

**Humboldt County Board of Supervisors
Agenda Item Transmittal**

Contact for Information

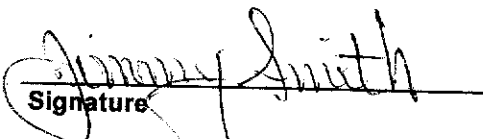
From: Board Initiated
Supervisor Jimmy Smith
Meeting Date: April 27, 2010
Time Required: 10 minutes

Name: Kat Hayes
Telephone: 476-2396

Subject: Presentation and Discussion of the Bear River Band of the Rohnerville Rancheria Fee Title to Trust Application for 100 plus acres West of the Casino and Tribal Housing Complex located on Singly Road in Loleta, CA.

Summary: The Bear River Band of the Rohnerville Rancheria has applied to the Bureau of Indian Affairs (BIA) for Trust Status of 100 plus acres west of the existing casino and tribal housing complex. The Board of Supervisors will receive an update outlining County efforts to work collaboratively with the tribe as they move forward with pursuing Trust Status of this land.

Requested Action: Hear the presentation, consider the draft letter to the Interior Board of Indian Appeals and take appropriate action, if required.


Signature

FOR OFFICIAL USE ONLY

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by
Supervisor _____

Ayes
Nays
Abstain
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____
Kathy Hayes, Clerk of the Board

April 21, 2010

Interior Board of Indian Appeals
U.S. Department of the Interior
801 N. Quincy St., Suite 300
Arlington, Virginia 22203

Subject: Comment Letter on the March 22, 2010, Notice of Decision to Accept APN's 309-051-004 and 309-071-016 into Trust on Behalf of the Bear River Band of the Rohnerville Rancheria

Dear Board of Indian Appeals:

Humboldt County has serious concerns regarding the trust determination and wishes to comment for the record. While this is not an appeal of the Notice of Decision to Accept APN's 309-051-004 and 309-071-016 into Trust on Behalf of the Bear River Band of the Rohnerville Rancheria, the County continues discussions with the Tribe in an attempt to reach an understanding as it relates to the following issues of concern for the County of Humboldt.

Factor 1 — Need for Additional Land

The County understands the need for additional land to accommodate the housing and economic needs of the Tribe. Due to the sensitivity of surrounding agricultural land uses to increased development, the County requests cooperation in planning for the ultimate needs of the Tribe.

Factor 2 — Proposed Land Use

The list of proposed land uses includes an RV Park and a gas station with a mini-mart. To our knowledge the Tribe is no longer proposing all these land uses on the property. In fact, the gas station and mini mart are already constructed. The County requests continued clarity and transparency on proposed development and land uses.

Factor 3 — Impact on State and Local Government's Tax Base

The removal of \$22,656 of revenues from the property tax base does create an adverse financial impact to the County. As noted in your decision, the Tribe has made contributions to the community to offset financial losses and increased demand for services. The County supports continued contributions, such as an annual contribution to the Loleta Fire District for fire and emergency response services. The County also supports cooperative efforts to combine resources and share service responsibilities with the surrounding jurisdictions and landowners.

Factor 4 — Jurisdictional Problems and Potential Conflicts of Land Use Which May Arise

The referenced MOU, whereby the Tribe provides \$66,000 per year to fund an additional sheriff's officer in the Eel Valley area has not been finalized. A payment of \$66,000 to fund an additional officer for one year has been provided for the next fiscal year. The

County is continuing to work with the Tribe to ensure long-term financial support for additional essential law enforcement services.

The County does not support the claim that development is compatible with surrounding land use. Conflicts do arise between agricultural uses and high density residential and commercial uses. The Tribe should take these potential conflicts seriously and have an on-going program with the neighborhood to minimize these conflicts at every opportunity. The County suggests a notice and referral program to inform the neighborhood and County of proposed development and land uses. Additionally, the County strongly encourages the Tribe to work with the surrounding neighbors to reduce traffic impacts on properties north of the Rancheria. Finally, existing County policies prohibit high density residential and commercial use of agricultural exclusive lands in order to maintain the productive potential of the County; therefore, the loss of agricultural land to residential and commercial uses should be offset by contributions from the Tribe to the County's agricultural productivity. This can be in the form of intensive agricultural uses on trust property or financial contributions to increase agricultural land preservation and production elsewhere in the County.

The County is committed to continue working with the Bear River Band on the development of the Rohnerville Rancheria to meet the needs of tribal members and the County. We appreciate this opportunity to express our views and further our cooperative relationship with the Bear River Band.

Sincerely,

Clif Clendenen
Chair

Copy to:

Assistant Secretary of Indian Affairs
U.S. Department of the Interior 1849
C Street, N.W. MS-4140-MIB
Washington, D.C. 20240

Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Leonard Bowman, Chairperson
Rohnerville Rancheria
27 Bear River Drive
Loleta, CA 95551

(see others on Notice of Decision copy list)