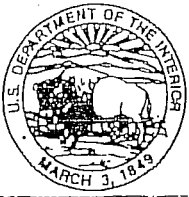


ATTACHMENT A



United States Department of the Interior

U.S. DEPARTMENT OF THE INTERIOR

ROUTE TO:

BUREAU OF INDIAN AFFAIRS
Pacific-Regional Office
2800 Cottage Way
Sacramento, California 95825

2012 JUN 13 PM 1:43

U.S. DEPARTMENT OF THE INTERIOR

IN REPLY REFER TO:

NOTICE OF DECISION

JUN 13 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED - 7011 2970 0000 0580 9706

Mr. Vincent Armenta, Chairperson
Santa Ynez Band of Mission Indians
PO Box 517
Santa Ynez, California 93460

Re: Preservation of Los Olivos and Preservation of Santa Ynez v. Pacific Regional Director, Bureau of Indian Affairs, Docket No. IBIA 05-050-A

Dear Mr. Armenta:

On May 17, 2010, the Interior Board of Indian Appeals ("IBIA"), at the request of the Bureau of Indian Affairs ("BIA" or "Bureau") granted the agency's request "for a limited remand for the sole purpose of allowing BIA to consider whether the Tribe was under Federal jurisdiction in 1934." *IBIA Order at 2*. In the 2009 Supreme Court opinion of *Carciere v. Salazar*, 129 S.Ct. 1058, (2009) the Court held that the "term 'now under Federal jurisdiction' in §479 unambiguously refers to those tribes that were under federal jurisdiction of the United States when the IRA was enacted." As a result of the Supreme Court's decision, the Secretary of the Interior's authority to take land into trust for the purpose of providing land to its members meant that the Tribe had to be under federal jurisdiction when the Indian Reorganization Act ("IRA")¹ was enacted in 1934.

By way of background, the Pacific Regional Director received an application from the Santa Ynez Band to have 6.9 acres, more or less, accepted into trust. The BIA issued previously a decision to approve the land acquisition request by letter dated January 14, 2005 (enclosed). The case was appealed to the United States District Court for the Central District of California and eventually remanded back to the IBIA. During the time the matter was before the District Court, the Supreme Court issued its *Carciere* opinion which, without further evidence and analysis, raised concerns regarding the Tribe's pending acquisition. As such, and at the request of the Bureau, the IBIA remanded the proceeding and directed the Bureau of Indian Affairs to evaluate whether *Carciere v. Salazar* or *Hawaii v. Office of Hawaiian Affairs* limits the authority of the Secretary of the Department of Interior to acquire land in trust for the Santa Ynez Band.

In response to the IBIA's remand Order, the Bureau requested the Appellants and the Tribe to provide supplemental evidence and argument analyzing whether the Secretary may acquire land

¹ 25 U.S.C. §§461, et seq.

in trust for the Tribe. The supplemental evidence, briefs, and other documentation was referred to the Associate Solicitor, Division of Indian Affairs, for an opinion. Based upon the Associate Solicitor's memorandum opinion of May 23, 2012 (enclosed), the Bureau again affirms its previous decision of January 14, 2005 to take the land into trust for the Tribe.

CONCLUSION

Based on the foregoing, the Bureau accepts the property described in its decision of January 14, 2005 into trust. Subject acquisition will vest title to the subject real property in the United States of America in trust for the Santa Ynez Band of Mission Indians in accordance with the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984; 25 USC 465).

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

Should any of the below-listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340 (copy enclosed).

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within 30 days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed. If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior, 1849 C Street, N.W., MS-4140-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures.

If no appeal is timely filed, further notice of a final agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b).

Sincerely,



Regional Director

Enclosure[s]

43 CFR 4.310-4.340

Sol Memorandum Opinion of May 23, 2012

Notice of Decision dated January 14, 2005

cc: See Distribution List