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Big legal guns hired by Chumash, foes in annexation fight

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Two Santa Ynez Valley activist groups are continuing their fight against an annexation planned by the Chumash Indians, and the tribe is responding with its own high-powered legal team.

Preservation of Los Olivos (POLO) and Preservation of Santa Ynez (POSY) filed a complaint this month, naming the U.S. Department of the Interior and Secretary Gale A. Norton as defendants. The motion was filed in the U.S. District Court of Los Angeles by the groups' legal adviser, former U.S. Solicitor General Theodore B. Olson, now with Gibson, Dunn & Crutcher LLP.

In response, the tribe has hired its own former U.S. solicitor general -- Seth Waxman. Mr. Waxman, senior partner at the WilmerHale law firm, will be aided by Roger Marzulla, former assistant attorney general for environment at the U.S. Justice Department and co-founder of Marzulla & Marzulla.

Mr. Marzulla specializes in regulatory and environmental issues and serves as chairman of the Defenders of Property Rights nonprofit public interest law firm. Mr. Waxman served as solicitor general from 1997 to 2001. He has delivered more than 45 oral arguments in the U.S. Supreme Court.

The citizen groups are asking the federal court to reverse a decision of the Interior Board of Indian Affairs, which decided to allow the Chumash to annex 6.9 acres of land into trust. The tribe wants to build a museum, cultural center and commercial center on the land, located across Highway 246 from its resort and casino.

The Interior board told the groups they had no standing to appeal the decision.

The complaint asks that POLO and POSY be given the opportunity "to be heard on the merits of their administrative appeal." Those "merits," the suit alleges, include "significant environmental, aesthetic and economic harms" expected if the parcel is taken into trust.

"By challenging our land annexation in the federal court, our tribal opponents

have issued a direct challenge to the concept of sovereignty," said Vincent Armenta, tribal chairman. "The outcome of this conflict will have far-reaching implications throughout Indian country; therefore, it's critical that we put tribal opponents on notice that they can't bully tribes into backing away from our rights as sovereign nations."

POSY president John Bowen said the group "strongly opposes the land being taken into trust because trust land is exempt from state and local control and regulations.

"If the 6.9-acre parcel is allowed to be placed into federal trust status, the implications of this decision will be far reaching and could become the precedent for a routine 'buy/annex/build' land policy. Indeed, the application for another 5.8-acre parcel was already in process on the heels of the approval of the 6.9-acre property."

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