



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: February 7, 2017
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Mona Miyasato, County Executive Officer

Contacts: Dennis Bozanich, Deputy County Executive Officer (568-3400)

SUBJECT: Ad Hoc Subcommittee Discussions with the Santa Ynez Band of Chumash Indians

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a. Receive report from staff regarding status of the short-term, advisory Ad Hoc Subcommittee;
- b. Renew the short-term, advisory Ad Hoc Subcommittee consisting of Supervisor Williams and Supervisor Hartmann for the purpose of engaging the Santa Ynez Band of Chumash Indians in discussions related to land use and financial matters of mutual concern that include but are not limited to Waiver of Sovereign Immunity, Santa Ynez Valley properties of interest inclusive of Camp 4, Mooney, Escobar and 350 acre "Triangle" properties and other general topics between the County and the Santa Ynez Band of Chumash Indians as appropriate, for a temporary period of time not to exceed another 6 months;
- c. In addition to periodic open, public meetings between the short-term, advisory Ad Hoc Subcommittee of the Board of Supervisors and the Santa Ynez Band of Chumash Indians, authorize the Ad Hoc Subcommittee to engage in discussions, not decisions, directly with the Santa Ynez Band of Chumash Indians outside of open, public meetings;
- d. Receive report from CEO that her office, following coordination with the Ad Hoc Subcommittee, plans to engage in discussions, not decisions, with the Santa Ynez Band of Chumash Indians under her existing authority as executive agent of the Board of Supervisors in the County's intergovernmental relationships, pursuant to County Code Section 2-71; and
- e. Determine pursuant to CEQA Guidelines Section 15378(b)(5) that the above actions are not a project subject to CEQA review.

Summary Text:

This item is on the Board of Supervisor's agenda to seek direction regarding the structure of future discussions with the Santa Ynez Band of Chumash Indians (Tribe) in order to continue to work collaboratively to achieve a mutually beneficial agreement regarding the 1400 acres known as Camp 4, as well as other areas of mutual concern. All terms of any future agreement must be approved by the full Board of Supervisors.

Background

On August 25, 2015, the Board of Supervisors appointed Third District Supervisor Doreen Farr and Fourth District Supervisor Peter Adam to serve on the short-term, advisory Ad Hoc Subcommittee. This Subcommittee was created for the purposes of engaging in discussions with the Tribe related to land use and financial matters of mutual concern, that include but are not limited to the waiver of sovereign immunity, the Santa Ynez Valley properties of interest (Camp 4, Mooney and Escobar, and the 350-acre "Triangle Property"), and other general topics between the County and the Tribe as appropriate.

On September 15, 2015, the motion of August 25, 2015 regarding establishment of Ad Hoc Subcommittee for the purpose of engaging the Tribe in discussions was clarified to include that; 1) All meetings/discussion with the Tribe about these matters shall be through noticed public meetings, consistent with the Brown Act, including being open to the public; but 2) Supervisor Farr and Supervisor Adam may otherwise meet among themselves and/or with County Staff as an advisory committee that is exempt from the Brown Act.

The Ad Hoc Subcommittee comprised of then Third District Supervisor Farr and Fourth District Supervisor Adam met with representatives of the Tribe in these discussions nine times since September 2015, in public meetings, and through that process, exchanged terms of a potential agreement. Updates regarding the Subcommittees discussions were provided to the Board of Supervisors on March 15, 2016 and August 30, 2016. No meetings with the Tribe have occurred since October 21, 2016.

The Ad Hoc Subcommittee discussions are a result of a Fee-to-Trust acquisition by the Chumash Tribe for 1,400 acres in the Santa Ynez Valley known as "Camp 4." The Tribe has proposed 143 homes on the site with tribal facilities and other uses. This property is zoned for agricultural use (Ag-II-100) and contributes to the rural character of the Valley. As with all Fee-to-Trust acquisitions, placing the land into federal trust would remove the property from all County land use control and exempt the property from local taxes. On December 24, 2014, the Bureau of Indian Affairs issued a Notice of Decision stating its intent to accept Camp 4 into trust for the Tribe. The County and other parties appealed the decision of the BIA to take the land into trust and the adequacy of the environmental review.

On January 10, 2017, Third District Supervisor Hartmann and First District Supervisor Williams were appointed to the serve on the Ad Hoc Subcommittee.

On January 10, 2017, the Board of Supervisors directed County Counsel to initiate federal litigation if the Assistant Secretary affirmed the Regional Director's decision to take Camp 4 into trust for the Tribe.

On January 19, 2017, the Assistant Secretary of Indian Affairs for the United States Department of the Interior affirmed the Pacific Regional Director's December 24, 2014, decision to take the "Camp 4" parcels into trust for the Tribe. Further, the Assistant Secretary also concluded that the Bureau of Indian Affairs conducted the appropriate level of review under the National Environmental Policy Act.

Short-Term, Advisory Ad Hoc Subcommittee of the Board of Supervisors and Discussions with the Santa Ynez Band of Chumash Indians – Proposed Next Steps

As noted, on January 10, 2017, the Board of Supervisors appointed Third District Supervisor Hartmann and First District Supervisor Williams to serve on the Ad Hoc Subcommittee of the Board of Supervisors. The Board of Supervisors Ad Hoc Subcommittee was created for the purposes of engaging in discussions between the Santa Barbara County Board of Supervisors and members of the Tribe regarding land use issues and financial matters of mutual concern, that include but are not limited to sovereign immunity and Santa Ynez Valley properties of interest (Camp 4 Mooney and Escobar and the 350-acre "Triangle Property").

This recent change in Ad Hoc Subcommittee membership and County Executive Officer's existing authority under County Code section 2-71 as executive agent of the Board of Supervisors in the County's intergovernmental relationships provides an opportunity to engage in discussions with the Santa Ynez Band of Chumash Indians, including staff-to-staff discussions on terms and options to achieve a mutually beneficial agreement for public consideration by both the Tribe and the County. Through these discussions possible terms for an agreement may be explored for further vetting and discussion at noticed, open meetings of the Ad Hoc Subcommittee and the Tribe as well as meetings of the Board of Supervisors. All terms of any future agreement must be approved by the full Board of Supervisors.

All information pertaining to upcoming Ad hoc Subcommittee and Tribal meetings can be found at <http://www.countyofsb.org/tribal-matters.sbc>.

Performance Measure: N/A

Fiscal and Facilities Impacts: N/A

Key Contract Risks: N/A

Staffing Impacts: N/A

Legal Positions:

Attachments:

Authored by:

Dennis Bozanich, Deputy County Executive Officer