



**Update HR 1157 (La Malfa)
and the June 17, 2015 Hearing
by the US House Subcommittee on Indian, Insular
and Alaska Native Affairs**

Board of Supervisors Hearing
August 25, 2015

Background

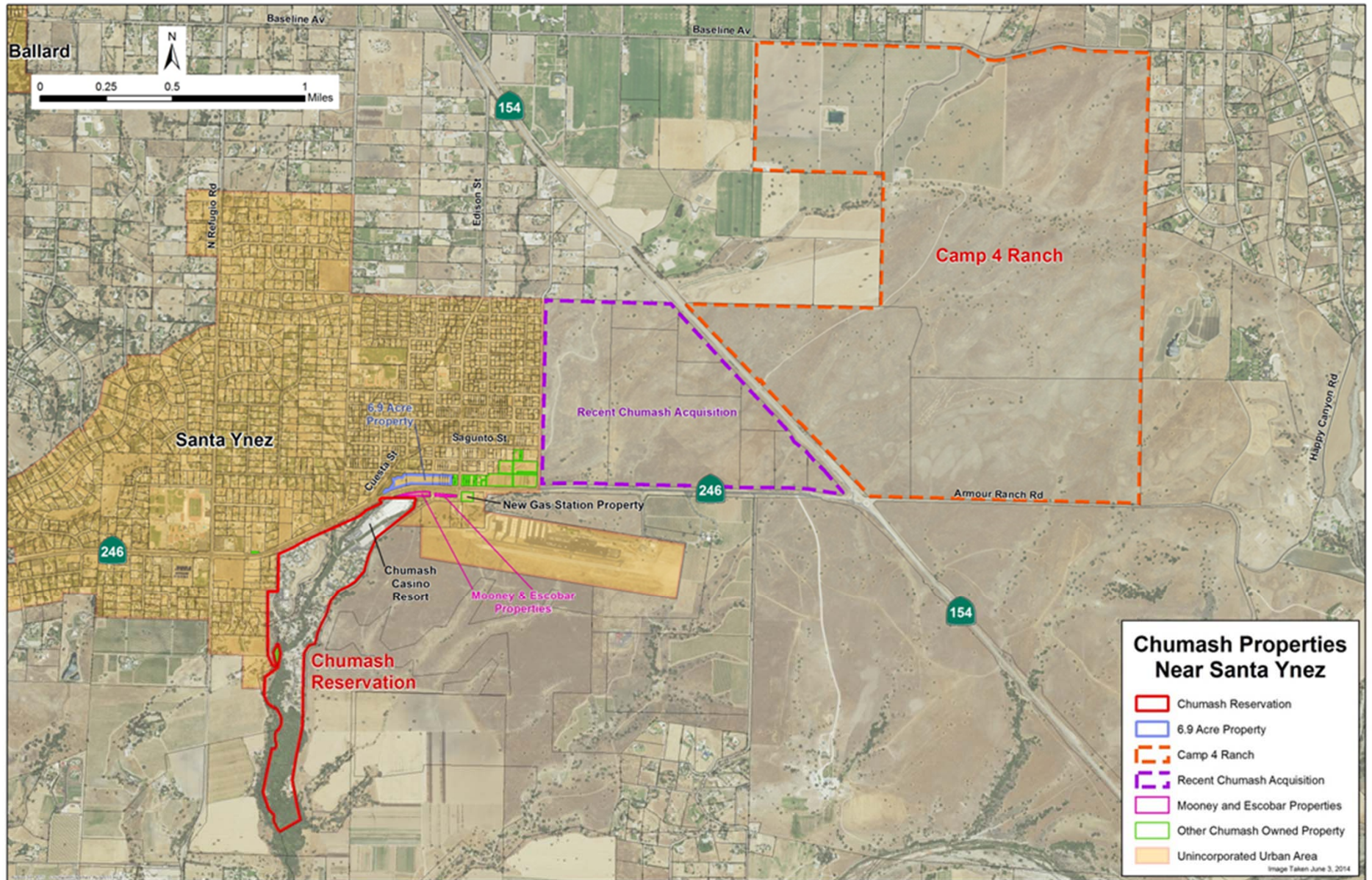
- Federal Fee-to-Trust (FTT) Process
- History and Context of Camp 4 FTT Proposal
- Other County and Tribe Interaction
- HR 1157 & Congressional Hearing
- Next steps on discussions on Camp 4 and Mooney/Escobar properties

Federal Fee-to-Trust (FTT) Process

- Governed by the Indian Reorganization Act (IRA), 25 U.S.C. § 461 et seq.
- Tribal trust land may be used for a number of activities including: cultural activities, governmental activities, gaming, residential development and commercial development.
- Variety of on/off reservation impacts to local government: loss of jurisdiction over lands, tax base, and planning and zoning authority; environmental, infrastructure and service impacts
- Current laws and regulations:
 - Do not sufficiently address these potential effects on local jurisdictions.
 - Absence of reform of FTT process.
 - Some counties have attempted to partially mitigate these negative impacts through legally binding, negotiated agreements with their local tribes.

Current Camp 4 FTT Acquisition

- The proposed Camp 4 project encompasses over 1,400 acres
 - Property, acquired by the Santa Ynez Band of Chumash Indians in 2010, is also in a multi-year Agriculture Preserve (Williamson Act) contract.
- The Environmental Assessment prepared for Camp 4 identifies two development alternatives.
 - Alternative A consists of 1,433 acres to be converted to 143 five-acre residential lots.
 - Alternative B consists of 143 one-acre residential lots, 30 acres of tribal facilities and banquet hall/exhibition facility.



History and Context of Camp 4 FTT Proposal

Date	Description
June 2011	Santa Ynez Band of Chumash Indians sent copy of draft cooperative agreement for Camp 4 to the County.
March 2013	Tribe proposed 11,500 acre Tribal Consolidation Area and submitted plan to the BIA for approval.
June 2013	The BIA approved the plan.
July 2013	Application for Fee-to-Trust for Camp 4 filed with the BIA; subsequently in August of 2013, notice of non-renewal of the Williamson Act contract in place on Camp 4 parcels was received by the County.
August 2013	BOS Hearing. BOS vote 3-2 to request that the Tribe begin discussions with the County P&D Department regarding their plans to develop the Camp 4 property.
September 17, 2013	BIA gave notice to County application of for FTT for Camp 4.

History and Context of Camp 4 FTT Proposal

Date	Description
September 2013	County met with Tribal Representative to discuss Camp 4 and the Fee-to-Trust.
October 31, 2013	County sent a formal comment letter to BIA.
November 2013	Tribe submitted an amended Fee-to-Trust Application to the BIA removing references to the TCA.
November 25, 2013	County received official notice of the amended application.
December 17, 2013	County sent revised formal comment letter to BIA opposing the amended Fee-to-Trust application for Camp 4.
May 2014	BIA completed and released a Final Environmental Analysis of the Camp 4 Trust Acquisition.
July 2014	County submitted comments on the Final Environmental Analysis requesting that the BIA prepare an Environmental Impact Statement due to Camp 4's significance.

Primary concerns expressed by County Camp 4 FTT

- Revenue Impacts
- Land use conflicts
- Lack of compatibility with surrounding land use
 - SYV Community Plan
- Lack of ongoing revenue required to support public services for project
- Lack of Environmental Impact Statement
- Need for full 1,433 acres FTT to provide for Tribal housing needs

July 2014 - County submitted formal comments on final EA

History and Context of Camp 4 FTT Proposal- Recent Events Camp 4 FTT Acquisition

Date	Description
October 17, 2014	BIA issued a Findings of No Significant Impact (FONSI).
November 4, 2014	BOS Hearing. Board Supervisors voted 3 to 2 to initiate appropriate administrative appeals and litigation to challenge both the FONSI and any subsequent approval of the Tribal Fee-to-Trust application.
December 24, 2014	BIA approved the Fee-to-Trust application for Camp 4 and issued a Notice of Decision.
January 22, 2015	County filed a formal appeal of BIA Notice of Decision to take Camp 4 FTT and October 17, 2014 FONSI.

Other County and Tribe Interaction

- Chumash Gas Station and Carwash
 - 2009 Plan Submittal
 - 2012 Land Use Permit Issued
- Fire Agreement
 - 2002 Fire Agreement
 - 2015 Update of Agreement
- Law Enforcement Agreement
 - 2014 Law Enforcement Agreement

HR1157

- Camp 4 has not been transferred into trust, pending the appeal by the County and other entities.
- HR 1157(La Malfa) introduced on February 27, 2015
 - HR 1157 would transfer title of Camp 4 to the United States Secretary of the Interior for the purposes of taking the land into trust for the Tribe.
 - The Williamson Act will no longer apply to Camp 4.
 - HR 1157 would bypass the existing BIA review process to take the land into trust.
 - HR 1157 would moot the County's pending administrative appeal of the BIA's 2014 decision to take Camp 4 into trust.

June 17 Hearing on HR 1157

- CEO Miyasato
 - County has a pending appeal of the decision by the Bureau of Indian Affairs to accept Camp 4 into trust
 - Purpose of the Code of Federal Regulations (CFR) administrative appeal process is to address concerns of local entities and residents
 - HR 1157 would short-circuit this administrative process
 - HR 1157 does not rule out any use of the property other than gaming, while the BIA's administrative process proposes residential use and is more focused.

June 17 Hearing on HR 1157

- Congresswoman Lois Capps
- Supervisor Steve Lavagnino
- Chairman Vincent Armenta
- Comments from Subcommittee Members

HR 1157 Potential Paths Forward

If the Natural Resources Committee approves HR 1157, the next step would be consideration and passage by the full House of Representatives via . . .

- Scheduled for debate as a stand-alone bill.
- Brought up under Suspension of the Rules.
- Added to another legislative vehicle.

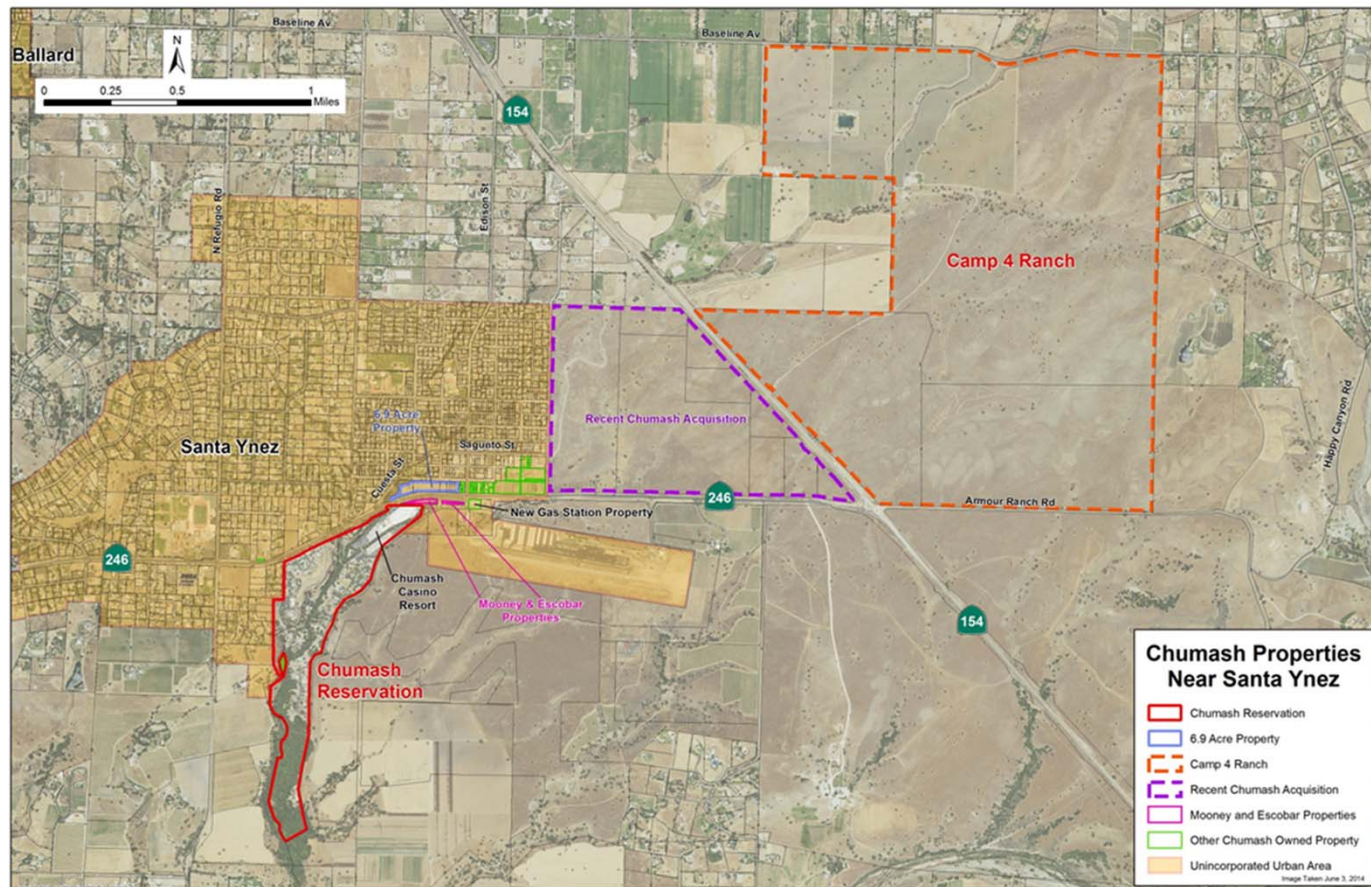
Recent Acquisition & Request for Mooney and Escobar Properties FTT

June 2015: Tribe purchased 350 acres of land in Santa Ynez Valley adjacent to Camp 4.

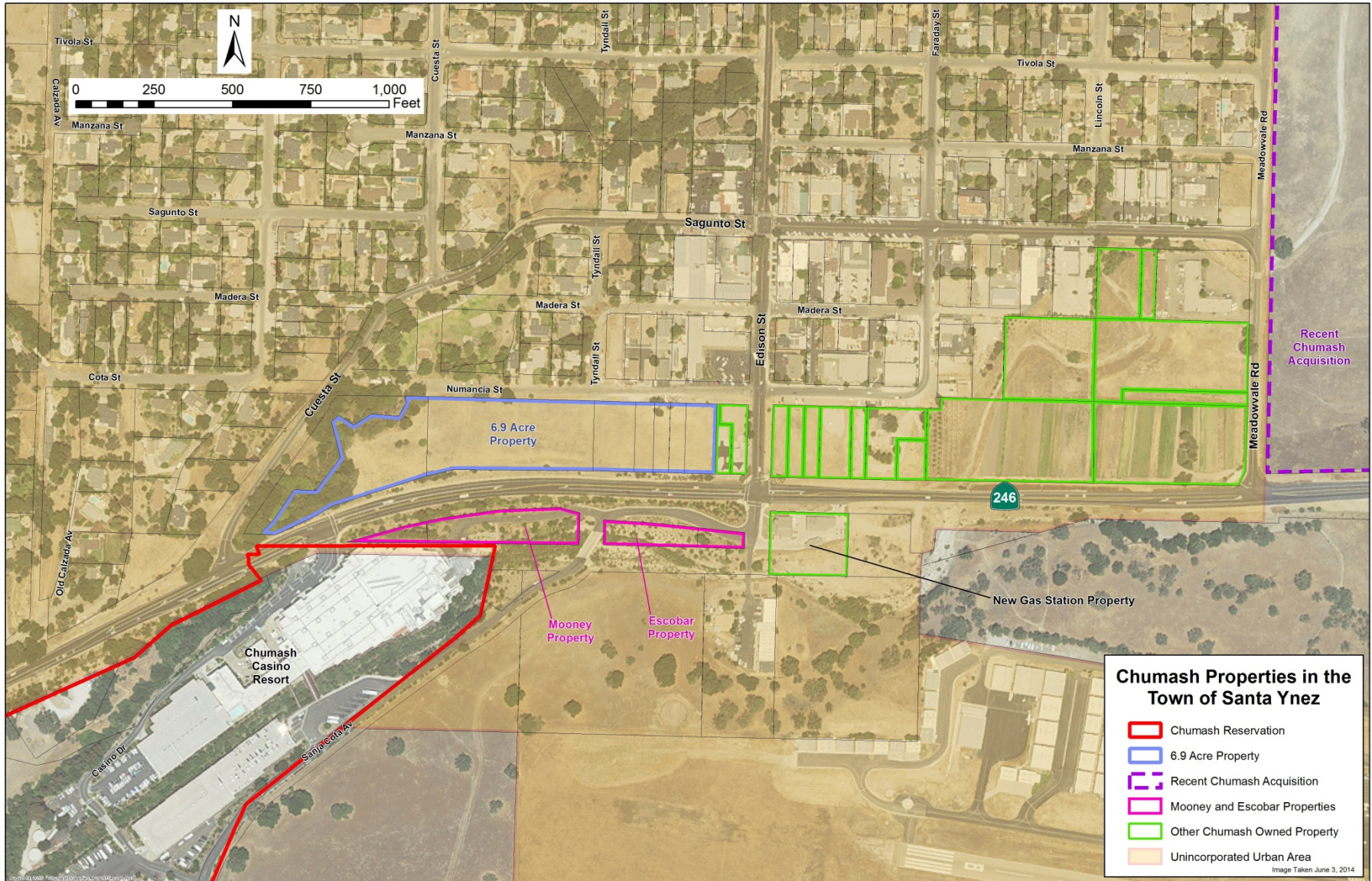
August 2015: County received request from Tribe to take Mooney & Escobar properties FTT.

Next Steps: Invitation for discussions

- Camp 4: 1,433 acres
- Mooney & Escobar Properties



Mooney & Escobar Properties



Cooperative Agreements

Various California Counties have reached cooperative intergovernmental agreements with tribes:

- Sonoma
- San Diego
- Riverside
- Yolo
- Placer

Address mitigation for impacts of:

- Casino development/gaming
- Commercial, residential, economic development

Cooperative Agreement Components

- Securing comprehensive environmental review and compliance with local ordinances/land use regulations.
- Mitigations for direct and cumulative impacts of development.
- Providing essential infrastructure and service support for proposed development.
- Providing payment to a County for loss of property, sales and transient occupancy tax to compensate for loss of ongoing revenue.
- Outlining the process to resolve disputes through negotiations and binding arbitration and a Tribal waiver of sovereign immunity for court enforceability of an agreement.
- Terms of agreements varied.

Recommended Actions

- Receive and file report on status of HR1157 (Santa Ynez Band of Chumash Mission Indians Land Transfer Act of 2015, sponsored by Representative LaMalfa) and the outcome of the June 17, 2015 hearing of the House Subcommittee on Indian, Insular and Alaska Native Affairs, and;
- Provide direction to the County Executive Officer regarding further discussions with the Santa Ynez Band of Chumash Indians regarding Camp 4; and;
- Provide direction to the County Executive Officer regarding request by the Santa Ynez Band of Chumash Indians for government to government consultations for the purposes of taking the Moony and Escobar properties into trust, and;
- Determine pursuant to CEQA Guidelines Section 15378(b)(5) that the above actions are not a project subject to CEQA review.



Thank you