

SANTA BARBARA NEWS-PRESS



Groups lose appeal of tribe's expansion

NORA K. WALLACE, NEWS-PRESS STAFF WRITER

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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."

e-mail: nwallace@newspress.com