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December 10, 2013

Via Registered Mail
Return Receipt Requested

Hon. Steven K. Linscheid
Chief Administrative Judge
Hon. Thomas A. Blaser
Administrative Judge
United States Department
of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

Re: County of Santa Barbara et al., Appellants vs. Pacific Regional Director,
Bureau of Indian Affairs, Appellee
Docket Nos. IBIA 14-001, 14-003, 14-004, 14-005, 14-006, 14-007, 14-009,
14-010, 14-018, 14-019, 14-020, 14-022

Dear Honorable Judges:

I write to you as a director, officer and legal counsel for the Santa Ynez Rancho Estates Mutual Water Company, Inc. a Mutual Benefit Corporation.

On September 28, 2013, on behalf of that corporation, I filed an appeal to the IBIA of a June 17, 2013 decision by the Pacific Regional Director of the Bureau of Indian Affairs (BIA) approving a Land Consolidation and Acquisition Plan ("Plan") submitted by the Santa Ynez Band of Chumash Indians ("Tribe"). The appeal, which involved significant investments of time and money, alleged numerous process problems, material historical inaccuracies, and multiple substantive legal problems with that BIA action.

On October 24, 2013, less than one month later, with no notice to the Appellants and without holding a hearing, the IBIA abruptly dismissed all appeals due to mootness. That IBIA action has left us with several troubling questions. It is respectfully requested that you provide answers to the following questions which have been begged by the above BIA and IBIA actions:

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1. The order dated October 24, 2013 twice stated the basis for your action as being met "the Tribe has withdrawn the Plan". However, the subject Plan was no longer an open application by the Tribe. It had become a formal decision of the Federal Government. Hence, the question is whether a citizen, or a Tribe, can withdraw a decision of the Federal Government and, if so, please cite the legal authority.
2. Does the IBIA have the authority to vacate decisions of the BIA? Under what circumstances? Please provide any relevant authority.
3. Does the IBIA have the authority to vacate a decision of the BIA when the only expressed grounds are that "it appears" (your words) that there were procedural problems? Or, is the IBIA authority in such circumstances limited to remanding the issue back to the BIA to have the process problems cured? Can this be done without a hearing? I have found no authority for these propositions.
4. The authority seems to indicate that the regional director of the BIA has the authority to withdraw his or her decision, but I am unaware of any authority that allows the Tribe to do likewise. Is there such authority? Likewise, when the decision of the Regional Director has been appealed, does that decision have no force and effect while the appeal is pending? The cases that relate to Fee to Trust application seem to indicate that any appeal from a Fee to Trust application prevents the approval of such an application from going into effect until the appeals are resolved. Is that the same rule for Land Consolidation and Acquisition Plans?

Finally, there is some discrepancy between the order sent to Appellants on October 24, 2013, and a subsequent order dated October 30, 2013 on docket No. IBIA 14-022. In the first order of October 24, you stated that the sequence of events were as follows:

First, the Tribe withdrew the "Plan"; second, the IBIA dismissed the appeals for mootness, and finally, even though it was "unnecessary as a matter of law" (your words) the IBIA vacated the BIA's decision to approve the "Plan".

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In October 30, 2013 order, there is no mention of the Tribe withdrawing its Plan, but instead it stated that first the BIA decision was vacated, and secondly, that the appeals were dismissed. Can you please clarify those discrepancies?

As you must know from the large number of appeals you received on this BIA action, there are a large number of parties in Santa Barbara County, including the county government itself, who are both interested and educated on this issue. The content of the numerous appeals clearly demonstrate a widely held belief that there were material and numerous procedural and substantive problems with the BIA approval of the "Plan". All objective observers would agree that the issue had become a public relations and legal nightmare for the BIA and the Tribe, and that the ripples were beginning to spread far and wide. The orders issued by the IBIA on October 24, and October 30, although reflecting a withdrawal and vacatur of the Plan, raised additional issues that remain unanswered.

The prompt response to the questions raised in this letter will go a long way towards resolving the anxiety and controversy which still persist.

Respectfully,

LAW OFFICES OF FRANK G. BLUNDO, JR.
A Professional Corporation



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Mutual Water Company, Inc.

FGB:keb

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