



**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: County Executive
Office
Department No.: 012
For Agenda Of: February 10, 2015
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Contact Info: Mona Miyasato, County Executive Officer, 568-3400
Terri Maus-Nisich, Assistant County Executive Officer, 568-3400
Joseph Toney, Fiscal and Policy Analyst, 568-3400

SUBJECT: Fee to Trust Reform - Resolution

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

- a. Adopt a resolution "In the Matter of Urging Congress to Enact Comprehensive Fee-To-Trust Reform that Respects Tribal Sovereignty and Recognizes Local Governments as Meaningful and Constructive Stakeholders" and communicate the County's position to the California State Association of Counties (CSAC); and
- b. Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines, because they consist of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary Text:

In 2015, CSAC will be continuing efforts to reform the federal fee-to-trust process. Many California counties contend with off-reservation impacts from projects on reservation land. CSAC officers and staff will use individual county resolutions in support of their reform proposal at the National Association of Counties (NACo) Legislative Conference and in meetings with California's congressional delegation.

Background:

The existing federal laws and regulations pertaining to tribal gaming fail to adequately address the off-reservation impacts of tribal land development. Reform efforts by CSAC intend to provide counties adequate notice about fee-to-trust applications, provide counties with meaningful consultation, and incentivize judicially enforceable intergovernmental agreements.

CSAC is requesting that Congress fix deficiencies in the Bureau of Indian Affairs' (BIA) fee-to trust process. Such action should clearly define the roles of Congress and the executive branch in trust land decisions; establish clear and specific congressional trust acquisition standards; and, put in place a more transparent process. CSAC has outlined necessary legislative reforms in the attached policy brief. CSAC's Comprehensive Fee-to-Trust Reform Proposal is also attached.

The County of Santa Barbara 2015 Legislative Platform includes targeted advocacy of tribal gaming compacts and land use (see attached). The County currently supports the policy and platform positions of CSAC and NACo on this topic, and adoption of this resolution reaffirms this position.

Special Instructions:

Clerk of the Board to retain an original signed resolution and forward copy of signed resolution and minute order to: California State Association of Counties (CSAC), 1100 K Street, Ste. 101, Sacramento, CA 95814, Attn.: Kiana Buss.

Attachments:

- A. Resolution
- B. CSAC Indian Fee to Trust Reform Policy Brief
- C. CSAC Comprehensive Fee-to-Trust Reform Proposal
- D. County of Santa Barbara 2015 Legislative Platform, Tribal Gaming Compacts & Land Use Plank

Authored by:

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CC:

Tom Walters, Thomas Walters and Associates, Inc.
Cliff Berg and Monica Miller, Governmental Advocates, Inc.