

## Alexander, Jacquelyne

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**From:** wendye950@aol.com  
**Sent:** Friday, August 16, 2013 9:22 AM  
**To:** supervisorcarajabal@sbcbos1.org; Wolf, Janet; Farr, Doreen; peter@aol.com; adams@countyofsb.org; Lavagnino, Steve; sbcob  
**Subject:** SantaYnez Band of Indians fee to trust application

Supervisor Carbajal, and all Concerned,

Among so many of the constituents of the Santa Ynez Valley, I must add my concerns for the fee to trust application by the Santa Ynez Band of Indians. The 1,400 acres and future lands must be under the County jurisdiction, and not governed by a separate group of Individuals. We are adamant that unrestricted development is detrimental to the Valley, to private property owners, and imperative as to future water rights.

You may be aware of current litigation in Oregon concerning groundwater entitlements instigated by citizens in opposition to local Indian tribes.

Equal protection under the law is for all citizens, and creating preference for one group violates the rights of others.

We request more time and consideration to this crucial development.

Thank you .

Wendy L. Eisler

## Alexander, Jacquelyne

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**From:** Kelly McGill <ridingmcg@mac.com>  
**Sent:** Friday, August 16, 2013 9:26 AM  
**To:** SupervisorCarbajal  
**Cc:** sbcob  
**Subject:** Request for postponement of August 20th Meeting regarding dialogue with the Santa Ynez Band of Mission Chumash Indians (Santa Ynez Band)

Dear Supervisor Carbajal,

In light of the Santa Ynez Band's recent application to the Bureau of Indian Affairs for fee to trust on their privately owned 1,400 acres, and Third District Supervisor Doreen Farr's continued opposition of fee-to-trust in her district, Preservation of Los Olivos, P.O.L.O., a grass roots citizen group representing thousands of Santa Barbara citizens, requests that you cancel, or at a minimum continue/postpone, the August 20<sup>th</sup> meeting regarding the Santa Ynez Band. Setting a special dialogue for the Santa Ynez Band creates a process no other person or group is entitled to violating the equal protection rights of all other citizens of Santa Barbara County.

In addition, we recommend that the County Counsel be given time to research the following new developments. County Counsel, must be able to provide the Board of Supervisors with counsel to prevent the Board of Supervisors from inadvertently suggesting County cooperation or approval of the Santa Ynez Band's stated purpose to take this 1,400 acres, and future lands from Morro Bay to Malibu, into its jurisdiction. The following are the new developments and why we urge you to cancel, or postpone the August 20<sup>th</sup> meeting:

1. 1. Impact on property owners, Santa Ynez Valley Community Plan, the County: The Santa Ynez Band's application to take 1,400 acres into federal trust -County only receiving notification from the Santa Ynez Band of this application on August 7<sup>th</sup>, 2013. (The application is currently under review by the Bureau of Indian Affairs).
2. 2. Unrestricted development: The Secretary will not restrict development use on land in trust: 25 CFR 151: "...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." (Enclosed letter from Assistant Secretary Carl Artman, May 12, 2008)
3. 3. Despite their assurances, the only necessary reason to place land into trust is to ensure the opportunity for gaming. (Enclosed letter, Memorandum from Assistant Secretary Carl Artman, January 3, 2008)
4. 4. Impact on property values and water: Summer, 2013 U.C. Hastings College of Law Review article entitled: "Reservation and Quantification of Indian Groundwater Rights in California" that states: "This note will lay out arguments the Santa Ynez Chumash Band of Indians could use *to secure a right to groundwater* on their reservation in Santa Barbara County as their successful casino brings in more and more visitors at the same time *that groundwater beneath their reservation is depleted by non-Indian users.*" (Enclosed)
5. 5. Fee-to-trust litigation pending: 6.9: P.O.L.O.'s ongoing litigation on the 6.9 acre fee-to-trust application where P.O.L.O. states the following:
  1. a. The Santa Ynez Band is not eligible for fee to trust land transfer
  2. b. Land under State jurisdiction cannot be turned back into federal land
  3. c. Rights to entitlement of aboriginal land were extinguished in California
  4. d. The Santa Ynez Band's assertion that land in trust is exempt from state and local regulations is false (P.O.L.O. filings enclosed)
6. 6. Equal protection: Special preference dialogue with the Santa Ynez Band regarding fee owned property violates equal protection of all other landowners
7. 7. Equal protection: County Counsel must be in a position to ensure equal protection for all citizens, and to ensure the Board's well meaning intentions of dialogue may not be used against them. As P.O.L.O.'s research has uncovered, the Santa Ynez Band is an entity that opens the door as

a constituent and then acts as a government entitled to federal rights. For them to gain federal rights means they have to take away the rights of others that should be protected by the State and County: property rights, civil rights, process rights, water rights - all rights - creating preferences that violate equal protection and elevating them above all of the rules that everyone else has to obey. (Enclosed, Santa Ynez Band Motion to Strike, see page 15 and footnote 45, Feinstein letter.)

For the above reasons The McGill Family, requests that you cancel, or at the minimum continue/postpone, the August 20<sup>th</sup> Meeting.

Respectfully,

Kelly McGill  
Michael McGill  
Travis McGill  
Molly McGill

## Alexander, Jacquelyne

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**From:** Susie Nelson <sgn@silcom.com>  
**Sent:** Friday, August 16, 2013 10:27 AM  
**To:** Farr, Doreen; Wolf, Janet; Adam, Peter; SupervisorCarbajal; sbcob; Lavagnino, Steve; sbcob  
**Subject:** 1400 acres

The letter below states concisely all of the reasons for you as our County representatives to the vast majority of it's population, to cancel any discussion of fee-to-trust transition of the 1400 acres in the Santa Ynez Valley to the Chumash Reservation. Please consider this and make the RIGHT decision.

Re: Request for postponement of August 20<sup>th</sup> Meeting regarding dialogue with the Santa Ynez Band of Mission Chumash Indians (Santa Ynez Band)

Dear Supervisor Carbajal,

In light of the Santa Ynez Band's recent application to the Bureau of Indian Affairs for fee to trust on their privately owned 1,400 acres, and Third District Supervisor Doreen Farr's continued opposition of fee-to-trust in her district, Preservation of Los Olivos, P.O.L.O., a grass roots citizen group representing thousands of Santa Barbara citizens, requests that you cancel, or at a minimum continue/postpone, the August 20<sup>th</sup> meeting regarding the Santa Ynez Band. Setting a special dialogue for the Santa Ynez Band creates a process no other person or group is entitled to violating the equal protection rights of all other citizens of Santa Barbara County.

In addition, we recommend that the County Counsel be given time to research the following new developments. County Counsel, must be able to provide the Board of Supervisors with counsel to prevent the Board of Supervisors from inadvertently suggesting County cooperation or approval of the Santa Ynez Band's stated purpose to take this 1,400 acres, and future lands from Morro Bay to Malibu, into its jurisdiction. The following are the new developments and why we urge you to cancel, or postpone the August 20<sup>th</sup> meeting:

1. 1. Impact on property owners, Santa Ynez Valley Community Plan, the County: The Santa Ynez Band's application to take 1,400 acres into federal trust -County only receiving notification from the Santa Ynez Band of this application on August 7<sup>th</sup>, 2013. (The application is currently under review by the Bureau of Indian Affairs).
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3. 3. Despite their assurances, the only necessary reason to place land into trust is to ensure the opportunity for gaming. (Enclosed letter, Memorandum from Assistant Secretary Carl Artman, January 3, 2008)
4. 4. Impact on property values and water: Summer, 2013 U.C. Hastings College of Law Review article entitled: "Reservation and Quantification of Indian Groundwater Rights in California" that states: "This note will lay out arguments the Santa Ynez Chumash Band of Indians could use *to secure a right to groundwater* on their reservation in Santa Barbara County as their successful casino brings in more and more visitors at the same time *that groundwater beneath their reservation is depleted by non-Indian users.*" (Enclosed)
5. 5. Fee-to-trust litigation pending: 6.9: P.O.L.O.'s ongoing litigation on the 6.9 acre fee-to-trust application where P.O.L.O. states the following:
  1. a. The Santa Ynez Band is not eligible for fee to trust land transfer
  2. b. Land under State jurisdiction cannot be turned back into federal land
  3. c. Rights to entitlement of aboriginal land were extinguished in California
  4. d. The Santa Ynez Band's assertion that land in trust is exempt from state and local regulations is false (P.O.L.O. filings enclosed)
6. 6. Equal protection: Special preference dialogue with the Santa Ynez Band regarding fee owned property violates equal protection of all other landowners

7. 7. Equal protection: County Counsel must be in a position to ensure equal protection for all citizens, and to ensure the Board's well meaning intentions of dialogue may not be used against them. As P.O.L.O.'s research has uncovered, the Santa Ynez Band is an entity that opens the door as a constituent and then acts as a government entitled to federal rights. For them to gain federal rights means they have to take away the rights of others that should be protected by the State and County: property rights, civil rights, process rights, water rights - all rights - creating preferences that violate equal protection and elevating them above all of the rules that everyone else has to obey. (Enclosed, Santa Ynez Band Motion to Strike, see page 15 and footnote 45, Feinstein letter.)

For the above reasons the Board of Preservation of Los Olivos, requests that you cancel, or at the minimum continue

## Alexander, Jacquelyne

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**From:** Myrna Heldfond <myrniekins@yahoo.com>  
**Sent:** Friday, August 16, 2013 1:18 PM  
**To:** dfarr@countyofS.B.org  
**Cc:** sbcob  
**Subject:** Chumash fee to trust

I am writing to ask you to cancel the August 20th meeting regarding the Santa Ynez Band of Chumash Indians request to take their privately owned, 1,400 acres into a fee-to-trust action.

Sincerely,

Myrna Heldfond  
1433 Edison Street  
S.Y., Ca. 93460

**Santa Ynez Rancho Estates Mutual Water Company, Inc.**  
**Post Office Box 297 -- Santa Ynez, CA 93460**



August 15, 2013

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

2013 AUG 15 PM 3:41  
COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

**SUBJECT: No government-to-government discussions regarding Camp 4**

Honorable Supervisors,

The Board of Directors of the Santa Ynez Rancho Estates Mutual Water Company respectfully requests that the County not enter into government-to-government discussions with the Santa Ynez Band of Chumash Indians (“Tribe”) on the subject of fee-to-trust transfer of the property known as Camp 4. It is an all risk, no reward situation with unacceptable consequences.

The unacceptable problem with Camp 4 going into trust is loss of local control of our aquifer. Once in trust, decisions about how much water can be produced, for what purposes, and at what impact to surrounding lands and people will be made by Federal bureaucrats with little or no connection with Santa Barbara County. State laws (e.g. California water laws and CEQA) and County regulations (e.g. the Land Use Development Code and Santa Ynez Valley Community Plan) enacted to protect and benefit all residents and the environment will have no effect.

The potential damage to the property, people, environment, and economy of Santa Barbara County from loss of control of our aquifer cannot be calculated --- but is enormous. Even if an “enforceable” agreement could survive the fee-to-trust process and survive over time (a distinct uncertainty), there is absolutely no way to anticipate or mitigate the potential impacts from loss of control of our primary water supply.

The unacceptable risk from even entering into government-to-government discussions about annexation of Camp 4 is that the Tribe would most likely portray that narrow agreement as tacit expression of the Board of Supervisors’ support for their fee-to trust efforts with both the Federal Legislature and the Bureau of Indian Affairs.

There is no reward available from discussions which cannot reach an acceptable end. Entering into these discussions presents unacceptable risks. In the interests of the other 99.97% of the County’s residents, please say “No” to this request from the Tribe, and encourage participation in the local land use processes that have been enacted for the benefit of the entire community.

Respectfully,

Frank G. Blundo Esq.  
Vice President and Secretary