



July 3, 2012

*Santa Ynez
Valley Alliance*

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Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Appeal of BIA approval of 6.9-acre fee-to-trust application by Santa Ynez Band of Chumash Indians

Chairperson Farr and Honorable Supervisors,

The Santa Ynez Valley Alliance urges you to appeal the Bureau of Indian Affairs (BIA) decision to take into trust 6.9 acres in the Township of Santa Ynez for the benefit of the Santa Ynez Band of Chumash Indians. There are numerous reasons for the County to appeal this decision, the most notable of which are listed below.

Abdicating the County's jurisdictional authority is not consistent with the Comprehensive Plan and specifically Policy LUG-SYV-5 and Action LUG-SYV-6.1 of the Santa Ynez Valley Community Plan (SYVCP), adopted by your Board in October of 2009:

- Policy LUG-SYV-5:

The County shall oppose the loss of jurisdictional authority over land within the Plan area where the intended use is inconsistent with the goals, policies and development standards of the Plan or in the absence of a satisfactory legally enforceable agreement.

- Action LUG-SYV-6.1:

The County shall pursue legally enforceable government-to-government agreements with entities seeking to obtain jurisdiction over land within the Plan Area to encourage compatibility with the surrounding area and mitigate environmental and financial impacts to the County.

In the absence of a legally enforceable agreement that guarantees future development will be consistent with the SYVCP and all financial and environmental impacts totally mitigated, the County cannot abdicate its jurisdiction.

The BIA has pointedly stated that future development of fee-to-trust property is not constrained to uses currently proposed.

In a letter of 5/12/08 from the Assistant Secretary of Indian Affairs for the BIA, Carl J. Artman, addressed to Congressman Duncan Hunter of the San Diego area regarding a dispute between the Sycuan Band of the Kumeyaay Nation and the Dehasa Community Council concerning the tribe's land acquisition program, Mr. Artman notes the BIA's official position regarding fee-to-trust property:

“...once land is taken into trust, the Department is not authorized to reconsider its decision because land cannot be taken out of trust without Congressional authorization. In addition, current land acquisition regulations in 25 CFR Part 151 do not authorize the Department to impose restrictions on a Tribe's future use of land which has been taken into trust.”

In a letter of 6/13/12 analyzing impacts, the Coastal Commission of the State of California specifically cited this loophole as a reason for opposing SB 162 that proposes to limit the State's ability to comment on fee-to-trust proposals when certain uses are proposed:

"The development that follows fee-to-trust acquisition has the potential to cause significant environmental and land use impacts, including impacts to traffic and circulation, sensitive habitat, public access and public service impacts...

"Because there is no prohibition for a change of use once land is taken into trust by a tribal government, a tribe can apply to the federal government to take land into trust for purposes... such as housing, environmental protection, or cultural preservation, and upon approval of the application immediately begin planning and implementation of a... or other type of project.”

The area in question within the Santa Ynez Valley is particularly important to the community. It is within the Urban Boundary of the Township of Santa Ynez and adjoins a creek and a County Park. It is adjacent to Highway 246, the principal east-west artery for the area that serves much of its development and commuting traffic, and is an important gateway to the Valley. Due to the importance of this corridor, the SYVCP established more rigorous access, setback and landscaping development standards for this area.

The numerous financial impacts to the County cannot be ignored and warrant retention of the property in County jurisdiction and appeal of the fee-to-trust-proposal. Loss of tax revenues (property, sales and potentially bed taxes) and the impact fees of future development would unnecessarily burden the County in perpetuity. The 2005 County analysis of the 6.9 acre proposal suggested a loss of property tax revenue alone of \$43 million in 50 years. At the same time future development will require increased County services forever.

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It should be noted that the Santa Ynez Band of Chumash Indians has acquired numerous parcels of property in the surrounding area, many of which have been proposed for fee-to-trust annexation. Willing abdication of the County's jurisdictional responsibility for these seven acres will set a poor precedent for hundreds, and perhaps thousands of acres more.

This acreage was within County jurisdiction when it was purchased. If the development proposal is compatible with the surrounding area it can be considered within the County's planning process. The Edison Street Gas Station and Car Wash serves as an example of a Chumash project planned within the County's jurisdiction.

In the long run, the community and the Tribe will be better served by leaving lands outside the existing reservation within the regulatory jurisdiction responsible for serving the entire community.

For the important reasons cited and others too numerous to list here, the Santa Ynez Valley Alliance urges the Board of Supervisors to appeal the BIA's approval.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Oliver". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Oliver
President