; California State Library, Government Publication Section, 914 Capitol Mall, Room 400, Sacramento, California 95814; Fresno County Library, Central Headquarters, 2420 Mariposa Street, Fresno, California 93721; Humboldt Library, 421 "I" Street, Eureka, California 95501; Norman Feldheim Central Library, 555 West Sixth Street, San Bernardino, California 92415; San Bernardino

County Library, Adelanto Branch, 11744 Bartlett Avenue, Adelanto, California 92301; San Bernardino County Library, Victorville Branch, 15011 Circle Drive, Victorville, California 92392; San Diego Public Library, 920 E Street, San Diego, California 92101; San Francisco Public Library, Civic Center, San Francisco, California 94102; UCLA, University Research Library, Public Affairs Service, 405 Hilgard Avenue, Los Angeles, California 90024; California Depository Specialist, Acquisitions—Green Library, Stanford University, Stanford, California 94305-6004.

Dated: December 15, 1998.

**Elizabeth Stevens,**

*Acting Manager, California/Nevada Operations Office, Fish and Wildlife Service.*

Dated: December 14, 1998.

**Tim Read,**

*Field Manager, Bureau of Land Management, Barstow Field Office.*

[FR Doc. 98-34371 Filed 12-29-98; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

**AGENCY:** Bureau of Indian Affairs.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the current list of tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792).

**FOR FURTHER INFORMATION CONTACT:** Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street, NW, Washington, D.C. 20240. Telephone number: (202) 208-2475.

**SUPPLEMENTARY INFORMATION:** This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below are lists of federally acknowledged tribes in the contiguous 48 states and in Alaska. The list is updated from the last such list published in October 23, 1997 (62 FR 55270), to include name changes or corrections. There have been no new tribal entities added to the list. The listed entities are acknowledged to have the immunities and privileges available

to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

**Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
- Alabama-Coushatta Tribes of Texas
- Alabama-Quassarte Tribal Town, Oklahoma
- Alturas Indian Rancheria, California
- Apache Tribe of Oklahoma
- Arapahoe Tribe of the Wind River Reservation, Wyoming
- Aroostook Band of Micmac Indians of Maine
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
- Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan
- Bear River Band of the Rohnerville Rancheria, California
- Berry Creek Rancheria of Maidu Indians of California
- Big Lagoon Rancheria, California
- Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
- Big Sandy Rancheria of Mono Indians of California
- Big Valley Rancheria of Pomo & Pit River Indians of California
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Blue Lake Rancheria, California
- Bridgeport Paiute Indian Colony of California
- Buena Vista Rancheria of Me-Wuk Indians of California
- Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
- Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
- Caddo Indian Tribe of Oklahoma
- Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
- Cahto Indian Tribe of the Laytonville Rancheria, California
- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
- Capitan Grande Band of Diegueno Mission Indians of California:
  - Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
  - Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
- Catawba Indian Nation (aka Catawba Tribe of South Carolina)
- Cayuga Nation of New York
- Cedarville Rancheria, California
- Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
- Cherokee Nation of Oklahoma
- Cheyenne-Arapaho Tribes of Oklahoma
- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
- Chickasaw Nation, Oklahoma
- Chicken Ranch Rancheria of Me-Wuk Indians of California
- Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
- Chitimacha Tribe of Louisiana
- Choctaw Nation of Oklahoma
- Citizen Potawatomi Nation, Oklahoma
- Cloverdale Rancheria of Pomo Indians of California
- Cocopah Tribe of Arizona
- Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
- Cold Springs Rancheria of Mono Indians of California
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
- Comanche Indian Tribe, Oklahoma
- Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
- Confederated Tribes of the Chehalis Reservation, Washington
- Confederated Tribes of the Colville Reservation, Washington
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
- Confederated Tribes of the Goshute Reservation, Nevada and Utah
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of the Siletz Reservation, Oregon
- Confederated Tribes of the Umatilla Reservation, Oregon
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington
- Coquille Tribe of Oregon
- Cortina Indian Rancheria of Wintun Indians of California
- Coushatta Tribe of Louisiana
- Cow Creek Band of Umpqua Indians of Oregon
- Coyote Valley Band of Pomo Indians of California
- Crow Tribe of Montana
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California
- Death Valley Timbi-Sha Shoshone Band of California
- Delaware Tribe of Indians, Oklahoma
- Delaware Tribe of Western Oklahoma
- Dry Creek Rancheria of Pomo Indians of California
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians of North Carolina
- Eastern Shawnee Tribe of Oklahoma
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation, Arizona
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa & Chippewa Indians of Michigan
- Greenville Rancheria of Maidu Indians of California
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California

- Guidiville Rancheria of California  
 Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan  
 Havasupai Tribe of the Havasupai Reservation, Arizona  
 Ho-Chunk Nation of Wisconsin (formerly known as the Wisconsin Winnebago Tribe)  
 Hoh Indian Tribe of the Hoh Indian Reservation, Washington  
 Hoopa Valley Tribe, California  
 Hopi Tribe of Arizona  
 Hopland Band of Pomo Indians of the Hopland Rancheria, California  
 Houlton Band of Maliseet Indians of Maine  
 Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona  
 Huron Potawatomi, Inc., Michigan  
 Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California  
 Ione Band of Miwok Indians of California  
 Iowa Tribe of Kansas and Nebraska  
 Iowa Tribe of Oklahoma  
 Jackson Rancheria of Me-Wuk Indians of California  
 Jamestown S'Klallam Tribe of Washington  
 Jamul Indian Village of California  
 Jena Band of Choctaw Indians, Louisiana  
 Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico  
 Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona  
 Kalispel Indian Community of the Kalispel Reservation, Washington  
 Karuk Tribe of California  
 Kasha Band of Pomo Indians of the Stewarts Point Rancheria, California  
 Kaw Nation, Oklahoma  
 Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan  
 Kialegee Tribal Town, Oklahoma  
 Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas  
 Kickapoo Tribe of Oklahoma  
 Kickapoo Traditional Tribe of Texas  
 Kiowa Indian Tribe of Oklahoma  
 Klamath Indian Tribe of Oregon  
 Kootenai Tribe of Idaho  
 La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California  
 La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California  
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin  
 Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin  
 Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan  
 Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada  
 Little River Band of Ottawa Indians of Michigan  
 Little Traverse Bay Bands of Odawa Indians of Michigan  
 Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California  
 Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada  
 Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota  
 Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington  
 Lower Sioux Indian Community of Minnesota Mdwakanton Sioux Indians of the Lower Sioux Reservation in Minnesota  
 Lummi Tribe of the Lummi Reservation, Washington  
 Lytton Rancheria of California  
 Makah Indian Tribe of the Makah Indian Reservation, Washington  
 Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California  
 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California  
 Mashantucket Pequot Tribe of Connecticut  
 Mechoopda Indian Tribe of Chico Rancheria, California  
 Menominee Indian Tribe of Wisconsin  
 Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California  
 Mescalero Apache Tribe of the Mescalero Reservation, New Mexico  
 Miami Tribe of Oklahoma  
 Miccosukee Tribe of Indians of Florida  
 Middletown Rancheria of Pomo Indians of California  
 Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)  
 Mississippi Band of Choctaw Indians, Mississippi  
 Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada  
 Modoc Tribe of Oklahoma  
 Mohegan Indian Tribe of Connecticut  
 Mooretown Rancheria of Maidu Indians of California  
 Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California  
 Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington  
 Muscogee (Creek) Nation, Oklahoma  
 Narragansett Indian Tribe of Rhode Island  
 Navajo Nation of Arizona, New Mexico & Utah  
 Nez Perce Tribe of Idaho  
 Nisqually Indian Tribe of the Nisqually Reservation, Washington  
 Nooksack Indian Tribe of Washington  
 Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana  
 Northfork Rancheria of Mono Indians of California  
 Northwestern Band of Shoshoni Nation of Utah (Washakie)  
 Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota  
 Omaha Tribe of Nebraska  
 Oneida Nation of New York  
 Oneida Tribe of Wisconsin  
 Onondaga Nation of New York  
 Osage Tribe, Oklahoma  
 Ottawa Tribe of Oklahoma  
 Otoe-Missouria Tribe of Indians, Oklahoma  
 Paiute Indian Tribe of Utah  
 Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California  
 Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada  
 Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California  
 Pala Band of Luiseno Mission Indians of the Pala Reservation, California  
 Pascua Yaqui Tribe of Arizona  
 Paskenta Band of Nomlaki Indians of California  
 Passamaquoddy Tribe of Maine  
 Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California  
 Pawnee Indian Tribe of Oklahoma  
 Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California  
 Penobscot Tribe of Maine  
 Peoria Tribe of Indians of Oklahoma  
 Picayune Rancheria of Chukchansi Indians of California  
 Pinoleville Rancheria of Pomo Indians of California  
 Pit River Tribe, California (includes Big Bend, Lookout, Montgomery Creek & Roaring Creek Rancheries & XL Ranch)  
 Poarch Band of Creek Indians of Alabama  
 Pokagon Band of Potawatomi Indians of Michigan  
 Ponca Tribe of Indians of Oklahoma  
 Ponca Tribe of Nebraska  
 Port Gamble Indian Community of the Port Gamble Reservation, Washington  
 Potter Valley Rancheria of Pomo Indians of California  
 Prairie Band of Potawatomi Indians, Kansas

- Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Juan, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Santo Domingo, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Indians, Oklahoma
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation, Washington
- Quinault Tribe of the Quinault Reservation, Washington
- Ramona Band or Village of Cahuilla Mission Indians of California
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota
- Redding Rancheria, California
- Redwood Valley Rancheria of Pomo Indians of California
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria of Pomo Indians of California
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes of the Round Valley Reservation, California (formerly known as the Covelo Indian Community)
- Rumsey Indian Rancheria of Wintun Indians of California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Tribe, Washington
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
- Santee Sioux Tribe of the Santee Reservation of Nebraska
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- Scotts Valley Band of Pomo Indians of California
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
- Sheep Ranch Rancheria of Me-Wuk Indians of California
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota
- Skokomish Indian Tribe of the Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians of Utah
- Smith River Rancheria, California
- Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California
- Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
- Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe)
- Spokane Tribe of the Spokane Reservation, Washington
- Squaxin Island Tribe of the Squaxin Island Reservation, Washington
- St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation
- St. Regis Band of Mohawk Indians of New York
- Standing Rock Sioux Tribe of North & South Dakota
- Stockbridge-Munsee Community of Mohican Indians of Wisconsin
- Stillaguamish Tribe of Washington
- Summit Lake Paiute Tribe of Nevada
- Suquamish Indian Tribe of the Port Madison Reservation, Washington
- Susanville Indian Rancheria, California
- Swinomish Indians of the Swinomish Reservation, Washington
- Sycuan Band of Diegueno Mission Indians of California
- Table Bluff Reservation—Wiyot Tribe, California
- Table Mountain Rancheria of California
- Te-Moak Tribes of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
- Thlopthlocco Tribal Town, Oklahoma
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tohono O'odham Nation of Arizona
- Tonawanda Band of Seneca Indians of New York
- Tonkawa Tribe of Indians of Oklahoma
- Tonto Apache Tribe of Arizona
- Torres-Martinez Band of Cahuilla Mission Indians of California
- Tule River Indian Tribe of the Tule River Reservation, California
- Tulalip Tribes of the Tulalip Reservation, Washington
- Tunica-Biloxi Indian Tribe of Louisiana
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Tuscarora Nation of New York
- Twenty-Nine Palms Band of Luiseno Mission Indians of California
- United Auburn Indian Community of the Auburn Rancheria of California
- United Keetoowah Band of Cherokee Indians of Oklahoma
- Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
- Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota



- Upper Skagit Indian Tribe of Washington
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
- Walker River Paiute Tribe of the Walker River Reservation, Nevada
- Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
- Winnebago Tribe of Nebraska
- Winnemucca Indian Colony of Nevada
- Wyandotte Tribe of Oklahoma
- Yankton Sioux Tribe of South Dakota
- Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
- Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
- Yomba Shoshone Tribe of the Yomba Reservation, Nevada
- Ysleta Del Sur Pueblo of Texas
- Yurok Tribe of the Yurok Reservation, California
- Zuni Tribe of the Zuni Reservation, New Mexico
- Native Entities Within the State of Alaska Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs**
- Village of Afognak
- Native Village of Akhiok
- Akiachak Native Community
- Akiak Native Community
- Native Village of Akutan
- Village of Alakanuk
- Alatna Village
- Native Village of Aleknagik
- Algaaciq Native Village (St. Mary's)
- Allakaket Village
- Native Village of Ambler
- Village of Anaktuvuk Pass
- Yupiit of Andreafski
- Angoon Community Association
- Village of Aniak
- Anvik Village
- Arctic Village (See Native Village of Venetie Tribal Government)
- Native Village of Atka
- Asa'carsarmiut Tribe (formerly Native Village of Mountain Village)
- Atqasuk Village (Atkasook)
- Village of Atmautluak
- Native Village of Barrow Inupiat Traditional Government (formerly Native Village of Barrow)
- Beaver Village
- Native Village of Belkofski
- Village of Bill Moore's Slough
- Birch Creek Village
- Native Village of Brevig Mission
- Native Village of Buckland
- Native Village of Cantwell
- Native Village of Chanega (aka Chenega)
- Chalkyitsik Village
- Village of Chefornak
- Chevak Native Village
- Chickaloon Native Village
- Native Village of Chignik
- Native Village of Chignik Lagoon
- Chignik Lake Village
- Chilkat Indian Village (Kluckwan)
- Chilkoot Indian Association (Haines)
- Chinik Eskimo Community (Golovin)
- Native Village of Chistochina
- Native Village of Chitina
- Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
- Chuloonawick Native Village
- Circle Native Community
- Village of Clark's Point
- Native Village of Council
- Craig Community Association
- Village of Crooked Creek
- Curyung Tribal Council (formerly Native Village of Dillingham)
- Native Village of Deering
- Native Village of Diomedea (aka Inalik)
- Village of Dot Lake
- Douglas Indian Association
- Native Village of Eagle
- Native Village of Eek
- Egegik Village
- Eklutna Native Village
- Native Village of Ekuk
- Ekwok Village
- Native Village of Elim
- Emmonak Village
- Evansville Village (aka Bettles Field)
- Native Village of Eyak (Cordova)
- Native Village of False Pass
- Native Village of Fort Yukon
- Native Village of Gakona
- Galena Village (aka Loudon Village)
- Native Village of Gambell
- Native Village of Georgetown
- Native Village of Goodnews Bay
- Organized Village of Grayling (aka Holikachuk)
- Gulkana Village
- Native Village of Hamilton
- Healy Lake Village
- Holy Cross Village
- Hoonah Indian Association
- Native Village of Hooper Bay
- Hughes Village
- Huslia Village
- Hydaburg Cooperative Association
- Igiugig Village
- Village of Iliamna
- Inupiat Community of the Arctic Slope
- Iqurmit Traditional Council (formerly Native Village of Russian Mission)
- Ivanoff Bay Village
- Kaguyak Village
- Organized Village of Kake
- Kaktovik Village (aka Barter Island)
- Village of Kalskag
- Village of Kaltag
- Native Village of Kanatak
- Native Village of Karluk
- Organized Village of Kasaan
- Native Village of Kasigluk
- Kenaitze Indian Tribe
- Ketchikan Indian Corporation
- Native Village of Kiana
- Agdaagux Tribe of King Cove
- King Island Native Community
- Native Village of Kipnuk
- Native Village of Kivalina
- Klawock Cooperative Association
- Native Village of Kluti Kaah (aka Copper Center)
- Knik Tribe
- Native Village of Kobuk
- Kokhanok Village
- New Koliganek Village Council (formerly Koliganek Village)
- Native Village of Kongiganak
- Village of Kotlik
- Native Village of Kotzebue
- Native Village of Koyuk
- Koyukuk Native Village
- Organized Village of Kwethluk
- Native Village of Kwigillingok
- Native Village of Kwinhagak (aka Quinhagak)
- Native Village of Larsen Bay
- Levelock Village
- Lesnoi Village (aka Woody Island)
- Lime Village
- Village of Lower Kalskag
- Manley Hot Springs Village
- Manokotak Village
- Native Village of Marshall (aka Fortuna Ledge)
- Native Village of Mary's Igloo
- McGrath Native Village
- Native Village of Mekoryuk
- Mentasta Traditional Council (formerly Mentasta Lake Village)
- Metlakatla Indian Community, Annette Island Reserve
- Native Village of Minto
- Naknek Native Village
- Native Village of Nanwalek (aka English Bay)
- Native Village of Napaimute
- Native Village of Napakiak
- Native Village of Napaskiak
- Native Village of Nelson Lagoon
- Nenana Native Association
- New Stuyahok Village
- Newhalen Village
- Newtok Village
- Native Village of Nightmute
- Nikolai Village
- Native Village of Nikolski
- Ninilchik Village
- Native Village of Noatak
- Nome Eskimo Community
- Nondalton Village

Noorvik Native Community  
 Northway Village  
 Native Village of Nuiqsut (aka Nooiksut)  
 Nulato Village  
 Native Village of Nunapitchuk  
 Village of Ohogamiut  
 Village of Old Harbor  
 Orutsararmuit Native Village (aka Bethel)  
 Oscarville Traditional Village  
 Native Village of Ouzinkie  
 Native Village of Paimiut  
 Pauloff Harbor Village  
 Pedro Bay Village  
 Native Village of Perryville  
 Petersburg Indian Association  
 Native Village of Pilot Point  
 Pilot Station Traditional Village  
 Native Village of Pitka's Point  
 Platinum Traditional Village  
 Native Village of Point Hope  
 Native Village of Point Lay  
 Native Village of Port Graham  
 Native Village of Port Heiden  
 Native Village of Port Lions  
 Portage Creek Village (aka Ohgsenakale)  
 Pribilof Islands Aleut Communities of St. Paul & St. George Islands  
 Qagan Toyagungin Tribe of Sand Point Village  
 Rampart Village  
 Village of Red Devil  
 Native Village of Ruby  
 Village of Salamattoff  
 Organized Village of Saxman  
 Native Village of Savoonga  
 Saint George (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)  
 Saint Village of Saint Michael  
 Saint Paul (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)  
 Native Village of Scammon Bay  
 Native Village of Selawik  
 Seldovia Village Tribe  
 Shageluk Native Village  
 Native Village of Shaktoolik  
 Native Village of Sheldon's Point  
 Native Village of Shishmaref  
 Native Village of Shungnak  
 Sitka Tribe of Alaska  
 Skagway Village  
 Village of Sleetmute  
 Village of Solomon  
 South Naknek Village  
 Stebbins Community Association  
 Native Village of Stevens  
 Village of Stony River  
 Takotna Village  
 Native Village of Tanacross  
 Native Village of Tanana  
 Native Village of Tatitlek  
 Native Village of Tazlina  
 Telida Village  
 Native Village of Teller  
 Native Village of Tetlin  
 Central Council of the Tlingit & Haida Indian Tribes

Traditional Village of Togiak  
 Native Village of Toksook Bay  
 Tuluksak Native Community  
 Native Village of Tuntutuliak  
 Native Village of Tununak  
 Twin Hills Village  
 Native Village of Tyonek  
 Ugashik Village  
 Umkumiute Native Village  
 Native Village of Unalakleet  
 Qawalangin Tribe of Unalaska  
 Native Village of Unga  
 Village of Venetie (See Native Village of Venetie Tribal Government)  
 Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)  
 Village of Wainwright  
 Native Village of Wales  
 Native Village of White Mountain  
 Wrangell Cooperative Association  
 Yakutat Tlingit Tribe

Dated: December 21, 1998.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 98-34476 Filed 12-29-98; 8:45 am]

BILLING CODE 4310-02-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AK-962-1410-00-P] Notice for Publication AA-10534]**

#### Alaska Native Claims Selection; Correction

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice; correction.

**SUMMARY:** The Bureau of Land Management published a document in the *Federal Register* of December 7, 1998, concerning a decision to issue a conveyance to Sealaska Corporation. The document contained an incorrect legal description.

**FOR FURTHER INFORMATION CONTACT:** Chris Sitbon, 907-271-3226.

#### Correction

In the *Federal Register* of December 7, 1998, in FR Doc. 98-32386, on page 67492, in the third column, on the eleventh line of the notice, correct "U.S. Survey No. 10271" to read "U.S. Survey No. 12071".

Dated: December 21, 1998.

**Patricia K. Underwood,**

*Land Law Examiner, Branch of ANCSA Adjudication.*

[FR Doc. 98-34540 Filed 12-29-98; 8:45 am]

BILLING CODE 4310-JA-U

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AK-020-09-1110-00-241A]**

#### Raptor Workshop for the Northeast Planning Area of the NPR-A, Northern Alaska

A public workshop will be held in Fairbanks on February 2 and 3, 1999, to discuss the potential impacts on raptors of oil and gas development in the 4.6-million-acre Northeast Planning Area of the National Petroleum Reserve in Alaska.

The workshop, which will involve nationally recognized experts in raptor management, will consider extensive literature on raptor disturbance and ensure that all activities that may affect raptor productivity have been adequately addressed.

The Northeast Planning Area of the NPR-A borders the Colville River from a point across the river from Ninuluk Bluff to the mouth of the Itkillik River. The management plan for the area includes all federally authorized activities, including oil/gas development. An oil/gas lease sale, planned for April or May of 1999, will offer all tracts along the Colville River within the planning area. Among the stipulations that will be attached to the lease sale and any resulting development is one that would prohibit any permanent oil and gas surface facilities, except essential pipeline or road crossings, within one mile of the west bluffs of the Colville River; within one mile of the Kikiakrorak and Kogosukruk rivers, including several of the latter's tributaries; and within one-half mile of the Ikipikuk River. Further, road crossings within the Colville River setback would be strictly prohibited.

The BLM-sponsored workshop will be held at the Princess Hotel, 4477 Pikes Landing Road, Fairbanks, Alaska, from 8 a.m. to 5 p.m. on February 2 and 3, 1999. The workshop is open to the public.

For further information, contact Dave Yokel, BLM-Northern Field Office, 1150 University Ave., Fairbanks, AK 99709-3899. Tel: 907-474-2314 or 1-800-437-7021; email: dyokel@ak-blm.gov.

Dated: December 21, 1998.

**Timothy J. Grinnell,**

*Acting Team Lead, Arctic Management Unit.*

[FR Doc. 98-34500 Filed 12-29-98; 8:45 am]

BILLING CODE 4310-JA-P

**Tribe: Tule River Reservation**

“Near-reservation” location: The county of Tulare in the State of California.

**Tribe: Tuolumne Rancheria**

“Near-reservation” location: The county of Tuolumne in the State of California.

**Tribe: Yurok Tribe**

“Near-reservation” locations: The counties of Humboldt and Del Norte in the State of California.

Dated: May 5, 2000.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 00–12193 Filed 5–15–00; 8:45 am]

**BILLING CODE 4310–02–P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Indian Gaming**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of approved Tribal-State Compacts.

**SUMMARY:** Pursuant to Section 11 of the Indian Gaming Regulatory Act (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority on May 5, 2000, has approved the following Tribal-State Compacts between the State of California and California Indian Tribes:

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, Alturas Indian Rancheria, Berry Creek Rancheria of Maidu Indians of California, Blue Lake Rancheria, Buena Vista Rancheria of Me-Wuk Indians of California, Bear River Band of Rohnerville Rancheria, Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, Big Sandy Rancheria of Mono Indians of California, Big Valley Band of Pomo Indians of the Big Valley Rancheria, Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, Cahto Indian Tribe of Laytonville Rancheria, Cahuilla Band of Mission Indians of the Cahuilla Reservation, Campo Band of Diegueno Mission Indians of the Campo Indian Reservation,

Chemehuevi Indian Tribe of the Chemehuevi Reservation, Chicken Ranch Rancheria of the Me-Wuk Indians of California, Resighini Rancheria (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria), Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, Dry Creek Rancheria of Pomo Indians of California, Elk Valley Rancheria, Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, Hoopa Valley Tribe, Hopland Band of Pomo Indians of the Hopland Rancheria, Jackson Rancheria of Me-Wuk Indians of California, Jamul Indian Village of California, La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, Manchester Band of Pomo Indians of the Manchester-Point Area Rancheria, Manzanita Band of the Diegueno Mission Indians of the Manzanita Reservation, Middletown Rancheria of Pomo Indians of California, Mooretown Rancheria of Maidu Indians of California, Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, Pala Band of the Luiseno Mission Indians of the Pala Reservation, Paskenta Band of Nomlaki Indians of California, Pechenga Band of Luiseno Mission Indians of the Pechenga Reservation, Picayune Rancheria of Chukchansi Indians of California, Pit River Tribe, California, Quechan Tribe of the Fort Yuma Indian Reservation, Redding Rancheria, Rincon Band of Luiseno Mission Indians of the Rincon Reservation, Robinson Rancheria of Pomo Indians of California, Rumsey Indian Rancheria of Wintun Indians of California, San Manual Band of Serrano Mission Indians of the San Manual Reservation, San Pasqual Band of Diegueno Mission Indians of California, Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), Sherwood Valley Rancheria of Pomo Indians of California, Smith River Rancheria, Soboba Band of Luiseno Mission Indians of the Soboba Reservation, Susanville Indian Rancheria, Sycuan Band of Diegueno Mission Indians of California, Table Mountain Rancheria of California, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California,

Twenty-Nine Palms Band of Luiseno Mission Indians of California, Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, Tule River Indian Tribe of the Tule River Reservation, United Auburn Indian Community of the Auburn Rancheria of California.

**DATES:** This action is effective May 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: May 11, 2000.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 00–12322 Filed 5–15–00; 8:45 am]

**BILLING CODE 4310–02–P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Indian Gaming**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of approval of amendment to Tribal-State Compact.

**SUMMARY:** Pursuant to Section 11 of the Indian Gaming Regulatory Act (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved an Amendment, executed on May 2, 2000, to the Gaming Compact between the Coushatta Tribe of Louisiana and the State of Louisiana.

**DATES:** This action is effective May 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: May 4, 2000.

**Levin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 00–12321 Filed 5–15–00; 8:45 am]

**BILLING CODE 4310–02–P**



September 24, 2002

Ms. Chantal Saipe, Tribal Liaison  
San Diego County  
1600 Pacific Highway  
Room 212, MS A-6  
San Diego, CA 92101

Kenneth A. Meza  
Chairman

Dear Ms. Saipe:

Carlene A. Chamberlain  
Vice Chairwoman

We were recently informed of a complaint to the County of San Diego about its report on the Rural Fire Protection District's (RFPD) response to our station relocation offer as listed in the Draft Update on Impacts of Tribal Economic Development Projects issued by the County. If this were simply a matter of the objection raised at the RFPD board meeting on August 6, 2002, we would have let the matter rest. However, based on the fact that the board went so far as to contact the County to voice its disapproval regarding the statement in the report, and to try and restate the history of our offer, we feel we must set the record straight.

Bill Mesa  
Councilman

Erica M. Pinto  
Councilwoman

Adolph Thing  
Councilman

Julia Lotta  
Tribal Administrator

Our understanding of the complaint is that the County report used the word "rejected" in describing the RFPD's actions on May 1 when its board voted to refuse our offer to relocate and fund a new fire station. We find this complaint to be unsubstantiated and quite simply, untrue. As such, we quote the words of the RFPD found in an "Open Letter to the Community" published in the July 2001 Jamul Shopper, to verify that fact: "There has been much misinformation disseminated regarding the May 1, 2001 vote...rejecting the Jamul Indian Village's current proposal." This was printed in a two-page ad taken out and paid for by the Fire Board.

These are the words of the Fire Board, not ours. Even though they have tried to backpedal, claiming that they hadn't "rejected" our offer, saying that they simply wanted to study the full scope of our economic development project, it was simply a way to further a hidden agenda of trying to stop our development project.

What the RFPD failed to mention in its complaint to the County was the fact that three times the Tribe has introduced its relocation proposal and three times the Fire Board has rejected it. Each time, full disclosure of the project was provided. It is because of this repeated rejection and the need for us to proceed with our plans for the future, that we have been forced to formally and permanently withdraw our offer.

Ms. Saipe, for too long we have tolerated the Fire Board's double-talk and the attempts to revise history. We have come to view their conduct as an abuse of power by elected officials, in order to further their own political agenda. On numerous occasions board members have made their personal feelings about our project very clear. Even the following statement of record as a candidate for public office in November 2000, will show how Mr. Amato has

## JAMUL INDIAN VILLAGE

— A Federally Recognized Tribal Nation —

failed in his responsibilities to serve the people of Jamul: *"...while I am opposed to large scale growth the area, such as the proposed casino and tract housing, should such growth become a reality it will be necessary to ensure that the level of fire protection is adequate to meet the needs of the community and that any future development will not exhaust the public resources."*

As Native Americans, we too find the attempts to block our sovereign and legal right to economic self-sufficiency in direct conflict with the responsibilities of the Fire Board.

Our project opponents, some with close ties to the Board, unfairly characterize our offer as "a bribe" and "blackmail," and that our project is holding the people of Jamul "hostage." And based on the board's voting record, we can only conclude that many of those members as well share these same views of an offer that was made in good faith. Yes, the offer to relocate was made in part so that we could use the land to help get our people on the path to self-reliance; however, the fact remains that the benefits to the community for improved and enhanced fire safety were completely ignored by the board when it made its decision.

We believe, Ms. Saipe, that if the board was truly concerned about the safety and well being of the people of Jamul, it would have worked with the Tribe to provide this desperately needed service to the community at no cost to the taxpayer.

From day one, the Tribe has accurately, openly and honestly communicated to the Board and to the general public the specifics and overall scope of our economic development strategy. We have been forthright in presenting our plans for the construction of a casino, hotel, parking structure and sewage treatment plant. We have also talked about the importance of providing adequate housing, healthcare facilities and tribal government structures for our people in a wide variety of forums. Every one of these specific items has remained a constant part of our strategy. These plans have been carefully examined, from the Hunt Research study commissioned by the RFPD to our original Environmental Assessment and finally to the Environmental Impact Study report we are presently finishing. Our message and our intentions have been and continue to be entirely consistent.

We have further taken every opportunity to show the public exactly what we are going to achieve, offering multimedia presentations, print advertisements, letters to the editor, a community barbeque attended by some 400 people including San Diego Fire Chief Dan McKenna, meetings with community leaders and organizations, even meeting with members of the RFPD Board, in an effort to publicize our overall economic development strategy. At no time did our public presentations waver in scope or specifics. We have clearly and thoroughly responded to all public concerns related to our project, as the some 65 public documents attached clearly support. It is because of our constant clarification and updates on the project that we continue to gain new support for our efforts each week.

In addition to our extensive outreach to the public, the Tribe's third offer to the Board included policies taken from a comprehensive report on the needs of the current fire station

compiled by Hunt Research Corporation, the independent consulting firm selected by the board as the best qualified to complete the study.

Here is the accurate historical timeline:

- The Jamul Indian Village met with the RFPD board to present its plans for a new fire station.
- The Board requested and commissioned a study on the RFPD station's needs.
- The Board selected Hunt Research Corp., a nationally recognized and respected independent consulting firm, to conduct the study.
- Upon the board's request, the Tribe once again provided all necessary details of its project to both the Board and to Hunt Research.
- At the direction of the Board, the Tribe funded the Hunt Research study in seeking an accurate analysis of the RFPD's overall requirements.
- All essential actions and guidelines suggested by the Hunt Research study, which easily doubled the cost of the proposed fire station, were adopted into the Tribe's latest offer to the RFPD.

Upon completion, the Hunt Research study was candid in its message, finding that "...current levels of service, including response times and staffing, do not comply with national standards and benchmarks..." Overall, the study gave an accurate account of critical shortages and addressed needs in the areas of personnel, infrastructure and equipment and other departmental requirements. It is interesting to note that the RFPD was quick to incorporate the study in its planning as a guide in order to meet the needs of the community.

Solutions provided within the study, and their related expense, were quickly adopted into the Tribe's last proposal. In fact, in most instances we went beyond the suggestions of the study mentioned above. In the end, the Tribe doubled the size of its original offer to meet expenses related to the proposed increase in personnel and equipment.

Unfortunately, as indicated by the Board's motion on May 1, 2002 rejecting the Tribe's third proposal, it clearly appears that its members neither wanted nor needed to hear what the Hunt Research study had to say, despite the hours of diligent investigation completed by the Hunt research team.

The decision not to entertain any further negotiations regarding the construction of a new fire protection facility was a clear indication to us that it was time for us to move forward with our plans. Unfortunately for the community, our new plans do not include relocating the present RFPD fire station located on Highway 94.

We consequently made it clear to the RFPD that our latest offer would be withdrawn if rejected and that we would be forced to pursue other opportunities with more responsive and responsible fire protection service and other agencies. These are the plans outlined in the EIS

we are currently completing. Once again, we must be very clear in stating that because the Fire Board rejected all of our offers, it is officially and permanently off the table.

As indicated, we are moving forward with our plan of economic development. The Tribe recently funded its own EIS study to make sure that all impacts are clearly identified. Our current project design has been finalized based on evaluations set forth by the EIS and no future offers to the RFPD will be extended.

Throughout the entire process, we have been working diligently with a wide range of state and local agencies including Caltrans, the California Department of Fish & Game, the U.S. Fish & Wildlife Service and numerous other organizations. Again, at every step, we have been open and honest with these agencies about the overall scope of our project from the very start. We consider our working relationship with all of them to be quite satisfactory.

With the new design changes for the permanent entrance via Melody Lane rather than Highway 94 as first proposed, the site for our fire station has been reduced to such a size as to be able to serve the casino and reservation property. The cost of the site improvements in making these changes will easily exceed what we would have paid to the RFPD.

As you know, our fire station relocation offer included a larger allocation of tribal land with a new 25-year lease at \$1 per year. The current station lease expires in the next seven years and at that time, it will be required to move, all at the expense of the people of Jamul.

Ms. Saipe, as tribal liaison for the county, I would like to remind you that as a federally recognized Tribe, we have a signed compact with the State of California that is approved by the Bureau of Indian Affairs, granting us the legal right to conduct gaming operations on our sovereign lands.

It is unfortunate that without the Tribe's offer the RFPD will not be able to provide the necessary fire protection to the community without raising taxes. As an elected official, the voters entrusted the board members to make judgments based on the fire protection and overall safety needs of the greater community. Based on what has transpired over the last several years, we do not believe that these members have fulfilled this responsibility. Nor are the Tribe and other citizens of Jamul alone in this analysis of the board's performance as a duly elected governing body. An article by Chet Barfield in the July 7, 2001 edition of the San Diego Union-Tribune questioned the apparent shortsightedness of the board to provide protection to the community. Even more telling was the Board's recent nomination for a Golden Fleece Award by the San Diego County Taxpayers Association. Indeed, if the RFPD's actions could be expressed in a slogan, much like those ever-present Caltrans construction site signs, "Your Tax Dollars At Work," it's slogan should read: "Your Tax Dollars Up In Smoke."

Please note that any further attempt made by the Board to revise history in an attempt to justify its decisions will be countered by the people of the Jamul Indian Village. The citizens

of Jamul expect and deserve to know the truth about the board's actions, motivations and the unfortunate related consequences we all now face.

Ms. Saipe, I am proud of our efforts in preparing and presenting our offers to the RFPD Board. I am equally proud of our absolute honesty in communicating all developments related to the Jamul Indian Village to state and local agencies and the general public. As someone once told me, "When you tell the truth, you never have to worry about what you've said."

One wonders if the RFPD board members' consciences are as equally clear.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Meza". The signature is fluid and cursive, with the first name being the most prominent.

Kenneth A. Meza  
Chairman



## **Articles, Advertisements, Correspondence and Letters to the Editor Regarding the Tribe's Offer to the San Diego Rural Fire Protection District Board**

### **Articles/Editorials/Press Releases:**

May 2, 2001	Press Release re: Fire Board Decision
July 7, 2001	SDUT Article re: Tribe's Offer
July 19, 2001	Editorial to SDUT re: Fire Truck Article

### **Ads in Shopper:**

May 2000	JAC Ad re: Community Supporters
July 2000	Tribal Ad re: Community Update and BBQ
September 2000	Tribal Ad re: Commitment to Fire District
September 2000	Tribal Ad re: Keeping Jamul Safe
February 2001	Tribal Ad re: Working with Governments
February 2001	JAC Ad re: \$4 Million Cost
February 2001	JAC Ad re: Something Good Coming
March 2001	JAC Ad re: Special Town Meeting
April 2001	Tribal Ad re: Knowing the Facts
June 2001	Tribal Ad re: Hunt Report (1)
June 2001	Tribal Ad re: Hunt Report (2)
July 2001	Fire Board Open Letter Ad
July 2001	JAC Ad re: Fire Board
July 2001	Tribal Ad re: Fire Board Proposal
July 2001	Tribal Ad re: Q & A
July 2001	Ad from Concerned Senior Citizen
September 2001	Tribal Ad re: JAC Rebuttal
September 2001	Tribal Ad re: Fire Protection
February 2002	JAC Ad re: Fire Board Call for EIS
March 2002	JAC Ad re: Opposition
June 2002	Tribal Ad re: Golden Fleece Award
July 2002	Tribal Ad re: Fire Safety
July 2002	JAC Ad re: Golden Fleece Award
August 2002	JAC Ad (Reprint of Farrow Letter)

### **Correspondence:**

July 20, 2000	Letter to Chief McKenna Requesting a Meeting
August 18, 2000	Letter to Board Chair Puckett re: Offer
August 22, 2000	Letter to Board Chair Puckett Asking to be Placed on Agenda
October 12, 2000	Letter to Board Chair Puckett re: MOU
October 16, 2000	Letter to Board Chair Puckett re: Community Involvement
October 27, 2000	Letter to Chief McKenna re: Encroachment Onto Tribal Land
October 27, 2000	Letter to Elected Officials re: Board Dragging its Feet
November 7, 2000	Letter of Intent

November 29, 2000	Letter to Board Chair Puckett re: Voting on Tribe's Offer
February 16, 2001	Letter to Chief McKenna re: Hunt Report
February 21, 2001	Letter to Chief McKenna and Board re: Hunt Report
February 23, 2001	Comparison of Fire Station Costs
February 26, 2001	Letter to Chief McKenna
March 15, 2001	Letter to Community re: Fire Station
April 23, 2001	Final Letter to Chief McKenna
April 30, 2001	Letter to Fire Board re: Decision Deadline
May 2, 2001	Analysis of Hunt Report findings
May 2, 2001	Letter to Community re: Board Decision
May 8, 2001	Letter to Fire Board re: Use of Land
July 9, 2001	Letter to Chief McKenna re: Additional Information
July 13, 2001	Letter to Zettel/Battin re: Fire District Grants
July 24, 2001	Letter to Community re: Project

**Letters in Shopper:**

May 2000	Letter from Chairman Meza
May 2001	Letter from Gerald Farrow
June 2001	Letter from Windee Fredereich re: Fire District
June 2001	Letter from Eleanor Miller Re: Fire Board
July 2001	Letter from Frank Hewitt re: Planning Group Update
July 2001	Letter from Mr. & Mrs. Fredereich re: Fire Department
July 2001	Letter from Stacey Turner re: Fire Board
July 2001	Letter from Susie Winkler re: Fire Board
July 2001	Letter from Fire Chief Dan McKenna
July 2001	Letter from Julia Lotta
October 2001	Letter by Lupe Contreras in Support
February 2002	Letter from Fire Board
May 2002	Letter from Mary Sue Castillo
June 2002	Letter from Erica Pinto
June 2002	Letter from Gene Sullivan
August 2002	Letter from Preston Brown
August 2002	Letter from Gerald Farrow

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# JAMUL INDIAN VILLAGE

A Kumeyaay Nation   Celebrating 10,000 years in San Diego



## Press Release - Fire Board Decision

For Immediate Release

Contact: Jamul Indian Village  
Tribal Administration – 619.669.1002

May 2, 2001:

**THE COMMUNITY IS THE REAL LOSER: Fire Board refuses to deal with the offer from the Jamul Indian Village**

Jamul, CA – Refusing the Jamul Indian Village's offer of over \$4 million to relocate and upgrade its fire station, the San Diego Rural Fire Protection District decided Tuesday night to remain at its present location on land leased from the tribe.

For the past year, the tribe has been working with the district board to finance and bring a much-needed new fire station to the community. A recently commissioned study from an independent consultant, Hunt Research Corporation, concluded that the station has inadequate facilities and that the Jamul area is in desperate need of better fire protection and emergency medical services. The report further concluded that the current facilities cannot protect the community of Jamul today and are only operating at approximately twenty percent of actual need.

"If the board actually read our proposal they would see that we have given them everything they asked for in the Hunt analysis. We have come within \$50,000 of the proposal established in the report for the Fire Board," Executive Councilman Bill Mesa stated. "We are deeply disappointed in this action."

One of the board members stated that they did not have enough information or facts on the project about the casino, and that the tribe was lying to the board, which voted not to accept the tribe's proposal. During Tuesday's meeting there was also discussion that the board should reject the tribe's offer, saying that the tribe would pay even more money to move them later.

"We do not understand this decision. Why would we withhold information from the fire district? We know that we have to contract with them to provide services to the casino and the reservation. Holding out or not telling the fire district everything would only hurt the tribe and those who visit the reservation; how does that make sense?"

questioned Bill Mesa. "Members of the board seem to think that we are hiding things and then will build whatever we want with total disregard for safety and protection. That does not make sense under any circumstances," added Mesa a retired veteran police officer from El Cajon after serving twenty years in the valley.

The fire board tried to indicate that they would not accept the tribe's proposal because they did not have enough information on the project. The tribe was asking the board to make a decision, to sit down and begin to negotiate out the details. This was only to be the beginning of negotiations to work out the fine points and bring a new fire station and equipment to the area.

"The board had all of the information necessary to make a decision last night. The board was not asked to vote on our proposal, to accept it as stated, it was to accept and negotiate in good faith and begin talks. Obviously they do not want to talk to us now, as they want us to go above and beyond what other developers are asked to do when working with the fire district," added Bill Mesa.

"It amazes us that the board would allow itself to be persuaded by an attorney who has a history of trying to sue the tribe. All of his lawsuits have been summarily dismissed or thrown out by the courts," said Tribal Chairman Kenneth A. Meza. "The residents of Jamul are the losers here. The men and women who are risking their lives on each call are the real losers here. Studies show that both our firefighters and our community are in danger, but the board has buckled under pressure from people with personal agendas, overriding the greater good and protection of their own friends and neighbors."

"There seems to be some confusion on the issue. The tribe did not ask the Rural Fire District to accept the proposal last night, we only asked the board to agree to enter into negotiations and work out the details over the next 30 days," added Kenneth Meza.

The main focal point of the fire board seems to be the tribe's plan to build a casino on its existing tribal land. Some members of the community feel that stopping the new fire station will also stop development of the new casino. According to the tribe, the two issues are not related.

"It is time the fire board starts thinking like a fire board and about what is in the best interest of the community for fire protection. Every single member on the board agrees that the district is under funded, inadequately staffed, too small and in desperate need of new equipment. All we are trying to do is help to protect our families and property too," stated Chairman Meza.

"The opponents of our fire station proposal are actually opposed to the casino and are using the fire station to hinder our efforts. This small group of people will not stop the casino but I am afraid that their shortsightedness will cause someone to get hurt or killed," said Meza. "It is a shame that some people are misled and do not understand that the area does need a new station to meet the needs of the entire community. This has nothing to do about the casino; this is all about fire protection and being able to save lives and protect property here in Jamul.

The Jamul Indian Village will proceed with its plans to bring a casino and entertainment center to Jamul despite the Rural Fire District's attempt to slow or

subvert the plans.

“As a resident of the area all of my life, I am afraid that if my home catches on fire it will burn down before the fire district gets there,” indicated Jamul Executive Councilman Bill Mesa after reading the independent analysis prepared by Hunt Research Corporation. “With all of the growth and new homes coming, we need this now. As a community we cannot afford to let politics interfere and hold up our safety,” he concluded.

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## High-stakes dispute in Jamul

July 7, 2001

Want \$4 million? This fire board doesn't

By Chet Barfield

UNION-TRIBUNE STAFF WRITER

JAMUL -- The local fire board is in the thick of a fierce battle over a proposed casino on the neighboring Jamul Indian Reservation.

Critics say three of the Rural Fire Protection District's five directors are putting their casino opposition ahead of the agency mission of saving lives and property.

Why else, the critics ask, would they reject the tribe's \$4 million offer for a new fire station, upgraded equipment and more firefighters?

The majority members -- two of whom were seated in November -- say they're sticking up for the department and public safety, not the influential anti-casino group that backs them.

Either way, it's a fight that has everyone's attention out here.

The casino "is the biggest deal in town right now," says former board member Douglas Dube. "If it comes in, it's going to have a tremendous impact, negative and positive, on the community."

Debates over Indian casinos are heating up in other parts of San Diego County, which has more casinos opening than any other region of the state. But the Jamul flap is exceptional both in its intensity and because an unlikely governmental agency -- a fire board -- is caught up in the fray.

Some background is necessary to understand what the fuss is all about.

The 56-member Jamul Indian Village occupies the smallest reservation in San Diego County -- a mere 6 acres -- and is surrounded by people who left the city for a rural setting 25 miles from downtown San Diego.

Several years ago, when the tribe began flirting with gambling investors, a well-heeled opposition group was born, the Jamul Action Committee. It later kept its acronym but changed its name to Jamulians Against the Casino.

These people mainly object to the traffic a casino would put onto state Route 94, but there are other things they don't like about the project.

After the tribe got a state gambling compact in 1999, it bought a few parcels of land -- about 100 acres in all -- in hopes of expanding the reservation someday. There's an application pending to put this land into federal trust.

On one of those parcels, a 4-acre wedge abutting the reservation, sits the Rural Fire Protection District headquarters and main fire station. The district, which covers most of the East County backcountry, is leasing a little less than 1 acre but uses all 4 acres.

The tribe wants that land for a long driveway into the casino it plans to build on the existing reservation. Eventually, if the acquired land is added, the tribe wants to build a hotel and possibly an RV park or golf course.

To get the fire district to move, the tribe offered to build a station on one of the other parcels, about half a mile away on Melody Road.

Two of the board members thought this made sense. The station is cramped and sits on a blind curve where it's hard for the engines to pull out safely.

But the other three -- those backed by Jamulians Against the Casino -- voiced doubts about what the tribe was really up to. They say the Indians refused to divulge the full scope of their project plans.

The board wanted an outside consultant to study the proposal.

The tribe paid \$30,000 for the study, which concluded that the station should move. It also itemized manpower and equipment needs should the casino and hotel be built.

The tribe offered to finance it all.

But the board majority voted last month to reject the \$4 million deal and stop negotiating.

"They have not come forward with information," majority member Will Eastwood said of the tribe. "It's hard to provide service for something if you don't know what the scope of it is."

But a former director, True Butler, who lost to Eastwood in November, says the majority's only aim is to halt or hinder the project.

"They aren't looking at fire protection. They're looking to stop the casino," said Butler, a retired firefighter who founded the department in 1973.

Butler's view is shared by board members Jesse Puckett and Larry Baldwin. It is disputed by Eastwood and his colleagues, Randy Terry and Dale Amato.

"Whether we like this project or not . . . we're not the agency to stop it," Terry said. "We're trying to get the best thing for our buck and make sure our fire protection is adequate."

Former board member Dube, who resigned in November, sees both sides. He thinks the casino is a public-safety concern because of the danger of traffic accidents. But he also says it's dumb to fight the project by turning down a new station.

"They're trying to stop gambling," he said, "but here they are gambling with the public health interests."

County Supervisor Dianne Jacob, an area resident and ardent casino opponent, urged the board not to relinquish its lease. She applauds the majority for rebuffing the tribe's effort to "buy the community off."

The tribe still plans to build a fire station on Melody Road -- for another agency West Ranch.

"We're going to push forward with our project," said tribal Councilman Bill Mose. "We're going to force improved fire service on the community whether they want it or not."



July 19, 2001

## Editorial

The San Diego Union Tribune's Downtown section recently had a short article called *City Council approves 12 new fire trucks*. The article reported that the San Diego City Council had approved a lease agreement with Pierce Manufacturing Inc. to give San Diego firefighters 12 new trucks.

Fire Chief Robert Osby stated that some of his department's trucks had deteriorated so much that no reserve trucks would be available in the event of a break down.

This article reminded me of our situation in Jamul. We also need more equipment. Our Rural Fire Protection District commissioned a study that determined we aren't adequately protected should a major fire break out in Jamul or the surrounding area. Not only do we need more equipment, we need another fire station and more fire fighters.

I have a special interest in this issue. As a 911 fire/emergency medical service dispatcher, I am confronted with intense, life-changing situations every day. I know what it means to a person to have fire or medical help there immediately. It can literally mean the difference between life and death.

I also have no doubt that it is sometimes difficult for authorities to find the financial resources necessary to adequately fund, build and maintain all of the necessary services a community needs. That's why the Jamul Indian Village offered \$4 million to build a new state-of-the-art station, buy new equipment and help pay for more people in an effort to help protect the community. The taxpayers would pay nothing.

What really amazes me is that the city of San Diego will approve spending taxpayer dollars for fire trucks, but the Rural Fire Protection District, with the support of its county supervisor, will refuse to accept help from a long-time member of the community. The tribe would have footed the bill while the Fire District and the community got the benefits, including a station and equipment fully owned by the district, no leasing involved.

Carlene A. Chamberlain  
Executive Council Member  
Jamul Indian Village

## The following local citizens support the JAC in their fight against the proposed casino on Route 94 in Jamul

Adams, Pam & Dean	Evans, John & Cynthia	Lindsay, Doug & Vicki	Pigeon, Andria
Adsit, Gordon	Faker, Phillip	Lindsay, Robert	Pigeon, Tom & Alma
Albert, Gary & Cindy	Fanelli, Bonnie & Tom	Lindsay, William	Proctor, Joel & Diane
Amato, Dale & Janet	Feilen, Bill & Janet	Linstad, Cynthia	Pruett, Drew & Renee
Arnold, Kate & John	Fernandez, Norma	Linstad, Lauren	Pruitt, Dale & Joy
Baird, Greg & Michelle	Ferri, Mike & Bonnie	Loftis, Dottie	Richards, Debbi
Baker, Ann	Fletcher, Kevin & Dana	Logan, Jennifer & Guy	Robbins, Sandy
Beers, Chris, Amber, Daneille	Flot, Anette & John	Long, Daniel	Robinson, Paul & Katie
Beers, Don	Fry, Vernon & Laila	Lottio, Farrell	Roesch, Mark & Patti
Beers, Vicky	Gehring, Geraldine	Luscomb, Neal & Lorrie	Rylander, Don
Bennett, Emily	Gerard, Ruth & Mark	Mangels, Dorothy & Clifford	Sabel, Joye & Stuart
Berlin, Karl & Birgitta	Gilmore, Robin & Troy	Manos, Jim	Salazar, Roberto & Susan
Bianchi, Karyn	Gingras, Don & Jo	Martinsen, Larry & Michelle	Sander, Wayne & Fabienne
Bidegain, Peter & Susie	Girard, Henri	McAdams, Kim	Sandoval, Manny & Trudy
Blasi, Dana	Gorka, Daniele & Catherine	McCalmont, Albert & Dianna	Sayles, Peggy
Blocker, Donna	Gray, Bill & Julie	McCalmont, David	Scharer, Dennis & Judy
Boehmke, Josephine & Jackie	Hafer, Ed & Debbie	McClin, Tina & Frank	Schnell, Phyllis
Boehmke, Ron & Russell	Hamblin, Virgi & Joan	McCormack, Kathe	Sheeler, Laurel & RuthAnn
Bouma, Joylene	Hancock, Jackie	McDermand, Marta	Shepard, Stan & Anna
Bratlien, Wayne	Hanzal, Kip & Angel	McHugh, Jackie	Shipley, Les & JoEllen
Broderick, Craig & Beth	Hayman, Tristan & Nancy	McKensie, Kim & Bruce	Simmons, Wendy
Brownlow, Robert	Hendrix, Donna & Bill	McLaughlin, Janet & Jim	Simpson, Clementine & Howard
Bruce, Kathleen	Hennen, Rick & Jan	Merritt, Jan & Tom	Sipo, Said & Jacky
Bruer, Mark & Beverly	Henry, Shirley	Meyer, April & Sam	Slaughter, Elli
Brummitt, Scott	Hertel, Lori & Roger	Mikkonen, Linda & Hannu	Slaughter, Richard
Bunch, Dori & Carl	Higgins, Josephine	Mishler, Marlene & Steve	Smith, Ronald & Cheryl
Bundy, Steve & Cheryl	Hillman, Tim	Moasse, Wendy	Snively, Blossom
Burton-Sander, Fabienne	Hoban, Veronica	Mollon, Deene' & Ed	Spurgeon, Marcia
Butler, Barbara & Frank	Holcomb, Kathy	Monroy, Edgar	Staack, Carol
Byars, Rebecca & Greg	Holland, Ken & Jennie	Monroy, Nancy	Stevens, Mark & Kathy
Cafes, Kim	Hollinger, Cynthia	Mordey, Tammy	Stevens, Bruce & Sue
Cardinale, Louie & Yolanda	Holt, Cheri	Murphy, Florence & Tom	Stewart, Jim & Cheryl
Cardinas, Michael & Mellissa	Horton, Kim & Russ	Murray, Mary	Strand, Tami
Carillo, MarySue & Randy	Hosler, Joel	Musser, Brandon	Stricklin, Rick & Diane
Cassels, Dan & Pam	Hoyt, Rob & Debra	Musser, Carrie	Sullivan, Laura & Bill
Cassinelli, Denise	Huffman, Margaret & Jerry	Musser, Gary & Edith	Sumnicht, Tom & MaryJo
Cates, David	Hutchinson, Joseph & Kathy	Neinast, Ray & Carol	Takasugi, Melodee
Chapman, Jim	Hutchinson, Kathy	Neville, George & Pam	Terry, Randy & Pat
Chevez, Frank	Iaia, Jeanne & John	Newland, Butch & Kathy	Tyack, Daniel
Chevez, Sandra & Salvatorio	Ivy, Linda	Nielsen, Kaj & Shirley	Tyack, Joanna
Chunn, David & Anita	Johnson, Gwenith & John	Nesthus, Kris & Dan	Wadham, Virginia
Churchman, Larry & Cindy	Jones, Gloria & Jerry	Oglesby, Lindsay	Wagner, Janna & Larry
Cohen, Susan & John	Kasicky, Jim & Arlene	Opperman, Floyd & Melinda	Webb, Patrick
Copeland, Pam & Len	Kaufman, John & Tina	Otto, Diane & Dagmar	Welch, John & Linda
Corey, Allen	King, Lisa & John	Paluso, Adele	White, Randy & Sara
Coss, Dan, Sandra, Gary	Kiskinen, Daniel & Kari	Pardy, David	Williams, Linda
Cox, Roger & Sharon	Koop, Karen & Peter	Parker, Streeter & Joselyn	Witte, Carrie & Don
Deslauriers, Craig & Donna	Koskinen, Daniel & Kari	Patton, Marion	Wuest, Irene
Diefenbach, Cherry	Krier, Joe & Ginn	Peabody, Yolanda & Mel	Yenawine, Dana
Droege, Dave & Carole	LaDow, Peter & Edith	Peabody, Yolanda	Zeigler, Lori & David
Easterly, Gail & James	Laine, Yolanda	Pearson, Kim & Jerry	Zickel, Mark & Debbie
Eastwood, Will & Ilima	Larson, Karen	Pendleton, Daniel & Janet	Zimmer, Pam
Eiter, Julie	Lehew, Debbie & Mark	Peppers, Kim & Rick	
Ek, Jim & Marianne	Lewis, Steve & Charlotte	Perea, Isela	
Eugenio, John & Mary	Lindebreke, Lon & Lisa	Perine, Beth & Donald	

Advertisement Paid for by the Jamulians Against the Casino

COMMUNITY UPDATE

# Reaching Out to the Community

Nearly 400 people participated in the community update and barbecue on June 13 hosted by the Jamul Indian Village. This was the tribe's first opportunity to speak directly with the community regarding their future plans. Everyone enjoyed good food and friendly company while learning more about the tribe's plans for economic self-sufficiency.

The crowd responded warmly when they learned of the tribe's intent to donate land along with \$2 million to relocate and rebuild the fire station at no cost to taxpayers. Speakers were also met with applause when they shared their plans for creating a park -- an outdoor museum -- that will protect and preserve the natural environment.

The event brought the community of Jamul together in the spirit of cooperation and mutual respect. This marked the first step in building something that everyone will benefit from.



The chanting of the bird singers and the rhythmic beat of drummers brought to a close an evening of understanding and good will.

**Working together we can make a difference in the lives of many.**



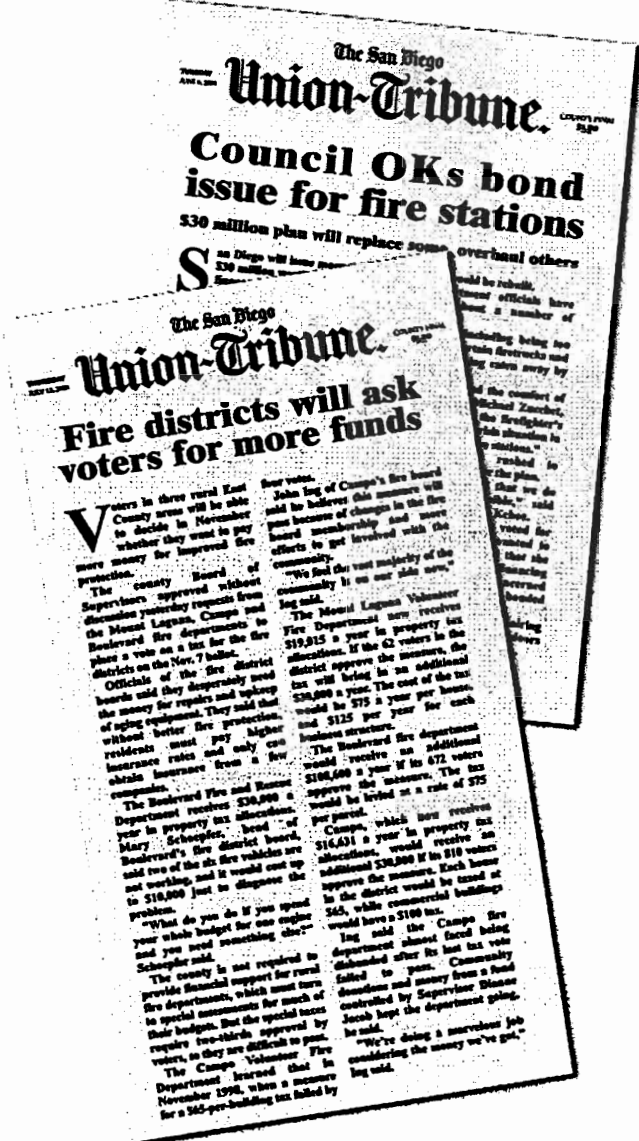
*"Celebrating 10,000 Years in San Diego"*

COMMUNITY

# Keeping Jamul Safe

Did you know that the county is not required to provide financial support for rural fire departments? Often the necessary funding comes from increasing property taxes.

The Jamul Indian Village is proud to pledge \$2 million and provide the land to build a new state-of-the-art fire station and sheriff's substation for the Jamul community at no cost to taxpayers.



Let's work together to ensure that our firefighters and community members are protected.  
*The safety of our community is in our own hands.*

JAMUL INDIAN VILLAGE  
 For more information: 619.669.1002



"Celebrating 10,000 Years in San Diego"

September 2000

**CELEBRATING 10,000 YEARS IN SAN DIEGO**



September 14, 2000

Dear Neighbor:

For some time now, we have pledged our commitment to the Rural Fire District. Just recently, we met with the Fire Board to begin a dialogue that will serve as the foundation for future ongoing discussions. As we work together to improve the safety and protection of Jamul, we look forward to meeting with them again soon.

I'm sure you are aware that there is a tremendous need to relocate our emergency services to a location that is safe and where they can provide the best quality of protection - not only for their volunteers but also for the Jamul Valley.

We have pledged not just \$2 million in order to build a state-of-the-art facility for them, but also the land that will provide them a safer access to and from their new facility.

This is just one phase in our commitment to working with the community and continuing our good neighbor policy. We are sincere in our desire to add to the quality of life in Jamul and continue to make this valley a beautiful and safe place to live.

Please remember, my door is always open.

Respectfully,

Kenneth A. Meza  
Tribal Chairman

Kenneth A. Meza  
*Chairman*

Carlene A. Chamberlain  
*Vice Chairwoman*

Bill Mesa  
*Councilman*

Erica M. Pinto  
*Councilwoman*

Adolph Thing  
*Councilman*

Julia Lotta  
*Tribal Administrator*

**JAMUL INDIAN VILLAGE**

*A Federally Recognized Tribal Nation*

P.O. Box 612 • Jamul, CA 91935 • Tel: 619.669.4785 • Fax: 619.669.4817

February 2001

**CELEBRATING 10,000 YEARS IN SAN DIEGO**



February 2001

Dear Friends and Neighbors:

Here at the Jamul Indian Village we continue with our plans for the future. We're excited about the possibilities that the New Year brings to us.

As a federally recognized Indian tribe, we will follow the guidelines of our tribal-state compact as we move forward. Over the past month, we have continued our meetings with the County of San Diego, Caltrans and other local governments, agencies and groups. Only by continuing our work together can we reach a satisfactory conclusion and bring something to the valley that everyone can be proud of.

After many months of discussions, we know we are making progress with the fire station. We have waited patiently while all of the plans have been finalized. We are so proud that we can contribute to our community in such a positive manner that will also help to save lives.

Everyday we are encouraged as more and more people from the community reach out to us with their support. Only by building bridges will our community be a better place for all. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman

Kenneth A. Meza  
Chairman

Carlene A. Chamberlain  
Vice Chairwoman

Bill Mesa  
Councilman

Erica M. Pinto  
Councilwoman

Adolph Thing  
Councilman

Julia Lotta  
Tribal Administrator

**JAMUL INDIAN VILLAGE**

*A Federally Recognized Tribal Nation*

P.O. Box 612 • Jamul, CA 91935 • Tel: 619.669.4785 • Fax: 619.669.4817

# IS SOMETHING GOOD COMING?

## STOP THE LIES!

*Highway 94 has been heavily congested and considered unsafe for many years...*

Caltrans has estimated that road improvements to Highway 94 from Jamacha Junction to the stop light at Jefferson will cost \$250 million — NO FUNDS ARE AVAILABLE.

## STOP THE LIES!

*There is only one group that keeps talking about a high-rise building with neon lights...*

This group was Kean Argovitz when they first showed their plans to the Kiwanis Club. Since then we have not seen any plans, but we keep hearing that a casino is coming — what does it look like? When is the Tribe going to provide the community with its plans? What are they going to do to address the concerns of citizens of Jamul? Are they meeting with the planning group?

## STOP THE LIES!

*There has been pressure on the Rural Fire Protection District to stop talking with the Jamul Indian Village and "stall" the negotiations for the relocation and rebuilding of the fire station.*

There has been pressure by the Tribe on Rural Fire Protection District to rush through the relocation without adequate research into the proposal and offer of the \$2 million. Are there strings attached? Why did the Tribe consider fencing off the existing fire station?

## STOP THE LIES!

*A casino will bring new jobs and new economic benefits to Jamul.*

A *U.S. New & World Report* analysis found crime rates in casino communities to be 84 percent higher than the national average. Further, while crime rates nationally dropped by 2 percent in 1994, the 31 localities that introduced casinos in 1993 saw an increase in crime of 7.7 percent the following year. Joseph P. Shapiro, "America's Gambling Fever," *U.S. New & World Report*, January 1, 1996, pp. 56, 60

The number of police calls in Black Hawk, Colorado, increased from 25 a year before the casinos to between 15,000 and 20,000 annually after their introduction. In neighboring Grand City, the number of arrests increased by 272 percent the year after the casinos arrived. J. Joseph Curran, Jr., "The House Never Loses and Maryland Cannot Win: Why Casino Gambling is a Bad Idea," Report of Attorney General J. Joseph Curran, Jr., on the impact of Casino Gaming on Crime, October 16, 1995, pp. 9, 12

# IS SOMETHING GOOD COMING?

## WHAT DO YOU THINK?

Stop the insanity! Can you imagine the traffic on Hwy. 94? The impact of a high-rise building with neon lights? The impossibility of a building this size on a 6-acre parcel? It is important to stay involved — write letters to your government officials, get neighbors to sign petitions, join the JAC.

Donate time and money to help the fight.

## Jamulians Against the Casinos

P.O. Box 1317, Jamul, CA 91935

(619) 527-0938 • [www.jamulcasinobusters.com](http://www.jamulcasinobusters.com) • Your Contributions Appreciated

## **BACK JAC HERE ARE THE FACTS**

### **A NEW FIRE STATION WILL COST APPROXIMATELY \$4 MILLION.**

*"We have pledged not just \$2 million in order to build a state-of-the-art facility for them, but also the land that will provide them a safer access to and from their new facility."*

Kenneth A. Meza letter in *The Jamul Shopper*, Sept. 14, 2000

The tribe is willing to offer \$2 million to have the Fire District move from the leased land where the fire station now sits and relocate it to additional land that the Tribe hopes to place in federal trust.

The offer of \$2 million is an effort to persuade the community that the Tribe is willing to "donate" and "work together" with the community and point to this offer as mitigation of some of the negative impacts of the casino.

The proposed new location on Melody is not the best site for the community's needs, but moving the station will clear an obstacle in the Tribe's way.

*"This is just one phase in our commitment to working with the community and continuing our good neighbor policy. We are sincere in our desire to add to the quality of life in Jamul and continue to make this valley a beautiful and safe place to live."*

Kenneth A. Meza letter in *The Jamul Shopper*, Sept. 14, 2000

**What is another phase? Road improvements? How will the Tribe add to the quality of life and make it safer?**

*"...the Tribe has been working with SANDAG and Caltrans to help relieve the impacts of its planned development and help make Highway 94 safer."*

Something Good is Coming! *The Jamul Shopper*, December 2000

Caltrans has estimated that road improvements to Highway 94 from Jamacha Junction to the stop light at Jefferson will cost \$250 million and they have NO funds available for these improvements.

What contribution or commitment will the Tribe make towards this problem? According to the Tribe, the casino will add up to 10,000 vehicle trips per day to State Highway 94.

## **Jamulians Against the Casinos**

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*Your Contributions Appreciated*



# **Mark Your Calendar!**

Join the  
**Jamulians Against Casinos**  
for

## **“Special Town Meeting”**

**March 21, 2001, 7:00pm**

in the

**Multi-Use Room, Jamul Primary  
14581 Lyons Valley Rd.**

**Update/New Developments in the  
Community’s Fight to**

**STOP A CASINO IN JAMUL**

**We Need Your Help, You Make A Difference  
Stop the Annexation of 101 Acres  
for the Casino**

**Jamulians Against Casinos  
P.O. Box 1317, Jamul, CA 91935  
Your Contributions Are Appreciated.**

COMMUNITY

# Know the Facts

Since the Jamul Indian Village first announced its plans to build a casino on our federally recognized tribal land, we have made an effort to keep the community informed. We do this because it is the right thing to do.

As a member of the community, we realize how important it is to keep the lines of communication open and without bias. We want the community to remain strong and not to be torn apart by rumors, which only serve to stir up controversy and anger. Instead we prefer to put the myths to rest so that all of us can go forward with the business at hand.

Here are the facts about Indian gaming, our future development and the impact it will have on the community.

- The right of federally recognized tribes to enter into gaming was established in 1988 through the Indian Gaming Regulatory Act.

## FACT

- Indian gaming is a federally recognized method to improve economic opportunities for American Indians.

JAMUL INDIAN VILLAGE  
For more information: 619.669.1002

- The Jamul Indian Village is located on federally recognized land that can be used for Indian gaming. That right was affirmed when California voters overwhelmingly passed Proposition 1A in March 2000.

## FACT

- Contrary to the rumors, a casino will not be built in the next six months. We are still in the development phase. What we do know is that the casino will not be a high-rise building with neon lights. Once we finalize our plans, we will share them with you by hosting a community meeting.

## FACT

- There is reputable research on the effects of gaming in the United States in the National Gambling Impact Study Commission Report. It concluded that communities tend to prosper around casinos and also reap more jobs. This report, prepared by a bipartisan group, could find no evidence of increased crime around Indian gaming establishments.

## FACT

*"Celebrating 10,000 Years in San Diego"*

COMMUNITY

# Know the Facts

- Analysis completed by the National Opinion Research Center at the University of Chicago on the National Gambling Impact Study Commission Report further concluded that communities located in close proximity to casinos do not experience an increase in bankruptcy, violent crimes or other health hazards.

## FACT

- Our tribe's commitment to bring a new fire station to the valley is a separate issue from the casino. Those who believe that by stopping the fire station they will stop the future development of a casino are only placing other community members in jeopardy. We all know that our community needs a new station!

## FACT

- Our efforts to keep the community informed of our plans for the future is not propaganda. It is the only way to keep the lines of communication open with people in the community and elected officials.

- Even though the gaming tribes have made payment to the state for revenue sharing, not one penny has been paid out. No one knows when the payments will begin or how much each non-gaming tribe will receive.

## FACT

- No one is "taking advantage" of the Jamul Indian Village. We are a sovereign nation with a voting membership and a recognized tribal government. The size of our reservation makes no difference in our legal right to pursue Indian gaming.

## FACT

- Indian gaming is not new to San Diego County. Even Supervisor Dianne Jacob has applauded the positive effects that Indian gaming has had in the communities around the three reservations with casinos in San Diego County.



"Celebrating 10,000 Years in San Diego"

## Editor, Jamul Shopper RESPONSE TO THE "SO-CALLED FACTS" IN THE APRIL SHOPPER

It is imperative that recent facts regarding the Jamul Indian Village and its true intentions become public knowledge. The San Diego Union, (April 9, 2001) reports how the Campo Indian Band had performed an Environmental Assessment for a proposed 6,000 square feet casino but then built one of 60,000 square feet. This should raise a red flag for everyone in Jamul. The Lakes-Jamul Village partnership plans the same "bait and switch" tactic.

**FACT:** R. Randy Goodson of Home Fed Corporation, owners of the 87 acres, proposed for annexation, confirmed at the Jamul Planning Group meeting on March 27<sup>th</sup>, that the Casino interests have inquired about purchasing additional lands southwest of the 87 acres, for the development of a golf course.

**FACT:** Court documents made public last week, outline detailed Development and Management Agreements entered into in February of 2000, by the Village and Lakes Gaming. Bill Mesa, a tribal Council member of the Village, was speaking "less than the truth" when he stated he "did not know who had said anything about a hotel", at the proposed casino when he appeared on the Roger Hedgecock radio show last month. In order for Lakes Gaming to continue management of the casino after five years, the agreement state that they are REQUIRED within that five years to have: "provided additional land to the Tribe; developed a gaming facility with 1,700 Class III gaming devices and 40 tables; 2000 parking spaces; specialty restaurant; food buffet restaurant; 24 hour coffee shop; snack bar; retail area; multi-purpose entertainment room; meeting rooms; child care center; video arcade facility; administrative offices; HOTEL WITH AN INDOOR POOL; RV PARK; convenience store/GAS STATION; fitness center and GOLF COURSE." Bill Mesa signed the agreement along with Ken Meza and other Village Council members!

**FACT:** The non-gaming tribes WILL receive a share of what is a present 38 million dollars John Hensley, Chairman of the Calif. Gambling Commission stated he would get the proceeds distributed very soon. Jamul Indians WILL get their share without a casino.

**FACT:** The analysis of Fire Protection study done for the Rural Fire Protection District concluded Jamul will need TWO new fire stations if the casino is built, one will be inadequate to provide protection. Traffic will slow response time to fires and medical emergencies increasing fire damage and loss of life.

**FACT:** Read the editorial by James Dobson (Union Tribune, June 27, 1999), to get the accurate summary of the National Gambling Impact Study of which he was a member. He concluded, "it is a greed-driven, predatory vice, designed to squeeze the maximum amounts of money from every single patron. It is by its very nature dependent on victims." Gambling is not "harmless entertainment." Governor McCallum of Wisconsin accurately stated it "redistribute(s) wealth as opposed to creating wealth."

The above points are fully documented. The Editors Round Table on NPR (April 13, 2001) concluded that San Diego County is becoming saturated with casinos with escalating deleterious effects. The roads are over burdened. We do not need an additional casino in Jamul. A casino in Jamul benefits few while causing congestion, destroys our environment and endangers the lives and safety of many. .... Gerald B. Farrow, MD, Member Jamul Planning Group

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- Boneless NY Strip Steak
- Standing Rib Roast

### The Ponderosa

**\$69<sup>95</sup>**

50 pounds

- 10# chuck roast
- 5# ground beef
- 5# beef ribs
- 10# cut-up chicken
- 3# country-style ribs
- 5# end-cut pork chops
- 3# sausage
- 2# franks
- 3# bologna
- 2# salami
- 2# bacon

### Branding Iron

**\$119<sup>95</sup>**

80 pounds

- 5# round steak
- 10# chuck roast
- 10# ground beef
- 10# beef ribs
- 15# cut-up chicken
- 15# end-cut pork chops
- 5# sausage
- 3# franks
- 2# bologna
- 2# salami
- 3# bacon

### Western Round-Up

**\$219<sup>95</sup>**

150 pounds

- 20# chuck roast
- 25# ground beef
- 25# fryer chickens
- 20# end-cut pork chops
- 10# beef ribs
- 10# round steak
- 10# sausage
- 8# country spare ribs
- 5# BBQ steak
- 5# franks
- 4# bologna
- 3# salami
- 5# bacon



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# Protecting the people of Jamul

The San Diego Rural Fire Protection District recently commissioned a study of the fire protection and emergency medical services for the Jamul Community Service Zone from the Hunt Research Corporation. The study concluded that the present location of the Jamul Fire Station is too small and dangerous and should be moved.

The Jamul Indian Village offered the Fire Board its support by building a new station at a location that's better suited for the fire district's needs and that can accommodate the growing fire protection needs of the community.

The Jamul Indian Village has committed more than \$4 million plus the land to bring a new station that will service the entire valley. Even though the fire board has refused the Village's offer, the Jamul Indian Village is committed to working with the people in all other aspects of its project.



JAMUL INDIAN VILLAGE  
For more information: 619.669.1002

*Current levels of service, including response times and staffing, do not comply with national standards and benchmarks.*

—Analysis of Fire Protection and Emergency Medical Services for the Rural Fire Protection District Jamul Community Service Zone submitted by Hunt Research Corporation.

*"Celebrating 10,000 Years in San Diego"*

## COMMUNITY

# Open letter to the Jamul community:

As anyone who has ever driven past knows, the Jamul Fire Station is small. The land it sits on is small. That plot, less than one acre of it, simply does not allow for the expansion and growth the fire station requires to meet the needs of the Jamul Valley.

Recently, the San Diego Rural Fire Board selected an independent firm, Hunt Research Corporation, to complete an analysis of fire protection and emergency medical services for the Rural Fire Protection District and Jamul Community Service Zone.

Here are some findings from the Hunt analysis:

- The current Fire Station 66 site is too small and should be moved. In addition, the fire truck currently has to exit on onto Highway 94, which is extremely dangerous. The relocation of the station to Melody Road provides a better and safer location for response.
- The Jamul Community Services Zone is at risk for a repeat of the 1970 Laguna Fire within the next ten years. In that fire, 392 structures were lost, more than 100 were damaged and eight people died. The dollar value was in the millions. The Rural Fire Protection District must begin immediately to implement proactive prevention efforts to prevent another Laguna Fire.
- Proactive prevention will require the recommended fire station and apparatus as well as additional staffing. Currently there is an 82 percent deficiency in the level of service due to a lack of staffing. Staff levels do not comply with national standards and benchmarks and this deficiency may worsen as population and incidents increase.
- None of the station's response times comply with national standards for a 5-minute response time from receipt of the call from 911.
- This (second) station is needed to provide ISO and OSHA compliant fire and EMS response to this area. It will also provide response to the principal commercial area and needed support to Station 66 at Casino/Hotel calls as well as multiple queued responses.
- The district is not able to adequately respond to a multiple queued incident in a timely manner. The service zone currently needs a fully paid four-person engine company and two properly located ambulances.
- The Rural Fire Protection District has significant operational and administrative deficiencies at this time notwithstanding the potential construction and operation of a casino and hotel at the Jamul Indian Village.

The board has adopted the Hunt analysis, which estimates that relocating and upgrading the fire station will cost more than \$4 million. The Jamul Indian Village offered that amount to the fire board in an effort to ensure the well being of our community.

The board rejected the merits of our offer and claimed it was because we haven't been upfront and honest about our development plans. In truth, we have complied with all of the requests from the board. We recently hired an architect, and we are ready to move ahead with our project. We will keep the board and the community informed of our plans every step of the way.

Despite the board's decision, the Jamul Indian Village is committed to the safety and security of our friends, our families and our community.



JAMUL INDIAN VILLAGE  
For more information: 619.669.1002

## JAMUL Executive Council

Kenneth A. Meza, *Chairman*

Carlene A. Chamberlain, *Vice Chairwoman*

Erica M. Pinto, *Councilwoman*

Bill Mesa, *Councilman*

Adolph Thing, *Councilman*

Julia Lotta, *Tribal Administrator*

"Celebrating 10,000 Years in San Diego"

# Fire District Held Hostage In Tribe's Gamble for Casino

*Submitted by Windee Frederich*

The Jamul tribe announced that it would follow through on its year-long threat to fence in the Fire Station, following the San Diego Rural Fire Protection meeting on May 1. The directors rejected an offer of \$4 million by a vote of three-to-one, with one abstention, to end the negotiations started last May.

Residents see this as one more threat in the high-stakes poker game that is continuing between the fire board and the developers, who are determined to roll over this community in their desire to build a casino at whatever the cost to the community. The Fire District is in the middle of controversy since they sit on .82 acres of leased land that the tribe wants as an entrance to their proposed casino.

After the board rejected the offer and the meeting adjourned, Julia Lotto, tribal Administrator, handed to the board a prepared letter threatening to restrict the

use of the leased land. As she was yelling expletives and screaming at the board, Chief Dan McKenna told her she was out of order and asked her to leave the building.

A memo dated June 5, 2000, from the chief expressed concerns he had regarding the negotiations. Mentioned in the memo were these issues: relocation of Station 11 and the district offices, the impact development would have on the current level of service being provided, and the development of a contract to provide service to the proposed project. McKenna also expressed his concerns regarding what he referred to as the "gift" of \$2 million.

In a subsequent memo to the Board dated September 5, 2000, McKenna stated that, "We have received none of the information that we requested." One request was to have the developer supply to district staff their plans for the proposed project. This information has not

been forthcoming.

It was in part because of the reluctance of the developers and tribe to provide the board with the information that it needed to make a fully informed decision that led the board to rejecting their proposal.

In November, Kenny Meza assured some board members that a fence would not be put up as long as the board worked in "good faith." The district then accepted the Jamul Indian Village's offer to hire a consultant selected by the district and paid for by the tribe.

Hired by the tribe, Jim Hunt of Hunt Research Corporation did an analysis of fire protection and emergency medical services for the district. Many members of the board felt that the report addressed some of the impacts that the project would have on the EMS and fire protection, but it was inadequate and incomplete. It was also not consistent with what the county's research showed.

After seeing the Environmental Asset Report, the Fire Board, the local planning group, and the school board responded in length. The planning group submitted some 21 pages. Their response addressed several contradictions, as well as incomplete, misleading as well as conflicting information.

After seeing the Environmental Assessment Report, all the local agencies and many members of the community requested that a full Environmental Impact Report be done before any determination could be made.

Meantime, the residents and the Fire District wonder what the new threat will be in the next poker hand dealt to them by the developers. They hope that their "good neighbors" will not sacrifice the safety of their lives by dealing the Fire District the hand that says you get nothing. If the tribe gets the casino, the Fire District will suffer all the impacts made by it with no mitigation. The developers and the tribe are winners take all.

As residents sit with their backs to the wall in this poker game, they must be wondering what cards the developers still have up their sleeves.

## Do We Need a New Rural Fire Board?


*Submitted by Eleanor Miller*

I think it's time for the citizens of Jamul to take a better look at the San Diego Rural Fire Board and elect some new representation. The present board

members just turned down an offer of more than \$4 million to relocate and upgrade the station. They did this even after the report they requested from an independent research firm said that the existing site is too small, additional staffing and equipment is needed immediately to meet the growing needs of the community, and that proactive preparation is necessary in the event of another catastrophic fire like the 1970 Laguna Fire.

If the money was turned down because it came from the Jamul Indian Village that has plans to open a casino, shame on those voting members. They are elected officials charged with the responsibility to provide fire protection to our community, not to make judgements about the plans of another group. All that matters is the safety of our loved ones, our homes, and our property.

I, for one, am going to start looking closer at the members of the board and make sure they are leaving their personal agendas at home.



**Jamul Shopper**

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# COMMUNICATE, COMMUNICATE, COMMUNICATE

What the Board did do was to stop all COMMUNICATION by a vote of 3, 2 which cannot be lifted until the board member who made it makes a motion to lift it.

First of all, none of this can take place if the 101 acres of land is not put in trust.

### Communication pays off.

A recent news article stated that the acting regional director of the Bureau of Indian Affairs said the agency would not intervene.

"We don't have the authority," said Carmen Facio." If (the tribe) hasn't done the things they're supposed to do under the compact with the state, then it's the state's responsibility to assure that compliance."

A Davis spokeswoman said that the Governor would not get involved, but hopes the county and tribe will "meet and work this out." ("Campo Casino Work Has County Upset". *San Diego Union Tribune*, Thursday, May 6, 2001.)

### Communication pays off.

Another article in a June issue of the San Diego Union Tribune East County it states: "Then, county officials visited the reservation to discuss the project with tribal leaders and an attorney."

San Diego County's deputy chief administrator, public works director, and acting tribal liaison left with some questions remaining, but were optimistic overall.

"The tone was friendly and respectful" said Chantal Saipe, the acting liaison "We think we can work out, with the Campo tribe, the various issues."

LaChappa, the tribal coordinator, said frictions with the county stemmed from "a breakdown in communication" that both sides want to resolve.

### Communication pays off.

Supervisors approve Wildcat Canyon Road. The project is estimated to carry a \$5 million cost. With the Bureau of Indian affairs and Barona tribe to pay \$4.4 million.

Supervisors advertise contract for Dehesa road work. The estimated \$635,000 project will be funded jointly by the County and Sycuan Tribe.

"This project, I believe, represents a great example of the collaboration that can occur between the county and our tribal governments." said supervisor Dianne Jacob. (*East County California*, June 7, 2001.)

### First Contract with Jamul Indian Village

Fire Facility (Station & 3.5 Acres) \$2,800,000 with a 25 years Lease with the right of the District to renew the Lease for a Second 25 years for \$1.00 per year, but first the land must be put in trust.

### Second Contract

Fire apparatus \$1,263,775. Fire personnel & operational \$900,000 annually for Chemical storage buildings only.

### Third Contract

Add more Buildings \$?????

### Information submitted by the Jamul Indian Village

In a letter dated April 12, 2001 the following offers where made to the fire District.

1. \$4,065,000 for construction of a fire facility and the fire apparatus that were outlined in the Hunt report.

Continued on page 31



Continued from page 30

- 2. \$900,000 annually for the operational costs associated with staffing the proposed fire station and apparatus per the Hunt report
- 3. The tribe has also offered limited sovereign immunity to assure the fire district of the enforceability of the contract for service.

The tribe has submitted a conceptual site plan to the fire district for review —which is what the fire district does with every project that is submitted for review. After the fire district has reviewed a site plan a comment or requirement letter is issued to the developer for their future planning purposes. Often times the fire district will receive several different maps of the same project with changes reflected on each of the different maps.

1. Currently the fire district has the following staffing patterns in place at station 66:

<u>Captains</u>	<u>Engineers</u>	<u>Firefighter EMT</u>	<u>Paramedic</u>
1	0	Vol. 2	1 currently the only Paramedic is provided by AMR through the duration of the current contract.

2. Proposed staffing patterns which could be put in place if the fire district successfully negotiates a contract for service with the Jamul Indian Village.

<u>Captains</u>	<u>Engineers</u>	<u>Firefighter EMT</u>	<u>Firefighter Paramedic</u>
1	1	2	2

3. The following represent the total staff that would be in place with the existing as well as the proposed staffing patterns on a daily basis which would allow for multiple calls at the same time to be answered.

<u>Captains</u>	<u>Engineers</u>	<u>Firefighter EMT</u>	<u>Firefighter Paramedic</u>
2	1	4	3

With the numbers presented above this allows the fire district to staff and respond to the following types of apparatus simultaneously.

- 1. Type one fire engine.
- 2. Quint ladder truck with paramedic on board.
- 3. 2 paramedic ambulances
- 4. 1 Transport ambulance

All of the above listed options and offers are contingent upon the Jamul Indian Village selling the land into TRUST. They DO have a signed compact with Governor Davis (see article on Campo page 10). At the present time numerous Fire District and Protection agencies are interested in providing fire protection to the proposed gaming facility.

If the District is not successful in negotiating a contract for service and another entity is sought to provide protection the Fire District will still have to service the effects of the proposed gaming facility. It is anticipated that there may be as many as 30,000 trips per day on 94 which will increase response time to all incidents within the Jamul service area. Presently there is one Paramedic Ambulance stationed in the Jamul area. Every time that ambulance receives a call it has a minimum of two hours before it can be available for a second call. In the event there is a medically related call while the Jamul Ambulance is out on a transport the next ambulance will come from Alpine or even farther from Campo taking from 30 to 45 minutes.

*A concerned senior citizen with medical concerns for all.*

## COMMUNITY

# Questions & Answers

There have been rumors and conflicting reports about the Jamul Indian Village's offer to relocate and upgrade the Jamul Fire Station 66. The Tribe has received many questions from the community on this issue. Here we answer some of the questions we have received.

**Q. Who commissioned the fire report?**

**A.** The San Diego Rural Fire Protection District Fire Board requested the study and chose Hunt Research Corporation, the oldest community fire protection consulting and planning firm of its type in California, to analyze the current and future levels of fire protection in the area.

**Q. Why should the fire station be moved?**

**A.** The Fire Board's study concluded that the present location of the station is too small. In addition, Station 66 fire trucks currently have to exit onto Highway 94. The proposed location is better suited for the Fire district's needs and provides a new level of safety to the fire fighters and the community.

**Q. Is service really that bad now?**

**A.** We want to stress that the fire fighters are doing the best they can given the current situation. The level of service may worsen as the population increases and as more homes and businesses are built. Our fire fighters just don't have the equipment or work force to meet the demands of the growing community.

**Q. How did the Jamul Indian Village come up with its contribution amount?**

**A.** The Hunt analysis, which the Fire Board has adopted, estimates that relocating and upgrading the fire station will cost more than \$4 million, not including \$900,000 per year to provide services. The Jamul Indian Village has committed that amount plus 3.5 acres, and has agreed to sign a new, 50-year lease to bring a new fire station that will service the entire valley.

**Q. Why is the Jamul Indian Village willing to pay more than \$4 million for a new fire station?**

**A.** The Jamul Indian Village is committed to working with the Fire Board and the community to ensure the safety of all residents in the valley. After all, our families and friends live in this area too. We want the best possible fire protection for our facility, its patrons, and our community.

**Q. Why did the Fire Board reject the Jamul Indian Village's offer?**

**A.** The board refused our offer, claiming it was because we haven't been upfront and honest about our development plans. In truth, we have complied with all of the board's requests. We have met with the fire board on numerous occasions to outline our plans to date. We have attempted to keep the board and the community informed of our plans every step of the way, and will continue to do so.

**Q. The fire station pays to lease the land from the Tribe, doesn't it?**

**A.** The Jamul Indian Village leases the 0.82 acres the fire station sits on for \$1 per year. It made this arrangement with the Fire Board years ago. Since then, this community has grown significantly, as have its fire protection needs.

**Q. Is the Jamul Indian Village going to throw the fire station off its land?**

**A.** The fire station is currently using more than the 0.82 acres specified in its lease with the Jamul Indian Village. The Tribe has notified the district that it may continue to use the area outside the actual leased premises as it has done in the past until further notice, giving the Fire District plenty of time to limit the station to its leased area.

JAMUL INDIAN VILLAGE  
For more information: 619.669.1002



**COMMUNITY**

# The facts about the Jamul Indian Village's fire station proposal

The Rural Fire Protection District hired Hunt Research Corporation to do an analysis of the fire protection and emergency medical services needs for the Jamul Community Service Zone. The District's fire board subsequently adopted Hunt's findings.

After reviewing the analysis, the Jamul Indian Village committed more than \$4 million and the land to bring a new fire station to Jamul for the protection of the community. That amount matched the requirements specified in the Hunt analysis and addendum, but the fire board still refused the tribe's offer.

**COMPARISON OF THE HUNT REPORT ANALYSIS AND  
THE JAMUL INDIAN VILLAGE'S COMMITMENT**

	<u>ANALYSIS REQUIREMENTS</u>	<u>TRIBE'S PROPOSAL</u>
Fire Facility	\$2,800,000	\$2,800,000
Quint	\$639,625	\$639,625
Engine	\$369,150	\$369,150
Mini Pumper	\$130,000	\$130,000
ALS Ambulance	\$125,000	\$125,000
Staffing (18 positions)	\$841,998	\$841,998
O&M	\$56,500	\$56,500
Site	3.5 acres	3.5 acres

\*Distributed at the Rural Fire Protection District's May 14, 2001 meeting

*Know the facts and  
make your own decision.*

JAMUL INDIAN VILLAGE  
For more information: 619.669.1002



*"Celebrating 10,000 Years in San Diego"*

## **FIRE BOARD UNFAIRLY ATTACKED BY CASINO INTERESTS FOR DECISION**

In May, the Jamul Tribe threatened to fence in the fire station and district office on Highway 94. Now they are ridiculing three San Diego Rural Fire Protection District Board Members for their decision to reject a contract proposal. If Jamul residents are suppose to believe that the Tribe wants to enhance the District's ability to perform services, why would they first threaten to fence in the District and hinder its ability to exit or enter the Fire Station and compromise the overall operation at the current site?

The Tribe's recent letters, Shopper ads and their mass mailing maligning certain Board Members is the Tribe's latest effort to pull the wool over the eyes of the community. Given the responsibility to provide Fire Protection to the whole community, the members of the Board have spent countless hours of their personal time reviewing and studying the proposals presented by the Tribe and their representatives. They also reviewed the management agreement between the Village and the developers. What they concluded was that the Jamul Village's current proposal for a proposed casino did not incorporate the larger scope of the project agreed upon by the Village and the developers. This expansion would create an additional drain on the District's limited resources for which the District **may not be compensated.**

The Village and the developers while playing their poker hand are ignoring the Jamul community's outcry against the project and that the Fire District will not settle for something less than adequate when it comes to Emergency Services and Fire Protection for this community. If they want to play fair, they should let the Fire District know the true scope of their project. Their bluff for fencing off the Fire District did not go as planned, so they continue to provide the community with misinformation and misconstrued facts. If they want to gamble, they have to start by playing fairly with the community. The Village should equitably mitigate their proposed project beginning with the Fire District.

For those few residents who believe that the Board Members turned down this "gift" of \$4 million, they should consider the fact that the District's Hunt report estimated \$5 to 6 million for a new station, another \$2 million for a station located in the Skyline/Lyons Valley area, plus an annual operation cost of over \$1 million. The Hunt Report proposed a bond issue accessed against the Jamul property owners to cover the short fall. Clearly, this is neither a gift nor a great deal. Also, consider that the Rincon Reservation signed a formal agreement with San Diego County pledging more than \$7 million in road improvements and over \$250,000 a month for contract services with Valley Fire District. Finally, consider that the Campo Reservation casino, initially planned as 6,000 square feet has ballooned to 10 times that size without disclosing the change in plans.

What the Jamul Village seems to be betting on is that they, like Campo, are willing to defy all local and state government agencies and do exactly as they please. They were also betting that they could convince the Board Members to accept whatever proposal came their way. Most of the residents of Jamul see through the slick public relations advertising sent out by the Village. Hopefully, they also see that the Tribe is being less than honest in their efforts to have this project move forward. It is very sad that they now feel compelled to attack and malign certain Board Members and the Rural Fire Protection District.

**JAMULIANS AGAINST THE CASINO. P.O. BOX 1317, JAMUL  
CA 91935**

## OPEN LETTER TO THE COMMUNITY FROM THE SAN DIEGO RURAL FIRE PROTECTION DISTRICT

There has been much misinformation disseminated regarding the May 1, 2001, vote of the San Diego Rural Fire Protection District ("District") rejecting the Jamul Indian Village's current proposal to relocate Station 66 (Jamul) and build a new fire station. The purpose of this open letter is to provide the community with a summary of what the District did and did not do by way of its May 1, 2001, vote. The District rejected a \$4,000,000 buy-out of the current lease of the land on which Station 66 and the District offices sit. There is no doubt that Jamul is in need of upgraded fire protection and emergency medical services. It is the role of the District and its Board of Directors to deliver the best possible services to the community.

The Jamul Indian Village's recent letters in the Jamul Shopper and its mass mailing suggests that The District rejected the Jamul Indian Village's attempt to give it \$4,000,000 for the construction of a new fire station and related equipment. This is not the case. Contrary to what the Jamul Indian Village has publicly stated in the media, the "gift" is a payment in exchange for the District relinquishing the remaining 6 years on the station's lease, which is currently on property owned by the Jamul Indian Village. If, in fact, the Jamul Indian Village's offer was a true gift, for the purpose of enhancing fire protection and emergency medical services to the community, would it require the relinquishment of the lease? In addition, the terms of the proposal called for the District to provide fire protection services to the casino project for a monthly payment of \$75,000.00. The Jamul Indian Village has made it clear that it desires the .82 acres on which the station and District offices currently sit for the entrance to the casino. Should the fire station remain, it is anticipated that the casino entrance will be adjacent to the station's entrance.

The thrust of the District's actions in rejecting the Jamul Indian Village's current proposal was that the proposed casino is likely to expand far beyond what was represented by the Jamul Indian Village. The management agreement between the Jamul Indian Village and its financial backers, Minnesota gaming concern Lakes KAR-California, LLC, calls for the construction, within the next 7 years, of a casino with 2000 slot machines, hotel, golf course, entertainment facilities, retail stores, RV park, service station and a mini-mart. This is information that Jamul Indian Village has failed to voluntarily disclose to the District, despite its repeated requests for information on the full scope of the project. Moreover, this information was denied by a highly placed Lakes KAR-California official when responding to a direct question posed by a board member. The Board of Directors determined that should the project include the above-referenced facilities, the Jamul Indian Village's offer would not adequately cover the personnel resources necessary to respond to fire calls and provide emergency medical services that a project of that magnitude would bring to Jamul.

In light of the fact that the Jamul Indian Village enjoys sovereign immunity, the District is concerned that once the project is constructed, the surrounding communities (including governmental entities) would most likely not receive any assistance from the Bureau of Indian Affairs ("BIA") in curbing unchecked growth of the project. (See, article "Campo casino work has county upset." San Diego Union Tribune, Thursday, May 10, 2001.) The District is also concerned about its ability to enforce any agreement or to amend an existing agreement to provide for greater levels of fire protection and emergency medical services should the scope of the project be consistent with what is contemplated by the management agreement between the Jamul Indian Village and Lakes KAR-California.

*Continued on page 17*

*Continued from page 16*

In addition, Lakes KAR-California has confirmed that if the Jamul Indian Village does not obtain the 101 acres in trust, then it is the intention of the parties to build the casino project on the 6 acres of land that the Jamul Indian Village currently holds. Lakes KAR-California confirmed that under those circumstances, the parties intend to build a multi-story high-rise building in order to fulfill its obligation to the tribe under the management agreement. This poses a concern because if the District is to provide fire protection and emergency medical services to the casino project, the current proposal (including the \$75,000 monthly fee) may not be sufficient to cover the additional personnel costs associated with the protection of such a structure. The District is simply waiting for the Jamul Indian Village to obtain all of the necessary land and approvals from the federal government allowing them to commence with the project before it agrees to relinquish the lease on the current station. By doing so, the District can be assured that it has all the relevant information needed to make an informed decision on behalf of the community.

In furtherance of its bid to build a casino, the Jamul Indian Village is currently in the process of applying to the federal government ("BIA") to have approximately 101 acres of land, which is adjacent to and across Melody Road from the current 6 acres of land which is now the Jamul Indian Village, taken into trust for the purpose of constructing the casino project. The District, along with many other governmental and civic groups, has urged the BIA to prepare a full Environmental Impact Statement ("EIS") prior to approving the project. This was because the District felt that the project would have severe detrimental impacts on the delivery of fire protection and emergency medical services to the community, despite the building of a new fire station. It is possible that the BIA may require the Jamul Indian Village to prepare a full EIS prior to proceeding or it may determine that it cannot proceed at all based upon the negative impacts to the community. This issue has not yet been decided, and the project will not be allowed to move forward until it is. Thus, the District voted to await the BIA's decision before it moves forward with any negotiations to relinquish the station lease.

The Board of Directors, as well as District management, are aware of the need for heightened fire protection and emergency medical services in the community. We are also aware of the rhetoric and propaganda that this issue has, and will in the future, generated. It is the position of the Board of Directors that in light of the uncertainties surrounding the project and the significant impact that it will bring to the community, that the District's acceptance of the \$4,000,000 offer is simply not warranted at this time. We ask that you reserve judgment on this issue until all of the facts have been brought to light. Please feel free to inquire of any of the Board of Directors regarding this issue, or any other issue involving fire protection and emergency medical services in the community. We are here to serve you.

The San Diego Rural Fire Protection District remains committed to bringing to the community the best possible fire protection and emergency medical services that we possibly can.

Thank you,

THE BOARD OF DIRECTORS  
SAN DIEGO RURAL FIRE PROTECTION DISTRICT

## COMMUNITY

# Jamul Deserves Better Fire Protection

Months ago, the San Diego Rural Fire Protection District hired Hunt Research Corporation to analyze fire protection and emergency medical services needs for the area, and subsequently adopted the independent research company's findings. In response to those findings, the Jamul Indian Village doubled an earlier offer to more than \$4 million in resources and land to build, equip and staff a state-of-the-art fire station that would help meet the needs of the community. The tribe's offer matched requirements specified in the Hunt analysis.

Some members of the District's Fire Board turned the Village down in the hope that its decision would stop the tribe's casino project. The tribe is continuing with its plans, and has sent out requests for proposals to nine fire districts, including the San Diego County Rural Fire Protection District, to provide fire protection to the reservation.

Recently, in a last minute meeting, the Board voted to ignore the tribe's request for proposal. The Fire Board's decision makes it very clear that it is not interested in providing adequate fire protection to Jamul.

This is not what members of the District promised the residents of Jamul when they were voted into their positions.

**Consider these excerpts of the candidate statements submitted to the San Diego County Registrar of Voters for last November's election:**

"...While I am opposed to large scale growth in the area, such as the proposed casino and tract housing, should such growth become a reality, it will be necessary to ensure that the level of fire protection is adequate to meet the needs of the community and that any future development will not exhaust the public resources."

—Dale A. Amato

"The closure of Scripps Hospital in East County, the impacts due to new residential developments, and the possibility of a major commercial development in the form of a casino have prompted me to offer my services to the fire board. My goal is to ensure that the services required to support the residences of this beautiful community are the best available and that each and every development is required to mitigate its impacts to the fullest extent."

—Will Eastwood



JAMUL INDIAN VILLAGE  
For more information: 619.669.1002

*"Celebrating 10,000 Years in San Diego"*

## JAC would like to portray fiction as fact, but the truth is...

**Truth:** Current federal land-into-trust regulations regarding non-contiguous land that will be used for gaming do essentially give the state governor the power to deny a tribe's application. However, the Jamul Indian Village's land-into-trust application is for contiguous land that will not be used for gaming, so the law Secretary of the Interior Gale Norton referred to in her phone interview with Rodger Hedgecock does not apply.

In fact, Secretary Norton says, "States have made different choices about gaming. Some welcome it; some have banned it almost completely. And I think that sort of state choice is something that should be respected by federal law and, therefore, federal law as it applies to the tribes." Here in California Indian gaming has been approved twice by the public, each time receiving more than two-thirds of the vote.

**Truth:** Across the state, Indian casinos provide tribal members with nearly full employment and have helped reduce the unemployment rates in their counties. Some are now the largest employers in the area. The employees pay taxes and purchase food, housing, clothing, transportation and entertainment, and otherwise help support their local economies. The fact is, the communities in California have benefited tremendously from Indian gaming. Casinos have funded road improvements, health clinics, schools, hospice programs, childcare facilities, water services and fire safety. Overall, Indian casinos are considered valuable and contributing members of their communities.

**Truth:** The Jamul Indian Village will have fire protection for its reservation, whether it is provided by the Jamul Fire Station or not. We would prefer to spend our money to build, man and equip a fire station that will protect our community as well, but we cannot force it on a fire district that does not want it.

**Truth:** The board refused our offer because it claimed we haven't been upfront and honest about our development plans. In truth, we have met with the fire board on many occasions to outline our plans to date and have complied with all of the board's requests.

**Truth:** The Rural Fire Protection District currently has significant operational and administrative deficiencies. Even if we did not build our gaming facility, these deficiencies would have to be addressed. The tribe's contribution exceeds the fair share requirements specified in the Hunt analysis and addendum for our proposed facility. To expect the tribe to underwrite all of the needed improvements for the community is unfair and unreasonable.

**Truth:** We have never claimed that our contribution would "save" the Fire District. What it will do is provide more fire fighters, more equipment and more land to protect the people of this community, including the Jamul Indian Village.

**Truth:** The tribe does not "need" the land the current fire station sits on. We will proceed with our facility regardless of the Fire Board's decision.



JAMUL INDIAN VILLAGE  
For more information: 619.669.1002

"Celebrating 10,000 Years in San Diego"



# NO \* NO \* NO \* NO \* NO

Article from San Diego Union Tribune Publishing Company Dec. 21, 2001.

"This is a ludicrous decision," Dianne Jacob said yesterday. "The Bureau of Indian Affairs completely ignored the environmental impacts that would be caused by this project." Jacob and other County officials are pushing for a more thorough review called an environmental impact report. Jacob issued a news release yesterday saying the County has filed an appeal with the U.S. Department of the interior, challenging the Indian Bureau's finding of no significant impact.

Letter to Virgil Townsend, BIA from Charlene Gonzales Zettel, Assemblywoman 75<sup>th</sup> District

"I am writing this letter to express my opposition to the proposed Jamul Indian Village." "I am also opposed to the expansion of gaming onto this new property since the proposed site could not be properly mitigated for traffic, noise and other safety impacts along Highway 94 a road already plagued by fatal accidents."

From the Office of the Governor in a letter to Virgil Townsend, Riverside, BIA, July 17, 2001.

"Consideration of the Tribe's application must have the benefit of a properly prepared environmental impact statement not simply an E.A. " "In addition, the Bureau should view this as a gaming rather than a non-gaming acquisition. The significant environmental impacts identified below compel preparation of an environmental impact statement."

San Diego Rural Fire Protection District Directors, **Randy Terry, Dale Amato, and Will Eastwood** have repeatedly asked for a full Environmental Impact Study on the proposed Jamul Indian Village Casino project and 101 acre annexation. They join **Supervisor Dianne Jacob, Assemblywoman, Charlene Zettle, Congressman Duncan Hunter, State Senator David G. Kelley, the Jamul-Dulzura Union School District, the Jamul-Dulzura Planning Group, the Endangered Habitats League, the Back Country Coalition, the City of Chula Vista, the Jamulians Against the Casino,** as well as the **majority of Jamul residents** in calling for a full Environmental Impact Study.

**Send your letter today requesting a full EIS!!**

To: Gale Norton, Secretary of the Interior,  
1849 C St. NW., Washington D.C., 20240

EMAIL: galenorton@ios.doi.gov, Telephone 1.202.208.7351

SEND YOUR DONATIONS TO **JAC**, P.O. BOX 1317, JAMUL, CA 91935  
VISIT OUR NEW WEB SITE @ [www4jac.com](http://www4jac.com)

March 2002

# **NO\*NO\*NO\*NO\*NO\*NO**

*In 2000 they came to Jamul and they said, "It's a done deal!"*

They said, "Something Good IS Coming!"

The community of Jamul asked,  
**"IS SOMETHING GOOD COMING?"**

The response was a resounding, **"NO!"**

The County of San Diego has filed an appeal on the flawed EIS!

Supervisor Dianne Jacob says, **"NO!"**

Congressman Duncan Hunter says, **"NO!"**

The office of the Governor says **"NO!"**

Assemblywoman Charlene Zettle says, **"NO!"**

The Jamul-Dulzura Planning Group says **"NO!"**

The Jamul-Dulzura Union School District says, **"NO!"**

The Endangered Habitat League, the Back Country Coalition,  
The City of Chula Vista, San Diego Rural Fire Protection District

and the District Directors, *Randy Terry, Dale Amato and  
Will Eastwood*, Jamulians Against the Casino, as well as the

Majority of *Jamul residents* are all asking for a

**FULL ENVIRONMENTAL IMPACT STUDY**

prior to any annexation of property for the purpose of a casino

## **YOUR CONTINUED SUPPORT IS IMPORTANT**

**IT IS MAKING A DIFFERENCE!**

Send your letter today requesting a full EIS!

To: Gale Norton, Secretary of the Interior

1849 C St. NW., Washington D.C., 20240

EMAIL: [galenorton@ios.doi.gov](mailto:galenorton@ios.doi.gov), Telephone 1-202-208-7151

SEND YOUR DONATIONS TO JAC, PO Box 1317, Jamul, CA 91951

VISIT OUR NEW WEB SITE@2 [www.4jac.com](http://www.4jac.com)

## COMMUNITY

FOR IMMEDIATE RELEASE

June 1, 2002

For more information: 619.669.1002

## Fire District Recognized by County Taxpayers Association

The San Diego Rural Fire Protection District narrowly escaped winning a Golden Fleece award at the San Diego County Taxpayers Association's awards dinner on May 2. The Fire Protection District was nominated under the Special Districts category for refusing the Jamul Indian Village's \$22 million offer to build, equip and staff a new fire station for the next 20 years, including continuing a lease at \$1 per year.

Because increased fire protection is needed in the community, the district's decision will likely result in a tax increase to pay for a new station.

"The board has put the community's needs second to its own political agenda," said Jamul Indian Village Executive Council Member Bill Mesa. "The board's decision was entirely motivated by its desire to stop progress on our gaming facility."

Each year, the San Diego County Taxpayers Association gives out Golden Watchdog and Golden Fleece awards to government agencies that efficiently use or waste taxpayer dollars. It received more than 150 nominations for this year's Watchdog and Fleece awards.



[www.jamulindependent.com](http://www.jamulindependent.com)

*"Celebrating 10,000 Years in San Diego"*

COMMUNITY

# Fire Safety: Everyone's responsibility

According to the news, this year has been one of the driest on record for California. The potential for a very dangerous fire season is the result.

The Jamul Indian Village would like to thank the firefighters who serve our communities and protect our homes from the impact of such a disaster. We pray that they stay safe this summer.

It is also all of our responsibility to do what we can to help our firefighters through fire safety, elimination of fire hazards and by practicing responsible behavior.

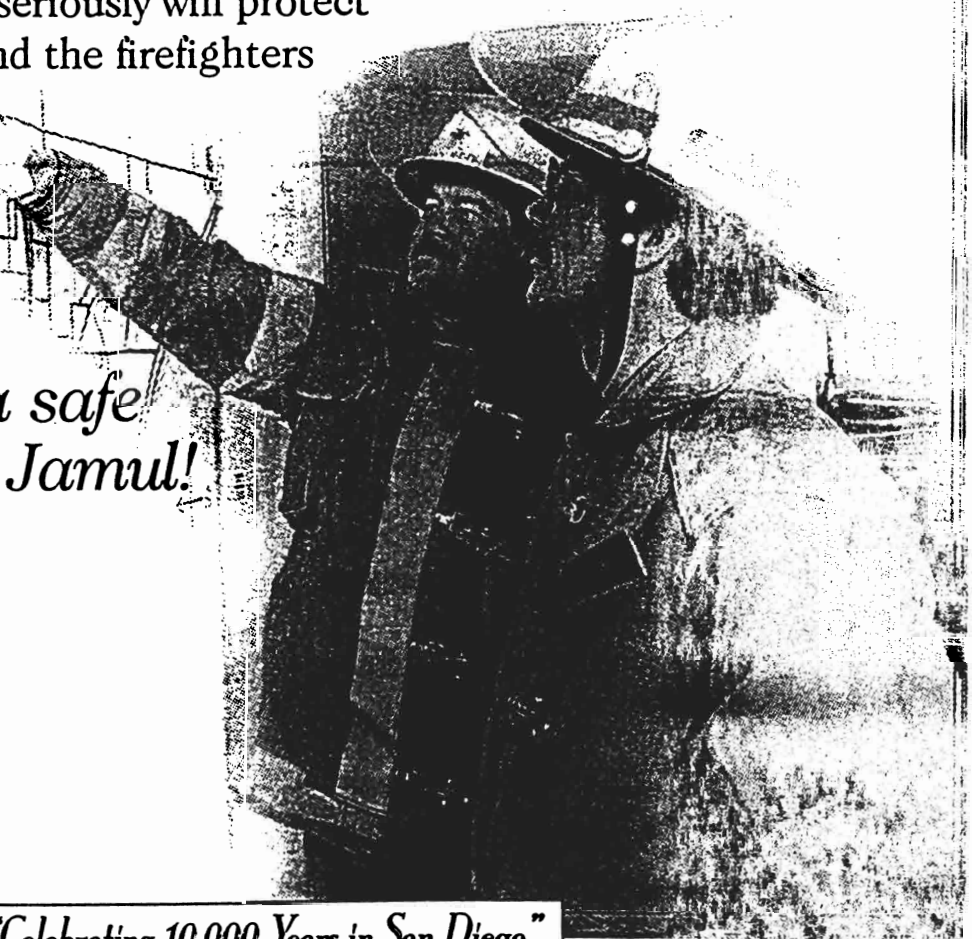
Taking fire safety seriously will protect our community and the firefighters who work so hard to shield us from harm.

*Let's have a safe fire season, Jamul!*



[www.jamulindianvillage.com](http://www.jamulindianvillage.com)

*"Celebrating 10,000 Years in San Diego"*



## Baaaaad IDEA!!!!!! JAMUL TRIBE WANTS TO PULL WOOL OVER COMMUNITY'S EYES!

In it's most recent effort to cloud the issues in the community concerning the proposed casino project, the tribe's public relations machine slings more mud at the San Diego Rural Fire Protection District. Their "paid for" community advertisement in *Jamul's Shopper* was both inaccurate and self serving.

While the PR machine working for the Tribe may have submitted the SDRFPD for the Golden Fleece Award, according to a spokesperson for the San Diego Taxpayers Association, they DID NOT consider the SDRFPD for this award. The District DID NOT, as reported in the ad, narrowly escape this award.

### THE AWARD GOES TO GOVERNMENT AGENCIES THAT WASTE TAXPAYERS DOLLARS!

The Tribe did make offers to relocate Station 66 and build a "state of the art" fire station. The Tribe making clear to the Fire District that it needs the .82 acres on which the station currently resides for the entrance to the casino. Their original offer of \$1million dollars was over the next year, upped to \$4 million after the completion of the investigative Hunt Report. The report studied the impacts that the proposed project would have on the Jamul Community Services Zone. The recommendations of this report included the following: Station 66 should move, that the project presents potential impacts to the SDRFPD even if the Village does not contract fire protection and emergency services from the District, and that the total fair share costs for the Jamul Indian Village was at that time \$5,070,398.00.

*The District did not reject a monetary gift from the Tribe, that could be used for fire protection and emergency medical service in Jamul. They rejected the Tribe's proposal because the Tribe has not disclosed the scope of their project! Repeated requests by the District for additional information has been ignored!*

JAC-says the SDRFPD IS watching out for the taxpayers and the additional expense to them should the casino project go forward!

## JAMUL WILL NOT BE FLEECED!!

JAC - needs your continued SUPPORT and DONATIONS  
P.O BOX 1317, JAMUL, CA 91935  
Website: [www.4jac.com](http://www.4jac.com)

# Let's Get This Straight!!!

## CORRESPONDENCE RECEIVED FROM A LOCAL JAMUL RESIDENT...REPRINTED WITH PERMISSION:

I'm sure most of you who read the past few issues of the THE SHOPPER came away with the same impression as I. Should it now be called "the Jamul Indian Village Shopper"? The multiple full-page ads venomously attacking duly elected local officials, our County Supervisor, the attorney hired by the original members of the Jamul Village who oppose the casino and now our Congressman! Illogical and hateful letters written by others, some of who don't even live in our area, and who often have affiliations with the Village, attempt to reinforce these unwarranted personal attacks. *I don't blame the Shopper for publishing the ads or the poisonous letters as it has a legal obligation and a business to run. But doesn't it make you wonder where the money comes from to pay for these multiple full-page ads?* Either they are being paid for by Lakes Gaming, which has funded every other purchase, land option and publication of The Village, or perhaps the Village is now paying for the ads with the \$40,000 per month it receives from Lakes Gaming, (as per the legal contract between the Village and the Corporation). The payments began after an initial payment of \$50,000 when it was signed in February 2000. \$1,130,000 to date. The signed contract is public record.

I know we are all tired of the same old unwarranted attacks on our friends and elected officials. Such as ;"Why didn't the Fire Board accept the (bribe) and agree to build a fire station on casino land?" That broken record should be discarded. No responsible official in ANY business would enter into an agreement without knowing the extent of his/her organization's commitment in that agreement. Certainly not when the offer came from an organization that does not own the land offered and does not even have the funds to make such an offer! It's called "Common business sense". Remember, too, that the Fire Board HAS AGREED to meet with the Village when the full size and scope of the project is presented in detail. It hasn't been to date!! Village Attorney Madrigal did admit on record at a Fire Board meeting, however, (contrary to Bill Meza's denial) that the Village is planning to build a hotel! Don't forget that the study done for the Fire District also stated that a Second fire station would be needed if a casino were ever built, as the casino station could not protect northern Jamul, which includes all of our grade schools. This is because of the minimum estimate of over 10,000 more car trips per day that will be generated by a casino. It also stated that there would be increased loss of life and property because of this traffic as well. The attacks on the JAC? JAC is you and me, the 99+% of Jamul residents who oppose a business of any kind, which would have the size and scope of a casino. This is not a "hate" campaign against the village. We'd just as vigorously oppose a Ford plant, a Wal-Mart or any business that will destroy our community character and most importantly, as pointed out by the Fire Study, will markedly increase the risks to our children and neighbors. All of us are familiar with what happens in a dispute when one cause finds itself in the wrong and lacking support as the Village now does. Dirt is thrown and repeated malicious personal attacks are made, as is happening now in print against our friends and neighbors protecting Jamul, as the Village attempts to convince us why it is "right". Shakespeare said it very succinctly in Hamlet: (The Village) "doth protest too much, methinks." Gerald B. Farrow, MD JDCPG

**JAC-NEEDS YOUR SUPPORT & DONATIONS**  
P.O. BOX 1317, JAMUL, CA 91935 Website [www.4jac.com](http://www.4jac.com)

July 20, 2000

Fire Chief Dan F. McKenna  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Fire Chief McKenna:

*How'ka!* Greetings from the Jamul Indian Village.

There has been a lot of activity in Jamul lately, and we hope that soon we will have the opportunity to sit down with you and open a dialogue on the issues that are important to all of us. While we believe that we understand the district's current need for a new state-of-the-art station, in order to best serve the community, we would like to hear from you and confirm those needs.

The Jamul Indian Village is committed to helping the Rural Fire District relocate and rebuild its station, thus creating a "win-win" situation for our friends and neighbors in Jamul and the fire fighters who serve them. I truly hope we can meet in friendship and together find ways to improve the quality of life in Jamul. I look forward to your call.

Respectfully,

Kenneth A. Meza  
Tribal Chairman

August 18, 2000

Jesse Puckett  
Chairman  
Board of Directors  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chairman Puckett:

We received your letter and are concerned. The tribe has always taken the position that we will pledge \$2 million and the land for a new fire station and sheriff's substation. For the Jamul Indian Village, making this offer is about community pride. We are proud to live here in Jamul and want to do our part to give back and provide for all of our neighbors.

Unfortunately, there has been confusion surrounding our commitment and I would like to take a moment to set the record straight.

Our offer still stands. We are working to finalize the details of the facility so that we can present this information to the Fire Board. We will be providing you with this information as soon as possible so that we can move forward. We understand your concern surrounding the proposed site and have come up with a solution that we believe addresses these matters.

It has come to our attention that the facility could be better situated on the Teller property. That is why we are extending our offer to include funding for a facility that can be located on the reservation or on the Teller property.

It's time that we come together as neighbors who share the best interest of protecting and providing for the community. For many years now, we have shared a common land and have come to know one another. We hope that we can use this relationship as a starting point and foundation so that we can come together in the spirit of community.

I look forward to getting together so that we can work out the details and move ahead. If you have any questions, please feel free to give me a call. Our door is always open.

Respectfully,

Kenneth A. Meza



August 22, 2000

Jesse Puckett  
Chairman  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chairman Puckett:

On behalf of the Jamul Indian Village, we would like to formally request to be placed on the agenda for the meeting in September. We wish to make a presentation outlining our plans to the Fire Board.

We look forward to seeing you in September.

Respectfully,

Kenneth A. Meza  
Chairman

October 12, 2000

Jesse Puckett, Chairman  
Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chairman Puckett:

On behalf of the Jamul Indian Village, we would like to thank you and the board for taking the time to meet with us. We were sorry to have missed you at this special meeting, but were pleased to see that we are making progress in moving forward with this project.

All of us can agree that this is an important undertaking that will provide additional safety and protection to all residents. We are committed to working with the fire district and are willing to provide a consultant who can assist the fire district with its analysis and recommendations to the board.

We would also like to reiterate that signing the MOU and the lease is not an endorsement of the project. Per previous conversations, there is no longer a reference of an endorsement of any kind in the MOU or the lease that has been presented to the board for your consideration.

We look forward to working with you on this project and reaching a conclusion as soon as possible. Together, we can bring additional safety and protection to the Jamul Valley.

Respectfully,

Kenneth A. Meza  
Chairman

October 16, 2000

Chairman Jesse Puckett  
Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chairman Puckett:

We would just like to take a moment to thank you for letting the community know that our offer to fund a new fire station is and should be considered.

Randy, a member of the fire department, spoke about our commitment at the community meeting held on Thursday, October 12. It was a welcome change to hear that the community needs to set aside its differences and start thinking about the long-term benefits of a fire/sheriff's substation.

By keeping the lines of communication open between ourselves, we can show the community that increased safety and protection for the valley is our number one priority.

Respectfully,

Kenneth A. Meza  
Chairman

October 27, 2000

Dear:

There is an alarming trend occurring throughout San Diego County. Fire and protection services are experiencing a dramatic decrease in funds necessary to provide protection for community members. In turn, cities and county governments are raising taxes and asking voters to approve these services. However, there is a unique opportunity that awaits the community of Jamul.

Without using any funds from taxpayers, the Jamul Indian Village is committing a minimum of \$2 million plus the land needed to build a new fire station that would service the entire community. For the last year, we have been working with the Rural Fire Protection District to bring this new, state-of-the-art fire station to Jamul.

Rather than welcoming the idea of a new fire station, the Rural Fire Protection District has been dragging its feet and turning this opportunity into a political issue. We find this ongoing turn of events rather disturbing. Fire protection and police services often eat up about 60% of government budgets and involve a lot of red tape. Still the Rural Fire Protection District has yet to take any action.

This is an issue that requires immediate attention and a firm commitment. Further prolonging it only places community members and firefighters in greater jeopardy. Just last year, a car was struck by a fire engine as it left for an emergency call. The new fire station would be relocated to an area that is less congested and has a controlled intersection, thereby eliminating future dangerous situations from occurring.

In addition, the new fire station would be relocated to a plot of land that would allow the Rural Fire Protection District to properly house and store all of its equipment. Currently, the fire district is using more land than allowed by the lease. Equipment and other property belonging to the fire district has been encroaching upon our tribal reservation lands for some time. To properly handle this situation, we are constructing a fence to clearly delineate tribal reservation lands from those lands designated for use by the Rural Fire Protection District.

As you can see, there are many issues that need to be addressed. We are now calling upon you – the community – for action. Safety and fire protection is a concern that we all share and we sleep better at night knowing that our families are protected. To ensure the safety and protection of our family and friends in Jamul, we urge you to contact the Rural Fire Protection District and encourage them to make the right decision. We are in desperate need of a new fire station. The safety of our community depends on it.

Thank you.

Respectfully,

Kenneth A. Meza  
Chairman

October 27, 2000

Chief Dan McKenna  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna:

As you know, the tribe and the fire district have signed a lease for the use of a specific section of land by the Rural Fire Protection District. It has come to our attention that equipment and other property belonging to the fire district is encroaching upon tribal reservation lands. We ask that this property be removed in a timely and responsible manner so that we may stay in accordance with the lease.

We also would like to take this opportunity to notify you that we will be constructing a fence to clearly delineate tribal reservation land from the land that has been designated for use by the Rural Fire Protection District.

Should you have any questions, please feel free to call. Thank you.

Respectfully,

Kenneth A. Meza  
Chairman

LETTER OF INTENT BETWEEN THE JAMUL INDIAN VILLAGE  
AND THE SAN DIEGO RURAL FIRE PROTECTION DISTRICT

November 7, 2000

The Jamul Indian Village is a federally recognized tribal nation located in San Diego County. The tribe resides on approximately six acres of federally recognized tribal land located off Highway 94. Currently, the tribe is leasing a portion of this land to the San Diego Rural Fire Protection District at a rate of \$1 per year.

For many months now, representatives from the Jamul Indian Village and the San Diego Rural Fire Protection District have met to discuss the development of a new, state-of-the-art fire station. The tribe has made a commitment of at least \$2 million and the land for a modern station that would service all valley residents.

It is the intent of the Jamul Indian Village and the Rural Fire Protection District to work cooperatively in reviewing potential impacts, looking at possible mitigations and studying the proposal so the fire district may be able to analyze and make a decision on the proposed relocation and subsequent building of the new fire station.

It is also the parties' understanding that the Rural Fire Protection District will provide fire fighting and emergency services to the reservation, and any land under application with the Bureau of Indian Affairs for future development, to the best understanding of the RFD at this time and according to the tribe's site plans.

Kenneth A. Meza  
Chairman  
Jamul Indian Village

Dan F. McKenna  
Fire Chief  
San Diego Rural Fire Protection District

November 29, 2000

Jesse Puckett  
Chairman  
Board of Directors  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chairman Puckett:

As you know, we are now finalizing our plans to move forward, however, we are still unsure if the fire district is also committed to bringing a new fire station to the community. We have learned that the next board of directors' meeting will be on Tuesday, December 5. We respectfully request that the topic of the Memorandum of Understanding for the new fire station and the offer from the Jamul Indian Village be on the agenda as an item for final determination.

With the assistance of the consultant, all of the necessary information for review should be available for the board to vote on whether or not to go forward with the fire station. The time has come to resolve this issue and move ahead with the plans to improve the fire and emergency services provided to the residents of our community.

We look forward to attending the meeting so that we can work out the details and move ahead. If you have any questions, please feel free to give me a call. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman



February 16, 2001

Fire Chief Dan F. McKenna  
Members of the Board  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Fire Chief McKenna:

After reviewing the analysis prepared about the potential new fire station in Jamul, we are concerned about some of the statements and recommendations that have been made in that report. We would like to sit down with Mr. Hunt and a member of the fire district in order to get clarification on some of these questions.

As you know, the tribe has committed \$2 million for the Fire District to build a new station. The analysis that has come back is substantially more than that and the report opens other areas to further discussion and clarification. For example, the report is written from the standpoint that the tribe will be running a hotel on the reservation. Since the tribe has no plans for a hotel, we are unsure of how that information was gathered for this report. The report also contains many issues and recommendations that may have an impact on our tribal sovereignty and therefore, will require tribal council approval. It appears that some of the information is wrong or is based on a lack of understanding of the operations of a casino.

We would like to discuss these points with Mr. Hunt and a member of the fire district and help to bring clarification. In order to have sufficient time for discussion of the issues, we respectfully request next week's meeting be postponed. Members of the Jamul Indian Village Tribal Council are available on Monday, February 26, to have an opportunity to discuss and bring clarification on the many outstanding issues.

Respectfully,

Kenneth A. Meza  
Chairman

February 21, 2001

Chief Dan McKenna  
Members of the Fire Board  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna and Members of the Fire Board:

For many months now, the Jamul Indian Village has been in communication with the fire district to bring a new fire station to replace the current one to service the Jamul Valley. Our commitment has always remained the same – to provide \$2 million and a lease on the land to build a station that would enhance the current level of fire protection.

As you know, this is the first time that we have been involved in building a fire station. Therefore, we must rely upon your expertise and those who are familiar with the day-to-day operations of fire fighting facilities.

We have asked members from our team to take a look at the document that was prepared for the Board. After an initial read of the study, we have some concerns about the information, analysis and recommendations made in the report. We hope to have an opportunity to get Mr. Hunt together with our team and members of the Fire Board to take a look at these issues and clarify the outstanding questions. Some areas of the report lack sufficient support for the recommendations made to the Board.

We have noticed that the cost as identified in the report to build a fire station is significantly higher than our original commitment. Any decision that differs from our original commitment will require the approval of the tribe. The consultant who was hired to do the evaluation, Mr. Hunt, has an extensive knowledge of the fire industry and fire protection. We were also pleased to learn that he has performed research and analysis for the Viejas Band of Mission Indians, a gaming tribe in San Diego County. However, we were disturbed by many of the comments made in the report that show a lack of understanding of how a casino operates. We have identified many of the comments made that we believe require further explanation before moving forward with this report.

The report also contains many recommendations that are not commonly performed, which may have an impact on our tribal sovereignty. These items will require approval by the tribe.

Before this goes any further, we believe that there are many issues that need to be corrected or clarified in the findings and recommendations in the report.

After our initial read, we have identified several issues that need clarification:

- 1) The project does not contain a hotel.
- 2) The study states the total square footage of the structure to be approximately 379,200 square feet. Information provided to the Fire District reflects approximately 265,000 square feet of structure.
- 3) Comparison of 4.9 calls/day to: (Please explain the differences)
  - a) Statistics from our Kinder, Louisiana property show that within the last 45 days that we have had 22 EMS calls (mostly due to improper self medication by guests), no trash fires, no site fires and no car fires. In 5 ½ years of operation there has never been a fire call to the casino, other than a car fire in the parking lot.
  - b) Viejas Casino shows, per this study, 2.2 calls per day.
  - c) Sycuan Casino shows, per this study, 2.8 calls per day.
- 4) There is a statement in the introduction that it would be “dysfunctional to emergency services in the Jamul Community” for the Tribe to start its own fire department. Please explain this statement. This is a sovereign right of the Tribe, if it were to choose to create its own services.
- 5) There is an obvious anti-gaming tone to the study as many unsupported assumptions and statements are made as to the effects of gaming on crime and fires.
  - a) The statement is made that, “customers of the Casino, especially the bingo parlor, may tend to be older, in ill health, or may tend to have life styles which impair their health, such as abuse of drugs, alcohol and heavy smoking.
  - b) Increases domestic violence due to gambling losses.
  - c) Increase in burglaries in immediate neighborhood and fires to cover crime due to gambling losses.
  - d) Increase in arson in immediate area, attributable to spite or grudges due to gambling losses.
- 6) How was the fair share allocation calculated? It is unclear how the capital and annual amounts are determined. Please provide a detailed explanation of how each of these numbers was arrived at.
- 7) How does the Fire District plan to meet its fair share requirement?
- 8) The author shows a lack of knowledge of a gaming operation.
  - a) Fires behind slot machines do not occur due to daily cleaning.
  - b) We have never experienced a fire in any type of gaming equipment or associated lighting.
  - c) Due to the operation of the property 24 hours per day, 365 days per year, the likelihood of fires in elevator pits, escalator pits, trash fires in restrooms, or halogen lighting related fires is minimized.
  - d) Garages are kept clean and free of debris and no trash dumpsters are allowed removing the potential of trash fires.
- 9) What is the necessary level of fire protection and ambulance services required today, without the casino?

## 10) Objectives

A-1-c - Fire pumps will be provided in accordance with code.

A-1-d - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

A-1-g - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

A-1-h - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

A-1-l and m - Fire flows will be provided in accordance with applicable codes

A-1-n - Please explain.

A-1-q and r - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

A-1-s - Please explain.

A-1-u - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

A-1-v - This is an issue of Tribal sovereignty and would require Council approval.

#### 11) Section 6

##### a) Casino

Item 1. The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

Item 2. The casino is open and under full surveillance and security 24 hours per day, 365 days a year. Off-site sprinkler supervision is not required. We will agree to enter into a mutually agreeable schedule of periodic fire and safety inspections.

Items 9, 18, and 19 - The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

Item 20. No enclosures will be built behind machines as they are on bases that butt up to one another and are constantly being relocated.

Item 28. Bus loading and unloading will be done at the structure.

##### b) Access

Item 1. The structure will be built in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact.

##### c) Fire Protection Water Supply

Item 1. The property will be constructed of Type I, fire restrictive construction

##### d) Miscellaneous

Items 2 and 3. These are matters of Tribal sovereignty and must be considered by the Tribal Council.

Item 4. Another example of the author's lack of understanding of casino operation

#### 12) Section 7

a) Item 1.g. – A code review and “building inspector” will be hired by the Tribe to review all plans and specifications for adherence to building and fire codes, as well as to provide construction observation services. Copies of their reports will be provided to the Fire District.

b) Item 6.a. – The fire station site is approximately 2.5 to 3 acres

c) Item 6.d. – Please provide a further description of the training and repair/supply facilities.

d) Item 7.a.20. – Please provide further description of the purpose of this facility.

13) Section 10

- a) Item 1. – It should be stated that neither the Jamul Indian Village, nor any other Indian tribe, grants casual waivers of sovereign immunity because it is one of a tribe's most important and protected sovereign powers. This is a matter requiring approval of the Tribal Council.
- b) Item 2. – Tactical enhancements will be constructed in accordance with applicable California building and fire codes as agreed upon by the Tribe in the Compact. Section 6.4.1 specifies which codes the Jamul Tribe has agreed to follow. There may be some limited room for further discussion on these issues, but the Fire District should be aware that the tribe will not grant any general waiver of sovereign immunity concerning the enforcement of local county codes and regulations, nor it is likely that any other tribe in California would do so.

We hope you will take a moment to review these areas of concern. Our commitment to bring a new fire station to the Valley stands. We look forward to sitting down with you and Mr. Hunt to work through these issues and come to an understanding of the report.

If you have any questions, please feel free to give me a call. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman

February 23, 2001

## **COMPARISON OF FIRE STATION COSTS**

### **Santee Fire Department**

- \$1.4 million to \$1.7 million to replace current Fire Station No. 5.
- Fire station to be built on one-acre parcel.

### **Chula Vista Fire Department**

- \$1 million for Fire Station No. 4 in Rancho del Ray development.
- Facility to include 4,000 square-foot station and 1,700-square-foot classroom.

### **Clark County, Nevada Fire Department**

- \$2.2 million to build and equip fire station.
- Clark County to build 13 new fire stations with \$100 million budget to build and operate the 13 facilities through 2009. Budget costs include purchasing of vehicles and salaries of 18 people needed to staff each one.

### **San Diego Rural Fire Protection District**

- Fiscal year 1998-1999 departmental budget \$740,000. Less than half coming from county property taxes.

February 26, 2001

Dan McKenna, Fire Chief  
San Diego RFD Board Members  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna and Fire Board Members:

We are writing to relay some important information to the Board since representatives of the Board were not able to meet with the Tribe as scheduled on this date. The Jamul Indian Village has endeavored to work with the Fire District to reach an agreement that will hopefully benefit both the Jamul community and the Jamul Tribe. However, as you are aware, this process has been quite time consuming and we are fast coming up against some time frames for the Jamul Project.

1. Please be advised that the Jamul Tribe must know the Fire District's decision on the relocation issue no later than April 4, 2001. After that date, it will become necessary for the Tribe to move forward with alternative avenues, and assume that it will be necessary to plan around the fire station and its use of .08 acres on tribal land.
2. It is the Tribe's belief that the expenditure of approximately \$5 million, with additional continuing annual expenditures, cannot be justified by the pertinent facts and figures of the Jamul Project. Many of the Tribe's concerns were delineated in our letter to the Board dated February 21, 2001. On the other hand, the Tribe recognizes that it may be necessary to go beyond its initial offer of \$2 million, in order to build a fire station that will adequately serve both the community and the Tribe.

Page Two  
February 26, 2001

In summary, the Jamul Tribe still needs to meet with representatives of the Board at its first available opportunity to discuss the issues raised in the Tribe's February 21, 2001 letter, and to have serious discussions concerning the amount of funding available from the Tribe for the relocation and construction of a new fire station. If such meetings cannot occur in a timely manner, the opportunity for both the Tribe and the community to benefit will be lost.

Once again, we remind the Board of the time line that we are up against that will require any agreement with the Fire District to be completed by April 4, 2001. Thank you for your immediate attention to this pressing matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth A. Meza".

Kenneth A. Meza  
Chairman



## Final Letter

April 23, 2001

Dan McKenna, Fire Chief  
San Diego RFD Board Members  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, Ca 91935

Dear Chief McKenna and Fire Board Members:

Thank you for meeting with the Tribe and representatives of Lakes Gaming on Thursday, April 19, 2001 at the Jamul Reservation. Although we were not able to go over every aspect of the Jamul Tribe's proposal, I believe we did cover the most important issues, and hope that we are now ready to move forward on the proposal.

It is our understanding that the Fire District will have the Tribe's proposal on its agenda at its next meeting on May 1, 2001. As we advised you at our meeting on Thursday, the Tribe requires action on our proposal on that date, one way or the other, so that the Tribe can move forward with the design of its gaming facility.

The Tribe asks that the Board approve the proposal in concept, and authorize its representatives to enter into good faith negotiations for the next 30 days, up to June 1, 2001, to attempt to reach agreement on the various outstanding issues. The relinquishment of lease rights to the present location would of course be contingent upon the alternative location being available, and on the construction of the contemplated new fire station.

If the Board is not able to take action authorizing the thirty day negotiating period beginning on May 1, or does not find it in the RFD's best interests to complete such negotiations by June 1, the Tribe will have no choice but to proceed with the project, obtain fire and EMS services from others and assume that the fire station will remain at its current location. If this is the case the Tribe will insist that the fire station occupy only the .8 acres granted to it in the lease agreement because the remainder of the property must be used in designing and establishing an entrance around the station.

To accomplish the above in a legal manner that protects both parties, our respective attorneys will need to immediately begin work on the proposed Memorandum of Understanding, of which you have received a copy. Please advise us if we can have our attorney contact the Fire District's attorney to commence such work. A new lease agreement will also have to be worked out in conjunction with the MOU, and you should also have a copy of that document. If you require

another copy of either of these documents, please let us know.  
Thank you for your consideration of the Jamul's Tribe's proposal. The Tribe looks forward to working with the Board on this important community issue.

Sincerely,

Kenneth Meza, Chairman  
Jamul Indian Village

April 30, 2001

Chief Dan McKenna  
Members of the Fire Board  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna and Members of the Fire Board:

The Jamul Indian Village is moving forward with its plans to bring an entertainment center to the community of Jamul. For over a year now, the tribe has been talking with the San Diego Rural Fire Protection District about the possibility of relocating and bringing a state of the art facility to our community.

The planning process has begun. We must have a vote and decision on our proposal from the Fire Board on the future of the fire station and its location on or before May 11, 2001, as it will take that long to construct a fence so that your boundaries are understood. This would, of course, be contingent upon working out the details and reaching a final agreement and MOU in the following 30 days.

If the Fire District cannot make up its mind on our proposal, the Jamul Indian Village will proceed with its planned facility, understanding that the fire station will remain where it is currently located for the remainder of its lease.

In order to maximize the use of our land, we must keep the Rural Fire District to its 0.83 acres, as granted in the lease. The District's leach lines and all equipment must be removed from our property and kept on the allotted land.

Our commitment to bring a new fire station to the valley stands. We look forward to sitting down with you and reaching an agreement that will benefit everyone.

If you have any questions, please feel free to give me a call. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman

May 2, 2001

Letter to the Jamul Community:

Earlier this week the San Diego Rural Fire Protection District Board made a decision that will jeopardize the future safety of our families and our property!

In a 3-0 vote, the district has refused an offer of \$4 million from the Jamul Indian Village to relocate and upgrade the existing fire facilities in order to better serve all of the residents in our community. Despite the results of an independent study conducted at the request of the Rural Fire District by Hunt Research that indicate an 82% deficiency in the existing services to the region, the board voted against the tribe's offer. We want you to know that this action has directly impacted your safety in the region.

Over the past months, these same board members have consistently listened to the advice of Attorney Patrick Webb. This man for the last decade has taken money from community members to file lawsuits against the tribe and its developers in hopes to stop the planned casino. All of these suits have been summarily dismissed – the last one on April 18, 2001 by United States District Court Judge Thomas J. Whelan who wrote: “The Court DISMISSES Plaintiff’s Second Amended Complaint with prejudice and without leave to amend. The Clerk of Court shall close the district court case file.”

What’s really going on here? Why is the fire board making decisions that are not in the best interest of serving the fire and emergency needs of the community? What do they have to hide from you? Who do they represent?

Our tribe has an open door policy so that anyone in the community can stop by and talk with us. We’re not hiding anything and quite frankly, we’re getting tired of the rumors and lies being told about us, our partners and our plans for the future. We have made our offer to the fire district known to everyone and always complied with every request made by the board for information. When they expressed the need to have an independent study preformed, we agreed. We have also always let everyone know that our plans for an entertainment center were entirely separate from our offer to the fire district to relocate and upgrade its facilities.

There are those people who want you to believe that by influencing the board to refuse our offer will stop our plans for an entertainment center. It will not. The action only now requires that we place a fence around the property that we lease to the fire district in order to keep them on their designated land.

We care about the community and the people who live here. We don’t want to see anyone’s life jeopardized because of the ill-advised actions of the fire board who have been wrongly influenced to make decisions not in the best interest of the community.

Respectfully,

Kenneth A. Meza  
Tribal Chairman

May 2, 2001

The Jamul Community Services Zone is at risk for a repeat of the 1970 Laguna Fire within the next ten years. This almost occurred with the Viejas Fire in early January 2001. Had that fire occurred in Fire Season, a major structural conflagration would have resulted.

The current Fire Station 66 should be moved from its existing site. The existing site is too small (.82 acres). In addition, the apparatus currently has to exit on onto Highway 94 which is extremely dangerous.

The relocation of Fire Station 66 to Melody Road provides a better location for response than the current location.

The Rural Fire Protection District must begin immediately to implement proactive prevention efforts to prevent another Laguna Fire. This will require the addition of the recommended staffing and the recommended fire station and apparatus, as well as a community wide Vegetation Management Plan and program and intensified requirements for new construction.

The recommendations and estimated costs set forth in this report are conceptual and are subject to negotiation and revision by a cooperative effort of the Rural Fire Protection District and the Jamul Indian Village.

This study was conducted by Jim Hunt of Hunt Research Corporation (HRC). HRC is the oldest community fire protection consulting and planning firm of its type in California. Jim Hunt has 37 years experience in the Southern California Fire Service. Jim served on several major Fire Agencies and attained the rank of Battalion Chief. He also served as Assistant Fire Marshal of a major County Fire Department.

The community is exposed to the risk of a major Urban Wildland interface/intermix fire. A major fire, the Laguna fire, burned through Jamul in 1970. 392 structures were lost, 100+ were damaged. There were 8 lives lost. The dollar value was in the millions.

RFPD data indicates the average annual number of fires is 130.

Fires represent 20% of all calls.

This is especially true in upscale residential communities such as Jamul.

Seventy-two percent of all calls are EMS.

The average size of a home in Jamul is estimated to be about 3,000 square feet. The current fire service delivery system (level of service) in the Jamul Community Service Zone results in the ability to control or extinguish a 540 Square foot fire within a one or two story unsprinklered structure, when the need to accomplish all critical fireground tasks with limited staffing is considered. Thus, there is an 82% deficiency in the level of service of the on scene forces due to lack of staffing.

The SANDAG population estimate for year 2005 is 15912. However, current projects, which have been submitted to the RFPD, reflect a total of 1423 homes. Using the SANDAG population per household number of 3.26, this would equal an increase of 4638 persons in the next year or

so. Therefore, the SANDAG numbers may underestimate future growth. It may not be unreasonable to estimate that the population of the service zone will double to 21734 by 2005, subject to the economy and real estate market.

Excluding the Casino and Hotel project, it is estimated that Jamul Community Service Zone emergency incidents will increase by 41% over the next 5 years. Population will increase by approx. 45%.

None of the above listed response times comply with national standards for a 5-minute response time from receipt of the call from 911. None of the above staffing complies with national standards and benchmarks. There is only one full time Captain plus 2.2 reserves or volunteers on duty per day in the service zone. This staffing is at Station 66.

Therefore the response times for paid personnel from Station 66 to support the initial responders at the scene in other first in district is deficient. This deficiency may worsen as population and incidents increase in the other station response districts.

The district has no ability to adequately respond to a multiple queued incident in a timely manner with RFPD resources. The service zone currently is in need of a fully paid four-person engine company and two properly located ALS ambulances. The cumulative effect of the proposed project results in the need for a total full time staff of 8 firefighters (2 four-person companies) plus the two staffed ALS ambulances.

The Rural Fire Protection District (RFPD) has some significant operational and administrative deficiencies at this time notwithstanding the potential construction and operation of the Jamul Indian Village.

As stated before, this Community service zone is vulnerable to a major loss from an Urban Wildland Interface fire, and is vulnerable to other fire and life safety risks.

These same types of fires will continue to occur in the Jamul Community Service Zone within the next 10 years, based upon typical 50-year fire cycle history. It has been 30 years since the last major UWI fire in the Zone. As vegetation ages, the fire threat will increase.

May 8, 2001

Dan McKenna, Fire Chief  
San Diego RFD Board Members  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna and Fire Board Members:

As you know the tribe recently met with several architectural firms and has formally hired one who will work with us in developing a program that will guide us as we move forward with our entertainment center.

In the coming months, the architect will assist us in creating a design that will enhance the natural beauty of our rural valley and bring a first class entertainment center to Jamul. As we progress through these planning stages, it will become necessary to survey our land to ensure that we can get maximum use of our land.

The District may continue to use the area outside the actual leased premises as you have done in the past, until that time. This should allow the Fire District plenty of time to make the necessary arrangements for your continued operations from the current facility.

As always, the Jamul Indian Village remains committed to working with you to ensure the safety of all residents in the valley.

If you have any questions, please stop by and see us.

Sincerely,

Kenneth A. Meza  
Tribal Chairman



July 9, 2001

Chief Dan McKenna  
Members of the Fire Board  
San Diego Rural Fire Protection District  
14145 Highway 94  
Jamul, CA 91935

Dear Chief McKenna and Members of the Fire Board:

To accommodate your requests for additional data regarding the proposed fire station, we have enclosed architectural renderings and information for your review. These should give you a better understanding of the Jamul Indian Village's proposal to relocate the station, thereby providing better protection and services to the community.

These renderings are for discussion purposes only. Please note that they are preliminary and may be revised as discussions continue between the board and the tribe.

The Jamul Indian Village remains committed to bringing a new fire station to the valley. We look forward to sitting down with you to work out the details and reach an agreement that will benefit everyone.

Our door is always open. Please feel free to contact us if you have questions regarding the information we have provided.

Respectfully,

Kenneth A. Meza  
Chairman

July 13, 2001

The Honorable Charlene Zettel  
State Capitol, Room 5164  
Sacramento, CA 95814

Dear Assembly Member Zettel:

You may have heard that for the past year the Jamul Indian Village has been working with the San Diego Rural Fire Protection District board to finance and bring a much-needed new fire station and equipment to the community. Last month, the fire board turned down our most recent offer of more than \$4 million, nearly four acres of land and a lease extension of up to 50 years.

We were encouraged to hear of the grant money recently given to the fire district to purchase new equipment. A recent independent study conducted at the request of the fire board shows serious deficiencies to the level of service that the present station could provide to the community in the event of a major fire emergency. Your assistance to help remedy the situation is greatly appreciated.

Unfortunately, there are those in the community who pressured the fire board to turn down the offer of a new station, believing that it will somehow stop our legal right as a federally recognized tribe to enter into Indian gaming. Because this is also our home and we hold a deep commitment to the community, we will continue to meet with the fire board and discuss how the Jamul Indian Village can improve the services provided to the homes and businesses in the region.

Once again, we applaud your efforts to improve the level of fire safety in our region of San Diego County. Please call if you would like to discuss this or any other issue. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman

July 13, 2001

The Honorable Jim Battin  
State Capitol, Room 3074  
Sacramento, CA 95814

Dear Senator Battin:

You may have heard that for the past year the Jamul Indian Village has been working with the San Diego Rural Fire Protection District board to finance and bring a much-needed new fire station and equipment to the community. Last month, the fire board turned down our most recent offer of more than \$4 million, nearly four acres of land and a lease extension of up to 50 years.

We were encouraged to hear of the grant money recently given to the fire district to purchase new equipment. A recent independent study conducted at the request of the fire board shows serious deficiencies to the level of service that the present station could provide to the community in the event of a major fire emergency. Your assistance to help remedy the situation is greatly appreciated.

Unfortunately, there are those in the community who pressured the fire board to turn down the offer of a new station, believing that it will somehow stop our legal right as a federally recognized tribe to enter into Indian gaming. Because this is also our home and we hold a deep commitment to the community, we will continue to meet with the fire board and discuss how the Jamul Indian Village can improve the services provided to the homes and businesses in the region.

Once again, we applaud your efforts to improve the level of fire safety in our region of San Diego County. Please call if you would like to discuss this or any other issue. Our door is always open.

Respectfully,

Kenneth A. Meza  
Chairman

July 24, 2001

Letter to the Community:

It's time again to share with you the most recent activities at the Jamul Indian Village.

We are progressing with our gaming facility. The architectural firm we selected has completed preliminary renderings, which clearly show that our facility is limited to currently existing tribal lands. That will not change, even though the renderings may be altered after reviews by the tribe's general council and the community.

We also have an application with the Bureau of Indian Affairs to place 101 acres in trust on our behalf. Our plans for this land, which is adjacent to the reservation, include housing for tribal members, tribal government administration buildings and a wastewater treatment plant.

As most of you know, the tribe has been working with the San Diego Rural Fire District to bring a new fire station, new equipment and more staff to the area. Nearly half of the 101 acres have been designated for the new fire station. The tribe has also offered more than \$4 million and an extended lease, and is working with the Fire District to accomplish this goal.

We also plan to set aside nearly half of the land in trust, coinciding with the implementation of a federal Multi-Species Conservation Plan. We will maintain this environmentally sensitive land while preserving its connection to the Department of Fish and Game property to our south. As stewards of this land for the last 10,000 years, we are dedicated to protecting the natural environment and ecology of the area.

Many of you may have heard recent rumors regarding the Governor's opposition to the tribe's land-into-trust application, and we want to again assure you that we will not use the 101 acres for gaming. We remain optimistic that the federal government will approve our application. As the smallest reservation in California, this additional acreage will allow us to protect the land, bring our tribal members home and improve their quality of life.

As we continue our progress, we will make every effort to keep you informed. If you have questions regarding our plans, please feel free to give us a call.

Respectfully,

Kenneth A. Meza  
Chairman

# Jamul Tribe Speaks Up on Casino

*Submitted by Kenneth Meza, Chairman  
Jamul Band of Kumeyaay Indians*

The Jamul Band of Kumeyaay Indians part of a larger Native American tribe that is called San Diego County home for more than 1,000 years. We take pride in our ancestral heritage passed down through the Kumeyaay tribes who were hunters and agriculturalist and, in today's term, would be considered a group concerned about protecting the environment.

In the traditions of legacy, I'm a bit confused when I hear that the Jamul Tribe is not concerned about its neighbors or the environment. What most people seem to forget is that we have called this valley home for more than 1,000 years. We live here, work here, raise our children here, and we have no interest in destroying the quality of life we all enjoy here. We live in a beautiful village and our resort will be a reflection of our natural surroundings.

Let's face it, there is another side to living in a rural, unincorporated area and that is the side of safety. We happen to live in an area that is subject to really terrible fires. It is for that reason only that we have plans to build a \$2 million fire station to replace the smaller one presently located on the edge of our reservation. This new addition of a larger fire station will have a positive impact on local community lives as well as the lives of our tribal members. Should there be a tragic circumstance, we will be easily prepared to handle any emergency quickly and efficiently without having to wait for emergency services vehicles to arrive from across the county. This is something that our area has needed badly for some time. We are proud that we are in a position to give something so important back to the community at no cost to the taxpayers.

Whenever it is possible, people should always be looking for opportunities to give back to the community—to our neighbors—and that is our intention. For years we have lived here and have been unable to give back in a manner in which we would have liked to. Now we may be on the road to self-reliance and we can become a solid part of the community that has treated us so well over the years.

The fact of the matter is, Californians voted to support all of the 107 Native American tribes—not just a select few—

and now every Native American Tribe has the opportunity to advance toward self-reliance. We can stop being a burden on the taxpayer. Now we can give our children an opportunity for an education so they can receive diplomas, not welfare.

Indian gaming is not our savor. We see Indian gaming as a stepping stone that will give our tribe a choice in the future. This is our opportunity to build a future, build something that the entire community can be proud of. And in a way it is, because it is the first step toward creating a financial base for the Jamul Tribe. With the revenue generated from Indian gaming, we can look toward other areas of economic diversification to make the tribe more self-reliant.

But, remember, what is good for us is also good for the community. As we grow and economically diversify, this will make a positive impact on the community.

We hope that our community can come together and build something we all can benefit from and show that we are truly proud to live in Jamul.

*Submitted by Bill Mesa, Councilman*

I am a lifelong resident of the valley and tribal member of the Jamul Indian Village. Our tribe chooses its projects carefully, picking those that will help to bring self-sufficiency and improvement to our tribe while creating new opportunities in the local community. Even before we begin on any project, we research and reach out to those individuals who share our ideals and are dedicated to providing a greater quality of life for every member of the community.

We found an individual who represents these standards in Kevin Kean. Kevin has a proven track record in the business world and has worked with many Native American tribes throughout the United States. Because of his help, many have achieved a self-sufficiency that once they did not have. His reputation of working with people of all colors is proof of his character.

When the Jamul Indian Village decided to partner with Kevin, we did so because we knew that he was the right man for the job. We are confident that he will do everything in his power to preserve and uphold the standard of our tribe. We are also confident that he will

uphold the high standards that the Jamul community has grown accustomed to. This is our home too, and we would not allow just anyone to enter it.

*Submitted by Carlene Chamberlain,  
Vice-Chairwoman*

The Jamulians Against the Casino (JAC) group keeps saying that its efforts to stem the development project of the Jamul Indian Tribe are not racially motivated, but are merely efforts to ensure that growth in the valley is in the best interest of the community. I disagree. I charge JAC to explain why the Jamul tribe members are described as "half-blood Indians" and the tribe is referred to as a "half-blood community." I further demand that the references, in fact the entire "tribe information" section, be deleted from their web site.

If California Native Americans are less than full-blooded Indians, we can thank the Spanish Mission System and the past policies of the states of California and the U.S. Federal Government for their attempts to integrate these indigenous people into mainstream America. Most of the problems faced by the Native Americans today are the result of this interference in their way of life.

In November 1998 and again in March 2000, the people of California overwhelmingly said "yes" to Indian gaming on reservation land. But for some reason, Jamulians think they are "special" or exempted from following the will of the people and the laws of the state. Because of the arrogant actions of a few, including Supervisor Dianne Jacob, a wall has now been placed between the tribe and the community.

The facts are that the Jamul Tribe is a federal recognized band of Indians; it has met the criteria laid out by the federal government and signed into law by President Ronald Reagan; and it has eligible under that act to own and operate a gaming facility. The tribe additionally has a compact with the state of California and meets all its requirements and can continue as planned.

I am ashamed of the actions and the words of this Jamulian group. I can only hope that some worldwide visitor to the Web page will not think that it represents the beliefs of all Jamulians.

# Residents Support Our Fire Department

*Submitted by Mr. & Mrs. David Freireich*

We want to let our fire department know that we support the firemen, the chief and our fireboard. We have appreciated their efforts over the years. The fire department has been there for car accidents, emergency medical calls and fires. They have conducted themselves professionally and with great skill.

Shame on the Jamul Indian Village for trying to discredit our fire department. The gift of a station is not a gift at all. The proposal comes with so many strings that the district could be entangled and strangled by debt. The monies do not reflect the true costs that the district would incur if the casino project were built. We feel the district needs to be prudent in analyzing all the ramifications of the developers proposal including the enormous increase in traffic on Highway 94.

*Submitted by Stacey Turner*

I am writing to respond to the opinion article submitted by Eleanor Miller and entitled, "Do We Need a New Rural Fire Board?" My answer to this question is, "Of course not." If the present board members just turned down an offer of more than \$4 million to relocate and upgrade the station, I suspect that they did not like the strings attached to the money. I trust the judgment and leadership of the San Diego Rural Fire Board.

Of course the San Diego Rural Fire Department would like a larger, upgraded station but I view the cautiousness of the board to commit to a deal as indicative of their concern rather than a lack of concern for the community. I think the Fire Board understands that \$4 million dollars is not given without expectations for subsequent behavior. I am guessing that the Indian tribe is hoping that if they can buy out the Fire Department, the rest of the community will fall in line behind them in accepting the casino development. This is why I view the Fire Board as leaders in the community. They have the ...guts to stand up to a \$4 million dollar bribe and say, "No deal."

I am one of a group of people who spent three days evacuated during the Viejas fire. I did not expect to return to a home but, I did. It was obvious that the only reason my residence was still intact was because somebody had stopped the surrounding fire. I have little tolerance for "bad mouthing" the Fire Board or Fire Department. They are professionals and have behaved responsibly and professionally.

Page 14 — Jamul Shopper • 669-3032 • JamulShopper@aol.com

*Submitted by Susie Winkler*

I was shocked to see several letters/ads from the Jamul Indian Village in the last issue of the *Shopper*, then I received two letters attacking our fire department. Frankly, I applaud the courage of the board members to not be bought off when there are so many undisclosed issues. Bill Mesa said, "The board wanted them to go beyond what other developers are asked to do when working with the fire district."

Who is he kidding? Providing emergency service and fire protection for a multi-story facility with thousands of patrons and employees plus a gas station, resort hotel, sewage treatment plant, warehouse and auxiliary buildings, plus 15 homes and tribal hall requires a thorough and well developed plan with actual costs, for this board to make an agreement of any kind.

Anything short of this would be a dereliction of their elected duties to the taxpayers in the fire district.

## What's Your Opinion?

*The Jamul Shopper* welcomes your opinion on community issues. Please send, fax, or e-mail your submission. Include your name and phone number. Anonymous letters will not be printed.

## He Offers a Different View

*Submitted by Richard Cousins*

In last month's issue there were two letters to the editor on the same page about the fire board's decision to turn down the offer of help to build a new fire station. Windee Frederich seems to think that this is some type of high stakes game and that the fire board is being "held hostage" by the tribe.

If that's the case, then I fully agree with the second letter that says maybe we need to elect ourselves a new fire board. If Windee is correct and the present board is incapable of doing its job because of these Indians who are "threatening them," then we need to see about new representation. Personally, I am tired of all the back and forth accusations about who did what and who said what. I just want proper fire and emergency services protection.

*Submitted by Dan F. McKenna, Fire Chief*

I am writing in response to the advertisement that Mr. Meza posted in the Jamul Shopper's June Issue, page 16, and in a flyer that was mailed out to the residents of the District. I take issue with the manner in which you presented information taken out of context. This inept information has resulted in a vicious attack on the credibility of the staff working for the District. We are disappointed and insulted by your lack of sensitivity and concern.

While your advertisement has generated comments from the community questioning the ability of firefighters and the administrative staff, we have easily responded with the truth by providing the complete statement contained in the Hunt report. You have intentionally attempted to discredit the entire staff working for the District by only placing a portion of the statement in your advertisement "*The Rural Fire Protection District has significant operational and administrative deficiencies at this time notwithstanding the potential construction and operation of a casino and hotel at the Jamul Indian Village.*" Had you been responsible and sensitive about the effect that it would have on the District staff, you would have also included the next two sentences that clearly identifies why there are deficiencies: "*Such deficiencies are not a reflection on the small, hard working staff of the RFPD. They are a reflection of inadequate funding, inadequate staffing levels, inadequate numbers of apparatus and long response times.*" What was your purpose in placing just a portion of an inflammatory statement in the ad? Without a response and apology to the staff and retraction to the community, it becomes clear, at least to me, that you are attempting to use this as a resolution to the "deficiencies" and that your project will save the District.

Your blatant omission has raised questions regarding the ability of the personnel in this District to operate effectively and efficiently. You have enraged me by attacking the District staff that goes far above and beyond the call of duty, providing excellent service under the circumstances.

A public apology to the staff of this District is warranted by you.

# Planning Group Land Use Update

By Frank F. Hewitt, JDCPG

Several major land-use issues are in process that affect Jamul-Dulzura:

1. Casino and Associated Facilities, including hotel, being planned for the Jamul Indian land
2. Otay Ranch development of Villages #12 and #16
3. Otay Water District's considering the use of ground water.

During the Planning Group's March 13 meeting, the Planning Group voted to submit a significant number of comments regarding the Environmental Assessment (EA) conducted for the possible Jamul Indian Village Casino.

It should be noted that the JDCPG considers the EA to be inconsistent, inaccurate, and in many instances flawed by use of dated and inaccurate information. An analysis of fire protection and emergency medical services was performed for the Rural Fire Protection District. The EA is silent on this study and its significant findings that require mitigation to provide for adequate community fire safety. This study is not considered in the EA.

With planned community expansion to the west of the current fire station and the proposed casino project, adequate fire protection to the Jamul area will require the Rural District to build an additional fire station if the Jamul Indian Village

project is approved. There is no funding, land, or plan to build an additional fire station in the immediate future. If the project were approved, there would be a significant delay in completing a new fire station thereby endangering the residents of Jamul community at large. This impact is not addressed in the EA.

A Sheriff Station is proposed adjoining a new re-located fire station as part of the project. The Jamul Indian Village has proposed providing two million dollars for the relocation of the current fire station. The total cost of the relocation/construction/equipping of the fire station is estimated to cost between five and six million dollars. There has been no response from the County Sheriff and the Highway Patrol, nor proposals from the Jamul Indian Village regarding how to mitigate the increased demand on these agencies for the continued protection of the residents of Jamul. The need to build a second fire station is not considered in the EA.

A recent analysis of fire protection and medical services was performed for the rural fire protection district and Jamul community service zone. The study states the area is poorly protected and on a limited budget. The proposed project will increase response time to fires and containment thereby increasing the severity, and also increase response time for medical emergencies with a result of probable increased loss of life. The EA is silent on these issues.

An onsite hotel was also included in the request analysis, as the Village had included it in its initial plan. Continued development after casino approval has been the norm in San Diego County. The hotel will add additional traffic and endanger our residents further. These impacts should be addressed in the EA.

Medical emergencies at the casino project would require a full time ambulance crew. This would necessitate the hiring, staffing and funding of a second ambulance to protect our community. There are significant financial impacts that are not addressed in the EA.

The JDCPG meets the second and fourth Tuesday of each month at 7:30 pm in the multipurpose room of the Jamul Primary School.

# Cowbells Event Set July 28-29

San Diego County Cowbells are sponsoring a team punting event along with Pine Valley Days July 28-29 at 8 am behind the Pine Valley market on the main road. The Cowbells, a non-profit organization, are selling raffle tickets to help fund scholarships for students involved in 4-H and Future Farmers of America (FFA). The prizes are: first prize is a \$1000, second is a \$100 Red Certificate, and third prize is a \$75 certificate from the Red Oak Restaurant. There will be a parade, lots of great food, and fun for the whole family. For information, call Brian Drown (760) 765-3361.

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The Shopper accepts private party classified ads. The rate is \$7.00 per line (15 words maximum) above the standard lines are \$2 each. The Shopper only accepts ads for and from individuals for non-commercial use. No business ads will be accepted. Send your private party ad, your name, address, and phone number, along with check or money order to: P.O. Box 6 • Jamul CA 92033-0006 Classifieds must be pre-paid.

## Send Us Your News!

If you would like news of your organization or event included in *The Shopper*, fax to 669-2834, or e-mail it to JamulShopper@aol.com by the 15th of the month.

## Bookmobile

July 12  
Barrett Trailer Park: 11 a.m.-1 p.m.

July 5-19  
Deerhorn Firestation: 9:45-11 a.m.  
Dulzura: 11:30 a.m.-1:30 p.m.

July 5, 12, 19, 26  
Jamul (next to Fillippi's)

Contact Dee at 463-3024



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June 11, 2001

Letter to the Editor  
Jamul Shopper

Dear Editor:

My name is Julia Lotta. I am the tribal administrator at the Jamul Indian Village. I would like to set the record straight about my actions at the fire board's meeting when they voted against the tribe's offer of more than \$4 million. I will not deny that I was upset. I was very upset, however, I did not use any expletives. But in the event I offended anyone, I ask that it not be held against the tribe in any way.

After nearly twenty years of service to Native Americans in California, I have developed a unique perspective of these wonderfully generous and giving people. Even though the members of the Jamul Indian Village have never wronged anyone in this community, over and over they keep getting dumped on. Take for example how the Jamul Little League and the local AYSO chapter keep returning the tribe's donations. They keep insisting that it's gambling money and it's not. No matter what we say, no one will believe that community donations like this have nothing to do with the developers. Why don't you try explaining it to a little kid with tears in his eyes? He doesn't understand politics or prejudice. He just wants to be proud that his family contributed to the new uniforms and equipment that his team needed.

Another example is seen in the actions of Supervisor Dianne Jacob. As an elected county official, she does represent the Jamul Reservation and its voting members and even her Web site lays claim to the Jamul Indian Village. And yet on that very same Web page, there are links to letters that she has written to the Bureau of Indian Affairs and Governor Gray Davis misrepresenting the tribe's claim to the land (squatters) and implying that the Village is not a federally designated reservation. To me, the letters sound suspiciously like an attorney who has filed several unsuccessful lawsuits against the tribe over the years, trying to show internal fighting between the tribal members. All of those suits have been dismissed as being without merit and without substance, much like Supervisor Jacob's assertions.

The letter delivered to the board after its decision is not "threatening." It is on record in the tribal hall should anyone care to review a copy. The Jamul Indian Village has leased this land to the fire district for many years now at a rate of \$1 annually. The letter advised the district that due to future economic development plans, the department must keep to its designated lands. Personally, I've never known of a landlord that let you have more than what you were paying for.

Yes, I was angry at the board's decision - for the tribe, for the community of Jamul, and for the fire fighters who endanger their lives everyday protecting us. The tribe's offer of \$2 million was doubled to more than \$4 million after the independent survey requested by the board said that more was necessary to meet the current needs of the community.

The tribal members of the Jamul Indian Village have voted to enter into Indian gaming. It is their legal right to do so. Over and over, they have said that they want to work with the community, the county and other agencies to help mitigate the effects of their project. Over and over, they have extended a hand in friendship and cooperation. Yes, I was angry at the fire board's decision. It was a decision that did not consider the fire and emergency needs of the entire community. And despite what others will tell you, our community does include the members of the Jamul Indian Village.

Julia Lotta



# Casino Continues to Spark Controversy

*Submitted by Lupe Contreras*

I'm writing this letter to give my opinion as a concerned Jamul resident re: the San Diego Rural Fire Dept. I've been to a couple of the fire board meetings, and frankly I'm disgusted. Three of the board members are heartless. They don't care at all about this community's health or well being. They are only in it for themselves and this JAC committee.

Being an elderly woman, wife, and mother, my only concern is for my family. The firefighters here in Jamul are the nicest and most professional people I have ever met. But if I need to call 911 for someone who is sick or if my house is on fire, I want to know that someone is coming soon, not when the volunteers are able to get to the station and jump in the fire truck.

Why can't people understand that the casino is coming and none of us can do anything about it? If the Indians want to give the fire dept a brand new station and money for full-time firefighters, then let them. We all know that the people of Jamul won't pay up for it, yet they still expect medical help and fire protection, which they all deserve, but aren't going to get it if the Rural Fire Board doesn't accept the offer of the Indians.

What's the meaning of this chief? He tells the firefighters that he wants the board to accept the Indians' offer, yet at the meetings he backs the three board members. How can they say that they are representing the best interest of the fire dept., when they don't even know the firefighters or what they do as firefighters? My hat goes off to the firefighters for what they do for a living, even if they are volunteers. It takes a brave and strong person to do what they do and I have a lot of respect for them. Also I don't think the offer of a new fire station is a bribe.

All the Indians are saying is "We need you off the leased land sooner than we all anticipated, but we know you don't have the money so let us build it for you, because we want to make sure there will be plenty of fire protection for us and the community." Is that so wrong? I don't think so. I do know that I can't afford the \$2000 that every household will have to

pay in taxes every year to build the new fire station. If the Rural Fire Board doesn't accept the Indians' offer, then other fire departments can come into our community and take over our fire district. Is that what we want? I hope not. Those firefighters need this. They risk their lives for us, the board members don't. So good luck to the Indians. At least they are trying to help, when nobody else is. And God Bless the Firefighters.

*Submitted by Mary Sue Carrillo*

How can the Jamul Indian Village claim their "land into trust" will not be used for gaming (*Shopper*, Sept. 2001, p. 13, 22). Where is the hotel, golf course, casino parking, restaurant, etc. going to go? Of course this land will be used to set up gaming! Why would Governor Davis bother to deny their application if he has no power to do so? Once again, the Indian Village article gives twisted "truths". They still try to put forth as "truth" that gaming benefits communities in spite of the fact that the National Gambling Impact Study stated that it only benefits economically depressed areas. The opposite is true for prosperous communities like Jamul. They state that it is detrimental and recommend a casino moratorium. As far as the national poll stating that 80% are in favor of gaming, that's twisted too. Yes, we all want the Indians to prosper, but NOT in our back yards. I did my own survey of people in the county. When asked if they'd support a casino going up two blocks from them in their residential neighborhood, they overwhelmingly said, "NO!" People were O.K. with the casinos on the large reservations where noise and traffic were relatively far away. This is not the case in Jamul. The Village is trying to compare themselves with other large reservations away from residential neighborhoods. When are they going to get a clue? We will not change our minds, and even people who support Prop. 1A agree that casinos should not be in people's back yards. That is the real truth.

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*Submitted by Robert Mesa*

I read the opinion from Mr. Sullivan in last month's issue, and I have to thank him for saying what I've been thinking. These groups, like JAC, that are spending vast amounts of time and money to stop the tribe's casino seem to believe that by doing so, they can stop all development in the area forever. Surely, they are not so naive.

People will continue to move to desirable areas and less developed areas like ours are not going to remain that way for long. It is sad, but true, that people are going to continue to move into this and other more rural areas.

What we can do is to welcome the developments that are going to help people, and statistics show that Indian casinos do that. They bring jobs, they bring improvements to the community, and they help Indians help themselves. Goodness knows others certainly haven't helped.

It's time to stop fighting against the inevitable and find ways to make it work for this community and the people who live here.

## What's Your Opinion?

*The Jamul Shopper* welcomes your opinion on community issues. Please send, fax, or e-mail your submission. Include your name and phone number. Anonymous letters will not be printed.



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## Community News

## Horeshows Slated at New Facility

The Kiwanis Club of Greater Jamul is sponsoring a series of horse shows at the newly renovated St. Pius X/Kiwanis Community Ring. The series of three horse shows will be put on and run by the Jamul 4-H Horse Project and the San Diego County Morgan Youth Club. The first show will be held at 8:30 a.m. on Feb. 10 and will run into the mid afternoon. The rain date is Feb. 24. The next two show dates will be announced soon.

The shows will have English, Western, Driving, Gymkhana, and a large Walk-Trot Division. Points from the three shows will be accumulated towards series high point awards. Saddles will be awarded in both the English and Western divisions at the end of the series. The Kiwanis Club will cook a pancake breakfast starting at 7 a.m. for a \$5 donation, and lunch with hamburgers and hotdogs will be offered. There will be a drawing with lots of great stuff donated by local businesses.

This will be the inaugural use of the new facilities at the arena. There will be

new warm-up facilities and a new announcers booth.

The Jamul 4-H Horse Project and The San Diego County Morgan Youth Club are newly formed groups. Both are strongly focused on horsemanship, leadership, and community services. The Jamul Chapparos 4-H group repaints the historic steel bridge on Hwy 94 every year. The Morgan Youth adopt families to feed during the holidays. Both of these clubs work towards competing on National and World Championship levels.

For information on the events, contact Glynis Snowden at 468-3227 or Tami Knaust at (619) 988-6920.

### Women's Softball League

Registration for the Jamul Women's Softball League is set on Wednesday, March 6, in the Jamul Primary School's multi-purpose room. Registration will be open 6-8 p.m. Women must be at least 18 years to participate. Contact Lisa King at 468-6822 or Margaret Steinberg at 669-4814 for more information.

## Fire District News

*Submitted by Randy Terry, Chairman Board of Directors for the San Diego Rural Fire Protection District*

On Tuesday, Jan. 8, I took over the position of Chairman of our Board of Directors for the SDRFPD. Our District is over 700 square miles and represents the communities of Jamul, Dulzura, Portrero, Dehesa, the Lake Morena portion of Otay Mesa, and most of the unincorporated East County. We are staffed by both paid and volunteer firemen and emergency medical personnel who are trained in protecting our citizens as well as our property. Our Fire Chief is Dan McKenna. The District headquarters are located at the main Fire Station on Highway 94.

Our District is facing many critical issues this year including finding additional funding (ie: grants and other revenue) to improve our operations, long range planning, equipment replacement, station facility development, and major disaster/crisis preparedness and coordination. My goal will be to work diligently with my board members to focus on District issues, to better serve our communities, and to provide improved communications. I invite and encourage all residents to come to board meetings on the first Tuesday of every month at 7 p.m. at the Jamul Fire Station District Office or contact me with any suggestions or interests you may have. I look forward to a positive and productive year.

## School District Adds GATE to Curriculum

*Submitted by Cyndy Hoffmann, President Jamul-Dulzura Union School District*

A program that has traditionally been called GATE (Gifted and Talented Education) has been added to the school curriculum. After several months of meetings, researching, discussing the pros and cons of such a program, and exploring the newly revised/improved California GATE program, it was recommended by the Strategic Planning Committee and unanimously approved the Board of Trustees to implement the program.

The GATE program in the State of California has changed from a very restricted program, where only a small percentage of students were identified to participate in the program, to a more inclusive-style program, where larger numbers of students can be involved. The focus for this year is staff development/training to help all students meet or exceed their abilities. We have and will continue to bring in some of the top consultant/trainers who are looking at differentiated learning in order to help

staff extend all students to their maximum ability levels. The advantage of this is that with the strong staff development training, the program will be focusing on assisting teachers how to best meet the needs of each individual student in their classroom.

One concern is the identification of students for the program. After consulting with the State of California, it was recommended that students be identified based upon state standards test and local tests, such as SAM, as well as teacher recommendations. A major concern for the Enrichment Committee was that the parents, staff, and students understand this to be an inclusive program that assists all students through strong staff development; not a program that is divisive, where some students and parents feel that their children are labeled either "in" or "out" of the program. Adding this new program follows a major goal of doing everything possible to enhance, challenge, and extend all students in every aspect of their learning.



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# The Facts Remain Clouded

Submitted by Mary Sue Carrillo

I want to address some issues that have come up time and again yet the straight facts remain clouded. I want to try to clear them up.

The Bureau of Indian Affairs has commanded the Jamul Indian Village to get a full, encompassing environmental impact study before they give a go-ahead for the casino. Evidently, they saw through the bias of the last token study. The Village stated they initiated this new study on their own, but this is not true!

The Indian Village is calling for the resignation of Will Eastwood, Randy Terry, and Dale Amato over a "conflict of

interest." What conflict of interest? These are volunteer positions and can gain them nothing in their professions. The true reason the Village wants their resignations is because they are not voting to sign the contract the tribe wants them to sign.

The Fire Board, in order to approve the \$5 million contract, needs to see the cashiers check or money order and the final annexation completion papers as proof that there will actually be another parcel of land to move to and money to do so. If a man offered me \$5 million to move off my land and onto his parcel a block away, I'd better get proof that he really owns that other parcel a block away and actually has the \$5 million to pay me. Otherwise I may end up with no money and nowhere to live. Yet the Indian Village expects the Fire Board to be foolish and sign the contract. The Fire Board members got harassed verbally and almost physically at the last board meeting. The tribe is trying to bully Jamul into getting their way.

The Indian Village also does not have a gaming permit because they need the major environmental impact study done. They don't actually have the \$5 million in a cashier's check because the developer, Keane Argovitz, won't give them one unless they are guaranteed they can build a casino, RV park, hotel, gas station and store. The tribe can't guarantee this because they don't have the land annexed because it is owned by Otay Water and Otay Water isn't selling the land yet. The developer for the tribe does have first dibs if Otay Water does decide to sell and pays dearly to keep that "Option to Buy" open. The tribe has misled Jamul into believing they have annexed the land. Otay Water has not sold the land to Keane Argovitz, therefore, the Indians do not have enough land to build all that the developer wants and does not own land for the firehouse to move to and does not have the \$5 million to give the firehouse!

What is true is that the Indians can build on the existing four acres. But where would they move the homes that are on the four acres? Where would they move the burial grounds?

# Let's Not Get Hysterical

Submitted by Bill Mesa, Jamul Indian Village

One of the fundamental rights that people in America enjoy is free speech. Although I completely support the right of people to express their opinions about our proposed casino, I have to say that many of the letters I have recently read have started to border on the hysterical side.

First, I would like to clarify one point that seems to pop up repeatedly. The tribe did not say Jamul needs saving. In fact, a recent letter I wrote specifically said, "We have never implied that building a casino will save Jamul."

Take a letter in last month's *Shopper*, for instance. It talked about Jamul being safer than the city, because Jamul is not "favored by child molesters and ex-convicts." The next sentence mentioned the casino project, implying a link between casinos, pedophiles and criminals that is not only false, but ridiculous to suggest. As a former police officer, I can assure you that unfortunately law-breakers can and do live in every community, even Jamul.

This same letter said that our tribe wants to exploit our lands so we can sit and wait for a monthly paycheck. What the writer must not know is that Indian gaming has allowed other tribes in the state to bring employment rates on their reservations to 100% while providing the funds they need to pay for healthcare, education, housing, infrastructure, childcare and every other service they must provide for their members.

Another letter in last month's *Shopper* said we are going to build a 16-story hotel, even though we have said over and over that we have no current plans to build a hotel. This same letter also said that if we build a casino, homeless people are likely to move to Jamul, as though homeless people move from city to city, following casino development projects.

We know that there are those who oppose our casino project. We just ask that they learn and discuss the facts, not resort to scare tactics and hysteria in an effort to sway others to their point of view.



**Jamul Shopper**

May 2002

Volume XII, Issue 5  
2990 Jamacha Road, Suite 240  
El Cajon, CA 92019

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## Golf Tournament to Benefit Children's Center

San Diego Las Hermanas, a non-profit organization, will host a golf tournament that will benefit the New Alternatives Herrick Children's Center, Sevick School, and St. Madeline Sophie's Center.

The golf tournament will take place at the Steele Canyon Golf and Country Club. This event will include a variety of prizes such as golf clubs, golf bags, a harbor cruise, and trips around the United States. Auction items also include tickets to the Super Bowl.

Registration begins on Wednesday, June 5, at 11 a.m. To find out how you can participate, please call Debbie Dodge at 1-800-650-6008.

## Celebrate July 4

Jamul residents will have a chance to celebrate unity in the community on July 4 at *Simpson's on the Green*. The celebration will feature local community entertainment, clubs and groups from Jamul local schools, a children's identification booth hosted by the Sheriff's Department, the San Diego Blood Bank, and even an opportunity for residents to register to vote.

"Our theme defines the unique character of our community," Jamul's Kiwanis President, Rob Pianavilla, said. "Our schools, our clubs, organizations, like little leagues, Boy Scouts, Girl Scouts, and what is going on in Jamul are symbolized by the theme 'Unity in Community.'"

To find out more about the event or how you can participate, call Jean Strouf at 619-669-1603.

## Letters & Opinion

### Facts Still Clouded

*Submitted by Erica Pinto  
Executive Council, Jamul Indian Village*

In last month's issue, Ms. Carrillo attempted to address some issues that come up repeatedly regarding our tribe's projects. Unfortunately, the facts still remain clouded, so I would like to take a moment and present the facts about the Jamul Indian Village's project.

The first error in her letter was a glaring one. The Bureau of Indian Affairs (BIA) did not "command" us to conduct an Environmental Impact Study (EIS). After the BIA gave us a finding of "No Significant Impact" on our environmental assessment, we voluntarily agreed to perform an EIS to calm the community's fears about our project, since some in the area are trying to scare others about our project.

Secondly, the tribe has never called for the resignation of any member of the Fire Board. It is true that members of the community have done so in the past, but not tribal members. Nor have tribal members ever bullied, harassed or verbally assaulted members of the Fire

Board. We have merely questioned their commitment to the safety of the people of the region. Their recent nomination for the San Diego County Taxpayers Association Golden Fleece award for refusing the tribe's offer of a new fire station can attest to that.

We also have not tried to "move the fire station off its land." The fire station is actually on tribal land and the Fire Board only pays \$1 per year for its lease... not much of an economic development for our tribe.

We have also never tried to mislead Jamul into believing we have annexed the 101 acres adjacent to our reservation. We say repeatedly that we have applied to take the land into trust.

Lastly, she was correct (finally) in saying that the tribe can build on its existing tribal land. However, the four acres she mentions do not include the burial grounds, which will remain. Really, with inaccurate letters like that, it is no wonder the Jamul community is so confused.

*If you would like a meeting or event listed, submit it by mail, fax, or e-mail to the Jamul Shopper by the 15th of the month.*

**June 1** — Kindergarten registration at Jamul Primary School for 2002-2003 school year. Stop by the school office 8 a.m. - 4 p.m. Monday - Friday to pick up packet. Call 669-7850.

**June 4** — Jamul Chapparros 4-H Club meets at 7 p.m. in the primary school's multi-use room. Call 669-4719.

**June 4** — San Diego Rural Fire Protection District Board of Directors meets at 7 p.m. at the district office, 14145 Hwy. 94. Call 669-1188.

**June 5** — San Diego Las Hermanas will host a 2002 Golf Classic Tournament taking place at the Steele Canyon Golf and Country Club. For information, call Debbie at (800) 650-6008.

**June 5, 12, 19 & 26** — Greater Jamul Kiwanis meet at St. Pius X church. Dinner is at 7 p.m. for \$6 with speaker at 8 p.m. Guests and potential new members are welcome. Call 669-0120.

**June 6, 13, 20 & 27** — District Volunteer Fire Training, 7 p.m. at Fire Station 11, 14145 Hwy. 94. Call 669-1188.

**June 7** — Pop Warner Football Formation meeting at 7:30 p.m. in the Jamul's Primary School's multi-use room. Call 669-0982.

**June 7** — Preliminary discussions for field space at Vahalla and Steele Canyon High Schools will take place at 7:30 p.m. in the Jamul Primary School in the multi-use room. Community support for the League formation is needed. For information, e-mail Martin Nigro at Popwarner@aol.com.

**June 8** — The Jamul AYSO League will be having soccer registration at Oak Grove Middle School from 9 a.m. to 4 p.m. Call 669-6534.

**June 11 & 25** — Jamul-Dulzura Community Planning Group meets at 7:30 p.m. in the primary school's multi-use room.

**June 15** — Deadline for the *Jamul Shopper* ads or articles. Call 660-5058.

**June 15** — The Jamul Trails Council Gymkhana at the Jamul Kiwanis/ Saint Pius X Community Arena. The fee will be \$20 dollars for the all events or \$3 dollars for each event. Call Lorna Odegaard at 468-3861.

**June 20** — Highway 94 Club meets at 6 p.m. at Barrett Junction Cafe. Dinner \$6. Call 669-3915.

# Long-Term Solutions?

Submitted by Colyn Kilmer

Since recently moving to this area, I have been following, with great interest, the local controversy of the proposed casino for the Indian Village. I first noticed the "No Casino" bumper stickers on the vehicles and later on the highway signs proclaiming that litter control is provided by the Jamul Indian Village. I have read the letters to the editor from various local voices. I have heard the pros and cons of the issue debated. No doubt, this is a tough issue. Not to mention surprising, since most people in this modern world are clamoring to cover over our last remaining open spaces with strip malls and condos, not trying to preserve rural integrity.

It is a fact that Indian reservations and communities across the nation are notorious for their poverty and unemployment rates. A fact which has not gone unnoticed by many government agencies and corporations, who use these desperate

situations to their advantage when looking for places to dump nuclear waste and perpetrate other dubious crimes which the rest of the more wealthy nation would rebel against. It is also a fact that, while many tribal leaders may be seduced by the prospect of income brought by such horrendous dealings, this money may very well never make it past the pinnacle of the pyramid to trickle down to the citizens who need it the most.

Another fact that the "Not In My Backyard" (NIMBY) syndrome is extremely prevalent among those who can afford to protest. This unfortunate syndrome stems from an attitude that goes something like this: "I've got mine, so too bad if you don't." This line of thinking never solves any problems, it just gets the problems moved to somebody else's backyard... generally someone who is too poor to protest.

It is also a fact that we, Anglo-Americans, stole this very land from the Indians. This is not an excuse for anything. It is simply a fact of history. So, people should be very careful not to assume an attitude of arrogance just because they could afford to buy up "stolen property" and feel that it is theirs to control. Theirs to build a wall around and keep out anything that does not conform to their comfort zone or value system.

Now that the facts are laid out, see how they might relate to the situation at hand. I would never advocate the sacrifice of nature for monetary gain, and though I have heard this sentiment echoed by several local voices, I might be persuaded to doubt this sincerity.

The ideals of conservation and preservation are very subjective, depending on who is doing it. For example, to my way of seeing, a casino is no more of a blight on the rural landscape than a gated community or a housing estate. The only difference is that they each attract different types of people.

In conclusion, the fact is that the Indian Village needs economic security and independence, but it probably doesn't need a casino. This would only be a short-term solution. The question is, will anyone offer a long-term solution or just continue to say "Not in my backyard."

# Who's Who In Jamul?

Submitted by Gene Sullivan

There is a Jamul Action Committee legally licensed to do business under that name in San Diego County. Some time ago the name seems to have been changed to Jamulians Against the Casino. Both share the same initials, website, and post office box.

The Jamul Action Committee asked for tax deductible contributions, but since changing the name, this was simply reduced to "donations". The Action Committee can have a bank account. However, Jamulians Against the Casino cannot legally cash checks made out to that name.

County records indicate a single member as its board of directors. The executive council, Jamulians Against the Casino, never seem to publish their own names. On occasion they have published a list of their supporters, but no one seems to know who "they" are.

They demonstrate a lot of power in this community by seriously affecting opinion and by controlling some of our local political positions, yet they remain hooded in anonymity. It seems most appropriate that they stand up and be identified.

## Indian Village Not to Blame

Submitted by Gene Sullivan

A letter printed in your May issue woefully misrepresented the events that occurred at a meeting of the Fire Board several months ago. Being one of the antagonists, I can verify that voices were loud and that there might have been some anger. The right to this kind of dissent is available to all of us.

To interpret dissent as verbal and borderline physical harassment, by someone who might not even have been there, is wishful-thinking. To put the blame on the Jamul Village is unfair and irresponsible.

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**Jamul Shopper**

**June 2002**

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# Public Outcry: Who Pays the Bills?

Submitted by Preston Brown

In the May issue of the *Shopper*, one letter that was published stated that we had to stop all this "hate," meaning perhaps that we can eliminate hate by welcoming a casino to the neighborhood. A lesson to you, sir, this is a democracy where the future course of our country is fought out by the means of freedom of expression. That is *not* hate. It is called "public outcry," which is the one thing our politicians pay more attention to than private interest lobbying groups that appear around election time.

Bill Mesa, the Indian figure that the Lakes-Gaming Corporation has placed as a spokesman for the casino, stated "...we are not going to build a 14-story hotel." I believe him. It will not be a 14-story hotel, it could be a 46-story hotel. If this project by some fluke is ever approved, there is no oversight and no court within the U.S. legal system to address drastic changes in size and scope of the project. The immunity granted the "sovereign nations" is great for Native Americans and a big loophole for the Gaming Corporation and its developers. This loophole also undermines and subverts the local zoning and environmental controls.

Chief Justice William H. Rehnquist has twice written the majority opinion in upholding the principal of the "sovereign nations" when liability cases dealing with casinos reached the Supreme Court. Our local Fire Board has been wisely skeptical of entering a contract without enforceability.

Land to Trust acquisition hangs tenuously on two signatures. Due to the overwhelming opposition of this community and our written protests to Gray Davis and Gale Norton, these two signatures will likely never appear. The strategy of the Bureau of Indian Affairs is to catch these people snoozing on their watch at night when piles of papers are being signed. While these papers are being signed, they would not notice that the Jamul Indian Village is not even a reservation, but that it falls under IGRA of 1998 for casino consideration. Their legitimacy for a casino is simply a mirage of propaganda.

In a letter in the June issue of the *Shopper*, it stated that only people that had the time could protest; *why are the strongest protests coming from the founding members of the Jamul Village?*

One letter suggested that this is a case of those who got their share of the pie and are denying others their own share.

*Proposition 1-A reflects the generous and compassionate spirit of Californians and an equitable deal for all the Indian Tribes of the State. It called for sharing of the wealth with all the tribes.* No longer did a tribe have to be left out of the action because they did not have a casino. So why is the Bureau of Indian Affairs promoting an aggressive policy of carpet-bagging new California lands for more casinos? Are the Indians correct in their claims that non-gaming tribes are being denied their portion of casino wealth? With the mood in Washington, there has never been a better time for Native Americans to call for cleaning-up bureaucratic corruption in their own agency.

There are many casinos in San Diego County that have not threatened the health, safety, and welfare of thousands of people, while endangering wildlife reserves at the same time. Public expression and exercising civil rights are not hatred.

## Just Throwing Dirt

Submitted by Gerald B. Farrow

I'm sure that most of you read the past few issues of the *Shopper* and came away with the same impression as me. Should it now be called *The Jamul Indian Village Shopper*? The multiple full-page ads venomously attacking duly elected local officials, our supervisors, the attorney hired by the founding members of the Jamul Village who oppose the casino, and our congressman.

Illogical and hateful letters written by others, some of whom don't even live in this area and who often have affiliations with the Village, attempt to reinforce these unwarranted personal attacks. I don't blame the *Shopper* for publishing the ads or the poisonous letters as it has a legal obligation and a business to run. But doesn't it make you wonder where the money comes from to pay for these multiple full-page ads? Either it is being paid by Lakes-Gaming which has funded other purchases, land option, publication of the Village, and perhaps is now paying for the ads with the \$40,000 dollars a month that it receives from Lakes-Gaming (as per the legal

contract between the Village and the corporation). The payments began after an initial payment of \$50,000 when it was signed February 2000 (\$1,130,000 up-to-date). The signed contract is a public record.

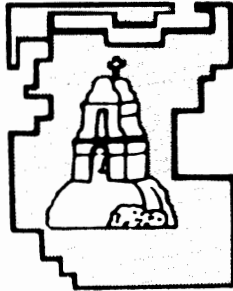
I know we are all tired of the same old unwarranted attacks on our friends and officials. Attacks such as, *why didn't the Fire Board accept the "bribe" and agree to build a fire station on the casino land?* That broken record should be disregarded. No responsible official in any business would enter an agreement without knowing the extent of his/her organization's commitment. And certainly not when the offer came from an organization that does not own the land offered and does not even have the funds to make such an offer! It's common business sense! Please remember that the Fire Board has *agreed* to meet with the Village when the project is presented in detail.

Village Attorney, Madrigal, admitted on record at a Fire Board meeting, contrary to Bill Meza's denial, that the village was planning to build a hotel! Don't forget that the study done for the Fire District stated that a second fire station will be needed if a casino were to be built. The existing casino station will not protect northern Jamul, which includes all of our grade schools!

The proposed casino will increase traffic by 10,000 more trips per day. The study also stated that there will be an increase in loss of life and property due to the traffic.

What about the attacks on JAC? JAC is the representative of 99+% of Jamul residents that oppose a business of any kind the size and scope of the casino. This is not a "hate" campaign against the Village. We'd vigorously oppose a Ford plant, Wal-Mart, or any business that will destroy our community character and most importantly, as pointed out by the fire study, that will cause risks to our children and neighbors.

All of us are familiar with what happens in a dispute when one finds itself in the wrong and lacking support as the Village now does. Dirt is thrown and repeated malicious personal attacks are made. It is happening to our friends and neighbors that are trying to protect Jamul, while the Village is trying to convince us why (the Casino) is "right." Shakespeare said it very succinctly in Hamlet: [The Village] "doth protest too much, me thinks."



**Pala Band of  
Mission Indians**

P.O. Box 50  
Pala, California 92059-0050  
(760) 742-3784  
(760) 742-1411 Fax

July 8, 2002

Ms. Chantal Saipe  
Chief Administrative Office  
County of San Diego  
1600 Pacific Highway  
San Diego, CA 92101

Dear Ms. Saipe,

On behalf of the Pala Band of Mission Indians, please accept this response to the County of San Diego's Draft Update Report on Impacts of Tribal Economic Development Projects in San Diego County, dated April 2002. The Tribe appreciates your extension on the deadline for comments as copies of the Report were never received by this office.

If you have any questions regarding these comments, please contact me at your earliest convenience. You may also contact Lenore Volturno of my staff at 760-742-3174.

Respectfully,

Robert H. Smith  
Tribal Chairman

## **Specific Comments**

### **Acknowledgments, p. xiv.**

The document incorrectly implies that the Pala Band of Mission Indian and its Chairman reviewed and provided information to this draft document. The Pala Band did not provide independent factual information for this report (this point is later acknowledged by the Report in section 3.12). This statement in the acknowledgements implies that the Pala Band agrees with and/or verifies the factual information contained in the Report and appendices. As noted in the comments provided below, the Pala Band cannot verify many of the facts cited in this Report as they are provided in the Report without citation. The Pala Band did not receive a copy of this County Report directly from the County. It obtained a copy for these comments on June 21, one week prior to the due date for Tribal comments.

### **2.1 Indian Nations**

Most governance business conducted by American Indian Tribes actually occurs within the Tribe, as they are responsible for their own self-governance first, and intergovernmental; relations second.

### **2.3 Land Tenure on Reservations**

Each of the types of land ownership are created on the reservations (this aspect is partially addressed only in the discussion of allotted lands). For example, assignments are created by the tribal governments, with the approval of BIA. The ownership/occupancy rights vary considerably from those on allotted land. If the type of land ownership on reservations is important to the Report, this section should be augmented with additional research and discussion.

### **2.4 Barriers to Economic Development**

This discussion is missing several historically significant elements, which provide necessary context for understanding the land ownership and acquisition of the Native American Tribes. While the Report is not intended as an historic work, the omissions leave the Report incomplete and potentially misleading. The basis for lands being brought into trust by the Tribes is an important element in understanding why Tribes are allowed to acquire lands through the fee to trust process.

The Report fails to acknowledge that the General Allotment Act of 1887 led to significant reduction and physical or cultural fracturing of Tribal lands. The creation of allotments and the sale of "surplus" lands to non-Indian buyers separated previously contiguous lands Tribal lands and decimated the land holdings and cultural contiguity of Tribes throughout the Nation. Indian land holdings were reduced by 90 million acres from 138 million acres in 1887 to less than 48 million in 1934. Of this amount, 60 million acres were sold to non-Indians as "surplus" lands.

By 1934, Congress recognized the need to preserve the cultural heritage of the American Indians and elected to reverse the trend caused by the Allotment Act by enacting the Indian Reorganization Act of 1934 (IRA). The IRA was intended to stop the alienation of Tribal land needed to support Indians, and to provide for the acquisition of additional acreage by the Tribes. It is under the auspices of the IRA that many of the San Diego County tribes are seeking to bring land into trust in order to regain lands necessary for sustenance that were lost during the Allotment era.



Correction in Paragraph 1 – Tribal land can be used as collateral, but requires a waiver of sovereign immunity.

Correction in Paragraph 3 – As stated above in discussion regarding Section 2.3, the purpose of fee to trust is to regain land lost by the Tribes during the Allotment Act era

## **2.5 Gaming**

Gaming has already provided a substantial benefit to the county and the state by creating a need for goods and services and providing employment opportunities as well as payroll taxes

Charitable giving has been noted in the Report by two tribes; however, charitable giving has become a hallmark of most if not all successful Tribes once capitalization costs are recovered.

### **2.5.2 Gaming Establishments in California**

Para 2 – The Pechanga Reservation visitors take their primary access off of SR79 to Pala Temecula Road, which lies outside the County's jurisdiction.

## **3.12 Pala Band of Mission Indians**

Correct this paragraph to reflect that the Pala Band is a combined band of Luiseno and Cupeno Indians.

### **3.12.1 Tribal History**

The Pala Band's website ([www.palaindians.com](http://www.palaindians.com)) provides additional historical and cultural information regarding the Luiseno and Cupeno people that should be incorporated into the County Report. An excellent source for additional information regarding the history of San Diego County Native American people is found at the University of San Diego historical department website ([www.acusd.edu/nativeamerican/chronology.html](http://www.acusd.edu/nativeamerican/chronology.html)).

### **3.12.2 Reservation**

Correct the fifth bullet item to reflect that the Pala Band also provides the following governmental services on the reservation: Tribal Utility Department, Library, Child Care, Environmental Protection Agency, Housing Assistance Department, Social Services, and Elder Meal and Transportation Assistance.

Correct the fifth bullet item to reflect that Vulcan Materials is misspelled. Also, there are active commercial agriculture areas on the Reservation.

### **3.12.4 Tribal Government**

Correct the first bullet item to read "Under Non-IRA Constitution." Also, General Council includes all enrolled members 18 years old or older. Correct the third bullet item to reflect a six-member Executive Committee. This is not the Tribal Council (eliminate reference and substitute Executive Committee throughout this section). Fourth bullet incorrectly states that new water and cable hookups are only available to Tribal Members--these hook ups are available for all valid residents of the reservation.

#### **3.12.4.1 Gaming regulation**

The Pala Band follows the federal NIGC regulations and the provisions of the state Compact.

#### **3.12.5 Services and Benefits**

Correct this section to reflect that the Pala Band also provides the following Services and Benefits: Burial Assistance, Senior Meal Service, an Employment Center, Environmental Protection Agency, Housing Assistance, Health Insurance for Tribal Members, Utilities Maintenance and Installation, Recreational Programs, Adult Education, Tutorial Assistance, Fallbrook High School Extension classroom, Charter School--Bonsall Unified School District, satellite classrooms for Palomar Community College Extension, Computer Lab, and higher education scholarships.

#### **3.12.6 Gaming**

Correct the fourth bullet item to reflect that the casino and entertainment facility includes a "Noodles" restaurant.

#### **3.12.6.2 Other Businesses**

Vulcan is misspelled. The Pala Store is not a Tribal Business. The Tribe also maintains revenue producing avocado groves on the Reservation.

#### **3.12.7.1 Education**

Education facilities funded by the Pala include Adult Education, Tutorial Assistance, Fallbrook High School Extension classroom, Charter School--Bonsall Unified School District, satellite classrooms for Palomar Community College Extension, Computer Lab, and higher education scholarships for Tribal members.

#### **3.12.7.3 Services to Tribal Members**

Tribal members are also provided water, sewer, cable, trash collection services, health insurance, elder transportation, burial assistance, senior meal service, an Employment Center, Environmental Protection Agency, housing assistance, utilities maintenance and installation, and recreational programs.

#### **3.12.9 Community Relations**

Additional community relations and cultural education services occur through the tribe's website at [www.palaindians.com](http://www.palaindians.com).

#### **3.12.10 Issues and Challenges**

Other difficult challenges the Pala Band faces include the preservation of religious and cultural sites on and near the reservation and combating illegal dumping occurring on county roads through the Reservation (i.e. Lilac Road). The county has ignored threats to human health and safety resulting from the illegal dumping on Lilac Road and has never made any attempt to stop the dumping or clean up the current waste.

## **Traffic Impacts -- Introduction**

The Report acknowledges that County land use and transportation planning has not assumed large-scale development on Indian Reservations. Please see previous General Comments regarding the Tribe's objection to isolating the traffic analysis to Tribal economic development. This analysis should include all industries operating and developing in the County which impact the County road system. A previous oversight by the County regarding which industries and population segments to include in land use and transportation planning should not create an exemption to businesses benefiting from the oversight, nor should it create a disproportionate burden on the Tribes, the group that was overlooked.

### **4.3.1 Baseline Conditions**

When considering baseline traffic conditions, the Report does not acknowledge the burden of pre-existing traffic and the status of other development and industry projects which contributed to traffic conditions. It would be helpful to see information such as which projects within the past 10 years have been required to fund fair share improvements along the roads at issue and are these improvements included in the Baseline conditions? Data collection information and techniques (such as assumptions used in the documents) are not provided by the report. As a result, the Tribe is unable to confirm or take issue with the baseline assumed for the Report. Additionally, because each of the documents is not dated, the conditions present when the traffic counts were created are undeterminable from the Report text. The Tribe was confused by the county's justification for not using RTA data. The Report (4.3.3) notes that the specific date of the Reservation Transportation Authority (RTA) traffic generation estimates (January-October 2001) and economic conditions during this period are vital to the utility of the data generated by the RTA report but the county uses this as a basis for not using the information. It would be helpful if the report could include an explanation of this justification.

### **4.5 Road capacity needs for each Reservation.**

Criteria for the manual distribution of trips used by the County were not well defined in this report. The Tribe assumed that the trip distribution numbers for any given project were manually distributed despite the fact that the County normally requires traffic analysis to use the SANDAG trip model simulation which takes into account driver's behaviors and possible routes which a consumer may use to arrive at a project site. If manually-based distributions were used then additional impacts on County roads may not have been identified by Tribal Project traffic analyses. The objective basis for the trip distributions should be provided in the Report.

### **4.10 Scheduled Capital Improvement Projects**

The Report notes that the 2020 Regional Transportation Plan (RTP) was adopted in April 2000 by SANDAG, in a process which excluded consideration of Tribal projects or tribal involvement. The Report indicates that only those parties involved in the process (all 18 cities, the County and Caltrans) are involved in the regional competitive process of selecting projects for inclusion in the RTP. The Report indicates that many of the projects near reservations will have difficulty being funded through the RTP process. This decision could be the result of the failure to include Tribe's in the development of this RTP. The County and SANDAG should involve the Tribes as separate governments in the development of the next update to the RTP so that this oversight is not compounded.

#### **4.14.3 Fairshare Estimates**

The fairshare estimates should include the other actors, past present and future, that have lead to the need for the traffic improvements.

Table 4-1--Erroneously states that the Pala, Pauma, Rincon and San Pasqual gaming facilities affect the same network of roadways. Pala's traffic generation is almost exclusively from SR 76 and is located in a completely different corridor from the San Pasqual reservation. This statement and resulting calculation should be corrected.

#### **4.16 Regional Funding Source.**

The Tribe requests adequate representation as a Tribal Government at SANDAG. This may help to resolve the regional transportation conflict between the County, SANDAG and the Tribes.

#### **4 Impacts on other County resources**

The Report indicates that Tribes are the largest landowners in the backcountry. This is unclear and deserves clarification. Please provide a citation for this information. If the reference is to the governmental entities, then the Report should include in its estimation land holdings by the County, State and Federal governments as well.

#### **5.1 Air Resources**

The report indicates concerns that the "hotspots" may develop on County roads due to traffic congestion, and implies that the Tribes may be responsible for resolution of the potential air quality impacts. The Tribe is also concerned about air quality, but generally disagrees with the County regarding the source of air quality impacts. The Tribe requests that information be included about action taken by the County in resolving air quality concerns with respect to mobile sources within its jurisdiction and from immediate stationary sources.

##### **5.2.1 Multiple Species Conservation Program (MSCP)**

The Multiple Species Conservation Plan (MSCP) preserve system is based on all of the previous regional land use plans developed by the County. These land use plans assumed the continued non-development of reservation lands and the MSCP surrounded most of the reservations with its preserve system. The Tribes were not provided the opportunity to participate in the development of the MSCP, and did not receive administrative drafts of the program. As a result, the creation of the MSCP system failed to consider the economic development opportunities of the Tribes and federal laws which allow tribes to annex adjacent lands to their reservation.

The preserve areas encompass those areas that have not or could not be developed in the past 50 years and that provide a sufficient balance of habitat that County planned development will not lead to the extinction of any local species. Because the Tribe's economic condition kept them from being developed, Tribal lands have been used as potential cornerstones for the MSCP preserve, under the assumption that they would not be developed. This is how the MSCP preserve came to surround many of the reservations. Implicitly, the habitat acreage and corridors on reservations were included in the habitat/development balancing which the County undertook with the resource agencies when the MSCP was passed.

It is unfortunate that the County's habitat/development model was miscalculated, but the Tribe does not feel they should bear the burden of this miscalculation since they were never involved in the plan development. With respect to MSCP sub-areas that have yet to be finally planned, the Tribe feels that the County should coordinate with adjacent Tribes regarding reservation land uses to ensure that the County can independently satisfy resource concerns.

### **6.1 Economic Impacts**

In reviewing the impacts of Tribal economic development on the County, the Report should quantify the benefits that the County gains by Tribal economic development. These benefits include the direct payment to the state of a percentage of the gaming profits, (some of which is received by the County), a reduction in the costs of administering municipal programs (because Tribes administer their own programs), and direct benefits from charitable gifts and payroll taxes. In 1997, Indian gaming was reported to contribute \$5 million in charitable gifts, provide 4000 jobs to the County and payroll tax revenue of \$5.5 million. As noted in the Report, these benefits have continued to rise over the past 5 years.

The County also receives indirect benefits by the attraction of tourism-based dollars and increased commerce in the areas surrounding the reservations. This benefit was emphasized in Supervisor Dianne Jacob's May 23, 2002 State of the East County Speech:

“The tribal nations of Sycuan, Barona and Viejas are growing stronger. They are sharing that bounty with the entire East County. Sycuan, Barona and Viejas do more than just provide jobs. Their charitable outreach is unrivaled throughout the region. Barona's award-winning golf course, Viejas' first-class shopping experience, and Sycuan's new state-of-the art theater have helped put East County on the map as a tourist destination.”

These Tribes were the first to enter the gaming industry and have been able to pay off their early capitalization costs in building their gaming operations. Their model of investing in the non-tribal community and providing other non-gaming commerce for the east county once initial capitalization costs are satisfied will undoubtedly be followed by other Tribes. Prior to suggesting that additional funds from the Tribes be provided to the County, these benefits should be approximated and included in any Tribal/County cooperative agreement as part of the mutual benefits enjoyed by the two governments.

### **6.2.3 County's Share of Tribal Revenues paid to the State.**

The Tribes generally agree that the funds paid to the State out of gaming revenues should be preferentially allocated to projects or services that occur in the region of the gaming enterprise.

### **6.5.2 FTT Applications by San Diego Tribes.**

The County's blanket opposition to all fee to trust applications has caused significant strain and mistrust among the Tribes and the County. The Tribes ask that the County recognize the purpose of the Indian Reorganization Act process for adding lands to trust and withdraw its blanket opposition.

## **6.6 Tribal-County Cooperative Agreements**

The Report's proposal under "future considerations" that the Tribes share revenues with the County for off reservation impacts as well as to compensate the County for staff time expended by the county in dealing with tribal projects presents a very difficult proposition. The proposal fails to recognize that the situation involves government to government consultation and that Tribes have never received such compensation from the County. Also, there is no acknowledgment of the County's failure to maintain current rights of way for road maintenance through reservations (i.e. Lilac Road). While there have been many complaints about illegal dumping of trash, dead animals, and potential hazardous waste, the County has made no attempts to stop the dumping or to clean up the area. The Tribe does not feel they should be responsible for the county's failure to address serious illegal dumping issues such as those found on Lilac Road. Possible threats to human health and safety and water contamination have been clearly ignored by the county and it could be very costly to clean up such an area. The Tribe would not be willing to enter this type of agreement without significant changes to County policies

### **General Comments**

We appreciate the work of County staff in making the many significant revisions to the draft County Report in response to comments on the July 13, 2001 draft. This iteration makes a stronger attempt at identifying the Tribes as governmental entities and begins to present the County-wide benefits derived from Indian gaming. However, as the comments below provide, we believe that the Report can still be improved by gaining additional perspective regarding the role of the Tribes in the overall County economy and through some factual corrections and additions to the Report.

In our previous response to the first draft County Report, we noted that the County's land use plans reflect a long-standing failure to recognize the independent economic and land acquisition opportunities of the Tribes and that the County Report is an extension of this failure. In this iteration of the Draft County Report, the County seems to have accepted that economic development will occur on the reservations despite the undersized transportation corridors around most reservations. However, this Report still seems to be focused on leveraging funds from tribal gaming activities to improve the County road system. We hope that the direction of the final Report will be more focussed on the potential for developing a mutually beneficial intergovernmental relationship between the Tribes and the County.

### **The County's focus should be expanded.**

The County's focus on tribal economic development as a singular industry impacting County facilities is misleading. While the reservations are easily identifiable as political and geographic contrasts to other back country areas in San Diego County, it does not follow that they are the only causes of the perceived strain on County facilities. According to County documents, Tribal members account for less than one percent of the County's back country population. Many other readily identifiable industries such as: Agriculture, sand and aggregate mining, residential development, landfills (i.e. proposed Gregory Canyon Landfill), recreation industries, have been ignored by this report despite their burden on County facilities. These industries all provide significant strain on County traffic facilities as well as other environmental and economic impacts.

If the County truly wishes to be provided a platform for "informed decision making they should prepare companion reports on the impacts of these other types of economic development projects in San Diego County. The cumulative effect of backcountry residential lot splits and small subdivisions have significantly increased commuter traffic. Mining operations in support of the development industry have created watercourse impacts and complicate traffic problems. These types of industries have placed the back country at the precipice of road failures but have been ignored in the County's analysis. Without an analysis of other types of industries, the Board of Supervisors will receive only a small part of the information necessary to resolve problems with County facilities.

**County has not maintained their roads which run through the reservation**

The Tribes suffered without basic 20<sup>th</sup> century infrastructure for years because of the remote nature of their reservations and received no assistance from the County in gaining such infrastructure. The County, by its own admission, ignored the local tribes and the prospects of their ability to economically develop when developing regional transportation and land use plans. Meanwhile, the County processed development projects in the County land use jurisdiction under the apparent assumption that no traffic would arise from the reservations. Indications that the reservations would begin developing a local tourism-based industry arose nearly 20 years ago when the first reservations began opening casinos and bingo parlors. While the process developed slowly, having the Tribes at the table when land use projections were made would have allowed early detection of potential problems and the County could adjust its land use plans to account for the development under the existing road system. Unfortunately this did not occur.

This report also fails to acknowledge the county's lack of road maintenance on county roads running through the reservation such as Lilac Road. This area has been ignored for some time now despite the county's right of way. There is a large volume of trash and substances littered along the road and in creek beds that are tributaries to the San Luis Rey River. There have also been several dead animals found along this county roadway, and the county has refused to provide assistance without compensation when the animals were not even found on reservation property.

A complicating factor is that the locations of Tribal economic development are inflexible. Unlike private industry, Tribal economic development is constrained to a limited area for development--the reservation. The Tribes do not realistically have the option of locating its activities in a manner that can adjust to the County's existing transportation plans. This constraint is not the choice of the Tribes, but is a geographic reality. While we are pleased that the County is finally recognizing the Tribes as valid neighboring jurisdictions, Tribes should not have to shoulder all responsibility for the county's failure to recognize them earlier.

**Tribal economic development is not analogous to other private development within the County and it should not carry with it the same burdens.**

The County report addresses the impact of Tribal economic development using the same methods that it would in assessing the impact of a private industry within County jurisdiction. In so doing, the County misses a key distinction between private development and Tribal economic development: Tribal economic development provides the financing necessary for the Tribe to conduct all of its governmental functions, while private development relies upon the County for

all of its basic municipal infrastructure needs. Functions such as health and social services, trash collection, road maintenance, fire protection, education, libraries, parks and recreation, environmental protection and police patrol must be funded out of the proceeds of Tribal economic development. These services are provided by the County for the beneficiaries of private industry and are not provided to Tribal members. To burden Tribes with additional extra jurisdictional governmental infrastructure costs at the same rate required by private industry places a significant disproportionate burden on the Tribes that does not hamper private industry.



# VIEJAS

TRIBAL GOVERNMENT

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August 16, 2002

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Honorable Dianne Jacob  
County Board of Supervisors  
1600 Pacific Highway, Room 335  
San Diego, CA 92101-2469

RE: Draft Update of Impacts of Tribal Economic Development Projects in San Diego County - July 2002.

Dear Ms. Jacob:

The Viejas Band of Kumeyaay Indians ("Viejas Band") has recently submitted comments on the April 2002 Draft Report currently being prepared by County staff, which is entitled: Update - Impacts of Tribal Economic Development Projects.

The Viejas Band has requested in its June 28, 2002 comment letter that the County correct an error in the report. Specifically, the report misuses the term "Little Cuyapaipe Reservation" in a number of sections as we have previously noted:

"To state, as the Draft Update Report does on the bottom of page 25, that the "clinic is [to be] relocated to the back of the Little Cuyapaipe Reservation" is unacceptable. Labeling land held in trust for a health clinic as a "reservation" is not accurate and only serves to further confuse the issue."

We are dismayed to learn that the County has continued to refer to the Southern Indian Health Clinic site as the "Little Cuyapaipe Reservation." This is inaccurate and misleading, because the land in question is not a reservation. We request your assistance to immediately correct the current draft of the County's report and the online version. To assist your office, I have enclosed the pages on which this reference is used. In addition, we request that any references in the Appendix be corrected as well.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (619) 445-3810 or Diane Vitols, General Counsel at (619) 658-1708.

Sincerely,



Bobby L. Barrett, Vice Chairman  
Viejas Tribal Council

Encl.

Update on Impacts of  
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- On December 27, 2000, Congress enacted the California Indian Land Transfer Act of 2000 that added 432 acres to the Reservation; all of these acres are on ridge tops or in steep slopes.

### 3.4.2.2 Proposed Little Cuyapaipe Reservation

- On December 11, 2001, the BIA issued a 30-day Notice of Proposed Action – Proclamation - stating that the Band has requested to receive Reservation status for an 8.6-acre parcel located at 4058 Willows Road in Alpine, which was established in trust on April 1, 1986, and a 1.42 -acre parcel located at 4054 Willows Road, which was accepted in trust on October 29, 1997. The parcels are located approximately 0.25 miles east of the West Willows Road exit, off of Interstate 8, in the Community of Alpine. (*See map in Appendix D*)
- The Ewiiapaayp Tribal Government office currently resides on the 1.42-acre parcel, and the remainder of the site is currently leased to the Southern Indian Health Council, Inc. (“SIHC, Inc.”), a state of California chartered non-profit corporation, created to meet the health care needs of seven of the Kumeyaay Bands.

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

- The Band also owns in fee certain parcels that are the subject of applications to the BIA requesting that the United States take title to in trust status for the Band. The Band’s latest applications are summarized below, and are shown on a map and table in *Appendix D*.
- On May 14, 2001, the Band applied to take an additional 18.10 acres into trust, located south of Interstate 8, directly across from the proposed Little Cuyapaipe Reservation. The proposed trust parcel is located off of Alpine Boulevard, approximately ½ mile east of the Willows Road exit. This land, when established in trust for the Band, will be leased to the SIHC, Inc. and will host their new health clinic upon relocation from the clinic on the proposed “Little Cuyapaipe Reservation.”

The Regional Director of the Southern Agency Office of the BIA issued a Finding of No Significant Impact (FONSI), and on June 27, 2002, issued a Notice of Decision to have this property accepted trust by the federal government for the Band. The Viejas Tribe appealed both decisions. On July 22, 2002, Assistant Secretary Neal McCaleb withdrew the Regional Director’s decision of June 27, 2002 to “thoroughly review the application before issuing a decision on behalf of the Department.” On July 25, 2002, the County filed an appeal of the Southern Agency Office’s Notice of Decision.

- On February 14, 2002, the BIA transmitted to the County a notice of application to place approximately 18.95 acres (APN 404-090-07), located on Alpine Boulevard, in Alpine, California. The site is located approximately one-half (.5) of a mile from the Willows Road freeway exit from east bound Interstate 8, and east of the aforementioned 18.10-acre parcel.

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- Environmental Protection Agency programs.
- Economic development through the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., and the state/tribal gaming compact.

### 3.4.6 Economic Enterprises

#### 3.4.6.1 Gaming

- The Band signed a Tribal-State Compact on September 10, 1999. The Compact was approved by the Assistant Secretary – Indian Affairs, Department of the Interior, on May 5, 2000. The 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 Band plans to build a casino in accordance with the Tribal-State Compact on the front six acres of the proposed Little Cuyapaipe Reservation after the existing SIHC Inc. clinic is relocated to the back of Little Cuyapaipe Reservation. The Tribal Government has determined that the site was suitable for this use. \*
- The Band has reserved 1,000 slot machines for its future casino.
- The Band is seeking no exceptions from law, regulation or policy for the construction and operation of the Tribe’s casino on the front 6.0 acres of its 10.0-acre proposed “Little Cuyapaipe Reservation.” \*

#### 3.4.6.2 Other Businesses

Commercial economic development is not feasible on the Cuyapaipe Indian Reservation.

### 3.4.7 Tribal Projects Funded from Gaming and/or Other Revenues

#### 3.4.7.1 Ewiiapaayp/SIHC, Inc. Agreement for New Clinic Construction and New Funding

- The Southern Indian Health Council (SIHC) serves seven tribes: Barona, Campo, Cuyapaipe (Ewiiapaayp), Jamul, La Posta, Manzanita and Viejas. It also serves residents of the East County. Programs and services offered are as follows: medical clinic; dental clinic; community health; social services; mental health; senior home and substance abuse.
- The SIHC began as a satellite operation of the Indian Health Council located in North County. It incorporated in 1982 as a nonprofit, public benefit corporation, and moved to the Barona Reservation. In late 1987, the Cuyapaipe (Ewiiapaayp) Band leased 10 acres in Alpine to SIHC, Inc. and the current permanent facility was built using two Indian Community Development Block Grant (ICDBG) funds awarded to the Cuyapaipe (Ewiiapaayp) Band and the La Posta Band.

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- On December 18, 2000, the SIHC Board of Directors voted to enter into an Agreement with the 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.
- Action by the BIA on the Fee-to-Trust application for the Walker property may obviate the need to build the new clinic facility on the (proposed) Little Cuyapaipe Reservation, and instead permit the immediate construction of a new clinic on the Walker property. \*
- The projected contributions to the SIHC, Inc. would allow their further expansion of existing services and evaluation of new urgent care services, which are much needed by the East San Diego County community.

#### 3.4.8 State and Regional Economic Impacts

- SIHC, Inc. clinics are the only health care facilities serving the East County. The SIHC, Inc. services the health care needs of Alpine and other communities of East San Diego County. Over 50% of the annual visitors to the SIHC, Inc. clinics are non-Indian residents of East County.
- The closing of Scripps East Hospital, and the scarcity and over utilization of emergency room beds serving East San Diego County, make the prospect of new urgent care services at the SIHC, Inc. Alpine Clinic, due to the Band's construction of the clinic, and proposed contribution of new funding, an important opportunity for the East County.

#### 3.4.9 Community Relations

- Band is currently actively soliciting community input on proposed new clinic in Alpine, and is committed to work with Alpine community as plans evolve.
- Band has formed the Alpine Advisory Group, comprised of nine leading citizens of the Alpine community.
- Band has met periodically with elected and appointed officials of the County, State, and Federal Governments, and initiated negotiations for a Cooperative Agreement with the County related to the future clinic on the 17-acre Walker property.
- Band has committed to make its best effort to reasonably mitigate any potential significant effects on off-Reservation lands directly caused by the construction of new SIHC, Inc. clinics and future casino.
- If the Band is granted the right to build a casino, it intends to make donations to charitable organizations and local government agencies in the Alpine community with health, educational and community activity causes to be primary considerations.

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Related to Tribal Lands and Indian Gaming

## **6.9 Proclamation of Reservation Status for Existing Cuyapaipe Trust Land**

The Cuyapaipe Band has requested approval by the Secretary of Interior to have their land currently in trust proclaimed a Reservation. The Band states that it always intended the "Little Cuyapaipe Reservation" be proclaimed Reservation land as part of its establishment in trust in 1986 and began its active requests for the proclamation in 1994. \*

The application was approved by the BIA – Southern California Agency and the Director of the Regional Office, and is presently being reviewed by the Central Office for Secretarial action. Objections and questions to the application have been raised by the Viejas Band, as shown in their June 28, 2002 letter in *Appendix E*. The Cuyapaipe Band's rebuttal to Viejas' objections can also be found in *Appendix E*.

The County considers is concerned about this request because: 1) The land in question is located approximately 35 miles west of the original Cuyapaipe Reservation; 2) The land was placed in trust for the Cuyapaipe Band for the purpose of constructing a health clinic; 3) Reservation status would allow Cuyapaipe, a Compact Tribe, to build a casino on those two parcels; and 4) The land is less than a mile from the Viejas Reservation and its gaming and commercial enterprises.

The County's concerns are as follows: 1) A second casino could be built on Willows Road, which already operates below LOS "D" as a result of development on the Viejas Reservation; 2) A second casino in this area of Alpine could result in a change in the character of the area between the I-8 interchange and eastern end of the Viejas Reservation from a mix of rural residential and commercial uses to strictly commercial uses; and 3) A second casino could adversely impact groundwater if adequate mitigation measures are not imposed on the project, or cause growth induction if water and sewer infrastructure is extended to the casino site.

### **6.9.1 Future Considerations**

- County should monitor closely the progress of the Cuyapaipe application for Reservation Proclamation; assist in assessment of impacts of casino proposal; and insist on adequate mitigations of adverse impacts.

### **6.9.2 Southern Indian Health Council, Inc.**

- Southern Indian Health Council, Inc. ("SIHC") is a California Public Benefit Corporation whose membership and Board of Directors is composed entirely of seven federally recognized Indian tribes located in the County of San Diego, California.
- The SIHC, Inc. receives funding pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638. See 25 U.S.C. § 450 *et seq.*
- The SIHC serves seven tribes: Barona, Campo, Cuyapaipe (Ewiiapaayp), Jamul, La Posta, Manzanita and Viejas. It also serves residents of the East County. Programs and services offered are as follows: medical clinic; dental clinic; community health; social services; mental health; senior home and substance abuse.

# VIEJAS

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June 28, 2002

Ms. Chantal Saipe  
Tribal Liaison  
Chief Administrative Office  
1600 Pacific Highway, Room 335  
San Diego, California 92101

Re: Viejas Band's Comments on the April 2002 Draft Report entitled  
Update – Impacts of Tribal Economic Development Projects

Dear Ms. Saipe:

On behalf of the Viejas Band of Kumeyaay Indians, officially recognized by the federal government as: *Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California*, we appreciate the opportunity to provide comments on the April 2002 Draft Update on Impacts of Tribal Economic Development Projects in San Diego County (Draft Update Report).

### **General Comments**

The Draft Update Report is a positive step in the government-to-government relationship between the County of San Diego and sovereign tribal nations. It is hoped that this document will mark the beginning of fruitful communication and coordination between the County, the Cities, Regional Planning Agencies, and the Tribes on such issues as the 2020 Regional Transportation Plan, the General Plan 2020 Update, and other important regional needs.

It is our understanding that previous reports were working documents only and have been extensively revised. References to previous drafts of this report should therefore be removed.

Any pertinent and accurate information from the earlier drafts should be incorporated into a final draft document.

It appears that only 58.8% of San Diego Tribes have participated in responding to the County and that the County has gleaned information from other sources. Viejas believes it is important to indicate what information was provided by the Tribes and what came from other sources. Please so note in the document.

### **Specific Comments**

#### **Section 2.1, Indian Nations**

The discussion of Public Law 280 should be more balanced. Enacted in 1953, Public Law 280 delegated to the states criminal jurisdiction and more limited civil jurisdiction over reservations within the boundaries of Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. Public Law 280 restricted the states from assuming regulatory jurisdiction over reservations. Although tribes and reservations are not subject to state regulations such as the California Environmental Quality Act or county regulations including zoning, Tribes are required to follow stringent federal regulations including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Clean Air Act, to name only a few.

#### **Section 2.2, Indian Tribes in San Diego County**

This section should note that the Barona and Viejas Bands share a joint-trust patent and joint administrative responsibility for the Capitan Grande Reservation.

#### **Section 2.3, Land Tenure on Reservations**

The discussion of tribal lands, assignments, and allotments is interesting but is not pertinent to the report. The individual reservation sections do not discuss which reservations use assignments and which use allotments. Therefore, this section is not needed and should be deleted.



#### Section 2.4, Barriers to Economic Development on Reservations

This section discusses the trust status of most Reservation lands. The document fails, however, to address two complex issues related to the federal trust responsibility and intertribal relationships that have recently arisen: 1) how to balance competing interests between tribes, and 2) the rights, responsibilities, and obligations tribes have with respect to each other.

The proposed conversion of the Southern Indian Health Council (SIHC) clinic site in Alpine to a gaming facility by the Cuyapaipe Tribe is an example that will require both of these issues to be addressed. The SIHC is a non-profit California corporation that was formed by seven tribes to provide health care for its members and the public. The seven tribes combined their resources (i.e., state and federal grants, as well as Tribal Priority Allocation funds) to ensure the acquisition of the land, construction of the facility, and the operation of the clinic. However, the land was put into trust for only one tribe, the Cuyapaipe. This decision was made for the administrative convenience of the BIA. It would have been preferable to place the parcel into trust for all seven tribes; however, the other six tribes were given assurances that their interests were protected because of the lease agreement between the SIHC and the Cuyapaipe. The lease agreement was based on a Cuyapaipe tribal resolution that provided a non-revocable promise that the land would be used only for a health care clinic for 25 years, with a 25-year renewal option.

After seventeen years and millions of dollars in contributions by the seven tribes, the Cuyapaipe are now seeking to have this trust land declared to be part of their reservation. The Cuyapaipe want to replace the SIHC clinic with a Class III casino. While the Cuyapaipe publicly state that they will build a replacement clinic (a temporary clinic behind the proposed casino and possibly a new clinic across the Interstate 8), their promises are largely unenforceable and wholly dependent upon speculative future casino revenues. The Cuyapaipe's ability to build a casino on this site is uncertain. The land is not reservation land and a portion of it was taken into trust after 1988.

Therefore, the issue is how can the BIA, because of its inability to place a parcel of land into trust for the benefit of all seven tribes, justify allowing only the Cuyapaipe to benefit from this action. The facility was developed with the contributions from seven tribes, for the benefit of all seven tribes and the public. This administrative error should not result in an unfair benefit to just one tribe. As Congressman Bob Filner noted on October 17, 2001, "The land in question was taken into trust at the request of seven tribes, with the support of seven tribes and for the benefit of seven tribes. It would have never been taken into trust for the benefit of one tribe."

As previously mentioned, the Cuyapaipe have requested that the BIA declare this land a "reservation" when it is in fact trust property. In connection with their plans to build a casino, the Cuyapaipe have requested that the BIA take the following actions:

- Approve a relinquishment of the 25-year lease between the Cuyapaipe and the SIHC;
- Proclaim the land that is the current home of the clinic as a second "reservation" for the Cuyapaipe;
- Accept a parcel known as the "Walker Property" as trust land, which may someday be the site of a replacement clinic, and proclaim this new land as an additional Cuyapaipe reservation; and
- Accept a parcel known as the "Salerno Property" as trust land and proclaim this new land as an additional Cuyapaipe reservation.

While Viejas is aware that the County of San Diego (County) requested a moratorium on such land transfers, we are unaware of the status of the County's position on the moratorium or on the transfer of these parcels from private or trust lands to Reservation status. The Draft Update Report is unclear as to the County's position concerning these issues. The County appears to be in favor of such transfers in Section 3.4.2.2 of the Draft Update Report, incorrectly referring to the SIHC parcel as "the Little Cuyapaipe Reservation," yet neutral in various subsections of Section 6 by discussing the need to be involved in the environmental review process for such transactions.

The Draft Update Report as written does not accurately portray the properties in question. Taking the SIHC clinic land into trust in solely the Cuyapaipe's name was controversial from the beginning. The SIHC under its lease agreement enjoys the exclusive right to use the leasehold (8.6 acres). The SIHC does not share the leasehold with the Cuyapaipe tribal offices. To state, as the Draft Update Report does on the bottom of page 25, that the "clinic is [to be] relocated to the back of the Little Cuyapaipe Reservation" is unacceptable. Labeling land held in trust for a health clinic as a "reservation" is not accurate and only serves to further confuse the issue.

### Section 2.5, Gaming

This section fails to discuss cooperative efforts between the tribes. For example, the Tribal Digital Village is a joint project among the San Diego County Tribes that will provide funding for computer equipment and coverage for Internet service via satellite. In the next few months, remote reservations, such as the 4,500-acre Cuyapaipe Reservation in the Laguna Mountains, will have such service.

To better understand the business environment, this section also needs a broader discussion of business competition. Tribal gaming operations compete not only with each other but also with local card rooms, the Del Mar racetrack, and Nevada casinos. Nevada gaming operators compete with local casinos for the discretionary income of County residents. According to the Las Vegas Visitor Profile, every year 26 percent of Las Vegas business is derived from southern California visitors, which translates into millions in revenue from San Diego County residents.

This section also fails to note that since 2001, San Diego's gaming tribes have provided good jobs, affordable health insurance, retirement plans, and other benefits for their employees. Tribes have also injected substantial monies into the local economy through purchasing goods and services, construction of projects, and charitable contributions.

### Section 2.5.3, Gaming / Regulation of Gaming Operations

This section does not provide sufficient information about Tribal Government Gaming Regulations. Nationwide research conducted by the National Indian Gaming Association (NIGA) found that tribal governments spend \$212 million annually to regulate gaming operations. This compares with \$155 million spent by states on regulatory activities covering casino and riverboat gaming. Tribal governments employ 2,750 regulatory employees, as compared to 981 regulators for riverboat gaming, 720 for Atlantic City, and 432 for Nevada gaming operations. For an expanded discussion on tribal government regulation of gaming operations, the article entitled, "Debunking the Myths About Tribal Government Gaming Regulation," Viejas Eagle Review, May 2002 is attached. The information from this article should be included in the Draft Update Report.

#### Section 2.5.3.1, Gaming / Regulation of Gaming Operations / Federal Government

In the last paragraph of Section 2.5.3.1, the Draft Update Report notes that the County of San Diego has commented on several environmental documents submitted by the Tribes in relation to economic development. To understand the role of the County, it might be beneficial to add to the report a section describing the County's comments on economic development by the Tribes.

#### Section 2.5.3.2, Gaming / Regulation of Gaming Operations / State Government

Somewhere in this section, a discussion of the cost and benefit of outside management companies operating tribal casinos would aid in educating the public and the County Board of Supervisors on the flow of casino revenues. Under IGRA, outside management companies are allowed to charge up to 30 percent of a casino's revenue.

#### Section 2.5.5, Gaming / Tribal-State Compact

The report should reflect that the La Jolla and Campo tribes have opened gaming facilities.

#### Section 3.3.4, Capitan Grande Band of Mission Indians / Tribal Government

Services and benefits for Capitan Grande are provided through the Barona and Viejas Bands.

Section 3.3.5, Capitan Grande Band of Mission Indians / Services and Benefits Provided by Tribal Government

See comment for Section 3.3.4.

Section 3.18.1, Viejas Band of Kumeyaay Indians / Tribal History

The following point should be included:

- In the early 1980s, the Viejas Band joined with six other tribes (Barona, Campo, Cuyapaipe, Jamul, Manzanita, and La Posta) to acquire the property at 4058 Willows Road in order to construct and operate a health clinic. Viejas continues to participate in the support of this clinic today.

Section 3.18.9, Viejas Band of Kumeyaay Indians / Community Relations

The following point should be included:

- The Viejas Band is committed to providing support and funding for the Southern Indian Health Council clinic, a tribal and community based health-care facility.

Section 3.18.10, Viejas Band of Kumeyaay Indians / Issues and Challenges

The following points should be included:

- Seeking a seat at the table on Regional Planning Boards such as SANDAG on a government-to-government basis.
- Protecting the continued use, standards, and survival of the Southern Indian Health Council clinic.
- Ensuring a proper and adequate environmental review of the Cuyapaipe Band's proposal to relocate the Southern Indian Health Council clinic to either temporary or new quarters.
- Ensuring that the Southern Indian Health Council clinic continues to be viable without a lapse, reduction, or loss of services to tribal members or the public.

Section 4.1, Introduction and Overview

For the purposes of projecting future road improvement needs at proposed casino sites, the County can anticipate future road impacts based on the number of machine licenses a tribe has

drawn, the number of employees required by a casino of similar size, and the remoteness of the location.

#### Section 4.10, Scheduled Capital Improvement Projects

In this section, along with Section 4.15, the County acknowledges two processes in which tribal participation is essential for good regional planning. Unfortunately to date, neither process has included the Tribes.

The first example of this is the development of the 2020 Regional Transportation Plan (RTP) adopted by SANDAG in April 2000. The development of the RTP did not include participation by Tribes even though gaming facilities on tribal lands were already in operation and the development of additional gaming facilities was known to be extremely likely. How is the County planning to incorporate the participation of San Diego County Tribes for the current RTP planning process, which, when completed later this year, will provide guidance through the year 2030?

The second example is the lack of inclusion of the San Diego County Tribes in planning and transportation decisions. For several years, the San Diego County Tribes have expressed their desire to be included in such decisions. Currently, local planning agencies and the SANDAG Board include representatives from each of San Diego's eighteen cities; however, they do not include tribal representatives. How will the County promote the inclusion of equal representation from the Tribes in these planning groups?

In addition to coordinating with SANDAG, RTP, and the Tribes, the County should link its existing knowledge of reservation-based development with the General Plan 2020 Update process for a comprehensive and long-range community planning process.

#### Section 4.14.3, Arterial/Highway Improvement Cost Estimates / Fairshare Estimates

Although the County has revised its average daily trip (ADT) generation from 130 ADT per 1,000 square feet of gaming space to 100 ADT, this estimate is still considerably higher than

the Reservation Transportation Authority (RTA) estimates of 28 to 75 ADT per 1,000 square feet of gaming space, based on reservation location and ease of access.

Until the County and Tribes coordinate with the San Diego Association of Governments (SANDAG) to establish an accurate measure of trip generation for new casinos (page 106), it is premature for the County to determine tribal fairshare cost estimates of infrastructure improvements for new or incremental growth based on a randomly determined ADT rate.

Table 4.1, Road Improvement Cost Estimate Summary

The September 12, 2001 comments from Viejas requested clarification of traffic impacts projected in the segment of Willows Road from Interstate 8 to the Viejas Casino and Outlet Center entrances. The Draft Update Report continues to claim that Willows Road will be negatively impacted by unmitigated frontage and off-site impacts of existing and/or proposed projects at the Viejas Reservation. To date, the Viejas Band has provided funding of approximately \$1.9 million for widening and other improvements to Willows Road. It is unclear if the \$1.9 million cost previously incurred by Viejas is included in the calculations in Table 4-1 (Road Improvement Cost Estimates Summary), which indicated a Viejas fairshare contribution of \$1,130,000.

Because the Viejas Reservation is home to a majority of the members of the Viejas Band, its members use Willows Road every day and would bear the brunt of any congestion. Thus, the Viejas Band has a significant interest in assuring that the Tribe's home remains the tranquil community that it is today. While the Viejas Band continues to be open to mitigating any development-related traffic impacts, the Viejas Band currently is not proposing any expansions needing such mitigation. The basis for the County's prediction of a negative impact to Willows Road, therefore, is still unsupported. Should a project be proposed that requires traffic mitigations, as in the past, the Viejas Band will discuss and negotiate those mitigation measures with the County.

However, a bigger impact to our community may be the proposed development of a class III gaming facility at the SIHC clinic site and relocation of the clinic either on-site or to the

Walker Property by the Cuyapaipe Band (see comments on Section 5, below). Because these projects taken together may have significant traffic and other regional socio-economic impacts, the BIA should be preparing an Environmental Impact Statement to assess all of the impacts associated with this series of transactions.

#### Section 4.17, Future Considerations

The Viejas Band agrees with the County's goal of working with the North County Transit District and the Metropolitan Transit District to provide new or expanded public transportation services. Viejas requests the addition of the County Transit Service to this list of service providers to increase public transportation in the East County.

For example: Improved public transportation for tax-paying County residents who are also employees of tribal economic development projects could significantly reduce individual vehicle trips, reduce congestion, and improve air quality, while meeting the County's 2020 General Plan Update goal of improving public transportation to major employment centers.

#### Chapter 5, Impacts on Other County Resources and County Programs and Services

The discussion in the introduction of this section fails to mention that Tribes have a longstanding tradition of protecting the environmental resources on their lands for future generations. Even if this were not the case, Tribes must adhere to a number of environmental laws such as NEPA and ESA when developing projects on reservation and trust lands. In addition, tribes must comply with State environmental laws when developing fee lands. Finally, the BIA in administering its trust responsibilities must comply with federal environmental laws.

The Viejas Band has recently become concerned that the BIA does not always enforce the federal requirements. NEPA, for example, requires that direct, indirect, and cumulative impacts of proposed projects must be fully addressed. If a project will potentially cause a significant impact on the environment, an Environmental Impact Statement (EIS) must be prepared. The EIS is also used to identify other approvals required to complete a project.



Nevertheless, the BIA is failing to require an EIS for the series of land transactions and projects required to relocate the SIHC clinic and develop a Class III gaming facility, including the acquisition of the Walker and Salerno properties, on lands in Alpine, California. The BIA has broken the project down to address only the potential impacts of each step leading to the final project and is not looking at the project as a whole. By failing to provide a complete project description and by piecemealing the analysis of the project impacts, the BIA is failing to adequately assess potentially significant impacts, thus providing a minimum environmental review.

Even more difficult to understand is that the BIA intends to accept this minimal review despite the fact that it is fatally flawed. For example, the recent BIA environmental assessment for trust acquisition of the Walker Property found that the proposed project would not impact any federally listed endangered species. However, a review of the biological surveys document that no protocol surveys for any endangered species were conducted. The few visits to the project site to document biological resources were made during time periods when the species would not be present at the project site – the dates were seasonally inappropriate. Because the development of the Walker Project requires impacting Viejas Creek, it would appear that both the BIA and the U.S. Army Corps of Engineers should be consulting with the U.S. Fish and Wildlife Service regarding impacts to endangered species. However, the document for the Walker Property fails to include any discussion of this process and its outcome. Therefore, the Viejas Band believes that the BIA is violating NEPA and possibly the ESA.

This is compounded by the Cuyapaipe Tribe's request for a categorical exemption from NEPA for the Salerno property. The request is based on the premise that NEPA should not apply because the Cuyapaipe Band has proposed no change in use for the vacant land. However, promises the Cuyapaipe Band has made to the local community in their attempt to garner support for their casino contradict this statement. Therefore, the transfer of this property should also include an analysis of its intended use. Because these projects taken together may have significant impacts on the environment, the BIA should be preparing an

Environmental Impact Statement to assess all of the impacts associated with this series of transactions.

#### Section 5.2.1, Biological Resources / Multiple Species Conservation Program (MSCP)

The Multiple Species Conservation Program (MSCP) was drafted to meet the dictates of habitat conservation planning under federal law and natural communities conservation planning under state law. Should a Tribe choose to develop lands acquired in fee and subsequently placed in trust, the Tribe is required to address habitat conservation planning issues under the NEPA, ESA, and other federal laws and regulations.

The Draft Update Report's recommendation for tribes to sell mitigation credits to off-site entities is inappropriate. It assumes that tribal lands should be repositories for much of San Diego's environmental mitigation, rather than being protected to meet the requirements of current or future generations. Much of the wild and scenic lands in the County remain in their natural state precisely because the Tribes have managed their lands according to each Tribe's customs and traditions for centuries.

#### Section 6, Economic, Fiscal, Legislative, and Other Issues Related to Tribal Lands and Indian Gaming

Any discussion of the Southern Indian Health Council and agreements involving this entity should be removed from the Cuyapaibe discussion in Section 3.4.7.1. The SIHC is a non-profit organization and any discussion of this organization and its agreements should require the input of all seven consortium members and should be handled separately in Section 6, if at all.

#### Section 6.1.2, Economic Impacts / Future Considerations

To meet the goals of the County, the County should collaborate with all Tribes on all development projects rather than limiting collaboration to the gaming Tribes and the impacts of gaming on communities in the vicinity of the reservations.

Section 6.9, Proclamation of Reservation Status for Existing Cuyapaipe Trust Land

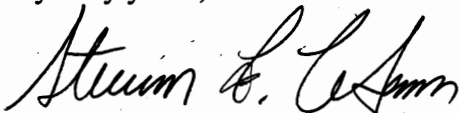
The statement on page 127 that the “*BIA-Southern California Agency staff views this application as an administrative matter as the two subject parcels have been used by the Tribe for several years, and therefore staff of the Agency considers them to be already part of the Cuyapaipe Reservation*” should be removed from the document. Length of time is not in itself the sole criteria for making the determination that trust lands should be converted to reservation lands. The BIA decision-making process includes a broad range of regulatory criteria at both the federal and state decision-making levels in order to fulfill its trust responsibility to the Tribes individually and collectively.

**Summary**

The Viejas Band has long sought to make a positive contribution to the community, with a tradition of working with local elected officials on a government-to-government basis. The Viejas Band hopes to continue this tradition, not only with the County of San Diego, but also with the local community as a whole. While the Draft Update Report focuses only on Tribal Lands, only a global analysis will provide an adequate picture of the future of San Diego communities. The Viejas Band encourages the County to enlist SANDAG and other Regional Planning Agencies to include participation by the Tribes in carrying out their respective regional planning responsibilities.

For your convenience, we have incorporated our comments on Section 3.18, “Viejas Band of Kumeyaay Indians,” onto the draft Report. Enclosed is a disk for your convenience. If you have any questions, please contact the Tribal Offices at 445-3810. Thank you for your attention to this.

Very truly yours,



Steven F. TeSam  
Tribal Chairman  
Viejas Band of Kumeyaay Indians

cc: San Diego County Board of Supervisors

# Debunking the myths about tribal government gaming regulation

Tribal governments with casinos have long held that their gaming operations are the most stringently regulated in the gaming industry.

Is this true?  
You bet it is!

To put gaming into perspective, tribal government gaming, with 321 gaming operations nationwide, accounted for only 16 percent of industry revenues in 2000. Gaming in the state of Nevada alone, included 2,806 privately owned or publicly traded corporate operations in that same year.

Commercial gaming, including riverboat gaming, and Atlantic City and Nevada casinos, accounted for 42 percent of gaming revenues, with state lotteries, 27 percent, and charitable gaming, horseracing and other forms of gaming for the 15 percent balance.

In terms of regulation, from dollars alone, nationwide, research conducted by the National Indian Gaming Association (NIGA) reports that tribal governments spend \$212 million annually to regulate gaming operations. This compares with \$155 million states spend for regulatory activities covering casinos and riverboat gaming. Tribal gaming operations employ 2,750 regulatory employees, as compared to 981 regulators for riverboat gaming, 720 for Atlantic City and 432 for Nevada gaming operations.

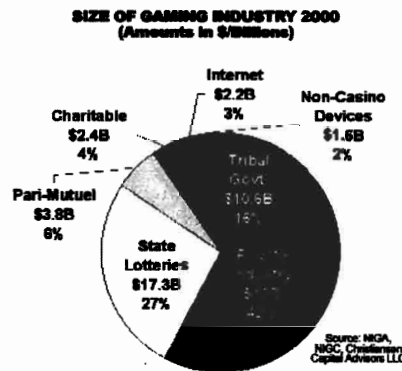
Tribal government gaming, such as that at Viejas Casino, is subject to regulation by the U.S. Government, state of California and the Viejas Tribal Government. This compares with commercial casinos, which are subject primarily only to state regulation.

The Indian Gaming Regulatory Commission, as governed by the Indian Gaming Regulatory Act, is responsible for issuing federal regulations and assuring tribal government compliance with the law.

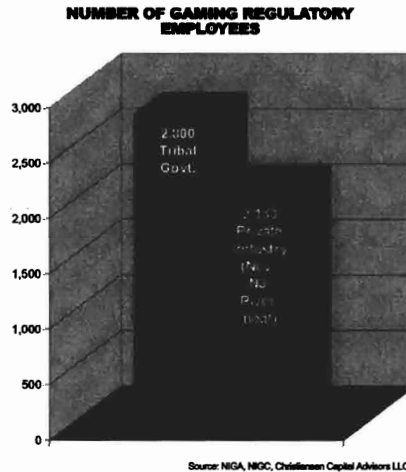
The national commission, also regulates bingo operations, and has established minimum internal control standards based on those used by New Jersey and other gaming jurisdictions.

The standards cover audits, cash and credit procedures, surveillance, electronic data processing, gaming devices, bingo and pull-tabs, card and table games, as well as parimutuel betting.

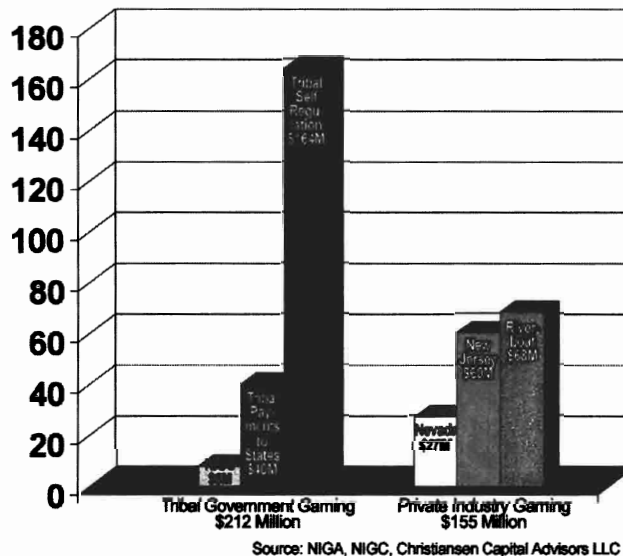
Tribal government gaming proceeds are also subject to oversight by the Bureau of Indian Affairs. Tribal government casinos also fall under U.S. Department of Treasury Title 31 regulations governing financial transactions to prohibit money laundering. In addition, tribal gaming operations are subject to U.S. Justice



For the past several years tribal government gaming has received more than its share of media and political scrutiny. The impression often left is: 1) All Indian tribes are rich because of gaming; 2) Indians have a monopoly on the gaming industry. The above chart shows that out of 559 tribal governments, tribal government was only 16 percent of the industry revenues in 2000. There were 321 tribal gaming operations nationwide, contrasted with 2,806 privately owned or publicly traded corporate operations in Nevada alone.



**ANNUAL REGULATORY BUDGETS**  
(In \$/Millions)



Department and FBI investigations when it appears violations of federal law are incurred.

Tribal gaming facilities are also subject to health and safety regulations promulgated by the federal Occupational Safety and Health Administration and the Environmental Protection Agency.

At the state level, the framework for tribal government gaming falls under the California Constitution, as enacted by the voters in March 2000, when they approved Proposition 1-A, permitting tribes to enter into tribal-state gaming compacts. The compacts, such as that entered into between the Viejas Band and the state of California, provide for regulation by the California Gambling Control Commission.

Under the California Gambling Control Act, and pursuant to the Governor's Executive Order D-29-01, the commission "has jurisdiction over operation, concentration, and supervision of gambling establishments, and over all persons or things having to do with the operations of gambling establishments in the State of California."

In California, tribal casinos are also subject to regulatory jurisdiction by the Division of Gambling Control within the Department of Justice. Under the authority of the California Attorney General, the Division of Gambling Control "is the law enforcement entity for gambling activities for the State of California, and is the entity that conducts criminal background investigations for the Commission on gambling license and work permit applications received by the Commission."

The tribal governments themselves provide frontline, day-to-day regulation of Indian casinos, under ordinances that are consistent with state and federal law. Many tribal ordinances exceed state and federal standards.

For Viejas, regulatory activity rests with the independent gaming commissioner, whose responsibilities are governed by the tribal gaming ordinance. Reporting directly to the tribal council, the Viejas gaming commissioner and compliance staff are completely independent from casino management.

"Tribes have developed top-quality tribal gaming commissions and world-class regulatory systems," says Ernie Stevens Jr., chairman of the National Indian Gaming Association. "We have all of the newest surveillance and security systems, and tribal gaming commissions employ attorneys and auditors, law enforcement personnel, and experienced regulators."

### **3.18 Viejas Band of Kumeyaay Indians**

The Viejas Band of Kumeyaay Indians is a self-governing, federally recognized Indian Tribe exercising sovereign authority over the lands of the Viejas Indian Reservation. The Viejas Band of Kumeyaay Indians is one of the 13 Kumeyaay Bands in San Diego County.

#### **3.18.1 Tribal History**

- The Viejas Band of Kumeyaay Indians is a federally recognized Indian tribe listed in the Federal Register (Vol. 65, No. 49, pg. 13299) as “Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.” Viejas identifies itself as “Viejas Band of Kumeyaay Indians.”
- The Viejas Band was originally part of the Capitan Grande Reservation, which was established by Executive Order of 1875. The Capitan Grande Reservation included within its boundaries the Los Conejos Village and the Capitan Grande Village.
- In early 1930’s, Congress allowed the City of San Diego to buy the heart of the Reservation to build El Capitan Reservoir and the San Diego River Dam, forcing the Kumeyaay Indians to move. Some 28 families, including members from the Los Conejos Village, purchased the Viejas Valley land, once a ranch owned by Baron Long, and became known as the Viejas Band. The Viejas Band continues to share a joint-trust patent with the Barona Band and joint administrative responsibility for the 15,000 remaining acres of the Capitan Grande Reservation.
- The Viejas Band joined with six other tribes (Barona, Campo, Cuyapaipe, Jamul, Manzanita, and La Posta) to acquire land, and construct and operate a health clinic. Viejas continues to participate in the support of this clinic today.

#### **3.18.2 Reservation**

- Viejas Reservation consists of 1,609 acres, located north of Interstate 8, off Willows Road, near the community of Alpine. Viejas Creek bisects the Reservation. (*See Appendix A*)
- Access to the Reservation is by County-maintained two-lane roads - Willows Road, East Willows Road and Viejas Grade Road – and Interstate 8.
- Governmental and non-commercial uses on Reservation: Approximately 140 residential units, which house approximately 800 persons; senior citizens center, two schools, Tribal Government Center, community park, fire station, church and cemetery.
- Commercial uses on Reservation: One casino, an outlet center, and one RV park.
- Other businesses: (*See Sec. 3.18.6.2*)

### **3.18.2.1 Fee To Trust Applications and Other Actions Resulting in Expansion of Land Base**

- Over the last few years, the Band has applied to have a total of 839 acres placed in trust. (See *Appendix D*)
- The County has commented on two applications, which together cover 406.23 acres.
- Band has also applied to place approximately 433 acres in trust. These lands are within to the Capitan Grande Reservation boundary. The Bureau of Indian Affairs has not yet published notice to take these lands into trust.

### **3.18.3 Population**

- Enrollment: 289 Members (including children).
- About 800 persons live on the Reservation, of whom about 630 are Tribal Members and their families.

### **3.18.4 Tribal Government**

- The Viejas Band's democratic government consists of two levels: General Council and Tribal Council.
- The General Council, which includes all of the Band's 157 adult voting members, elects the Tribal Chairman and the Tribal Council, and votes on all land use decisions.
- The Members of the Tribal Council, which consists of the Tribal Chairman, Vice Chairman, Secretary, Treasurer and three at-large Council Members, are elected to two-year terms of office.
- Membership is based on direct descent from the original Capitan Grande Reservation families, including those who resided in the Los Coñejos Village who pooled money to purchase the Baron Long Ranch in Viejas Valley, and moved to the new federally recognized Reservation.
- The Tribal Council governs according to the customs and traditions of the Band, exercising executive, legislative and judicial powers.
- The Tribal Council employs a professional government manager to handle the daily Tribal governmental operations and a Chief Executive Officer to manage the business entities.
- The Tribal Council also oversees and sets policy for all commercial activities of the Band.
- Under the Viejas Tribal Gaming Ordinance, the Gaming Commissioner and staff are responsible for regulating all gaming activity. The Gaming Commissioner reports directly to the Tribal Council, and is independent of casino management. The Gaming Ordinance also establishes a three-member Viejas Gaming Review Board, whose

members and alternates are appointed to staggered three-year terms by the Viejas Tribal Council. The Board is responsible for reviewing and approving Viejas gaming regulations promulgated by the Gaming Commissioner, and for hearing appeals related to licensing actions, imposition of fines and patron disputes.

#### **3.18.4.1 Gaming Regulation**

- Tribal government gaming on the Viejas Reservation is governed in accordance with federal laws. In 1998, the Band adopted by resolution, the Viejas Tribal Gaming Ordinance (Gaming Ordinance) and Tribal Gaming Regulations. These are comprehensive controls similar to those enforced in Nevada, and they govern the Class II and Class III gaming operations of Viejas Casino. The mission of the Viejas Gaming Ordinance, Gaming Regulations and Gaming Commission staff, is to ensure full compliance with all applicable Tribal, Federal and State statutes, as well as the Tribal-State gaming compacts, and to protect the integrity of the games for the patrons and the Tribe.
- Under the Gaming Ordinance, no activity relating to the operation of Viejas Casino is exempt from review and inspection by the Tribal Gaming Office, nor is any manager or employee exempt from the provision of the Ordinance and regulations.
- The Gaming Ordinance established the tribally funded Viejas Tribal Gaming Office and its staff, with the Viejas Tribal Gaming Commissioner as chief administrative and enforcement officer, reporting solely and directly to the Viejas Tribal Council.
- The Ordinance also established the three-member Viejas Gaming Review Board, whose members and alternates are appointed to staggered three-year terms by the Viejas Tribal Council. The Gaming Review Board is responsible for reviewing and approving Viejas gaming regulations promulgated by the Gaming Commissioner and hearing of appeals, relating to licensing actions, impositions of fines and patron disputes. Board members are not permitted to have any financial interest in Viejas Casino, or its vendors, and they and their immediate families are prohibited from gaming at the facility.
- During 2000, the Viejas Band spent in excess of \$2.5 million on gaming regulation activities, including \$1.3 million to operate an independent Gaming Commissioner's Office, and \$1.2 million for Surveillance Department operations.

#### **3.18.5 Services and Benefits Provided by Tribal Government**

- Master land use, environmental planning and resource conservation.
- Water utility, including water quality testing, treatment, storage and distribution.
- State-of-the-art wastewater collection and treatment of non-potable system for irrigation
- Sanitary landfill and solid waste transfer station.
- Right of way road construction, maintenance, signage and repair.

- Professionally managed security department consisting of 170 certified officers to ensure a safe environment for guests, employees and reservation residents.
- Fire protection and emergency medical services.
- Comprehensive health program and comprehensive life insurance program.
- Services to seniors, including meals and recreational programs.
- Cultural programs.
- Archeological and artifact review and repatriation.
- Housing program.
- Educational assistance, college scholarships, after-school tutoring, GED diploma programs in conjunction with Grossmont High School District, and Community College classes in conjunction with Grossmont Community College.
- Recreation and wellness programs.
- Employment opportunities.
- Per Capita distribution of gaming revenues.

### **3.18.6 Economic Enterprises**

#### **3.18.6.1 Gaming**

- Viejas has been the sole owner and operator of its gaming operations since the original casino opened on September 13, 1991 with 80 employees and 10,000 square feet of gaming space for bingo, card games and off track betting.
- Signed Tribal-State Compact on September 10, 1999. Compact was approved by Assistant Secretary – Indian Affairs, Department of the Interior, on May 5, 2000. 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.
- Total investment in Casino in 2000: \$116,400,000.
- Casino and back-of-the-house operations occupy more than 250,000 square feet and employ more than 2,400 people.
- Casino operates 2,000 gaming machines, and includes a 1,200 square foot bingo pavilion, card games and Off Track Betting facility.
- Band invested in excess of \$2.5 million as of the year 2000 for tribal gaming regulation and surveillance systems.



- The Viejas Casino offers a full range of dining and beverage services to players and the general public. There are five restaurants with indoor seating for 650 patrons. In addition, the DreamCatcher Showroom accommodates up to 300 persons for catered events.
- Entrance to gaming areas is limited to those 18 and older.
- Casino offers extensive employee benefits, including a 401(k) matching plan; health insurance, for which the Band paid over \$5 million in 2000; and a subsidized meal plan.
- Viejas Casino was the first California gaming operation to have a collective bargaining agreement with a labor union.

### **3.18.6.2 Other Businesses**

- The Viejas Band is the sole owner and operator of the \$55 million Outlet Center (57 stores, 225,000 sq.ft.), the first American Indian-owned retail outlet center. The 25-acre open-air shopping, dining and entertainment complex is themed to reflect a Native American village. It features waterfalls, streams and a harmony of art, color and 50 life-size bronze wildlife sculptures. Guests of the Outlet Center may choose from six restaurants, including Scatterbeans, a Tribal Member-started coffeehouse, which also features entertainment. There is indoor and outdoor seating to accommodate more than 200 patrons and a 1,500 seat open air concert venue. The Viejas Outlet Center has earned recognition from many trade organizations, civic and professional groups, including the San Diego Orchids Award for Architecture, the International Council of Shopping Centers Award for Innovative Design, San Diego Magazine "Best of" Award, and the Themed Entertainment Association Outstanding Achievement Award.
- Established in 1975, the Ma Tar-Awa Recreational Vehicle Park and Camp was the first economic development project of the Band. It has 88 trailer hookups and campsites accommodating up to 2,000 guests.
- The Band purchased the 32-acre Alpine Recreational Vehicle Park in June 1998. It is located outside the Reservation and provides 87 full service and 35 partial service hookups.
- The Viejas Band is the majority stockholder of Borrego Springs Bank, N.A., which was the first American Indian-owned bank in California and second in the nation. The bank has 16 loan production offices and three branch offices. It is ranked among the top 50 SBA lenders in the nation by the Coleman Report (September 2000), and ranked a Premiere performing Bank by the Findley Report for the year ended December 31, 2000.

### **3.18.7 Projects Funded From Gaming and/or Other Revenues**

In 2000, the Viejas Tribal Government spent \$51,383,646 on government operations and community projects, such as housing, roads, education and health care. In 1999, the Band spent \$34,662,790. An additional \$1,948,039 was spent on San Diego community projects such as charitable contributions and sponsorships. More detail is provided below.

### **3.18.7.1 Education**

- The Viejas Education Center was built in 1999 to provide additional instruction to Members and their families, including K-12 tutoring, high school GED program, Home Choice (a home schooling support program), college and cultural courses, physical education and support for organized youth activities, such as the student leadership program.
- Full scholarships for vocational training, college or university education are available to all Members who maintain attendance and grade requirements.
- Preschool and structured after-school programs provide supplemental education.

### **3.18.7.2 Infrastructure**

- Emergency medical and fire, fire suppression and fire prevention services.
- A state-of-the-art wastewater treatment facility was constructed with an initial investment of \$3.2 million. The facility is undergoing a \$1.2 million expansion that will make the plant one of the most technologically advanced wastewater treatment plants in California.
- Water distribution and storage, consisting of more than 35,000 feet of pipelines; two additional water storage tanks were built in January 2001, bringing daily operational water storage capacity to 1.3 million gallons.
- In the mid-90's, the Tribal Government built "The People's Park", the first open-air recreation facility to serve Members of the Band. The Park includes a youth center, a lighted ball field and picnic areas. Additionally, a gymnasium is in the pre-construction phase.
- In 1999, the Band built a new sanitary landfill and transfer station.
- 22 homes are under construction and a home loan program is being developed.
- Housing repair program.
- Restoration of Viejas Creek, a \$1 million plus project.
- Provided funding of approximately \$1.9 million for a previous widening and improvement of Willows Road.
- Extensive seeding, plant restoration and wetland restoration projects.
- Comprehensive improvements to Willows Road through Reservation, consisting of road widening, lighting, drainage, traffic signals and landscaping.
- Resurfacing right of way on Reservation roads, conducting safety improvements and installing signage.

- Installed extensive fencing to keep livestock in designated areas.

### **3.18.7.3 Services to Tribal Members**

- Full medical, dental, vision, mental health and life insurance coverage for Members.
- Senior Center provides lunches, classes, transportation and other assistance to elders.
- Recreation and Wellness Program offers recreational and health related services.
- Summer youth employment and internship programs.
- Cultural programs and Summer Camp.
- Comprehensive educational support from preschool to advanced university degrees.
- 25% of Viejas Tribal Members are employed by Viejas Enterprises.

### **3.18.8 State and Regional Economic Impacts**

- Eliminated unemployment and welfare dependency on the Reservation.
- Contributed to reduction in unemployment and welfare dependency among the hundreds of non-Indians employed at the Casino and Outlet Center.
- Number of jobs created in 2000: 2,450 (2,127 in 1999).
- Total payroll in 2000: \$53,840,676 (\$41,102,720 in 1999).
- Viejas Tribal Government has adopted a policy of purchasing goods and services from San Diego County vendors. The business transactions of the Band are shown below:
  - Goods and services purchased in 2000: almost \$57 million (almost \$37 million in 1999)
  - Total number of vendors: 1,800 in 2000 (1,200 in 1999)
- Revenue spent on community, charitable contributions, sponsorships, etc, was \$1,948,039 in 2000 to 450 organizations (was \$1,106,131 in 1999), and since 1995, the Band has spent over \$9 million for these purposes.
- From 1995-2001, the Band has participated in a voluntary intertribal revenue sharing program in conjunction with Barona and Sycuan Bands. The Viejas Band's share to San Diego's non-gaming tribes has totaled \$1.23 million.

### **3.18.9 Community Relations**

- Since opening the Viejas Casino in 1991, the Viejas Band has worked to be a good neighbor in East San Diego County, as shown below, in addition to providing major employment and entertainment options to East County residents.

- The first priority of the Viejas Band has been to contribute to and participate in the Alpine area schools, providing funding for the Alpine Community Center, enhancing East County tourism and community events. Commercial decisions made by the Band are made with a consideration to the interests of the larger community in retail, banking and tourist-related entertainment.
- Viejas Band representatives attend Alpine Community Planning Group meetings, and Viejas managers have held positions as Chair of the Alpine Chamber of Commerce and other civic organizations in the community. The Viejas Outlet Center is host site of the East County Tourism Information Center. The Band has also made major financial contributions to the Alpine Sheriff's substation and the Highway Patrol, and has approached the County of San Diego seeking to establish a fund that would permit California State sales taxes collected on the Reservation to go to the Alpine community, with a priority on Sheriff and fire protection.
- In addition to contributions of over \$1 million a year to San Diego County youth, civic, arts and social service organizations, Tribal Members and employees are active in County Chambers of Commerce, the East County and San Diego Convention and Visitors Bureaus, Taxpayers Association, Urban League, Holiday Bowl, Fleet Week, Caesar Chavez Birthday Celebration, Martin Luther King Breakfast, Holiday Food Drive, and numerous other community organizations and events.
- On March 21, 2002, Band hosted all Alpine Community organizations to a catered luncheon celebrating the long-standing neighbor-to-neighbor relationships between the Band and the Alpine Community.
- The Viejas Band has received many awards and recognition from *San Diego Magazine*, *San Diego Business Journal*, *San Diego Union Tribune* readers' polls, and the *Alpine Sun*.
- The Viejas Band has also received awards and recognition from community organizations, such as the San Diego Boys and Girls Clubs' 2000 Golden Achievement Award and the John Johnson Award from the San Diego Urban League.
- The Viejas Band has taken a leading role in implementing responsible gambling addiction prevention awareness programs, both within the Casino and in the community at large.
- The Viejas Band also remains open to mitigating any development-related impacts.
- The Viejas Band is committed to providing support and funding for the Southern Indian Health Counsel clinic, a tribal and community based health-care facility.

### **3.18.10 Issues and Challenges**

The Viejas Tribal Government faces issues that are unique, and issues that are shared with other governments. Like state and local governments, the Viejas 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 Viejas Tribal Government has many priorities, which include the following:

- Planning and developing future economic diversification programs.
- Providing for the health and safety of Tribal Members and Tribal businesses, including a professional Tribal public safety and internal business security force.
- Protecting the environment and natural resources for future generations.
- Caring for Tribal elders; educating Tribal youth; and strengthening cultural values.
- Creating government expertise and infrastructure to deal with the evolving modern governmental responsibilities.
- Constructing new infrastructure and improving old infrastructure, including roads, sewer and water systems, schools, a new senior center, fire department headquarters, Community Park and gymnasium (in pre-construction phase).
- Educating State and local governments regarding Tribal Government sovereignty.
- Maintaining communication and working relationships based on mutual respect with San Diego County and other local governmental institutions, as well as neighboring communities.
- Seeking a seat at the table on Regional Planning Boards such as SANDAG on a government-to-government basis.
- Implementing the Tribal-State Class III Gaming Compact in an honorable and mutually beneficial manner for all concerned.
- Protecting the continued use, standards, and survival of the Southern Indian Health Counsel clinic.
- Ensuring a proper and adequate environmental review of the Cuyapaipe Band's proposal to relocate the Southern Indian Health Counsel clinic to either temporary or new quarters.
- Ensuring that the Southern Indian Health Council clinic continues to be viable without a lapse, reduction, or loss of services due to tribes or the public.

Southern California  
**TRIBAL CHAIRMEN'S**  
Assoc., Inc.



August 9, 2002

County of San Diego  
Tribal Liaison  
1600 Pacific Hwy Rm 212  
San Diego, CA 92101  
Phone: 619 685-2542  
Fax: 619-531-5476

Dear Sirs:

I would like to call to your attention an error in your Draft Update on Impacts of Tribal Economic Development Projects in San Diego County. In Chapter 2, you have the following paragraph:

“The Tribal Digital Village project is another example of how gaming revenues are used to support cooperative efforts among the Tribes. This joint project will provide funding for computer equipment and coverage for Internet service via satellite. In the next few months, all local Reservations will be linked via a wireless network, and Tribal schools and learning centers will have equipment and training to access the network.”

While it is our hope that gaming revenues will eventually be part of the support of the Tribal Digital Village, gaming revenues are not the source of funding for the Tribal Digital Village. The Tribal Digital Village is funded by a 5 million dollar grant from Hewlett-Packard philanthropy.

The “grant” will fund computer equipment, but will use primarily radio based antenna’s to deliver high speed Internet network connections to the Tribes of San Diego County, satellite Internet access will be minimal and only on a interim basis. As important, the grant will be used to develop programs which technology can enhance and support for Education, Culture, Community Development and Economic Development.

If you have questions please call. 760-742-8600, ext. 102 or email [jackw@simplyweb.net](mailto:jackw@simplyweb.net)

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Ward', written over a horizontal line.

Jack Ward

Director of Tribal Digital Village

Southern California  
**TRIBAL CHAIRMEN'S**  
Assoc., Inc.



**FAX COVER LETTER**  
OFFICE (760) 742-8600 FAX (760) 742-8610

DATE: 9/24/02

TO: ~~Chantal~~ Chantal Seipe

FAX NUMBER: 619-531-5476

FROM: Jack Ward

COMMENTS: Your Section 2.4 sounds good  
to me. I don't comment about 2.5 since  
I have almost no knowledge about Tribal Gaming.  
Other than it didn't fund the Digital Village project.  
Thank you.

NUMBER OF PAGES INCLUDING THIS PAGE: 1

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Thank you

CHANTAL SAIPE  
TRIBAL LIAISON  
**COUNTY OF SAN DIEGO**

1600 PACIFIC HIGHWAY, RM 212  
SAN DIEGO, CA 92101  
(619) 685-2542  
Fax: (619) 531-5476

FAX TRANSMISSION COVER SHEET

*23*  
**Date:** September ~~20~~, 2002  
**To:** Jack Ward, SCTCA  
**Fax:** 760-~~749-5015~~ *742-8610*  
**Re:** Rewrite of paragraph on Tribal Digital Village  
**Sender:** CHANTAL SAIPE

**YOU SHOULD RECEIVE 2 PAGES, INCLUDING THIS COVER SHEET.  
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (619) 685-2542.**

---

Dear Mr. Ward,

Thank you very much for your letter of August 9 correcting the description of the Tribal Digital Village project in the Update Report. I have rewritten the paragraph and moved it out of Section 2.5 – Gaming, to Section 2.4 – Barriers to Economic Development on Reservations.

Would you please comment on the adequacy of these two changes.

Thank you very much,



## **2.4 Barriers to Economic Development on Reservations**

The trust status of most Reservation lands has protected the right of Tribes to occupy the land, but it has also hampered Tribes' economic development because they could not use their land as collateral to secure financing for economic development without waiving their sovereign immunity.

A second barrier to economic development of Reservations is related to their remote locations. In San Diego County, most Reservations are located a considerable distance from urban or suburban communities, and are accessed by rural roads. This factor contributed to Reservations not being served by utility companies until relatively recently. This explains in part why the three Tribes who were the first to engage in gaming were the ones who had the best access to these urban markets.

A third barrier to Tribal development is related to the physical characteristics of most Reservations in San Diego County, and land tenure issues. The terrain of most Reservations is such that only small areas of many Reservations are in fact developable due to terrain constraints. Additionally, there are at least four Reservations (La Jolla, Pala, Rincon and Sycuan) with significant developable acreage in allotments over which Tribal Governments do not have jurisdiction, resulting in these Tribes having insufficient land to provide both housing and economic development. This explains in part why some Tribes have purchased additional acreage, and have applied to have these lands placed in trust of the federal government.

Finally, other factors contributed to the isolation and lack of economic development on Reservations, such as the complexity of Indian law and politics; need for Tribes to protect themselves from outsiders; and dependence on federal programs and services, which did not provide for access to good healthcare, education and housing for all Tribal Members.

The Southern California Tribal Chairmen's Association, Inc. (SCTCA) facilitates various community-based programs and services for the Tribes. For example, one program through a partnership with Hewlett Packard, which contributed \$5 million to the project, establishes a project named Tribal Digital Village that incorporates technology and high-speed Internet connections for the Tribes of San Diego County. This joint project will provide funding for computer equipment and use primarily radio-based antennae to deliver high speed Internet network connections to the Tribes; satellite Internet access will be minimal and only used on an interim basis. The grant will be used to develop programs in education, culture, community development and economic development that can be enhanced by technology. In the next few months, all local Reservations will be linked via a wireless network, and Tribal schools and learning centers will have equipment and training to access the network.

## **2.5 Gaming**

Gambling is big business in the United States, and Tribal casinos are among the major players. As shown in *Appendix H*, according to the National Indian Gaming Association, total U.S. gambling revenue in 2000 was \$64.9 billion, with State lotteries generating \$17.2 billion; commercial casinos in states other than Nevada generating \$12 billion; and Tribal casinos generating \$10.6 billion.

Local Tribal gaming operations compete with each other and local card rooms, the Del Mar racetrack, and especially Nevada casinos. Nevada gaming operators compete with local casinos

TRANSMISSION VERIFICATION REPORT

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DATE, TIME	09/23 14:58
FAX NO./NAME	917607428610
DURATION	00:00:46
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

CHANTAL SAIPE  
TRIBAL LIAISON  
**COUNTY OF SAN DIEGO**

1600 PACIFIC HIGHWAY, RM 212  
SAN DIEGO, CA 92101  
(619) 685-2542  
Fax: (619) 531-5476

FAX TRANSMISSION COVER SHEET

*23*  
**Date:** September ~~20~~<sup>23</sup>, 2002  
**To:** Jack Ward, SCTCA  
**Fax:** 760-749-5075 *742-8610*  
**Re:** Rewrite of paragraph on Tribal Digital Village  
**Sender:** CHANTAL SAIPE

**YOU SHOULD RECEIVE 2 PAGES, INCLUDING THIS COVER SHEET.  
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (619) 685-2542.**

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Southern California  
**TRIBAL CHAIRMEN'S**  
Assoc., Inc.



August 9, 2002

County of San Diego  
Tribal Liaison  
1600 Pacific Hwy Rm 212  
San Diego, CA 92101  
Phone: 619 685-2542  
Fax: 619-531-5476

Dear Sirs:

I would like to call to your attention an error in your Draft Update on Impacts of Tribal Economic Development Projects in San Diego County. In Chapter 2, you have the following paragraph:

"The Tribal Digital Village project is another example of how gaming revenues are used to support cooperative efforts among the Tribes. This joint project will provide funding for computer equipment and coverage for Internet service via satellite. In the next few months, all local Reservations will be linked via a wireless network, and Tribal schools and learning centers will have equipment and training to access the network."

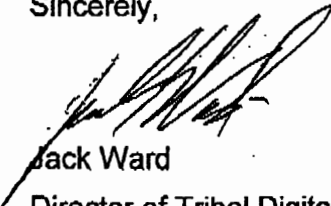
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If you have questions please call. 760-742-8600, ext. 102 or email [jackw@simplyweb.net](mailto:jackw@simplyweb.net)

.8610

Sincerely,



Jack Ward  
Director of Tribal Digital Village



# COUNTY OF SAN DIEGO

1600 PACIFIC HIGHWAY, RM 212  
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(619) 685-2542  
Fax: (619) 531-5476

## FAX TRANSMISSION COVER SHEET

**Date:** August 9, 2002

**To:** Lisa Haws  
Nikki Symington

**Fax:** 619-659-1954  
619-588-5310

**Re:** Comments received re. Tribal Digital Village

**Sender:** CHANTAL SAIPE

*You should receive 3 pages, including this cover sheet. If you do not receive all the pages, please call me at (619) 685-2542*

---

Lisa,

I am faxing you a letter from the So. California Tribal Chairmen's Assoc. re. inaccurate statement in the Update Report on source of funding of Digital Village project.

Accordingly, I will correct the report when I finalize it for presentation to the Board of Supervisors.

Chantal

Southern California  
**TRIBAL CHAIRMEN'S**  
Assoc., Inc.



**FAX COVER LETTER**  
OFFICE (760) 742-8600 FAX (760) 742-8610

DATE: 8/9/02

TO: County of San Diego Tribal Liaison

FAX NUMBER: (619) 531-5476

FROM: Jack Ward

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NUMBER OF PAGES INCLUDING THIS PAGE: \_\_\_\_\_

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Thank you .

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# COUNTY OF SAN DIEGO

1600 PACIFIC HIGHWAY, RM 212  
SAN DIEGO, CA 92101  
(619) 685-2542  
Fax: (619) 531-5476

## FAX TRANSMISSION COVER SHEET

**Date:** August 9, 2002

**To:** Lisa Haws  
Nikki Symington

**Fax:** 619-659-1954  
619-588-5310

**Re:** Comments received re. Tribal Digital Village

**Sende** CHANTAL SAIPE  
**r:**

*You should receive 3 pages, including this cover sheet. If you do not receive all the pages, please call me at (619) 685-2542*

Lisa,

I am faxing you a letter from the So. California Tribal Chairmen's Assoc. re. inaccurate

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(619) 685-2542  
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## FAX TRANSMISSION COVER SHEET

**Date:** August 9, 2002

**To:** Lisa Haws  
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**Fax:** 619-659-1954  
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**Sender:** CHANTAL SAIPE

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