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8 **UNITED STATES DEPARTMENT OF INTERIOR**
9 **INTERIOR BOARD OF INDIAN APPEALS**

10
11 **IN RE: DECEMBER 24, 2014, DECISION**
TO TAKE CERTAIN LAND IN SANTA
12 **BARBARA COUNTY, CALIFORNIA**
13 **INTO TRUST**

NOTICE OF APPEAL

(Appeal of December 24, 2014, Decision of the
Pacific Regional Director to Take the Camp 4
Property into Trust)

(Statement of Reasons for Appeal is
submitted: 43 C.F.R. 4.332(a)(2)) and
Certificate of Service 43 CFR 4.310(b) and 43
CFR 4.333(a)

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17 Pursuant to 25 CFR Part 2 and 43 CFR Part 4, Lewis P. Geysler and Robert B. Corlett
18 (collectively "Appellants") appeal to the Interior Board of Indian Appeals the December 24,
19 2014 NOTICE OF DECISION of the Pacific Regional Director of the Bureau of Indian Affairs
20 (BIA).

21 1. The name, address and contact information of Appellants are as follows: Lewis P.
22 Geysler and Robert B. Corlett, represented by Lewis P. Geysler of the Law Office of Lewis P.
23 Geysler, 715 Cuatro Caminos, Solvang, CA 93463, Tel. No. 805 688 2106, and Fax No. 805 688
24 2681.

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26 2. The NOTICE OF DECISION being appealed is the December 24, 2014, decision of
27 the Pacific Regional Director to take into trust approximately 1,427 acres of land in Santa
28 Barbara County, California, for the Santa Ynez Band of Chumash Mission Indians of the Santa

1 Ynez Reservation of California (hereinafter referred to as the "Tribe"). A copy of the decision
2 being appealed is attached as Exhibit "A" and is made a part hereof by reference. Exhibit "A"
3 constitutes a letter dated December 24, 2014, entitled NOTICE OF DECISION, from Pacific
4 Regional Director Amy Dutschke to Vincent P. Armenta, Chairperson of the Santa Ynez Band of
5 Chumash Mission Indians.

6 3. Appellants are interested parties who reside in close proximity to Camp 4 and are
7 adversely affected by the December 24, 2014, NOTICE OF DECISION issued by Pacific
8 Regional Director Amy Dutschke of the Bureau of Indian Affairs (BIA).

9 4. This NOTICE OF APPEAL has been served on interested parties as prescribed by 43
10 CFR 4.310(b) and 4.332(a)(2).

11 5. The "Statement of Reasons" for this Appeal is attached to this NOTICE OF APPEAL
12 in accordance with 43 CFR 4.332(a)(2).

13 6. Appellants request the Board to vacate the BIA's NOTICE OF DECISION of
14 December 24, 2014, to accept the 1,427 acre Camp 4 property into trust and vacate the
15 FINDING OF NO SIGNIFICANT IMPACT on which the NOTICE OF DECISION was based
16 for failure to comply with (a) the requirements of the United States Constitution, Article I,
17 Section 8, Clause 17, (b) the cases and history interpreting such Clause 17, and (c) Title 4 United
18 States Code 103.

19 7. Appellants further request the Board to find that the BIA, and the DEPARTMENT OF
20 INTERIOR are required to comply (a) with the United States CONSTITUTION, ARTICLE I,
21 SECTION 8, CLAUSE 17, (b) with the cases interpreting such CLAUSE 17 whereby the
22 Legislature of a State has the power to (i) withhold consent, (ii) require concurrent legislative
23 jurisdiction, (iii) require partial legislative jurisdiction, or (iv) limit the consent to Proprietary
24 Interest only, and (c) with 4 USC 103, requesting the President of the United States to procure
25 any such assent of the Legislature of the State of California to any decision to take any land in
26 California into Trust.
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1 8. All notices and communications concerning this Appeal should be directed to Lewis
2 P. Geysler, Law Office of Lewis P. Geysler, 715 Cuatro Caminos, Solvang, CA 93463; Tel. No.
3 805 688 2106, Fax No. 805 688 2681.

4 DATED: January 22, 2015

Respectfully Submitted,

BY: 

Lewis P. Geysler
Attorney for Appellants,
Lewis P. Geysler and Robert B. Corlett

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8 **BEFORE THE**
9 **INTERIOR BOARD OF INDIAN APPEALS**

10
11 **IN RE: DECEMBER 24, 2014, DECISION**
TO TAKE CERTAIN LAND IN SANTA
12 **BARBARA COUNTY, CALIFORNIA**
13 **INTO TRUST**

STATEMENT OF REASONS

(Submitted with NOTICE OF APPEAL of
December 24, 2014, Decision of the Pacific
Regional Director to Take the Camp 4
Property into Trust)

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17 Lewis P. Geysler and Robert B. Corlett (collectively Appellants) appeal the December 24,
2014 NOTICE OF DECISION of the Pacific Regional Director of the Bureau of Indian Affairs
18 ("BIA"), United States Department of the Interior, to take into trust approximately 1,427 acres of
19 land in Santa Barbara County, California, for the Santa Ynez Band of Chumash Mission Indians
20 of the Santa Ynez Reservation of California. This STATEMENT OF REASONS accompanies
21 the NOTICE OF APPEAL, which has attached to it as Exhibit "A" the NOTICE OF DECISION.

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23 **IDENTIFICATION OF THE CASE:**

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25 This Appeal arises out of the December 24, 2014 NOTICE OF DECISION (hereinafter
26 referred to as the "Decision) to take into trust approximately 1,427 acres of off-reservation land
27 in Santa Barbara County, California, for the Santa Ynez Band of Chumash Mission Indians
28 (hereinafter the "Tribe"). The land involved consists of five (5) parcels of land purchased by the
Tribe, and now owned in fee by the Tribe, commonly referred to together, and hereinafter

1 referred to herein, as Camp 4.

2
3 Before, and thus after the purchase, Camp 4 was subject to all Santa Barbara County zoning and
4 use requirements set forth in its laws and regulations, as well as its general plan, all of which
5 reflect State of California legislative requirements. Santa Barbara County is a political
6 subdivision of the State of California. This zoning and planning took into account county-wide
7 considerations of traffic, policing, fire control, air quality, pollution, water, sewage, utilities,
8 roads, and school capacities and their cost, for the County in general as well as the restrictions,
9 capacity and needs of the Santa Ynez Valley in particular. They also took into account typical
10 architectural planning and aesthetic requirements, density and amount and type of development.
11 These County-wide, and Santa Ynez Valley in particular, legislative jurisdictional decisions in
12 accordance with the requirements of State of California law, adopted by the Santa Barbara
13 County authorities directly affect Camp 4. And they concurrently serve to protect the citizens of
14 the County, and the residents of, visitors to, and traffic passing throughout the Santa Ynez Valley
15 from the use of property within the planning areas which do not conform to these legislative
16 jurisdictional decisions and requirements. The failure to abide by these legislative jurisdictional
17 decisions and requirements and the contemplated proposed development of Camp 4 evidenced
18 by the Decision itself, will have serious and significant detrimental social, aesthetic, economic
19 and environmental impacts which will negatively affect the Appellants.

20 It is clear from the Decision that the BIA has specifically determined that the BIA (and
21 the Department of the Interior itself) need not take into account that land placed into trust for the
22 Tribe "would then no longer be subject to State or local jurisdiction. Again, this is insufficient
23 evidence to thwart the acquisition of the lands." (Decision, p.17, section 151.10(f) Jurisdictional
24 problems and potential conflicts of land use which may arise.) The Decision continues
25 (Decision, p.21): "Further, placing the property into trust allows the Tribe to exercise its self-
26 determination and sovereignty over the property.... This is important, as the inherent right to
27 govern its own lands is one of the most essential powers of any tribal government. As with any
28 government, the Tribe must be able to determine its own course in addressing the needs of its
government and its members.... If the land were to remain in fee status, tribal decisions
concerning the use of the land would be subject to the authority of the State of California and the

1 County of Santa Barbara, impairing the Tribe's ability to adopt and execute its own land use
2 decisions and development goals. Thus, in order to ensure the effective exercise of tribal
3 sovereignty and development prerogatives with respect to the land, trust status is essential."

4 The Decision at p.22 continues: "Factor 4-Jurisdictional Problems and Potential Conflicts of
5 Land Use Which May Arise. Santa Barbara County has current jurisdiction over the land use on
6 the property subject to this application. The County's land use regulations are presently the
7 applicable regulations when identifying potential future land use conflicts. ... Further, the
8 County would not have the burden of responsibility of maintaining jurisdiction over the Tribal
9 property."

10 The Decision concludes "The subject acquisition will vest title in the United States of America in
11 trust for the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation of
12 California in accordance with the Indian Reorganization Act of 1934 (25 U.S.C. sec 465)."

13
14 There are other pertinent parts of the Decision which will be referred to in ultimate briefing of
15 this Appeal. However, it is important at this point to refer to the Decision's admission that after
16 Quiet Title litigation, apparently in the late 1890's, notwithstanding assertions that the Tribe was
17 entitled to thousands of acres, the litigation was settled (Decision p.20) for the transfer "to the
18 United States to be held in trust for the Tribe...a mere ninety-nine acres." The State of
19 California was admitted into the Union on September 9, 1850, after having been a Republic
20 before that. As a Republic it had full legislative jurisdiction over all of the lands, both private
21 and public within its boundaries. All Indian lands and tribes were subject to the legislative
22 jurisdiction of the California Republic. The Act for the Admission of the State of California into
23 the Union contained Section 3, which read in part: "...the said state of California is admitted
24 into the Union up on the express condition that the people of said state, through their legislature
25 or otherwise, shall never interfere with the primary disposal of the public lands within its
26 limits..." No mention is made of Indian lands. Contrasted, for example, with the California
27 Admission Act are the following provisions of the Enabling Act providing for the division of
28 Dakota into two States and to enable North Dakota, South Dakota, Montana, and Washington to
form constitutions and State governments and to be admitted into the Union (Approved February
22,1889, 25 U.S. Statutes at Large, c 180 p 676): Sec. 4, ..."Second. That the people inhabiting

1 said proposed States do agree and declare that they forever disclaim all right and title to the
2 unappropriated public lands lying within the boundaries thereof, and to all lands lying within
3 said limits owned or held by any Indian or Indian tribes; and that until the title thereto
4 shall have been extinguished by the United States, the same shall be and remain subject to
5 the disposition of the United States, and said Indian lands shall remain under the absolute
6 jurisdiction and control of the Congress of the United States:...

7 The Constitution of the United States of America, Article I, Section 8, Clause 3 states that the
8 "Congress shall have Power ...To regulate Commerce with foreign Nations, and among the
9 several States, and with the Indian Tribes...

10 Article 1, Section 8, Clause 17 continues "To exercise exclusive Legislation in all Cases
11 whatsoever... and to exercise like Authority over all Places purchased by the Consent of the
12 Legislature of the State in which the Same shall be...."

13
14 It is submitted that the legal cases, the history leading up to the adoption of the Constitution with
15 these clauses in it, and the clauses themselves, prove that the Indian Interstate Commerce Clause
16 cannot and does not give the Congress the right to purchase (and that includes taking into Trust
17 lands previously purchased by any Indian or Indian Tribe) any land within the State without first
18 obtaining the Consent of the Legislature of such State.

19 It is submitted that the purpose of the language contained in the Admission Acts found in the
20 Dakotas-Montana-Washington Admission Act example cited above was to eliminate the need to
21 abide by Clause 17 as to Indian Lands and that the absence of such language in the California
22 Admission Act resulted in the State of California having legislative jurisdiction over Indian lands
23 within its boundaries, requiring the Congress to abide by Clause 17 in any land activities
24 regarding Indian lands.

25 It is submitted that the Indian Commerce clause is subject to Clause 17, and therefore so too is
26 the Indian Reorganization Act of 1934 cited above.

27
28 Finally, it is submitted that the very enactment and continued existence of Title 4 U.S. Code

1 section 103 confirms that the BIA and the Department of the Interior must take that route,
2 subject to the assent of the Legislature of the State of California, in order to receive permission to
3 take Camp 4 into trust on such terms and conditions as the Legislature shall impose.

4 This completes (until further briefing setting forth the case law and history in detail is allowed)
5 the Statement of Reasons for the relief requested in the NOTICE OF APPEAL.
6

7 All notices and communications concerning this Appeal should be directed to Lewis P.
8 Geyser, Law Office of Lewis P. Geyser, 715 Cuatro Caminos, Solvang, CA 93463; Tel. No. 805
9 688 2106, Fax No. 805 688 2681.

10 DATED: January 22, 2015

Respectfully Submitted,

11
12 BY: 

13 Lewis P. Geyser

14 Attorney for Appellants,

15 Lewis P. Geyser and Robert B. Corlett
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EXHIBIT "A"



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

DEC 24 2014

NOTICE OF DECISION

CERTIFIED MAIL-RETURN RECEIPT REQUESTED – 7013 2630 0001 5557 8848

Honorable Vincent P. Armenta
Chairperson, Santa Ynez Band
of Chumash Mission Indians
P.O. Box 517
Santa Ynez, CA 93460

Dear Chairman Armenta:

This is our Notice of Decision for the application of the Santa Ynez Band of Chumash Mission Indians to have the below described property accepted by the United States of America in trust for the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation of California.

Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows:

PARCEL 1: (APN: 141-121-51 AND PORTION OF APN: 141-140-10)

LOTS 9 THROUGH 18, INCLUSIVE, OF TRACT 18, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105580 OF OFFICIAL RECORDS.

PARCEL 2: (PORTION OF APN: 141-140-10)

LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 24, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN

TAKE PRIDE
IN AMERICA 

RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105581 OF OFFICIAL RECORDS.

PARCEL 3: (PORTIONS OF APNS: 141-230-23 AND 141-140-10)

LOTS 19 AND 20 OF TRACT 18 AND THAT PORTION OF LOTS 1, 2, 7, 8, 9, 10, AND 15 THROUGH 20, INCLUSIVE, OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105582 OF OFFICIAL RECORDS.

PARCEL 4: (APN: 141-240-02 AND PORTION OF APN: 141-140-10)

LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 25, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105583 OF OFFICIAL RECORDS.

PARCEL 5: (PORTION OF APN: 141-230-23)

THAT PORTION OF LOTS 3 AND 6 OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105584 OF OFFICIAL RECORDS.

The subject property encompasses approximately 1427.78 acres, more or less, commonly referred to as Assessor's Parcel Numbers: 141-151-051, 141-140-010, 141-230-023, and 141-240-002.

Note: The total acreage is consistent with the Bureau of Indian Affairs; GIS Cartographer's Legal Description Review dated September 3, 2013.

The Tribe intends to provide tribal housing and supporting infrastructure on a portion of the property. The remainder will continue to be used for economic pursuits (vineyards and a horse boarding stable), as well as for future long range planning and land banking.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title on behalf of the United States of America for the benefit of tribes when such acquisition is authorized by an Act of Congress and (1) when such lands are within the consolidation area; or (2) when the tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate tribal self-determination, economic development, or tribal housing. In this particular instance, the authorizing Act of Congress is the Indian Land Consolidation Act of 1983 (25 U.S.C. § 2202). The applicable regulations are set forth in the Code of Federal Regulations (CFR), Title 25, INDIANS, Part 151, as amended. This land acquisition falls within the land acquisition policy as set forth by the Secretary of the Interior.

The Santa Ynez Reservation was originally established pursuant to Departmental Order under the authority of the Act of January 12, 1891 (26 Stat. 712).

Pursuant to 25 U.S.C. § 478, the Secretary held such an election for the Tribe on December 15, 1934, at which the majority of the Tribe's voters voted to accept the provisions of the Indian Reorganization Act of June 18, 1934¹. The Secretary's act of calling and holding this election for the Tribe informs us that the Tribe was deemed to be "under Federal jurisdiction" in 1934. The Haas List tribes are considered to be under federal jurisdiction in 1934.²

On September 17, 2013, and again on November 19, 2013 we issued, by certified mail, return receipt requested, notice of and sought comments regarding the proposed fee-to-trust application from the California State Clearinghouse, Office of Planning and Research; Mr. Daniel Powell, Legal Affairs Secretary, Office of the Governor; Sara Drake, Deputy Attorney General, State of California; Office of the Honorable Senator Diane Feinstein; Santa Barbara County Assessor; Santa Barbara County Treasurer and Tax Collector; Santa Barbara County Sheriff's Department; Santa Barbara County Department of Public Works; Santa Barbara County Department of Planning and Development; Chair, Santa Barbara County Board of Supervisors; County Executive Officer, Santa Barbara County; Doreen Far, Third District Supervisor, Santa Barbara County; Kevin Ready, Senior Deputy County Counsel, Santa Barbara County; City of Santa Barbara; Buellton City Hall; City of Solvang; Lois Capps, U.S. House of Representatives; Stand

¹ See "Ten Years of Tribal Government Under I.R.A.", United States Services, 1947, at Interior's website at <http://www.doi.gov/library/internet/subject/upload/Haas-TenYears.pdf>.

² See, *Shawano County, Wisconsin v. Acting Midwest Regional Director, BIA*, 53 IBIA 62 (February 28, 2011) and *Stand Up for California, et al. v. U.S. Department of Interior v. North Fork Rancheria of Mono Indians*, 919 F. Supp. 2d 51 (January 29, 2013), the District Court for District of Columbia.

Up for California; Santa Ynez Valley Concerned Citizens; Women's Environmental Watch; Santa Ynez Valley Alliance; Santa Ynez Community Service District; Andi Culbertson, Cathy Christian, Attorney at Law, Nielson Merksamer Parrinello Gross & Leoni LLP; Rob Walton; Kathy Cleary; and Superintendent, Southern California Agency.

In response to our notice dated September 17, 2013, we received the following comments:

1. One-thousand sixty-six (1,066) support letters.
2. Letter dated November 7, 2013 from Lois Capps, Member of Congress – received after comment period ended, stating the following:
 - Numerous local issues must be carefully considered and examined by the Bureau of Indian Affairs, including; impacts on future development, the environment, traffic, noise, and public safety; and the Band's historical connections to the Valley, need for housing, and its rights to self-determination and economic development.
3. Letter dated October 31, 2013 from the County of Santa Barbara stating the following:
 - Significant loss of tax revenue;
 - Compatibility with the County's General Plan, Santa Ynez Community Plan, and County land use Regulations;
 - The proposed trust acquisition is "off reservation";
 - There is no need for additional land to be taken into trust;
 - There is a need for an Environmental Impact Statement;
 - The county appealed the approval of the Tribal Consolidation Area (TCA);
4. Letter dated October 30, 2013 from the Ryan A. Smith, Brownstein Hyatt Farber and Schreck stating the following:
 - It is requested that the Bureau take three steps to clarify for all concerned the status of the Tribes pending request for land into trust in accordance with the approval of the Land Consolidation and Acquisition Plan (LCAP);
 - That it be confirmed in writing and announced publicly that, should the Tribe re-submit its TCA Application for approval, the public will be given notice of the submission, and will also be given an opportunity to comment before BIA takes any action on it;
 - Confirm in writing and announce publicly that BIA is ceasing its consideration of the Camp 4 fee-to-trust application and has returned the application to the Tribe; and
 - The EA states that it was prepared on the assumption that, because the Camp 4 lands were within an approved TCA, they were to be "given the same level of scrutiny as land acquisitions on or adjacent to the tribe's reservation," even though the Camp 4 land themselves are all off-reservation lands.

5. Letter received October 23, 2013 from Linda Kastner stating the following:
 - The property is under the Williamson Act which provides lesser property taxes on producing agricultural land;
 - The County should receive \$300,000 annually and, if developed, even more funds annually;
 - The Environmental Assessment provided shows a water treatment plant far exceeding the usage of 143 homes planned; and
 - A tribal hall of 80,000 square feet with parking for 400 cars can't even be imagined in a residential, agricultural area. The roads surrounding the area are two lane, narrow roads;

6. Letter dated October 22, 2013 from Susan Jordan, Director, California Coastal Protection Network stating the following:
 - That there were changes to the project since the FTT application was filed;
 - The FTT application is inadequate and the Tribe should present a plan of the anticipated economic benefits; and
 - The requirement of necessity has not been proven.

7. Letter dated October 22, 2013 from M. Andriette Culbertson stating the following:
 - That there were changes to the project since the FTT application was filed;
 - The FTT application is inadequate and the Tribe should present a plan of the anticipated economic benefits; and
 - The requirement of necessity has not been proven.

8. Letter received October 21, 2013 from L.C. Smith stating the following:
 - Concerned about the environmental impact issues;
 - Water issues, both contamination and overuse;
 - It could be a likely location for a bigger gaming operation;
 - Inadequacy of the current roads, impact on traffic and safety;
 - Concerned about the 800 privately owned parcels as well as businesses inside the proposed TCA of which the greater majority by far are non-tribal members; and
 - The lack of consideration for thousands of people who have invested their lives and livelihoods in this location, many for generations, and the thousands more surrounding the TCA seems extremely short sided.

9. Letter dated October 18, 2013 from W.E. Watch, Inc. stating the following:
 - The FTT application was predicated on the TCA. Any further action on the application would consequently require a level of scrutiny for an Off-Reservation FTT application. The application fails to meet the required standard;
 - The presented application fails to meet the "necessity" requirement.

- Property tax loss to Santa Barbara County;
- Impacts on traffic, public safety, noise, etc., were inadequately addressed; and
- The effects of ground water resources and wastewater issues need more in depth scrutiny.

10. Letter dated October 17, 2013 from Santa Ynez Valley Concerned Citizens stating the following:

- The BIA and the Tribe assert in the EA and FTT application that the Camp 4 parcels are to be processed as an on-reservation acquisition;
- The Camp 4 parcels may meet an exception under Section 20 of the Indian Gaming Regulatory Act (IGRA) (U.S.C. 2719 (a) (1)). This transaction becomes a major federal action and requires an Environmental Impact Statement (EIS);
- The proposed FTT poses significant jurisdictional conflicts and off-reservation impacts not adequately identified, assessed, or mitigated;
- The loss of property taxes;
- The proposed CA does not address necessary mitigations or services paid for at the expense of all County taxpayers;
- The Tribe has not demonstrated a clearly identified economic need for the FTT. It is absent of showing "immediate need" or "necessity";
- The Tribe has not demonstrated that trust conveyance is necessary to facilitate tribal self-determination, nor that the need of the land meets the statutory standards of 25 U.S.C. 465;
- The proposed FTT creates a significant, negative and unnecessary precedent for FTT in California;
- Once in trust, Tribal Governments may change their development plans for the property negating the value of negotiated mitigations and posing new unmitigated burdens; and
- The Bureau of Indian Affairs must be equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

11. Letter dated October 17, 2013 from Stand Up for California stating the following:

- The FTT application does not fully address, or adhere to, all the factors in 25 C.F.R. Part 151;
- This application is inconsistent with the purposes of 25 U.S.C. 465.
- The Tribal Consolidation Plan (TCA) was approved without notice to affected private owners or affected local governments;
- The Chumash and the BIA are asserting this is an on-reservation acquisition;
- The Tribe has not provided a detailed comprehensive economic business plan;
- A heightened concern that the land use includes gaming;
- The BIA has ignored the statutory limitations of 25 USC 456 and 25 CFR 151.11;
- The BIA and the Chumash have ignored the statutory limitations of the California Land Commissions Act of 1851;

- The application is absent of showing "immediate need" or "necessity";
- The Tribe has not stated a clear economic benefit;
- The taking of this land into trust creates many negative impacts on the existing social-cultural, political, and economic systems of the regional area;
- The application, like the EA, fails to disclose the total purpose for which the land will be used;
- The reduction of tax revenue for the Santa Ynez community;
- The Bureau of Indian Affairs must be equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status; and
- Environmental concerns.

12. Letter received October 16, 2013 from Charlotte Lindsay stating that there is no objection to the tribe of Chumash building on their own land if they play by the same rules as the rest of the community.

13. Letter dated October 16, 2013 from A. Barry Cappello, Cappello & Noel, LLP stating the following:

- Consideration of the FTT application should be stayed pending final determination of the appeals of the Regional Director's TCA approval;
- There is no question that this property is outside of and not contiguous to the reservation, which requires both 151.10 and the additional factors in 151.11;
- The Bureau must give greater scrutiny to the purported justifications and potential regulatory conflicts and impacts in an off-reservation acquisition;
- Whether the TCA was properly approved is the subject of numerous appeals, if it is reversed, the application should be deemed inadequate;
- There is unexplained long range need;
- To the extent that the applicant claims a need for additional tribal housing, there is insufficient information on the actual extent or immediacy of that need;
- The FTT application cannot be considered before a preparation of a full environmental impact statement;

14. Letter dated October 15, 2013 from Kathy Cleary, Preservation of Los Olivos P.O.L.O. Board President stating the following:

- The Preservation of Los Olivos opposes the FTT application;
- Several documents are listed that include reasons for opposition, which include litigation on other Santa Ynez applications and the nine appeals on the TCA, comments that were provided on other applications and on the Environmental assessment, and the Santa Ynez Community Plan;
- The TCA states as its purpose the intent to facilitate future land into federal trust and provides framework for less stringent standards for FTT, and that the TCA could be expanded;
- The Santa Ynez Band is not entitled to additional land into federal trust;

- The Santa Ynez Band is claiming 1,300 lineal descendants for expansion of their land base; and
- Stated several comments that were made specifically on the Environmental Assessment.

15. Letter dated October 10, 2013 from Santa Ynez Rancho Estates Mutual Water Company, Inc. stating the following:

- The process used to consider annexation of Camp 4 is based upon a materially false premise: that the TCA has been lawfully approved which includes the subject property;
- The entire process in this case has been abusive to the public interest;
- Public records indicate that the BIA has taken three-quarters of a million dollars directly from the Chumash tribe to support their FTT applications;
- The application fails to demonstrate the required "necessity" for housing;
- The Chumash claim to "aboriginal lands" is not supported by history or law;
- The Assertion of need for "land banking" is not supported by law;
- Neither the County of Santa Barbara nor the State of California can afford the removal of this land from the tax rolls or the jurisdictional conflicts which will certainly arise. These impacts have not been adequately analyzed as required by law; and
- The cumulative impact on precedent on the State of California must be considered and denied by this reason.

16. Letter dated October 2, 2013 from Peter and Francine Feldmann expressing their grave concern regarding the TT application for property known as Camp 4.

17. Letter dated September 23, 2013 from John and Cynthia Sanger stating the following:

- Under the provisions of the TCA those who live within the designated 11,500 acres are given no assurance that our surrounding lands and water sources will not be deeply impacted by uncontrolled commercial and residential development; and
- Objection to the granting of annexation and the TCA plan for the Santa Ynez Valley.

On June 17, 2013, the Bureau of Indian Affairs approved a Land Consolidation Plan for the Santa Ynez Band of Chumash Indians in accordance with 25 CFR § 151.2(h) and § 151.3(a)(1). Although the Plan was in accordance with the Regulations the Tribe agreed to voluntarily withdraw the Plan as a result of concerns from the local community.

In response to our notice dated November 19, 2013, we received the following comments:

1. Letter dated December 28, 2013 from A. Barry Cappello, Cappello & Noel, LLP stating the following:

- The Tribe has not demonstrated that the BIA has the authority to approve the Tribe's application;
 - The Tribe was not a "recognized Indian tribe" when the IRA became law on June 18, 1934;
 - The Tribe was not "now under Federal jurisdiction" when the IRA became law;
 - The Tribe's alleged need and justification for the acquisition is insufficient under the standard of "greater scrutiny" required under 25 C.F.R. § 151.11;
 - The revised FTT application must be denied because it inaccurately describes the impacts on relevant political subdivisions, which must be given greater scrutiny and greater weight;
 - The revised application continues to rely on an inadequate Environmental Assessment; compliance with NEPA requires an Environmental Impact Statement;
 - The revised application does not contain a required business plan;
2. Email dated December 28, 2013 from Bill Krauch states the following:
- The amended application does not remove the "TCA"/"TCLA" from the basis of the application. The Environmental Assessment relies on the TCA as a basis for the Assessment. If the "TCA" has been removed, then the EA must be completed again;
 - The application being considered an "On-Reservation" request when actually it is "Off-Reservation" and subject to other requirements.
3. Letter dated December 20, 2013 from Rex and Patricia Murphy states the Chumash no longer have any need for more land.
4. Letter dated December 19, 2013 from Santa Ynez Community Service District states that the four items listed in the notice do not affect their district as the Camp 4 property is outside of the Santa Ynez Community Services District's boundaries.
5. Letter dated December 18, 2013 from M. Andriette Culbertson reiterates her comments listed above dated October 22, 2013 and comments on the Environmental Assessment dated September 27, 2013.:
6. Letter dated December 18, 2013 from Santa Ynez Valley Concerned Citizens states that they want to include the following additions to their comments listed above in their letter dated October 17, 2013, along with comments submitted on the Environmental Assessment dated October 4, 2013:
- Demand that a more rigorous Environmental Impact Survey (EIS) be undertaken before consideration of this application proceeds any further;
 - The Chumash FTT application does not fully address, or adhere to, all the factors in 25 C.F.R. Part 151;

- SYVCC asserts that the BIA has ignored the statutory limitations of 25 USC 465 and 25 CFR 151.11;
 - With the vacating of the Tribal Consolidation area, the current application must now be treated as an Off-Reservation acquisition. The re-submitted application and the Environmental Assessment fail to comport with (a) 25 CFR 151.11;
 - The current application for trust acquisition fails to provide sufficient scrutiny as to the purposes and needs of the acquisition demanded for an Off-Reservation acquisition; and
 - SYVCC is highly skeptical in terms of Land Banking as it appears to underestimate the impact of potential intensive commercial development;
 - The Santa Ynez Band has not made any compelling argument to justify the need for this trust acquisition.
7. Letter dated December 17, 2013 from Caryn Cantella requests that great weight be given to the following:
- The environmental impacts which have not been fully disclosed;
 - The likely traffic and related "event pollution";
 - The unfunded tax burdens that will fall to non-tribal members of the County if Camp 4 is transferred into trust; and
 - The financially sound status of the Chumash, presently and for generations to come.
8. Letter dated December 17, 2013 from Kelly Patricia Burke stating any opposition of any fee-to-trust approval given to the Chumash Band of Mission Indians.
9. Letter dated December 17, 2013 from Sean Wilczak stating any opposition of any fee-to-trust approval given to the Chumash Band of Mission Indians.
10. Letter dated December 17, 2013 from Ryan Williams stating any opposition of any fee-to-trust approval given to the Chumash Band of Mission Indians.
11. Letter dated December 17, 2013 from Erica Williams stating any opposition of any fee-to-trust approval given to the Chumash Band of Mission Indians.
12. Letter dated December 16, 2013 from Santa Ynez Rancho Mutual Water Company, Inc. states the following:
- The Santa Ynez Rancho Mutual Water Company, Inc. referenced several letters that they would adopt and incorporate and they include: comment letter dated October 4, 2013 on the EA and October 10, 2013 on the Fee-to-Trust application; comment letter dated October 7, 2013 from the County of Santa Barbara on the EA; and comment letter dated October 31, 2013 on the Fee-to-Trust application, legal arguments made in a letter from Governor Schwarzenegger's Legal Affairs Secretary Peter Siggins to Mr. James Fletcher of the BIA dated August 26, 2005;

- Until and unless all references to the Land Consolidation and acquisition Plan have been removed from the application and the associated environmental documents, there should be no action taken on this Fee-to-Trust application;
 - An EA is inadequate – NEPA requires a full EIS;
 - There has not been any demonstration of any “immediate need” or “necessity” for Indian housing. Tribal members are making \$1 million dollars per year each, which is far more than is necessary to obtain housing;
 - Approval of this application would violate the purpose and intent of the 1934 Indian Reorganization Act, which sought to help tribes reach self-sufficiency;
 - The Tribe does not have a political entitlement to the requested territory;
 - Jurisdictional conflicts are massive, wide ranging, and unresolvable;
 - The economic impacts of the unfunded demand for government services are massive and unsupportable to the County of Santa Barbara and its residents; and
 - The cumulative impacts of this decision on the county and the state have not been analyzed or considered;
13. Letter dated December 16, 2013 from Kathy Cleary, Board President, P.O.L.O., submits supplements to original comments dated December 4, 2013:
- They bring attention to the Supreme Court Decision *Carcieri, Governor of Rhode Island v. Salazar, Secretary of the Interior* which stated, National Congress of American Indians (NCAI) argues that the “ILCA independently grants authority under Section 465 for the Secretary to execute the challenged trust acquisition.” P.O.L.O. does not agree; and
 - ILCA is the basis for the Santa Ynez Band's Tribal Land Consolidation and Acquisition Plan claiming entitlement to 11,500 acres.
14. Letter received December 16, 2013 from Linda Kastner mentions some general questions in regards to the use, including: whether there is a business plan, what the building and parking spaces will be used for, how the land is supposed to provide housing for some 1,000 descendants, and the maintenance of the roads to be used outside of, but imperative to, this FTT land.
15. Letter dated December 16, 2013 from Gerry B. Shepherd stating their family holds an easement referred to in Schedule B of the title commitment and requests that all valid existing easement rights be retained by the affected party should any FTT application be approved.
16. Letter dated December 15, 2013 from Klaus M. Brown states the following:
- Oppose the amended/revised FTT application for the same reasons stated in the seven page comment letter on the Environmental Assessment;
 - Oppose this application being considered as “On-Reservation,” and states that it does not remove the “TCA/TLCA” from the basis of the amended application;
 - The EA relies on the “TCA” as a basis of the amended application. The EA must be completed again if the “TCA” has been removed;

- A FTT application for Camp 4 must be submitted under Section 151.11, "Off-Reservation acquisitions," thus subject to the requirement to prepare and disclose a business plan for reasonable foreseeable development;
- Requirements per 25 CFR 151.11(d) call for the inclusion of comments and input from State and local governments regarding regulatory jurisdiction, real property taxes, and special assessments. State and local government comments are not included in the amended application and the local tax impacts are vastly understated; and
- The Indian Reorganization Act of 1934 was premised on a finding of economic necessity for impoverished tribes. Based on the success of the gaming casino and other development investments, the Chumash Tribe has become very wealthy in a short period of time.

17. Letter dated December 9, 2013 from Cheryl Schmit, Director, Stand Up for California states the following:

Please note that some comments were listed in a letter dated October 17, 2013, above, and are not restated.

- The EA is inconsistent with the re-submitted application and must be corrected and re-circulated, preferably as a full Environmental Impact Statement (EIS);
- The Chumash were not affected by the Dawes Act. The Chumash Reservation was not created until December of 1901, well after the impacts of the Dawes Act.
- An Off-Reservation acquisition requires the Secretary to evaluate additional criteria when the request for land is located outside the reservation or is non-contiguous, give greater scrutiny to the Tribe's justification of anticipated benefits, and greater weight to the concerns raised by local government;
- The Tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use;
- The FTT application states and restates, the intent is to eliminate the jurisdictional authority of the County of Santa Barbara and the State of California, raises a red flag;
- The Tribe states that the majority of the land will be "banked" for future use, but the Tribe does not explain what the future use may consist of;
- There are stated concerns about jurisdictional issues and that these issues remain until there is a comprehensive mutually beneficial agreement that fully addresses the concerns of the County of Santa Barbara and the Santa Ynez Valley residents; and
- NEPA concerns.

18. Letter dated December 6, 2013 from Kelly B. Gray, Esq. states the following:

- Chumash must submit an Environmental Impact Statement (EIS);
- The Chumash must disclose specifics regarding intended use of Camp 4;

CERTIFICATE OF FILING AND SERVICE

I certify that a true and correct copy of this NOTICE OF APPEAL, including Exhibit "A", was mailed to, and thus filed with, Interior Board of Indian Appeals, U.S. Department of the Interior, by first class mail, postage prepaid on January 22nd, 2015, addressed to:

Interior Board of Indian Appeals [U.S. Mail and Registered Mail – Return Receipt]
U.S. Department of the Interior
801 N. Quincy Street, Suite 300
Arlington, Virginia 22203

I certify that a true and correct copy of this NOTICE OF APPEAL, including Exhibit "A", was mailed to, and thus filed with, Assistant Secretary of Indian Affairs, by first class mail, postage prepaid on January 22nd, 2015, addressed to:

Assistant Secretary of Indian Affairs [U.S. Mail and Registered Mail – Return Receipt]
U.S. Department of Interior
1849 C Street, N.W.
MS-3071-MIB
Washington, D.C. 20240

I certify that a true and correct copy of this NOTICE OF APPEAL, including Exhibit "A", was mailed to the Regional Director of the Bureau of Indian Affairs (BIA), from whose December 24, 2014, Decision this appeal is taken, by first class mail, postage prepaid on January 22, 2015, addressed to:

Amy Dutschke [U.S. Mail and Registered Mail – Return Receipt]
Regional Director
Bureau of Indian Affairs
Pacific Regional Office
U.S. Department of the Interior
2800 Cottage Way
Sacramento, California 95825

I certify that a true and correct copy of this NOTICE OF APPEAL, including Exhibit "A", was mailed to the following Interested Parties and/or Interested Parties' Representatives as listed in the Distribution List attached to the December 24, 2014, NOTICE OF DECISION, by first class mail, postage prepaid on January 22nd, 2015 addressed to:

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105 East Anapamu Street
Santa Barbara, California 93101

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Santa Barbara, California 93110

Santa Barbara County Department of Public Works
123 East Anapamu Street
Santa Barbara, California 93101

Santa Barbara County Department of Planning & Development
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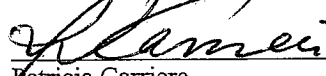
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I declare under the penalty of perjury of the laws of the State of California that
the above is true and correct.

Executed this 22nd day of January, 2015, at Los Angeles, California.



Patricia Carriere