

CREST-DEHESA-GRANITE HILLS-HARBISON CANYON SUBREGIONAL
PLANNING GROUP. Minutes of the special meeting on 20 February 2007.

Item 1. Chairperson Jack Vandover called the meeting to order at 1905 hours and the Pledge of Allegiance was recited.

- Planning Group members Pasek, Ulm, Bowen, Walls, Riggs, Bretz, Vandover, Mulholland, Hertel and Gabler were present, forming a quorum of 10.
- Member Bob Fligg was absent, but excused.
- Seat 3, Seat 6, Seat 12 and Seat 14 are vacant.
- Minutes of the meeting on 12 February 2007 were not available for review.
- There were no expense reimbursement requests.

Item 2. Announcements. Chairperson Vandover announced that this special meeting of the Planning Group was scheduled to consider only two matters of New Business (Item 8), and he proposed to skip Item 3, Open Forum & Group Forum.

Item 3. Group Forum. Donna Mulholland, Harbison Canyon, requested the opportunity to speak, which Chairperson Vandover granted.

Donna Mulholland thanked the Barona, Viejas and Sycuan Tribes for the \$529,480 grant from the Special Distribution Fund for installing fire hydrants in Crest and Harbison Canyon; she commented that Cody Martinez, an applicant for nomination to Seat 6 (Dehesa) has moved to Sycuan Reservation from Rancho San Diego, but that he had not updated his voter registration information by the time of the Planning Group meeting on 12 February; and she pointed out that the Sycuan – Community Relations subcommittee of the Planning Group was supposed to meet at least quarterly, but had not met since 30 September 2006, and that she was requesting the formation of a new Sycuan – Community Relations subcommittee that would begin holding regular meetings.

Item 4, Item 5, Item 6, Item 7. Not part of agenda.

Item 8a. New Business. Sycuan Gaming Compact. Wally Riggs introduced this item of New Business to consider whether the Planning Group should support or oppose legislative ratification of the proposed 2006 Amended Gaming Compact for the Sycuan Band of the Kumeyaay Nation. He stated that the Sycuan Tribe would give a presentation, the Dehesa Valley Community Council would give a presentation, individuals from the public would speak, Planning Group members would speak, and then the Planning Group could take action on the item.

- Sycuan Tribe Presentation. Tribal Chairman Daniel Tucker introduced members of the Tribal Government attending the meeting. He explained that concerning gaming compacts, the Tribe negotiates as a Sovereign Nation with the State of California according to the Indian Gaming Regulatory Act (IGRA) passed by Congress in 1988, but the Tribe wants to inform the community about the facts of its proposed amended gaming compact, as it has about other projects affecting the community such as the extensions of Padre Dam Water District and Otay Water District water mains into Dehesa Valley. He

introduced Adam Day, Assistant Tribal Manager, who would provide more specific details about the proposed amended compact. Adam Day distributed handouts to members of the Planning Group that included copies of letters to Congressman Duncan Hunter and to the Union Tribune; a gaming compact information brochure; a “corrected” Stand Up for California Compact Comparison Chart; a print-out of the Sycuan Compact webpage (<http://www.sycuancompact.com/>); and a printed version of “The Sycuan Tribe Indian Gaming Compact, An Informational Overview,” a slide show that he then presented to the Planning Group and assembled audience. The Sycuan Tribe presentation focused on providing information about the proposed 2006 Amended Gaming Compact and correcting misinformation the Tribe believes is being communicated about it.

- Dehesa Valley Community Council (DVCC) Presentation. Pat Riggs, President of DVCC, informed the Planning Group and audience about the actions of DVCC undertaken to influence the future ratification of the 2006 Amended Gaming Compact for Sycuan. She reported that 2,500 residents of Dehesa Valley and adjoining communities have signed a petition expressing opposition to ratification of the proposed amended compact. Her presentation focused on community impacts associated with gaming at Sycuan casino, including the impacts of gambling addiction by pathological gamblers, of increased crime and calls for law enforcement service in the area, and of increased traffic problems and accidents on community roads. She pointed out that although the proposed amended compact might be argued to have economic benefits for the general San Diego region and the Sycuan Band, the impacts to the local Dehesa community correlated with 3000 additional slot machines would be very negative, and would cumulatively increase the existing unmitigated impacts of the current casino and its 2000 slot machines. She also voiced community concerns about the Tribe’s applications for trust status for previously and newly acquired property near the Sycuan Reservation. At the conclusion of her presentation she referred to her letter of apology to Chairman Tucker and the Sycuan Tribe for any misstatements of facts by the DVCC on amended compact matters, and observed that it would have been appropriate for Sycuan to include a copy of this letter with the other handouts the Tribe provided in its presentation.
- Public Speakers. Planning Group Chairperson Jack Vandover invited members of the public who submitted speaking requests to make comments or ask questions about the proposed 2006 Amended Compact. 13 speakers identifying themselves as residents of the community spoke in opposition to ratification of the amended compact in its proposed form, mentioning various negative impacts of the existing casino with 2000 slot machines, and expressing concerns about additional negative impacts that would be expected from 3000 additional slot machines and a second casino. 3 speakers from the community asked questions without expressing outright opposition. 1 speaker from the community spoke in favor of ratification. 8 speakers identifying

themselves as employees of the Sycuan Tribe but not residents of the Dehesa community spoke in support of ratification. Those supporting ratification of the proposed amended compact mentioned the economic benefits to the area created by gaming at Sycuan Reservation, and cited examples of the Tribe's generosity and willingness to help the community.

- Planning Group Discussion. Chairperson Jack Vandover moderated questions and comments from members of the Planning Group.
 - Lorraine Walls asked if the proposed amended compact could be further amended to eliminate the clause that would allow a second casino to be built on non-Reservation newly acquired trust land. Chairman Tucker responded that the proposed amended compact was drafted to protect Sycuan's future business interests, that the Tribe had to negotiate confidentially with the State and Federal governments, and that renegotiations would be difficult and complicated at this point. Adam Day stated that if the 2006 Amended Compact is not ratified by the Legislature the State could be sued by the Tribe, but he wondered whether the community would support the amended compact if that clause was removed.
 - Wally Riggs asked about the need for the Tribe to demonstrate local government support, and support from nearby community leaders for the proposed amended compact. Adam Day responded that the 2006 Amended Compact is endorsed by four of the five San Diego County Supervisors and various state politicians. Riggs pointed out that nearby community leaders from the Dehesa Valley community most impacted by Sycuan gaming did not endorse the amended compact.
 - Judy Bowen asked about Chairman Tucker's statement in his letter to the Union Tribune that the 2006 Amended Compact would be a good deal for the State and for San Diego County. Adam Day responded that the amended compact would provide a huge increase in revenue to the State if Sycuan is permitted to add new slot machines, that these new machines could go into the existing casino or near to it within the existing Reservation, that there is plenty of room to expand operations at the existing casino, that there is no need and it makes no sense to build a second casino, and that if the amended compact is ratified Sycuan must pay the State \$20 million dollars per year.
 - Wally Riggs commented that he is not anti-gaming, but that he is concerned about the expansion of gaming. He stated that 3000 additional slot machines would result in an increase in traffic to the casino, but that there is no mitigation available that would reduce or remove that increased traffic from Dehesa Road; that increases in the crime rate and calls for law enforcement would be correlated with increased numbers of gambling patrons visiting the Sycuan casino; that the "favored nation" clause of the Indian Gaming Regulation Act concerned him due to several inconsistencies between the five different 2006 Amended Compacts, and

the possibility that any one Tribe could sue the State to obtain the same compact rights held by another Tribe; that the \$20 million dollars annual payment to the State was not a great deal of money, and that if all five 2006 Amended Compacts were ratified the combined annual payments would yield less than ½% of the State’s annual revenues in the future; that if the 2006 Amended Compact for Sycuan is ratified and the Tribe puts its newly acquired lands into trust, than a second casino could be built there rather than on the existing Reservation; that it has been a disappointment that the Tribe has not followed the Dehesa Community Plan policy that protects ridge tops from development to protect the rural community character; that the amended compact contains no binding obligation for the Tribe to pay the same taxes for land in trust that an ordinary citizen would pay for private property; that if the proposed amended compact is not ratified then another compact will be negotiated; that adding 150% of the currently allowed 2000 slot machines is too large an increase all at once; that each seat at a casino slot machine results in 13 trips per day on the road to the casino, counting both clients and casino employees, so that 3000 additional slot machines would result in major traffic impacts. He concluded by stating that he opposes the expansion of gaming allowed by the proposed amended compact, and that he had prepared a resolution stating that the Planning Group opposes ratification of the proposed compact because of the many negative impacts to the community that it would cause.

- Jack Vandover commented that if the 2006 Amended Compact is not ratified, it could be possible that the “favored nation” clause of the Indian Gaming Regulatory Act could be invoked by Sycuan to gain the right to an unlimited number of slot machines.

Wally Riggs read his prepared resolution that described the potential impacts and consequences of the 2006 Amended Compact, the widespread local community opposition to it, the lack of sufficient oversight by County and State governments to require adequate mitigation for gaming impacts, and that stated the Planning Group opposes ratification of the amended compact in its current form. He moved that the Planning Group approves and adopts his resolution.

Jeff Pasek stated that certain clauses of Rigg’s resolution were subjective in nature and would force the Planning Group members to approve them without sufficient knowledge of their accuracy. Riggs agreed to remove those clauses.

Adam Day, Sycuan Assistant Tribal Manager, asked the Planning Group to consider utilizing the Sycuan – Community Relations Subcommittee to develop a resolution on the matter of amended compact ratification.

Donna Mulholland said that she had asked at the January Planning Group meeting for the Sycuan – Community Relations Subcommittee to be reconstituted and to resume quarterly meetings with the Tribe for working on the Memorandum of Understanding,

and that she was asking again for that now to work on a resolution concerning ratification of the amended compact.

Chairperson Jack Vandover stated that the subcommittee issue was not the subject of the agenda item and motion being considered.

Phil Hertel expressed concerns about what might or might not be factually correct in Rigg's resolution and motion. Riggs stated that his resolution is factually correct.

Pat Ulm said she would prefer Rigg's motion to ask for a vote of support for, or opposition to, ratification based on the various land use issues that would be affected in the Crest-Dehesa-Granite Hills-Harbison Canyon Subregion if the 2006 Amended Compact goes into effect.

Wally Riggs said that his resolution is more formal and was written for the government agencies to which it would be directed, but that he could accept Ulm's suggested change.

Jeff Pasek said that Rigg's resolution contained 3 significant points that he did not have knowledge about, and that he could not vote on matters that he did not know about. He favored Pat Ulm's idea because it is simpler.

Wally Riggs moved that the Planning Group goes on record in opposition to ratification by the State Legislature of the 2006 Amended Compact between the Sycuan Tribe and the State of California as it is presented at this time, because the Planning Group finds that this Compact would cause significant impacts affecting community land use planning in the Subregion. The motion passed (8 yes; 1 no: Mulholland; 1 abstain: Vandover).

<Donna Mulholland departed from the meeting at 2140 hours, reducing the quorum to 9 members.>

Item 8b. New Business. Sycuan Application to place Spinali Parcel into Trust. Lorraine Walls reviewed the application of the Sycuan Tribe to place the 7.6-acre Spinali Parcel into Trust status. The property has a single residence, and the Tribe proposes that it would continue to be used as a single-family residence.

Walls moved that the Planning Group opposes the application of the Sycuan Band to seek acceptance of title to Assessor's Parcel No. 513-072-14 (Spinali Property) in trust by the United States of America for the Sycuan Band of the Kumeyaay Nation, since San Diego County opposes this application on the grounds that there has not been a negotiated agreement to mitigate the impacts of the existing Sycuan Casino, and the impacts of removing the Spinali Parcel from the County jurisdiction have not been addressed.

Mark Gabler asked why the Planning Group should take this action if its charge is to make recommendations to the County on planning matters. Wally Riggs said that the Planning Group would be adding its local support for the County's position to the recommendations forwarded to the Federal government, and that this would add weight

to the recommendations of the Department of Planning and Land Use. Pat Riggs said that the Dehesa Valley Community Council is also writing a letter to oppose Sycuan's application for the Spinali Parcel to be put into trust, and that when the Planning Group and others send letters to the Bureau of Indian Affairs they become part of the record.

Pat Riggs pointed out that putting the Spinali Parcel into trust would remove \$3,780 in annual property taxes for the County's income, that this would be the third private residence put into trust by Sycuan, and that this adds up to a significant loss of tax revenue for the community.

Jeff Pasek stated that the motion should not take the form of a letter from the Planning Group to the Department of Interior and Bureau of Indian Affairs. The Planning Group is advisory, and its letter should be addressed to the Board of Supervisors, with copies sent to other interested parties.

Charles Terry suggested that Walls' motion could state: The Planning Group supports the opposition of the County Board of Supervisors to the application of the Sycuan Band to seek acceptance of title to Assessor's Parcel No. 513-072-14 (Spinali Property) in trust by the United States of America for the Sycuan Band of the Kumeyaay Nation, since the County opposes this application on the grounds that there has not been a negotiated agreement to mitigate the impacts of the existing Sycuan Casino, and the impacts of removing the Spinali Parcel from the County jurisdiction have not been addressed.

The motion would be stated in a letter addressed to the Board of Supervisors, with copies sent to the Department of Interior and other appropriate parties. The motion passed (9 yes; 0 no; 0 abstain).

<Jeff Pasek moved to adjourn the meeting at 2155 hours. The motion passed unanimously,>

Respectfully submitted, William L. Bretz (Secretary)