

# SANTA YNEZ VALLEY NEWS

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## Speaking up for rights in tribal land deal

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*By Jon Bowen, President of Preservation of Santa Ynez (POSY)*

Setting the record straight seems to be the desire in regards to tribal land expansion not just here in our Valley, but in hundreds of rural cities and towns across the United States. The laws governing tribal land acquisition and development are setting precedent throughout the country and communities just like ours are searching for solutions to a serious problem of tribal land acquisition and mass development that ensues.

There are a few facts to consider when attempting to distinguish what the issue is regarding tribal land acquisition and development. The fact that tribes are required to adhere to federal regulations as opposed to local and state regulations as Mr. Gomez points out in his commentary in Thursday's edition of the Santa Ynez Valley News is exactly the reason we oppose tribal land expansion in the first place. POLO and POSY understand there is a difference in regulatory restrictions governing tribes and we are saying this is wrong.

“Federal regulations” allow tribes to remove land placed in federal trust status from state and local control and develop their property outside of strict, local regulations set up to protect local communities and are not required to pay property tax to mitigate for increased services inherent with development. The "separation" from local and state laws is at issue and creates a situation where communities that are affected the most by tribal land expansion have the least amount of say while still paying taxes to cover services the tribes require.

Our community along with Santa Barbara County, are not considered in the flawed federal process used by the Bureau of Indian Affairs for land acquisition. We have no voice in the development decisions made by the Chumash Tribe because federal law currently holds that land held in federal trust for Indian tribes does not require tribes to comply with regulatory restrictions that other citizens and business owners must meet. Treating the Chumash Tribe any differently than the rest of the citizens, property owners and business owners in this community is contrary to our democracy. Separate rules and regulations will never be equal or fair and develops a difficult and contentious relationship between the tribe and the surrounding community.

THIS is the issue. The issue is not a cultural center. The issue is not a museum. The issue is not a park. The cultural center and park the tribe claims it wants to build could have been built and complete by now under current zoning. There is no need to annex

the property onto tribal land. Let's not skirt the fact that if the 6.9 acre parcel is allowed to be placed in federal trust, the implications of this precedent are far reaching and can become the precedent for a routine "buy-annex-build" land policy.

For this reason, Preservation of Los Olivos (POLO) and Preservation of Santa Ynez (POSY) have retained former U.S. Solicitor General, Theodore B. Olson, of Gibson, Dunn and Crutcher to represent them in federal court challenging the decision by the BIA on the 6.9 acre parcel.

The beauty of our democracy is that we can disagree and we can look to our judicial system when there is a real or perceived injustice. We live in a democracy and we have a right and responsibility to voice our opposition and demand our rights be protected.