

SANTA BARBARA NEWS-PRESS



Chumash annexation report finds no major impact to area

June 16, 2004 12:00 AM
NEWS-PRESS SENIOR WRITER

County officials have one more week to pump up the language in a letter to the U.S. Bureau of Indian Affairs voicing strong concerns about the Santa Ynez Band of Chumash Indians' plan to annex 6.9 acres across the highway from their casino for a museum, stores and a cultural center.

The annexation plan, which would place the now vacant land into the reservation and out of county jurisdiction, has been under review by the Bureau of Indian Affairs since 2001.

The 78-page report on the annexation plan by a private Sacramento consulting firm hired by the tribe, found no significant environmental impacts from the project.

But opponents of the plan who spoke at a Board of Supervisors meeting Tuesday and some board members think otherwise.

The board itself voted to redraft a letter to the bureau saying the current environmental assessment is inadequate and more study on such things as traffic, air quality and groundwater need to be done before the annexation is approved. The letter is set to be discussed at next week's board hearing and must be submitted to the Bureau of Indian Affairs by June 23.

But County Counsel Shane Stark warned that firing off a strongly worded letter might not be the best tactical approach to extract changes to the plan.

"I have some trepidation about this," said Mr. Stark, who noted that in the past the Bureau of Indian Affairs has all but ignored the county's strongly worded letters about tribal development.

"We've already objected formally (to the annexation) and gotten nowhere with the BIA," he said.

But County Supervisor Gail Marshall said no matter the result, the Bureau should get an earful.

"Our position needs to be stronger," Ms. Marshall said. "It's important to stand up even if we keep trying and keep getting rebuffed at some point they may start paying attention."

Chumash spokeswoman Frances Snyder said it wasn't appropriate for the tribe to comment at this stage.

"Because it is in the bureau's hands at this point," Ms. Snyder said. "We've done our part, now it's up to the bureau to make its decision."

Several Santa Ynez Valley residents spoke at Tuesday's meeting saying that the Board of Supervisors' actions on this annexation could establish a pattern for how the Bureau of Indian Affairs handles the tribe's plans to annex 745 acres in the heart of the valley and with developer Fess Parker, build tribal housing and possibly a hotel and two golf courses.

"To do nothing, you tacitly are approving the annexation and set a precedent for the future," said C.J. Jackson of Concerned Citizens of the Santa Ynez Valley, a consistent critic of the Chumash casino expansion and the tribe's annexation plans.

Mr. Jackson's group submitted a letter pointing out more than 32 specific concerns that they believe are not adequately addressed in the environmental assessment. Part of the problem, Mr. Jackson said, is that the assessment relies on 2-year-old data and doesn't include some of the large scale development that has happened on the reservation in that time, including the expanded casino, the hotel and the large parking structure.

On Monday night the Solvang City Council voted to send a letter to the bureau saying the assessment didn't look at the sludge being pumped from the tribe's wastewater treatment plant that goes to the city's sewage treatment plant.

The public in general has until June 23 to comment on the adequacy of the environmental assessment on the 41,925-square-foot development, which would also include a park on land adjacent to Highway 246, Numancia Street and the Santa Ynez Park.

So far more than 160 interested people have forwarded their comments on the potential impacts from the development.

SANTA BARBARA NEWS-PRESS



Chumash can annex land for museum **Project allowed to advance despite neighbors' worries**

January 22, 2005 12:00 AM

After four years of debate and evaluation, the Bureau of Indian Affairs has agreed to allow the Chumash to annex land for a museum and cultural center -- despite the concerns of hundreds of local residents and doubts by the county about the idea.

The 6.9-acre project, located across Highway 246 from the tribe's casino, is just one of several projects planned by the Santa Ynez Band of Chumash Indians that has elicited public outcry in the rural community.

The decision allows the tribe to move forward with its plans for a 3.5-acre commemorative park, a 14,350-square-foot cultural center and museum, and a two-story commercial building with 27,600 square feet of space adjacent to Highway 246, Numancia Street and Santa Ynez Park.

Residents say they are not opposed to a museum and cultural center, but they say the project should be considered in concert with the casino and resort, as well as a proposal the Chumash have with developer Fess Parker for a 745-acre project that could include houses and another resort.

"This is kind of a business-as-usual decision from the BIA," said C.J. Jackson, president of Santa Ynez Valley Concerned Citizens, which has battled the tribe on a number of issues.

If the decision is not appealed, the Chumash need only final approval from the bureau to begin development on the site.

The so-called "fee-to-trust" designation approved by the bureau allows the tribe to transfer the now-vacant land from county jurisdiction into reservation property. The plan has been under review by the bureau since 2001.

"We're happy that the bureau has made a decision," said Vincent Armenta, tribal chairman.

He would not comment further on the decision, which was reached Jan. 14 but only came to light Friday.

The federal approval doesn't necessarily mean a smooth path ahead for the Chumash.

Third District Supervisor Brooks Firestone said the county should consider appealing the decision. Appeals must be filed within 30 days.

"It takes the property off the tax rolls," Mr. Firestone said. "It takes property away from any planning or normal county process. It concerns me that one situation would be treated differently than anything else."

Last year, the supervisors sent a strong message to the bureau that the tribe's environmental assessment on the project -- which found no adverse effects -- was incomplete and inaccurate.

The Board of Supervisors and numerous residents complained that the environmental report did not fully evaluate the cumulative effects of current and planned Chumash developments in the Santa Ynez Valley.

In its fee-to-trust approval, the bureau noted that many of the adverse comments were "speculative in nature and did not provide substantive issues."

The most common complaints, the bureau noted, involved issues outside the scope of the application, such as "the existing gaming operations and possible casino expansion on the subject property."

The bureau considered a number of factors in approving the application, such as the tribe's need for more land, the land's future use, the impact on the state and county due to removal of the land from tax rolls and potential conflicts of land use. The bureau determined the tax loss was insignificant because the land is undeveloped.

Ultimately, the bureau concluded that "in order to ensure the effective exercise of tribal sovereignty and development prerogatives with respect to the land, trust status is essential."

Not everyone in the Santa Ynez Valley Concerned Citizens group agrees with that assessment. Dozens of members sent opposition letters to the bureau.

"We're distressed they failed again to look at the big picture, and it illustrates the underlying flaws in how the federal government makes its decisions," Mr. Jackson said. "They continue to treat it piecemeal, instead of cumulatively."

The county and community groups presented "volumes" of information about problems with the project, and Mr. Jackson contends the government "ignored every bit of it."

"Our whole concern is about equitable, fair and balanced land-use policies that are in play for everybody," he said.

SANTA BARBARA NEWS-PRESS



County to address Chumash annex

January 26, 2005 12:00 AM

Supervisors will discuss appealing decision on land for museum, center

The Board of Supervisors will next week discuss appealing a federal decision allowing the Chumash to annex land for a museum and cultural center.

Earlier this month, the Bureau of Indian Affairs agreed to allow the Santa Ynez Band of Chumash Indians to place 6.9 acres of land within their reservation boundaries.

The new development, if under Chumash jurisdiction, would not be subject to county zoning regulations, nor would it contribute sales tax.

On Tuesday, the head of a local citizens group opposing Chumash developments in the Santa Ynez Valley urged the board to contest the decision. "We're deeply concerned about this document, about what it says about a federal agency's concerns for local government," said C.J. Jackson, executive director of Santa Ynez Valley Concerned Citizens. "We would like you to give serious consideration to appealing this decision."

Mr. Jackson and his organization contend the bureau did not adequately take into account the cumulative effects of the 6.9 acres on top of other Chumash developments. The tribe is also in negotiation with developer Fess Parker for a 745-acre project in the valley that may include homes and perhaps another resort and golf course.

Federal regulations allow a 30-day period for appeals, and the county has until mid-February to make a decision, said Shane Stark, county counsel.

If the decision is not appealed, the Chumash would need only one final approval from the bureau to start work on its cultural center and a two-story commercial building.

The 27,600-square-foot facility would be on land adjacent to Highway 246 and Numancia Street.

"I believe this should be taken up, and we should very seriously consider joining the appeal against this annexation," 3rd District Supervisor Brooks Firestone said. "I think it has implications for the whole county."

The integrity of local general plans, Mr. Jackson said, "suffer from having a wild card that's not subject" to local regulations.

Because an administrative appeal of a federal decision is in the same vein as litigation, the board will consider its appeal during a closed session next week, Mr. Stark said. Any decision about an appeal includes talk of litigation, which is always accomplished in closed session, he said. "They have a choice to pursue an appeal, through the Department of the Interior, or they could discuss the issue in public and not pursue the appeal," Mr. Stark said. "But there are larger issues involved than the 6.9 acres."

Chumash officials refused to comment on the matter Tuesday.

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SANTA BARBARA NEWS-PRESS



Debate Chumash appeal in the open

January 27, 2005 12:00 AM
OUR OPINION

Residents deserve to hear more about the possibility of success of any administrative appeal on the Chumash annexation. Would the appeal really be more of a show -- one that wastes staff time but gives the supervisors political cover?

Shame on the county Board of Supervisors if it meets behind closed doors next week on a matter relating to the Santa Ynez Band of the Chumash.

Right now, the supervisors plan to meet outside public view to consider whether to appeal a decision within the federal government to let the Chumash annex 6.9 acres for a museum and cultural center.

The News-Press doesn't buy the argument that deliberations about whether to pursue an administrative appeal with the federal Bureau of Indian Affairs is similar to litigation and triggers a secret session.

Part of the county's reasoning also appears to be that talk of an appeal could include talk about litigation. That's a stretch at this point because the county has yet to exhaust the federal administrative appeal process. The courts aren't involved yet.

County Counsel Shane Stark says: "They have a choice to pursue an appeal, through the Department of the Interior, or they could discuss the issue in public and not pursue the appeal. But there are larger issues involved than the 6.9 acres."

What are they?

The main focus of this editorial is not whether the Chumash ought to annex some of the tribe's historical territory to put it under the tribal government's jurisdiction.

At issue is the county government denying residents the opportunity to hear the discussion of the five elected supervisors.

Says C.J. Jackson, executive director of Santa Ynez Valley Concerned Citizens, an organization with a history of fighting the Chumash government: "We're deeply concerned about this document, about what it says about a federal agency's concerns for local government. We would like you to give serious consideration to appealing this decision."

If this matter is of deep concern, and if it does merit serious consideration, that is all the more reason to open up the discussion for the public to witness. Let's hear more about why the appeal might have merit or why it doesn't. Let's hear whether it's worth the expenditure of tax dollars.

As it stands, Chairwoman Susan Rose and Supervisors Salud Carbajal, Joe Centeno, Brooks Firestone and Joni Gray are giving the appearance that they are hiding behind an opinion from their staff so they don't have to have an open discussion.

We suspect the reality is that the Bureau of Indian Affairs, after four years of review, won't be swayed by any last-minute administrative appeal about transferring this parcel.

Residents deserve to hear more about the possibility of success of any administrative appeal. Would the appeal really be more of a show -- one that wastes county staff time but gives the supervisors political cover when dealing with anti-Chumash forces?

This process needs transparency -- and Chairwoman Rose and Supervisors Carbajal, Centeno, Firestone and Gray would be wrong to attend any closed-door meeting next week.

SPEAK UP AGAINST COUNTY SECRECY

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SANTA BARBARA NEWS-PRESS



Supervisors to hold public hearing on Chumash plan

February 2, 2005 12:00 AM
NEWS-PRESS STAFF WRITER

The county Board of Supervisors will hold a public hearing Feb. 8 -- following a closed-session meeting Tuesday -- to discuss the Chumash tribe's plan to annex some land for a museum and cultural center.

In January, the federal Bureau of Indian Affairs said the Chumash could take 6.9 acres off Highway 246 into a "fee-to-trust" process. The designation allows the tribe to move the vacant land from county jurisdiction into reservation property.

The board will discuss whether to appeal the bureau's approval.

The tribe plans to build a 3.5-acre commemorative park, a 14,350-square-foot cultural center and museum and a two-story commercial building with 27,600 square feet of space adjacent to Highway 246, Numancia Street and the Santa Ynez Park.

The supervisors and hundreds of members of the community have expressed concerns that the bureau has not taken into account the cumulative effects of various Chumash developments in the rural valley.

The board meets Feb. 8 at the Betteravia Government Center, 511 E. Lakeside Parkway in Santa Maria. The supervisors will announce the time of the meeting on Friday.

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SANTA BARBARA NEWS-PRESS

County, Chumash seek common ground

February 9, 2005 12:00 AM
NEWS-PRESS STAFF WRITER

Supervisors delay appeal, will work with tribe on land annex

Hoping to reverse years of acrimony and mistrust between county government and the Chumash, the Board of Supervisors agreed Tuesday to temporarily put off appealing a

controversial annexation.

Instead, two board members and tribal leaders will try for a week to hash out the future of 6.9 acres across Highway 246 from the tribe's reservation -- and their Chumash Casino Resort. The land would be the home of a long-planned-for tribal cultural center, museum and commercial building.

If seven days proves too short a time for Supervisors Brooks Firestone and Joni Gray to reach agreement with the Chumash on moving the vacant land from county jurisdiction into the reservation, the board can move forward with its appeal on Feb. 15.

"I feel bad the way the Chumash tribe has been treated by this Board of Supervisors for the last six years," said the 4th District's

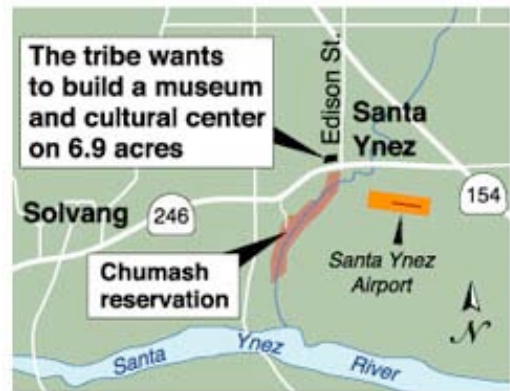


Supervisor Brooks Firestone, left, and Chumash Vice Chairman Ted Ortega shake hands after a hearing on Tuesday in which supervisors agreed to delay appealing an annexation to the tribe's reservation.

Ms. Gray. "It was unforgiveable. That was then, this is now. We need to change the direction."

A compromise could give the board, with new members Mr. Firestone and Salud Carbajal, a chance to sidestep several contentious years while saving face with vocal opponents of Chumash-led development in the rural valley.

It might also allow the tribe to gain what it argues has been lacking in the past -- to be treated with respect and authority as a sovereign nation and to work with the county on a government-to-government basis. An agreement could also stem concerns in the valley that the tribe has plans for considerable development but is unwilling to work with the local community.



TOM DE WALT / NEWS-PRESS

"I too would like to find a way for the community and tribe to work together," said board Chairwoman Susan Rose of the 2nd District. "This project may offer that opportunity . . . I would like to find a way to learn how to trust one another. Trust does not exist on both sides, and I would like us to get past that point."

Both sides seem willing to try for at least a week.

"It's good," said Ted Ortega, tribal vice-chairman. "We're willing to listen to everybody. We want to work on a government-to-government level. . . . We feel they were actually listening. We're willing to sit and talk."

Opponents of the annexation -- speakers at the hearing ran 19-6 for an appeal -- contend that coming to an agreement will be a challenge for both sides.

"Anything we can do to encourage or enhance the relationship between the tribe and government is vitally necessary," said C.J.

Jackson, executive director of the Santa Ynez Valley Concerned Citizens, opponents of the annexation. "If it succeeds, great."

But, he noted, trust is a two-way street, and all involved must recognize that "everyone has a stake in the unfortunate relationship that exists now."

If the county comes to an agreement, Mr. Jackson said his group would lobby for certain elements.

"We want it enforceable," he said. "We want it government-to-government. We want it to respect local jurisdictions. We want it to take into account the character and destiny of the local community."

The potential agreement between the county and the Chumash on the land could have caveats, such as the site being unrelated to gaming or any ancillary services for the casino. The county could also emphasize that the size of the commercial development be in scale with the rest of the area, explained Mike Brown, county administrator. The supervisors could suggest the development be within the normal county standards for water use, road maintenance and building codes.

Mr. Firestone, whose 3rd District includes the reservation, argued during the meeting that there was a compelling case for an appeal.

"There is no benefit to the county by annexation," he said, to the applause of more than 50 people in the audience. "This property is taken off the tax rolls. This property under annexation would be exempt from any planning or constraints that everyone else in the county lives under. It seems unfair and unreasonable for the people of this county."

He suggested the board move forward with an appeal so it doesn't lose its negotiating ability.

Mr. Firestone abstained from the final vote. He did so, he said, because it was "a motion for negotiations, and I did not want to appear negative on the thin chance of resolving this."

The other supervisors voted for the delay.

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SANTA BARBARA NEWS-PRESS



County, tribe reach deal on culture plan

February 15, 2005 12:00 AM
NEWS-PRESS STAFF WRITER

In a move that may signal a warming of their chilly relationship, representatives of the Board of Supervisors and the Santa Ynez Band of Chumash Indians leaders reached an agreement Monday to allow plans for a tribal cultural center and museum to proceed.

After hours of discussion with tribal leaders, 3rd District Supervisor Brooks Firestone and 4th District Supervisor Joni Gray said they would recommend that the full board vote against appealing the federal land annexation of 6.9 acres off Highway 246. The tribe wants to develop the land into a 4-acre park, cultural center, commercial buildings and museum.

The Chumash agreed that the project would stick to its initial proposal to the Bureau of Indian Affairs from 2001 and that the project would not involve any gaming activity -- a key concern of opponents.

"I've never seen a more productive meeting in my life," said Chumash Chairman Vincent Armenta. "Everybody was there with an open mind."

The relationship between county supervisors and tribal leaders has long been prickly, fostered through years of misunderstanding and lack of communication. In the past, county leaders have bristled at the tribe's apparent unwillingness to discuss its future development plans, and Chumash leaders have argued they must be treated on a government-to-government basis, because of their sovereign nation status.

The two supervisors were confident the deal would pass unanimously when the board takes it up today.

The supervisors, at the request of Mr. Firestone, had last week considered appealing the annexation approved last month by the Bureau of Indian Affairs.

Opponents of tribal development weren't sure yet what the agreement may mean for them.

C.J. Jackson, executive director of the Santa Ynez Valley Concerned Citizens, said the organization had long been hopeful for an improved relationship between the Chumash and the county.

"We don't know if what we have now signifies an improved relationship," Mr. Jackson said. "We want to be forward thinking about an enhanced relationship. We'll look at this decision very carefully."

The county and Chumash pledged that Monday's meeting was just the start of many more -- perhaps even monthly face-to-face talks.

"The tribe asked for this last year, and for some reason it didn't happen," Mr. Armenta said. "It happened today."

The annexation, called "fee-to-trust," allows the Chumash to move the now vacant land from county jurisdiction into reservation property, making it exempt from county regulations and zoning.

Rarely has so small a plot of land -- just 6.9 acres -- caused such a fury of rumors, legal activity and governmental maneuvering. But in the rural Santa Ynez Valley, residents are fiercely protective of their views and property rights, and many complained to the supervisors about possible large-scale projects under consideration by the tribe.

"What this meeting did, it answered the rumors," Mr. Armenta said. "We're going to come to an agreement for the development in a tasteful manner, and if the county has issues, they'll bring it to the tribe . . . The opportunities are unlimited if the county and tribe

work together."

The board had until next week to consider filing a formal appeal with the BIA, but during a board meeting last week, the majority favored a more local agreement.

Ms. Gray said it helped for her to see the actual plans for the property, and view a drawing of the building and park.

"I'm very excited about the progress that was made," Ms. Gray said. "It was incredible."

Mr. Firestone, whose district includes the valley, was the lone voice last week arguing for an appeal. He said he was pleased with the deal.

"The two big things were, they are limited to what they said they'd do for all time, and there will be no gaming," Mr. Firestone said. "I thought it was a very good understanding for the valley."

Opponents of the annexation have argued that the BIA did not take into account the cumulative impacts of tribal development when approving the annexation. They also complained that as tribal land, the new development would not pay sales tax, or be subject to county development standards.

"Given the circumstances, a number of people think the situation is unfair," Mr. Firestone acknowledged. "Fair enough. (But) the tribe has made an effort to restrict themselves in such a way to be more compatible with the valley."

Mr. Jackson could not say whether the organization would file its own appeal.

"We have a constituency in the valley that feels a need to protect certain important elements of the character of the community," he said. "So we will evaluate what's happening and try to do the best we can."

SANTA BARBARA NEWS-PRESS



Supervisors, Chumash on verge of historic deal

By agreeing to waive its right to appeal

February 16, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

Under an unusual agreement with the Board of Supervisors about a tiny plot of land, the Santa Ynez Band of Chumash Indians would adhere to county design standards on a new retail building, install no slot machines or gaming tables and give up sovereign immunity for a limited time during any disputes.

The deal, termed "historic" by both sides, was part of an agreement between the county and tribal representatives, brokered during the past week and focusing on a 6.9-acre plot off Highway 246.

The tribal council, made up of enrolled members of the tribe, must approve the agreement at a Chumash meeting in March before it is official.

After the Bureau of Indian Affairs approved in January an annexation of the land into reservation control, the Board of Supervisors was on the verge of considering an appeal -- a decision that could have added years to the four-year-old project and further inflamed feelings of mistrust between the two governments.

But less than a week before the appeal deadline, the board on Tuesday unanimously gave up on the idea of appeal and instead sought to mend the relationship with the tribe, a growing economic and political force in the Santa Ynez Valley.

"At our discussion last week, there were a lot of comments about respect and trust," 2nd District Supervisor Susan Rose said. "We've

moved in that direction. All five of us are looking forward to that. . . This is an important message we're sending to the tribe and community."

The issue may remain in flux, however. Preservation of Los Olivos, or POLO, could appeal the annexation, member Doug Herthel said. Appeals must be filed by Tuesday.

Former 3rd District Supervisor Gail Marshall, who had a strained relationship with the Chumash, was incensed by the agreement, saying it holds no weight.

"Nobody stood up for the Santa Ynez Valley today," Ms. Marshall said. "The whole Board of Supervisors let down the valley. Nobody stood up for the loss of property taxes, which is a real travesty, nobody stood up for the merchants. Nobody acknowledged this was a precedent and how many more will there be."

The agreement comes just a few months after the election of two new supervisors, including the 3rd District's Brooks Firestone. Mr. Firestone initially fought for an appeal, but he was among the negotiating team who crafted the deal. Another new face in the mix, who some say may have added another mediating force in the testy relationship, is David Smith, a lawyer recently hired as Chumash tribal administrator.

Although no construction timeline exists, the Chumash plan includes a 3.5-acre commemorative park, a 14,350-square-foot cultural center and museum and a two-story commercial building with 27,600 square feet of space adjacent to Highway 246, Numancia Street and Santa Ynez Park. Drivers would enter the property through Numancia Street rather than the highway.

"I believe this is a start of a long-term relationship, which I believe is well overdue with the tribe and county government," said Vincent Armenta, tribal chairman. "We've cleared up the air with what the tribe anticipated to put in this area. Mr. Firestone was extremely open. I have been waiting for this day. The day finally came. It will be beneficial to the tribe as well as the county."

In return for the lack of appeal, the Chumash agreed to a number of caveats:

The tribe would not use the property for any gaming activities, including prohibiting casino overflow or employee parking.

The tribe would not change the use of the property from its original bureau proposal.

The tribe would submit its development plan to a nonbinding review by the county Board of Architectural Review or another review group. The group would consider the quality of the architecture and whether the size, bulk and scale are appropriate for the site. It would make recommendations to the tribe.

The tribe would comply with state uniform building codes, including road access, building, fire and safety codes.

The tribe would agree to waive limited sovereign immunity if a dispute arises, and agree to be a part of a mutually agreeable dispute-resolution process if a problem occurs.

Although the tribe would not pay property tax on the site, it will charge sales tax in its retail business to people other than tribal members who live on the reservation.

Several members of Santa Ynez Valley Concerned Citizens spoke to the board, expressing gratitude for an agreement but cautioning about the potential for things to go awry.

"Today, we see an opportunity for a new day," said C.J. Jackson, the group's executive director. "That is not the least bit lost on the membership of Santa Ynez Valley Concerned Citizens. We do not wish to be an impediment to a positive opportunity."

The membership, he said, wanted to urge the agreement to incorporate long-term "transparent" discussions about future developments, particularly a large-scale proposal between the tribe and Fess Parker.

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SANTA BARBARA NEWS-PRESS



Coalition moves to delay Chumash annexation deal

February 23, 2005 12:00 AM
NEWS-PRESS STAFF WRITER

Wary of a "historic" but tentative agreement between the Board of Supervisors and the Santa Ynez Band of Chumash Indians, a coalition of preservation groups is trying to delay the annexation of 6.9 acres to the Chumash reservation.

Calling the move a "protective appeal" until the agreement between the county and the tribe is official, the Santa Ynez Valley Concerned Citizens, Preservation of Los Olivos, Preservation of Santa Ynez and Women's Environmental Watch filed notice with the Interior Department's Bureau of Indian Affairs on Tuesday, the deadline to appeal the bureau's approval of the annexation.

Representatives of the groups said they thought their appeal was necessary because there is no official document of the agreement yet.

"The public expected the opportunity to review the written agreement, but nothing surfaced before today's deadline to file an appeal," Concerned Citizens executive director C.J. Jackson said in a statement.

"The county and the tribe negotiated in private, outside of the public's view. We share the hope that a written agreement will lead to greater trust between the tribe, county and community, but we remain so concerned about the conversion of private land to trust status, and the terms and process for doing so, that we feel we had no choice."

The property at the center of the debate is across Highway 246 from the tribe's reservation and casino. The Chumash say they want it for a long-planned cultural center, museum and retail complex.

In what the Board of Supervisors termed a historic handshake deal last week, the county and tribe -- long at odds themselves -- said they would work together on the project. They agreed to ensure it meets design standards, does not stray from its original bureau proposal in 2001, is no burden on local roads and has no gaming. Having once toyed with issuing its own appeal of the annexation, the board unanimously approved the accord. All enrolled members of the Chumash tribe must vote on the county agreement in March before it moves forward.

Third District Supervisor Brooks Firestone, who initially lobbied for a county appeal before helping craft the agreement, said Tuesday that he was disappointed by the preservation groups' action.

"I am sorry they saw fit to do this in light of the accommodation we reached with the Chumash," Mr. Firestone said. "I look on this as a new chapter of our dialogue with the Chumash. I feel, given all the circumstances, they have a great deal to be gained by adhering to their agreement. I am confident they will."

Tribal Chairman Vincent Armenta said he had been expecting the groups to appeal.

"Let them do what they want," he said. "It's their right. It shows their true colors."

He said tribal members seem to support working with the supervisors, and he doesn't expect the appeal to change that.

"If every time they said something we stopped, we would never progress," Mr. Armenta said. "Our government would be at a standstill. We can't let them slow us down. We have a lot to look forward to, a lot to work for."

Concerned Citizens and other community groups have objected to the annexation, saying the bureau's environmental assessment of the land did not consider the cumulative effects of other Chumash development plans.

The Chumash and the Santa Ynez Valley preservation groups' adversarial relationship has been exacerbated by the relatively recent expansion of the tribe's casino and development of a resort hotel.

Because it is a sovereign nation, development on Chumash land isn't subject to county zoning and development regulations. As the tribe has sought to enlarge its footprint to ensure economic prosperity and diversity for future generations, the preservation groups have objected to any proposal that gives the tribe more space for what the groups see as unchecked growth.

While the citizens groups particularly oppose a potential 745-acre deal between the Chumash and developer Fess Parker, they have routinely objected to any expansion outside the present reservation boundaries.

In that context, the relatively small parcel of 6.9 acres immediately set off a debate, even though the groups did not object to what tribal leaders say they plan to build there.

Mr. Jackson said his group and the others "embrace the spirit and substance" of the agreement with the supervisors. The Concerned Citizens even gave the county its own version of the document.

Massie Ritsch, a Concerned Citizens spokesman, said the organization wants to make sure "rhetoric turns into reality."

"We are very confident that based on what we heard from the county supervisors in their last public meeting, that the county and tribe will reach an agreement that is satisfactory and includes the protections we're asking for," he said.

"As soon as we see an enforceable agreement in writing and it satisfies our coalition's concerns, we intend to withdraw the

appeal."

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SANTA BARBARA NEWS-PRESS



Land agreement awaiting action by Chumash

April 2, 2005 12:00 AM
NEWS-PRESS STAFF WRITER

County sent tribe a document outlining plan for cultural center, commercial use

The Santa Ynez Band of Chumash Indians and the county are still negotiating over a small plot of land off Highway 246 where the tribe hopes to build a museum and cultural center.

The two entities came to a handshake agreement in February over zoning and development on the 6.9 acres across the street from the tribe's casino and resort hotel, but have yet to cement a deal.

An agreement between the tribe and the county, called historic by both groups, is expected to include design standards for the cultural center and commercial complex. The county also wants to require the Chumash to stick to their 2001 land-use proposal to the Bureau of Indian Affairs, which indicates the tribe would not have gaming on the site.

After a February Board of Supervisors hearing, the county drafted a proposal and several weeks ago sent it to tribal leaders, said Shane Stark, county counsel.

He had hoped to hear back from the tribe by now, he said, but "we haven't heard anything."

There is no deadline to meet on the agreement.

"We sent them a document that effectuated the points the board and the tribe agreed to in principle," Mr. Stark explained. "I don't think when all is said and done that it will be a complex document. We tried to make it as simple as we could. There are inherent complexities because it's a government-to-government agreement."

He would not disclose any terms of the document, saying the county will not "negotiate this in public."

During several supervisors' meetings about the land, the boardroom was packed with local residents. Mr. Stark acknowledged that the public is interested in hearing the terms of the agreement.

"We hope to get it aired in the public pretty soon," he said. "There is no reason not to get it done. I know the public is waiting. These things with the tribe just take time."

Tribal Chairman Vincent Armenta was unavailable to talk about the agreement on Friday, said Chumash spokeswoman Frances Snyder.

The negotiations are moving forward despite a federal appeal filed by Santa Ynez Valley Concerned Citizens. That group does not want the Bureau of Indian Affairs to allow the tribe to annex the land into the reservation in a transfer called "fee-to-trust."

The board had considered its own appeal to the bureau but chose to try the government-to-government agreement instead.

In another land deal involving the Chumash, Los Olivos developer Fess Parker has not made a decision on 1,425 acres he owns off Highway 154.

Mr. Parker had been negotiating with the tribe to build homes, two golf courses and a resort on 745 acres off Armour Ranch Road. But after a year of impasse, Mr. Parker said in early March that he is considering moving forward on his own "Hope Ranch-like" development on the property. He has met with each member of the Board of Supervisors and is seeking a development agreement that

would allow him to move forward with housing but would also give the county property taxes.

On Friday, Mr. Parker indicated he still wants to talk with 3rd District Supervisor Brooks Firestone about the development, but other than that, there are no changes to report.

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SANTA BARBARA NEWS-PRESS



Tribe seeks to annex 5.68 acres along Hwy. 246

May 3, 2005 12:00 AM

Parcels at entry to Chumash reservation and to the developed portion of valley

The Santa Ynez Band of Chumash Indians asked the federal government late last month to annex into its reservation 13 parcels the tribe owns along both sides of Highway 246.

The properties add up to only 5.68 acres but are significant because they are at the entry to both the reservation and to the developed portion of the Santa Ynez Valley.

"We have no plans for the property now," said tribal Chairman Vincent Armenta.

The tribe now owns all the land on both sides of the highway for three blocks except a gas station on the northwest corner of Edison Street and Highway 246.

The application to annex the 13 parcels into the reservation shouldn't be a surprise, because the tribe has owned the property for some time and the land is adjacent to reservation land, Mr. Armenta said.

The tribe submitted its application to the Bureau of Indian Affairs on April 25 and notified the Board of Supervisors and several other local representatives on April 27. Annexation would remove the property from local jurisdiction, remove zoning restrictions on the land and take it off the local tax rolls.

"I wanted them (local officials) to know we completed the application," Mr. Armenta said. "I didn't want them hearing from anyone else."

The properties include the whole block along the north side of Highway 246 between Faraday Street and Edison, and on the south side two parcels along the east side of Sanja Cota. The remaining parcels extend from that intersection on the long sliver of land sandwiched between the reservation and the highway extending almost to the entrance to the casino.

The application comes as county officials and tribal members are negotiating over an agreement for another small plot along the highway they want to annex to build a museum and cultural center. That agreement is supposed to include rules about design standards for the cultural center and commercial complex. The county also wants to require the Chumash to stick to its original 2001 land use proposal to the Bureau of Indian Affairs, which indicates the tribe will not have gaming on the site. That annexation effort has been opposed by the group, Santa Ynez Valley Concerned Citizens. The group does not want the Bureau of Indian Affairs to allow the tribe to annex the land without taking a cumulative look at tribal development in the valley.

C.J. Jackson, a group spokesman, said he only learned of the new application on Monday.

"It's not that our immediate response is always negative," Mr. Jackson said.

Instead he argued that the group is suspicious of the tribe's plans for the 13 parcels. In the past, local residents said they have been given limited time to respond to tribal development plans and little opportunity to participate in those plans. They have the same concerns they've raised in the past over traffic, aesthetics and growth pressures. In addition, the possibility for some sort of commercial development is of concern, Mr. Jackson said.

News-Press Staff Writer Nora Wallace contributed to this report. E-mail Scott Hadly at shadly@newspress.com

SANTA BARBARA NEWS-PRESS

'Historic' pact with Chumash stuck in neutral

By **NORA K. WALLACE**

June 19, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

Tuesday's meeting of supervisors will include an update

Four months after it was proposed, the county and the Santa Ynez Band of Chumash Indians are haggling over an agreement about a small plot of land that will someday house a tribal museum and cultural center.

In a February deal termed "historic" by both sides, the county agreed not to file a federal appeal over the tribe's plans to develop 6.9 acres off Highway 246 -- as long as the Chumash agreed to adhere to county design standards, allowed no gaming on the parcel and gave up sovereign immunity for a limited time during any disputes.

The county insists the deal is not dead, though County Counsel Shane Stark said "significant" issues remain before it is finalized. Tribal Chairman Vincent Armenta said he thinks an agreement of such magnitude requires time, and he is confident progress is being made.

For his part, 3rd District Supervisor Brooks Firestone wants the community to get a full update on the situation, and he has



MIKE ELIASON / NEWS-PRESS PHOTOS

The county and the Santa Ynez Band of Chumash Indians have yet to reach an agreement about this 6.9-acre parcel off Highway 246 across from the Chumash Casino & Resort.

scheduled a hearing for Tuesday's Board of Supervisors meeting in Santa Barbara.

For four years, the tribe has sought a museum, cultural center and shopping area on the undeveloped plot across from its casino and resort hotel. In January, the federal Bureau of Indian Affairs approved a request to annex the land into the reservation, an action called fee-to-trust that removes the land from county jurisdiction.

The Santa Ynez Valley Concerned Citizens appealed the annexation, and its spokesman, C.J. Jackson, has repeatedly urged the board to provide updates to the community. The group has submitted its own proposed version of an agreement and suggested the board sign onto its appeal.

The county opted not to file its own appeal when Mr. Armenta and other tribal leaders agreed to work with the county on the land, in part to stem the vociferous opposition.

Mr. Stark said the tribe is balking at certain portions of the contract, such as how long the agreement will last.

"Issues remain to be solved," Mr. Stark said. "They're significant."

But, he added, "We're still talking to the tribe."

The first agreement document was sent to the tribe on March 4, Mr. Stark said in a memo to the Board of Supervisors. The tribe submitted a counter-proposal on April



Vincent Armenta
Chumash Tribel
Chairman. 06/10/04
RAFAEL
MALDONADO/NEWS-
PRESS



The county and the Santa Ynez Band of Chumash Indians have yet to reach an agreement about this 6.9-acre parcel off Highway 246 across from the Chumash Casino & Resort.

14.

The county responded, accepting some of the proposed changes, the attorney noted. After several more permutations, a third proposal was given to the tribe on June 13.

"With each round of negotiations, the parties have come closer and closer to reaching a solid, mutually acceptable and enforceable intergovernmental agreement," Mr. Stark notes in the memo.

"Presently, the main outstanding issue concerns the term of the agreement. Interim draft proposals and counter-proposals have not been publicly released."

Mr. Firestone said he called for the hearing because he has been getting a lot of pressure from constituents wanting to know why the agreement has not been signed yet.

Mr. Jackson, for example, said it is time for the county to be forceful about getting the tribe to sign the agreement. "We are gravely concerned that the county holds firm on getting a quality agreement that protects the citizens of Santa Barbara County," he said.

Mr. Firestone said he is hoping the hearing will return the focus to the "need for accommodation from both parties."

"To me, it was a very reasonable MOU (memorandum of understanding)," he said of the agreement. "It fit with what they wanted to do with the land, and it relieved the anxieties of the people of the county."

Mr. Armenta said Thursday he is happy with the progress, though he admitted he would have liked to have seen it completed by now.

"There are so many issues involved in an agreement like this," he said.

"I honestly believe we will work them out. We basically have a handshake agreement and the terms of that handshake agreement. Regardless of whether or not this gets signed immediately, I will

stick with those handshake agreements. It was my word."

He would not comment on Mr. Stark's suggestion that the time frame is a key sticking point.

"There's more than just today," Mr. Armenta said. "We need to think about the future. Both sides are looking at that."

Some people in the valley have intimated that the agreement is taking so long because other California tribes are pressuring Mr. Armenta not to sign the agreement, saying it would set too strict a precedent involving sovereignty.

"I have not spoken to other tribes, or other tribal leaders in regard to this agreement," Mr. Armenta said. "Each tribe has the ability to negotiate what is best for their government."

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SANTA BARBARA NEWS-PRESS



Board pushes for Chumash agreement

By **NORA K. WALLACE**

June 22, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

County and tribe are at odds over 6.9-acre plot of land near casino and resort

The county Board of Supervisors on Tuesday strongly urged the Santa Ynez Band of Chumash Indians to move forward on an agreement regarding the tribe's annexation of 6.9 acres near the reservation -- but opted to consider legal action if a deal doesn't materialize within a month.

Pushing a plan that has been in the works since February, the board said it will oppose the tribe's annexation plans by any "appropriate legal action," including appealing to the federal government, which has the ultimate say on the issue.

The plot of land lies across Highway 246 from the tribe's casino and resort, and would someday include a cultural center and museum, a commercial building and park.

Because the tribe has sovereignty, it is not required to check with Santa Barbara County about its plans on its reservation.

But in February, tribal Chairman Vincent Armenta said the tribe would adhere to county design standards, give up sovereign immunity for a limited time in disputes and not install any gaming machines at the site in a bid to avoid any disruptions to annexing the acreage.

Since then, setting the legal terms for that handshake deal has

taken some time.

Third District Supervisor Brooks Firestone, who asked for Tuesday's hearing, said he has been "continually disappointed that what seemed like a relatively simple agreement, in the interest of both sides, has become a very complicated negotiation."

A stronger message was needed at this point, he added.

The annexation of the land has already been appealed to the federal Bureau of Indian Affairs by the Santa Ynez Valley Concerned Citizens, and legal motions are due by the end of July.

Mr. Firestone on Tuesday proposed asking for a delay in moving the appeal forward to allow the tribe and county to hash out the agreement.

Barring that, he said, the county will formally oppose the annexation -- a move it initially gave up four months ago when agreeing to negotiate with the tribe.

Supervisors Susan Rose, Joni Gray and Joe Centeno sided with Mr. Firestone's motion.

First District Supervisor Salud Carbajal abstained because even though he agreed with his colleagues' concerns, he said he did not want to "oppose a process that has been fruitful."

Tribal administrator David Smith said such complex agreements take time and that the supervisors' ultimatum was unexpected.

"It's a paternalistic approach," Mr. Smith said. "It's not a government-to-government approach. That's the way you deal with an unruly child misbehaving in school. I'm not sure how well that will be received (by tribal members) . . . It does not play well over here."

Regardless of the vote Tuesday, Mr. Armenta said the tribe will continue to work on crafting an agreement.

"As I said before, our intent is to use the land for what we said we were going to use it for," Mr. Armenta said Tuesday afternoon. "Agreement or no agreement, that's what we said. We're going to continue to move forward with our plans."

Several versions of an agreement have gone back and forth between the county and tribal leaders, and County Counsel Shane Stark said the main sticking point is the length of the agreement.

Tribal representatives told the county that a Bureau of Indian Affairs regulation would limit the agreement to less than seven years, because any further restrictions on the use of the property would "constitute a burden in the view of the tribe," Mr. Stark said.

The tribe also indicated that bureau approval could be required for the agreement, but Mr. Stark said that is still being evaluated.

A handful of members of the Santa Ynez Valley Concerned Citizens urged the board to join its appeal of the annexation, partly as a prod to an agreement.

"Like you, I had great hope in February an agreement would be reached that would result in something historic," said Concerned Citizens board member Nancy Eklund. "However, we're here four months later with nothing in writing . . . I don't feel like we're making history here. We're barely making progress."

The activist group complained to the board that tribal land developments do not contribute property taxes to local governments and are unregulated.

There is concern, they said, that the tribe will expand gaming to the new property.

C.J. Jackson, executive director of the Concerned Citizens, reminded the board that the tribe has applied for 13 additional annexations -- also called fee-to-trust -- in the Santa Ynez Valley.

The small parcels dot the area around the reservation; a proposed 745-acre addition to the reservation with developer Fess Parker is

not part of that.

"That's an additional element you will have to deal with," Mr. Jackson said.

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SANTA BARBARA NEWS-PRESS



Supervisors move closer to joining appeal of Chumash land annexation

By **NORA K. WALLACE**

July 9, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

The county Board of Supervisors may be a step closer to joining the appeal against a proposed Chumash Indian land acquisition.

On Thursday, 3rd District county Supervisor Brooks Firestone and County Counsel Shane Stark learned the Santa Ynez Band of Chumash Indians are opposing the extension of a deadline for an appeal of the contentious annexation proposal. The Chumash move caught them by surprise, they said.

"I wish they'd consented," Mr. Stark said. "It would have made our lives a lot easier."

The latest development in the future of the land -- nearly 7 acres off Highway 246 -- involves a complex series of deadlines and legal motions and the threat of litigation.

The Santa Ynez Concerned Citizens and three other community activist groups filed an appeal in February with the Bureau of Indian Affairs, attempting to stop the annexation. If approved, the annexation would remove the property from county laws and zoning regulation.

The county opted not to file its own appeal, with the hope that it could come to an agreement with the Chumash.

Last month, the supervisors voted to ask the bureau to delay in moving the Concerned Citizens appeal forward, to allow the tribe

and county to reach an agreement. But the tribe contacted the bureau asking that the appeal proceed as scheduled.

The Chumash plan to build a cultural center and museum, a commercial building and park on the site. The proposed agreement with the county requires the tribe to adhere to design standards, give up sovereign immunity for a limited time in disputes and not install any gaming at the site. The timing is critical in the negotiations, since legal briefs on the matter are due to the federal government by July 26. Friday marked the Department of Interior Board of Indian Appeals deadline for motions leading up to that hearing.

"We're hopeful the tribe will indicate a willingness to continue negotiations," Mr. Stark said. "Whether that will leave us with any alternative but to join or attempt to join the litigation, is speculative. We had hoped they'd support the extension."

Mr. Stark said the negotiations, which have been ongoing since February, are close to being finalized. A major sticking point, he said, involves the length of the contract.

Chumash tribal spokeswoman Frances Snyder said the tribe is negotiating with the county. But it opposes the extension because it views the appeal as "frivolous," she added.

"It's not the county's appeal," Ms. Snyder said. "That's an extremely important point to let the people know. The appeal is really the extreme group's appeal, not the county's."

Giving credit to the Concerned Citizens, she added, "would be like (British Prime Minister) Tony Blair talking to a local homeowner's association. We negotiate government-to-government. The last time I checked, that extreme group is not a government."

Still, Mr. Firestone appeared frustrated.

"This is significant," Mr. Firestone said. "At the last board meeting, we asked them to join us in requesting an extension until we reach an agreement. And we said if they did not join us, we'd

begin taking every legal action to oppose the 6.9 (acres). They didn't tell us; they just did it."

Mr. Firestone said he thinks that now the board will likely decide its next step at Tuesday's meeting. He has an idea of what will occur.

"We appeal the 6.9, very regretfully," Mr. Firestone said.

C.J. Jackson, executive director of Concerned Citizens, was also disappointed.

"Our organization has always said an intergovernmental agreement is necessary to govern not only this annexation request, but future ones," he said. "Naturally, I'm quite disappointed. The extension was to remove the time pressure so negotiations could consummate into a meaningful agreement. I don't think this portends well for their approach to the whole negotiation process."

On Tuesday, the Board of Supervisors is also expected to set a hearing date regarding the tribe's desire to annex 13 other parcels, totaling about 5.6 acres. The hearing, expected for July 19, will follow the submission of a letter from the county to the bureau regarding the land acquisition application.

The Concerned Citizens is holding a town hall meeting July 18 in Solvang to discuss the Chumash development plans. The 7 p.m. meeting will be held at the Veterans Memorial Hall, with author Jeff Benedict as a guest speaker.

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SANTA BARBARA NEWS-PRESS



Officials allow more time to reach accord on Chumash annex

By **NORA K. WALLACE**

July 13, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

Group gains 15 more days to file briefs

In a secret session, Santa Barbara County officials decided Tuesday to negotiate with Chumash leaders for another two weeks over the future of a controversial Santa Ynez Valley site, rather than immediately joining an appeal against the tribe's proposed annexation.

Third District Supervisor Brooks Firestone had been pushing for the county to join an appeal by the Santa Ynez Valley Concerned Citizens and other citizen groups to stop annexation of 6.9 acres off Highway 246 into the tribe's reservation. If the land is annexed, the tribe would not have to adhere to county zoning and land-use regulations on the parcel.

Tuesday, however, the Board of Supervisors voted unanimously in a closed-door session to continue trying to reach an agreement.

The decision came one day after the federal Department of the Interior Board of Indian Appeals (IBIA) denied a Concerned Citizens request for a 60-day extension on the filing of legal briefs on the annexation. The IBIA instead offered 15 extra days, bumping the deadline for legal motions from July 26 to Aug. 11.

"In light of the new schedule and considering the concerns of the county and community, and the stated desire of the tribe to meet with county leaders in an attempt to conclude an intergovernmental

agreement regarding the use of the 6.9 acres, the Board of Supervisors agreed to a meeting between the county and tribal leaders within the next two weeks," County Counsel Shane Stark said.

Officials said the matter was discussed out of view of the public because of the potential for litigation. There were no official comments beyond the statement prepared by Mr. Stark. It is unclear whether the board would join the appeal if the two-week deadline passes with no agreement.

Tribal spokeswoman Frances Snyder said the Chumash are pleased the supervisors will continue negotiating.

"We have always been and remain committed to serious government-to-government discussions and negotiations," she said.

Since February, the Santa Ynez Band of Chumash Indians and the Board of Supervisors have worked to forge an agreement involving the use of 6.9 acres. The tribe said it plans to build a museum and cultural center, a park and commercial center on the property. The county wants to see some regulations placed on the site, including a ban on gaming, adherence to local design standards and an agreement to give up sovereign immunity -- for a limited time -- in any claim or dispute with the county.

The Chumash opposed extending the appeal and have asked the Board of Indian Appeals to dismiss it. The tribe argues that because the citizen groups are not government entities, they lack the standing to appeal the so-called fee-to-trust application.

"We are pleased with the decision by the IBIA because it allows for a timely decision on whether or not the extreme group has standing to pursue its appeal," Ms. Snyder added.

C.J. Jackson, executive director of the Concerned Citizens, said he doubts the tribe will continue negotiating.

"The reason we filed the appeal in the first place is we were highly skeptical the tribe would follow through in a meaningful

agreement," Mr. Jackson said. "We tried to do it to protect that capacity if they didn't. I'm at a loss here as to what the county thinks they're achieving."

He said he's uncertain what his organization, and the other citizens groups represented in the appeal, will do now.

"We had an idea in mind if they said no (to the appeal) and we had an idea in mind if they said yes," Mr. Jackson said. "But what we have is not a yes or a no. We have a sort-of."

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SANTA BARBARA NEWS-PRESS

It's too late for county to join Chumash land appeal

By **NORA K. WALLACE**

July 14, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

Federal judge says Santa Barbara missed deadline

A federal judge says it is too late for Santa Barbara County to join the appeal of a contentious land annexation by the Chumash.

In a ruling this week, Chief Administrative Judge Steven Linscheid with the Interior Department's Board of Indian Appeals nixed any possibility that the county will attach its name to the appeal by the Santa Ynez Valley Concerned Citizens and other local activist groups.



The Santa Ynez Band of Chumash Indians wants to annex this 6.9 acre parcel off Highway 246 in Santa Ynez into their reservation.

"The County did not file an appeal, and it is too late to do so now," Judge Linscheid wrote in a three-page ruling.

The window to appeal actually closed Feb. 21, or 30 days after the county received notice of the annexation.

County Counsel Shane Stark said that means "it would be futile for the county to move to intervene in the case or join the Concerned Citizens' appeal -- the Appeals Board would reject any such attempt."

Until hearing that news, county officials thought they might add the county's name to the appeal filed in February over the Santa Ynez Band of Chumash Indians annexation of 6.9 acres into their reservation. The county opted in February not to file its own appeal, hoping to come to an agreement with the Chumash over management of the land off Highway 246 in Santa Ynez.

The Bureau of Indian Affairs has agreed to allow annexation in a move called "fee to trust."

Reservation land is not subject to county land-use rules.

Third District Supervisor Brooks Firestone last week sought to get his fellow supervisors to join the appeal.

But Tuesday, supervisors voted unanimously in a closed-session meeting to keep working on the intergovernmental agreement with the tribe.

"If we do that, we won't worry about litigation," Mr. Stark said. "We'll meet in the next two to three weeks, bearing in mind vacation schedules. We're not trying to drag this out. I think we need to conclude this and move on to the next thing."

The main sticking point, he added, includes the rules under which the agreement could be terminated.

Chumash spokeswoman Frances Snyder said the tribe is pleased the county will not file an appeal "because for them to do so, or join the appeal of the local extreme group, would not be in the best interest of the county."

The tribe plans to keep working "in good faith" to reach an agreement, she added.

"There are several complex issues that are part of the agreement, and it isn't something that's going to happen overnight. Progress has been made, and only a few issues remain."

The federal judge will still have to rule on whether the Concerned

Citizens have legal standing to appeal an annexation decision by a federal agency. The law requires those appealing to show they have somehow been injured by a decision, Mr. Stark said. That matter must be decided before the appeal can even move forward, he said.

"The Chumash and the Bureau (of Indian Affairs) are saying they don't," Mr. Stark said -- but the county could have had a case.

"We're the taxing and land-use entity affected by the trust application," he noted. "Had we filed a timely appeal, we would have had standing."

If the judge rules the citizen groups are not legally allowed to file an appeal, the case dies, and the Chumash can move forward with their plans to build a cultural center and museum, commercial center and park.

"If they get standing, the appeal goes on, and who knows when they (the Board of Appeals) get to it," Mr. Stark said. "As far as we're concerned, for good or ill, we have plenty of time to figure out if we can get an agreement."

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MIKE ELIASON / NEWS-PRESS PHOTOS

SANTA BARBARA NEWS-PRESS



Board of Supervisors delays Chumash land discussion

July 20, 2005 12:00 AM

The county Board of Supervisors has delayed a discussion on a proposed Chumash land annexation for several weeks.

The board was set to have a hearing Tuesday on a request by the Santa Ynez Band of Chumash Indians to annex 13 parcels, totaling 5.8 acres, into reservation boundaries.

The board delayed the hearing until Aug. 9.

The Chumash tribe has not stated any plans for the property, unlike another annexation request for 6.9 acres for a cultural center, museum, commercial building and park along Highway 246.

At the August hearing, the Board of Supervisors will discuss sending a letter to the Department of the Interior's Bureau of Indian Affairs opposing the most recent annexation request.

-- Nora K. Wallace

SANTA BARBARA NEWS-PRESS



Board seeks legal option in tribe deal

July 27, 2005 12:00 AM

The Santa Barbara County Board of Supervisors voted in closed session Tuesday to continue negotiating with the Chumash about a small plot of land in the Santa Ynez Valley -- but the board is also going to weigh in with the federal government about the proposed annexation.

The board has been negotiating since February with the Santa Ynez Band of Chumash Indians about the future management of 6.9 acres off Highway 246. The tribe has been given permission by the Bureau of Indian Affairs to annex the land into reservation boundaries, which would take it out of local control. The annexation was appealed by a coalition of citizens groups, while the supervisors opted to try to reach an agreement with the tribe.

The board voted 4-1, with 1st District Supervisor Salud Carbajal dissenting, to hire a private legal firm to file a friend-of-the-court brief with the Interior Department's Board of Appeals. The supervisors are hoping to reach an agreement, and a meeting between the county and the tribe will occur sometime before Aug. 8, said Alan Seltzer, chief assistant county counsel.

"At the same time, we will retain outside counsel to prepare and file an amicus brief to protect the county's interests in the proceedings," he added.

Tribal representatives said they would continue to work toward an agreement. "With the progress we have made in our discussions with the Board of Supervisors, we are surprised by their decision to consider filing an amicus brief," tribal Chairman Vincent Armenta said. "We will have to wait and see what their final decision is."

Mr. Carbajal said his approach to negotiations seems to be different from his colleagues, but he still has faith in the process.

Third District Supervisor Brooks Firestone said that "this is a step, a direction we have to take."

-- Nora K. Wallace

SANTA BARBARA NEWS-PRESS



County takes stand against tribe annexing land

By **NORA K. WALLACE**

August 10, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

The Santa Barbara County Board of Supervisors is strenuously opposing plans by the Chumash Indians to annex almost 6 acres into their reservation.

The unanimous decision Tuesday to protest to the federal Bureau of Indian Affairs came in the form of a strongly worded letter that says the development the tribe has in mind makes it "one of the more aggressive developers in the Santa Ynez Valley."

In recent years, the letter says, the tribe has "constructed massive development on tribal land that is far out of scale with the local community" and has caused the county to lose revenue.

The letter is one of the county's more forceful statements in its struggle with the Chumash over land use and comes at a time when other annexations are afoot and a contentious intergovernmental agreement with the tribe is being hashed out.

The county will tell the bureau that it should "look generally at the impact of the acquisition. Since trust status is perpetual, the county's position is that the Secretary (of the Interior) must analyze and consider the total impact created by the loss of property tax revenue over time and in perpetuity."

Since 2001, the tribe has applied to have 22 parcels taken into trust, totaling about 26 acres. Annexing land, or putting it into trust, exempts it from county land-use and zoning rules.

"There are compelling reasons to send this letter," 3rd District Supervisor Brooks Firestone said.

Tribal Chairman Vincent Armenta said in a statement that the Chumash will continue to work with the board. "Our tribal government met with county staff and two representatives of the Board of Supervisors. We are well aware of the actions they planned to take, understanding (that) it is their right as a government."

Chief among the county's reasons for protesting the annexation is the loss of property and sales taxes that could be generated from commercial development of those parcels.

The county gets about \$48,000 annually from property tax on the land and is expected to collect \$684,397 during the next decade. According to the county, if developed to the level suggested by the draft Santa Ynez Valley Community Plan, the land would generate \$5.5 million over 10 years. Part of the problem with annexation, the letter states, is that the county would still provide "essential services" for the land but would not get tax dollars to support those services.

The tribe has not announced plans for the nearly 6 acres, other than long-range planning and land banking, according to its trust application. The actual acreage is also in dispute -- the tribe's application indicates that the parcels total 5.68 acres, while the county's records tally it at 5.8.

The Chumash, whose reservation encompasses 139 acres, owns all the land on both sides of the highway for three blocks, except a gas station at Edison Street.

In a related matter, County Counsel Shane Stark announced Tuesday that the board had voted 4-1 in closed session -- with 1st District Supervisor Salud Carbajal dissenting -- to file a motion to intervene, or perhaps participate via a "friend of the court" brief, in the pending appeal of the bureau's decision to allow the Chumash to annex a different 6.9-acre parcel.

After seven months, the county holds out hope of signing an agreement with the tribe about management of the land, on which it wants to build a cultural center, museum and commercial center. A coalition of citizen groups has appealed the annexation to the BIA.

Tuesday, the Santa Ynez Valley Concerned Citizens turned in about 700 signatures asking for the county to take a stand on the 6.9-acre appeal.

SANTA BARBARA NEWS-PRESS



Chumash, county fail to reach agreement on land

By **NORA K. WALLACE**

August 17, 2005 12:00 AM

NEWS-PRESS STAFF WRITER

The county Board of Supervisors announced Tuesday that it has failed to reach an agreement with the Chumash Indians over the management of a controversial plot of land that may be annexed into the tribal reservation -- a decision the tribe likened to declaring war.

With a deadline approaching in which to make comments to the federal Bureau of Indian Affairs about the annexation, county officials don't believe any deal is forthcoming, even though Tribal Chairman Vincent Armenta told them early in the day he still held out hope.

If the land is annexed into the reservation, it would not be subject to county regulations or zoning. The Santa Ynez Band of Chumash Indians wants to build a museum, cultural center, park and commercial center.

The supervisors forfeited the chance in February to appeal the annexation, in the hope that the tribe would agree to some regulations, including a ban on gaming, adherence to local design standards and an agreement to give up its sovereign immunity -- for a limited time -- in any dispute with the county.

Because negotiations have occurred behind closed doors, county officials said very little on Tuesday.

In a simple statement, County Counsel Shane Stark said the board

"regretfully" announced that the agreement had not been concluded.

In an interview later, he added: "We do not believe at this time, or in the reasonably foreseeable future, that we would reach an agreement on the 6.9 acres. We are open to negotiations on other lands and other deadlines."

Earlier, Mr. Armenta told the supervisors that he was confident talks could continue.

"I don't believe the negotiations have broken down," Mr. Armenta said, addressing the supervisors. "I do not want the negotiations to break down, not on the 6.9 acres and not on future trust applications. I don't believe we have the option to let these negotiations and conversations break down."

But later in the day, after hearing that the county said the deal was virtually dead, Mr. Armenta's tone was less understanding.

"For lack of better words, their actions today were basically declaring war on any issue the tribe is faced with," Mr. Armenta said.

The decision, he added, is "just short of being hostile against the tribe, and if that's their position, that's their prerogative."

Tribal members, Mr. Armenta said, will not view the outcome favorably.

Because it no longer can file its own appeal, the county would have to try another legal maneuver, perhaps filing a so-called "friend of the court" brief, to get its voice heard by the federal government. It must do so by Friday.

"We have to file within the near future," Mr. Stark said. "We sort of ran out of time."

Mr. Armenta also submitted to the board 1,500 form letters signed by supporters and asked supervisors to acknowledge the

contributions the tribe has made in the community.

Neither the county nor the Chumash have disclosed the specifics of the issues blocking an agreement, but the letter sheds some light.

"We urge the board to discontinue its tactics of attempting to strongarm the tribe into signing an agreement that the Board would not even sign if the tables were reversed," the form letter states.

"The tribal government's role is to protect the interests of the current membership as well as the future generations of the tribe.

"Asking the tribal government to sign an agreement that essentially waives the tribe's sovereign immunity is tantamount to asking them to give up their heritage."

Third District Supervisor Brooks Firestone pushed in February for the county to join the appeal. He put the blame for Tuesday's outcome on the tribe.

"I'm sorry that the tribe did not conclude this understanding," Mr. Firestone said. "We have a few more days, but the practical deadline is Friday."

Even if an agreement were reached, it would have to be approved by attorneys, ratified by the board in public session and agreed to by the tribe.

"That's not going to get done in three days," Mr. Firestone said.

SANTA BARBARA NEWS-PRESS



Groups lose appeal of tribe's expansion

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The federal government has denied an appeal by a coalition of Santa Ynez citizens groups seeking to stop expansion of the Chumash Indian reservation.

In a 17-page finding, the Department of the Interior's Board of Indian Appeals rejected the appeal filed last year by the groups Santa Ynez Valley Concerned Citizens, Preservation of Los Olivos, Preservation of Santa Ynez, and Women's Environmental Watch of the Santa Ynez Valley.

The groups sought a review of the Bureau of Indian Affairs' Jan. 14, 2005, decision approving the annexation of 6.9 acres of land into trust for the Santa Ynez Band of Chumash Indians. The tribe hopes to build a museum, cultural center and office complex on the property just across Highway 246 from its current casino and resort complex.

The government on Feb. 3 ruled that the groups have no legal standing to appeal an annexation by a federal agency.

"We see it as a setback," said C.J. Jackson, leader of the Concerned Citizens group. "We're disappointed. What it really shows is that while it's difficult for a citizens group to obtain standing, it's crucial for counties to take the lead to protect communities."

Santa Barbara County initially did not appeal the annexation, hoping to come to an agreement with the Chumash about how the land would be managed -- including prohibiting gaming on the

land and having the tribe give up sovereign immunity for a limited time in disputes.

When that agreement did not come about, the county tried to join the citizens groups' appeal but was turned back by a judge for missing the deadline. In the most recent decision, the county's hope to file a "friend of the court" brief was also rejected because there is now no appeal to support.

In the past, County Counsel Shane Stark has said the county would certainly have had standing to appeal because it is the taxing and land-use entity affected by the annexation.

The law requires those appealing to show they have somehow been injured by a decision.

"Because appellants have failed to show that any of their members have standing to bring this appeal in their own right, and because they base their claim to standing on injury to their members and not the Appellant organizations themselves, Appellants have failed to establish that any of them have standing to bring this appeal," the conclusion of the board's finding, signed by two administrative judges, stated.

The Chumash have maintained all along that citizens groups do not have a right to appeal annexations because the tribe is a sovereign nation.

In the initial ruling, the Bureau of Indian Affairs determined that removing the land from county tax rolls would not have an adverse financial effect on the county.

The citizens groups protested, saying the government did not take into account potential gaming on the land, or the tribe's financial need for the land, and that the finding contained incomplete information by not addressing environmental concerns about potential soil contaminants.

Mr. Jackson said he and the other appellants thought they had a "very strong case on the merits, in terms of the weakness of the

(bureau) analysis and due diligence. We unfortunately couldn't make the case."

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