

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: April 29, 2004
Department Name: County Administrator
Department No.: 012
Agenda Date: May 4, 2004
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Jim Laponis, Deputy County Administrator
568-3400

SUBJECT: Request for Extension of Comment Period on Environmental Assessment:
6.9 Acre Fee to Trust Acquisition, Santa Ynez Band of Chumash Indians

Recommendations:

That the Board of Supervisors:

- A. Approve and authorize the Chair to sign a letter (attached) to the Department of the Interior, Bureau of Indian Affairs requesting a thirty day extension of time for both the County and the public to comment on the Environmental Assessment for the proposed 6.9 acre fee-to-trust acquisition, and that the Department of the Interior hold a local public hearing on the Environmental Assessment.
- B. Authorize the Chair to sign a comment letter to the Department of the Interior, Bureau of Indian Affairs, in the event that County's request for an extension is denied.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community, and Goal No. 2, A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

The recommendations and Board report are being submitted at the request of Supervisor Marshall.

On April 22, 2004, the County of Santa Barbara received a copy of the Environmental Assessment prepared for the U.S. Department of the Interior, Bureau of Indian Affairs, the agency responsible for

reviewing and making decisions concerning tribal applications to have land taken into trust. The present Environmental Assessment analyzes the proposed taking of 6.9 acres of land in the town of Santa Ynez into trust for the benefit of the Santa Ynez Band of Chumash Indians.

Land that is taken into trust by the federal government for the benefit of an Indian Tribe is generally removed from state and local civil-regulatory jurisdiction, but remains subject to state and local criminal jurisdiction. According to the Environmental Assessment, the assessors' parcel numbers for the seven parcels comprising the 6.9 acres are: 143-241-002, 143-241-003, 143-251-001, 143-251-005, 143-251-006, 143-251-008, and 143-251-009.

Due to the short thirty-day time frame for comments, a letter requesting an additional thirty days to provide comments to the Bureau of Indian Affairs on the Environmental Assessment is submitted for Board consideration. In addition, the letter requests the Bureau of Indian Affairs hold a local public hearing on the Environmental Assessment and extend the date for receipt of all public comments by thirty days.

In the event the requested 30 day extension is not granted due to time constraints, it will be extremely difficult for staff to prepare a comment letter for Board review at the May 18, 2004, Board meeting (May 24, 2004, is the comment period "deadline"). Therefore, the Board is being asked to authorize the Chair to sign a comment letter if a time extension is not granted.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

There is a potential loss of property taxes if the subject parcels are taken into trust by the U.S. Government as well as unknown impacts stemming from future development on trust land.

cc: Vincent Armenta, Chairman, Santa Ynez Band of Chumash Indians
Jim Anderson, Sheriff
John Scherrei, Fire Chief
Stephen Shane Stark, County Counsel
Val Alexeeff, Director of Planning & Development
Phil Demery, Director of Public Works

May 4, 2004

Amy L. Dutschke
Acting Regional Director
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

*Via Certified Mail
& Facsimile (916) 978-6099*

Re: Request for 30 Day Extension of Time to Furnish Comments on Santa Ynez Indian Reservation 6.9 Acre Fee to Trust Acquisition Environmental Assessment

Dear Ms. Dutschke:

The 6.9 acres that are the subject of the Santa Ynez Band of Chumash Indian's Fee-to-Trust Application are located entirely within the unincorporated area of the County of Santa Barbara (County), a political subdivision of the State of California. The Santa Barbara County Board of Supervisors (Board) received a copy of the Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA) for the proposed 6.9 acre acquisition on April 22, 2004.

The cover letter to the Environmental Assessment requests that any comments be received by May 24, 2004. For the reasons stated in this letter, the County respectfully requests a thirty-day extension of time to June 23, 2004, to furnish your office with comments on the Environmental Assessment. In addition, the County requests your office involve the public by holding a public hearing in the local area pursuant to Part 516, Chapter 3 of the Department of the Interior's Departmental Manual. Finally, the County requests a general extension of time for receipt of any public comments on the Environmental Assessment to June 23, 2004. The reason for the requests are as follows:

First, multiple County departments must review the Environmental Assessment and prepare comments that will then be compiled into one draft comment letter. It will take at least two weeks for the involved departments to review the document and draft appropriate comments. Moreover, these County departments, namely Planning and Development, Public Works, Sheriff and Fire did not receive the Environmental Assessment until April 28, 2004.

Second, the Board of Supervisors must approve the final comment letter before it is submitted to your office. The Board is subject to open meeting laws that require it to place approval of the comment letter on its public agenda, which requires adequate public notice of the public hearing before the Board can take action on the comment letter. Extra time is needed for the Board to fulfill these legal obligations.

Third, the County and the community of Santa Ynez, in which the 6.9 acres are located, have significant interests in the proposed trust acquisition and Environmental Assessment. The County believes it is imperative that your office hold a local public hearing on the Environmental Assessment in order to inform the hundreds of interested citizens of the document's contents and receive comments thereon from the community. Such public involvement is called for in Part 516 of Chapter 3 of DOI's Department Manual. (516 DM 3.)

The parcels that the Environmental Assessment analyzes are not remote parcels, but rather are in the heart of the community of Santa Ynez. If the land is taken into trust, local land use and other local regulation of parcels will be foregone, and the local community will not be able to address or prevent any environmental impacts stemming from development on the 6.9 acres. Failure to fully involve and consider the comments of the public would be inappropriate and contrary to NEPA. In the present case, full public participation would include your office holding a local public hearing on the Environmental Assessment. The County is willing to assist your agency in coordinating such a local hearing.

In summary, the County of Santa Barbara looks forward to reviewing and commenting on the Environmental Assessment. For the reasons stated above, the County is in need of and respectfully requests a thirty-day extension of time (to June 23, 2004) in order to submit comments on the Environmental Assessment for the 6.9 acre Fee-to-Trust Application submitted by the Santa Ynez Band of Chumash Indians. In addition, the County requests that your agency hold a local public hearing on the Environmental Assessment and provide the same thirty-day time extension for receipt of any public comment. Please inform the County as soon as possible of your decision to grant or deny these requests.

The County respects tribal sovereignty and the role of your agency. We encourage your agency to perform a rigorous environmental analysis and look forward to working with your agency and the Santa Ynez Band of Chumash Indians regarding this matter. If you have any questions about this letter, please contact Bret Stewart, County Transportation Division Manager, and (805) 568-3232. Thank you for your consideration of these important requests.

U.S. Department of the Interior, Bureau of Indian Affairs
Extension Request
May 4, 2004
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Sincerely,

Joseph Centeno, Chair
Santa Barbara County Board of Supervisors

cc: Vincent Armenta, Chairman, Santa Ynez Band of Chumash Indians
Michael F. Brown, County Administrator
Jim Anderson, Sheriff
John Scherrei, Fire Chief
Stephen Shane Stark, County Counsel
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