KENNETH R. WILLIAMS, State Bar No. 73170
Attorney at Law
980 9th Street, 16th Floor
Sacramento, CA 95814
Telephone: (916) 449-9980
Fax: (916) 446-7104

Attorney for Appellant
Preservation of Los Olivos

UNITED STATES DEPARTMENT OF INTERIOR

INTERIOR BOARD OF INDIAN APPEALS

PRESERVATION OF LOS OLIVOS Appellants, **v.** PACIFIC REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	Case No. IBIA 05-050-A **NOTICE OF APPEAL AND REQUEST FOR ADMINISTRATIVE RECORD**

Pursuant to 25 C.F.R. Part 2 and 43 C.F.R. Part 4. Preservation of Los Olivos (POLO) appeals the December 24, 2014 NOTICE OF DECISION (NOD) of the Regional Director of the Pacific Region of the Bureau of Indian Affairs (BIA) to the Interior Board of Indian Appeals (IBIA). A copy of the NOD is attached to this Notice of Appeal.

The NOD provides notice by the Regional Director that the BIA that she intends to accept approximately 1427.78 acres, more or less, into trust for the Santa Ynez Band of Chumash Indians. The NOD is based in part on the Finding of No Significant Impact (FONSI) issued by the BIA on October 17, 2014. The NOD and FONSI are arbitrary and capricious and contrary to

law. They should be reversed and vacated for at least the reasons in the Statement of Reasons submitted with this notice.

Appellant requests that the IBIA direct the BIA to prepare the administrative record (AR) and that the AR is made available to POLO and other interested parties before opening briefs are due. Appellant reserves the right to supplement that Statement of Reasons, after the AR is complete and before their opening brief filed under 43 C.F.R. § 4.311(a).

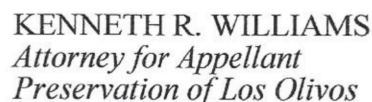
The name, address and contact information for Appellant is: Preservation of Los Olivos which may be contacted through their counsel, Kenneth R. Williams, Attorney at Law, 980 9th Street, 16th Floor, Sacramento. CA 95814. Telephone: (916) 449-9980; fax: (916) 446-7104

A copy of the NOD was mailed to POLO by the BIA on December 29, 2014. And a copy of this Notice of Appeal and Request for Administrative Record, with the attached Statement of Reasons, is being filed with the IBIA, by certified mail, and mailed to the BIA, the Assistant Secretary of Indian Affairs and interested parties on the Distribution List attached to the NOD.

This Notice of Appeal is an administrative procedural prerequisite, required by IBIA regulation, for the NOD to be considered final and subject to judicial review under 5 U.S.C. 704. (43 CFR § 4.314(a).) But, this appeal is not a prerequisite to judicial review if NOD is implemented by the BIA, or made effective by the IBIA, pending a decision on appeal. (Id.) Appellant reserves the right to seek judicial relief, if necessary, while this appeal is pending.

The IBIA's authority is limited to reviewing for procedural deficiencies in the NOD. By filing this Notice of Appeal, as a procedural prerequisite, Appellant does not concede that the IBIA can issue a binding decision on matters outside its limited authority and jurisdiction.

Dated: January 23, 2015



KENNETH R. WILLIAMS
Attorney for Appellant
Preservation of Los Olivos

KENNETH R. WILLIAMS, State Bar No. 73170
Attorney at Law
980 9th Street, 16th Floor
Sacramento, CA 95814
Telephone: (916) 449-9980
Fax: (916) 446-7104

Attorney for Appellant
Preservation of Los Olivos

UNITED STATES DEPARTMENT OF INTERIOR

INTERIOR BOARD OF INDIAN APPEALS

PRESERVATION OF LOS OLIVOS Appellants, v. PACIFIC REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	Case No. **STATEMENT OF REASONS**

Pursuant to 25 C.F.R. Part 2 and 43 C.F.R. Part 4. Preservation of Los Olivos (POLO) appeals the December 24, 2014 NOTICE OF DECISION (NOD) of the Regional Director of the Bureau of Indian Affairs (BIA) for the following reasons:

1. **The Santa Ynez Band of Indians (SY Band) was not a federally recognized tribe in 1934 and therefore does not qualify for fee-to-transfer benefits under the Indian Reorganization Act (IRA) of 1934.**

In *Carcieri v. Salazar* (2009) 555 U.S. 379, the Supreme Court held that the Secretary of Interior's authority under the IRA to take lands into trust is limited to tribes "recognized . . . under federal jurisdiction" in 1934. In other words, to receive the fee-to-trust benefits of the IRA, a tribe

had to be federally recognized in 1934. The Supreme Court also held that this statutory rule is clear and is not ambiguous and, therefore, the Secretary's and DOI's interpretation of this rule is not necessary or entitled to deference.

A review of the facts of the *Carcieri* case helps put the Supreme Court's decision in context – especially when comparing the tribal interests in that case with those of the SY Band. The tribe in *Carcieri* was the Narragansett tribe which had a long 200 year history of dealings with the State of Rhode Island. However, the Narragansett tribe was not federally recognized until 1983. The Supreme Court held that although the Narragansett tribe was a federally recognized in 1983 and had a 200 plus year relationship and interaction with State government, it was not a "federally recognized tribe" in 1934 when the IRA was enacted and therefore was not entitled to the benefit of a fee-to-trust transfer.

The SY Band was also not federally recognized and had no government- to-government dealings with the federal government as a tribe in 1934. The SY Band did not organize or submit its tribal charter to the DOI for approval until 1964 when it was approved by the Secretary of Interior (SOI). But the SY Band has never sought, nor received, formal federal recognition from the SOI under 25 CFR Part 83.The evidence is overwhelming that the SY Band lacked federal recognition in 1934. Therefore, the SY Band is not qualified to receive a fee-to-trust transfer under the IRA.

2. **The Indian Land Consolidation Act (ILCA) does not provide a basis for taking land into trust for the benefit of the SY Band.**

In addition to the IRA, the Regional Director also cites the ILCA (25 USC § 2202) as support for taking land into trust for the benefit of the SY Band. (See NOD at p. 3.) But this same contention was made, and rejected by the United States Supreme Court, in *Carcieri.* There the ILCA alternative was suggested by the National Congress of American Indians in an amicus brief. The Supreme Court rejected NCAI's suggestion and held that the ILCA is not an

independent basis for taking land into trust. Thus neither the IRA nor the ILCA provide statutory support for taking lands into trust for the SY Band. And there is no other statute that could apply.

Despite this fact, on June 17, 2013, based on the ILCA, the BIA approved a Land Consolidation & Acquisition Plan, also known as the TCA, for the SY Band. The stated purpose of the TCA and related maps was to facilitate trust land acquisitions by the SY Band. The TCA was improper and illegal. Consequently it was appealed by POLO and many other groups and individuals in the community. In response, the SY Band withdrew its TCA applications and the IBIA dismissed the pending appeals, without prejudice, as moot. However, the Regional Director in the NOD reasserted and reaffirmed the TCA. (NOD at p. 17.) Consequently, POLO reaffirms its Notice of Appeal of the TCA which is attached hereto and incorporated herein by reference. The TCA should be reversed and vacated; it is arbitrary, capricious and contrary to law. The ILCA and TCA do not support the proposed trust acquisition of the 1400+ acres.

3. **The SY Band does not have a reservation and the attempt to create a reservation from the 1400 acres is precluded by the California Four Reservations Act**

The NOD states: "The Santa Ynez Reservation was originally established pursuant to Department Order under authority of the Act of January 12, 1891 (26 Stat. 712.)" (NOD at p. 3.) That statement is false and misleading. The 1891 statute is known as the Mission Indian Relief Act (MIRA). And it did provide for the creation of reservations for Mission Indians. But it was not the basis for a reservation for the Santa Ynez Mission Indians.

The MIRA involved a detailed which included the selection of the land, from the public domain, by a commission and the issuance of a reservation patent approved by the SOI and signed by the President of the United States. None of that happened with respect to the Santa Ynez Mission property. Instead the land was initially owned in fee by the Catholic Church which had allowed the Santa Ynez Indians to occupy only. Later the Catholic Church quitclaim deeded

1 some of the land to the United States. The Catholic Church's quit claim deed did not, and could
2 not, create a reservation under MIRA or otherwise.

3 Furthermore, the term "reservation" is a term of art in Indian law which describes land
4 "reserved" from the public domain for the benefit of an Indian tribe. None of the land owned or
5 occupied by the SY Band was public domain land set aside for them as a reservation. It was
6 privately owned land that was quitclaimed to the SOI by the Catholic Church and/or private
7 parties. Neither the Catholic Church nor the other private parties had the authority to create a
8 reservation. And none of the land occupied by the SY Band was reserved from the public domain
9 for their benefit.

10 Thus the SY Band does not have a federal reservation. Nor can they bootstrap the process
11 and try to create a reservation out of non-public domain land. One hundred and fifty years ago
12 Congress limited the number of reservations in California to four. See California Four
13 Reservations Act (13 Stat. 39 (1864).) The Santa Ynez Mission land was not one of the four
14 allowed reservations.

15 The entire NOD is based on the incorrect assumption that the Santa Ynez Band of Indians
16 has a reservation as that term is used in federal Indian law and as defined by Congress and the
17 United States Supreme Court. For this reason alone, the NOD is arbitrary, capricious and
18 contrary to law. It should be reversed and vacated.

19 4. **The Principles of Federalism Precludes the BIA from taking privately owned fee land into trust free from State and local regulation.**

20 It is undisputed that the 1400+ acre parcels are currently owned by the SY Band in fee.
21 And it is equally beyond dispute that, prior the SY Band's acquisition of this property, it was
22 privately held and not part of the public domain of the United States. Under these
23 circumstances, under the principles of federalism and State sovereignty outlined by the

Supreme Court in *Hawaii v. Office of Hawaiian Affairs* 129 S. Ct. 1436 (2009), the Secretary of Interior lacks the authority to remove the land from State and local regulation for the exclusive benefit of the SY Band.

The issue in *Hawaii* was whether the United States, after granting all public domain land to Hawaii upon its admission in 1959, could strip Hawaii of its ownership and sovereignty over such land and return it to the Native Hawaiians. The lower court had held that the Native Hawaiians retained "unrelinquished claims" over the public domain lands previously transferred to the State. The Supreme Court disagreed and reversed that decision concluding that Congress cannot, after Statehood, retrieve public domain land or sovereign regulatory jurisdiction that has been previously transferred to the State. See also *Idaho v. United States,* 121 S. Ct. 2135 (2001). The Court concluded that "the consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event ... to suggest that subsequent events somehow diminish what has already been bestowed." Acts of Congress should not be read to create a "retroactive cloud" on the State's title or sovereignty. *Id.* The same principles of federalism apply to California lands and regulatory jurisdiction.

California received sovereign regulatory jurisdiction over all public and private lands and over all of its citizens "instantly" upon admission to the Union in 1850. The United States attempt to reassert exclusive regulatory jurisdiction over privately held lands to the benefit of the SY Band, and to the exclusion of State and local laws and regulations, is precluded and violates the principles of federalism outlined in the *Hawaii* case. And to the extent it gives rights and preference to Indians that are not enjoyed by the other citizens of California it violates equal protection. There is no authority for the BIA to set aside privately owned land, as though it was a reservation of public domain lands for Indians, free from State and local regulation.

5. **The Regional Director failed to properly consider all the facts and requisites under 25 C.F.R. §§ 151.10-151.11 and other applicable regulations.**

The BIA's decision to acquire over 1400 acres in trust was in error because the BIA failed to consider properly all factors required under 25 C.F.R. §§ 151.10-151.11 and other applicable regulations. While the NOD purports to consider all important factors required by those regulations, a review of the Regional Director's analysis reveals that she failed to consider important information related and relevant to those factors.

For example, the regulations require the BIA to assess the need to have the land taken into trust. The BIA revises this requirement and claims that the Regional Director need not consider the need for additional *trust* lands, only whether the SY Band claims (without any factual support) that it needs additional lands. Even if that regulatory revision were true, it is not the issue here. The SY Band already owns the land in fee and the issue is not whether it needs additional lands. Instead, the issue is whether lands already owned by the SY Band needs to be put in trust. The NOD does not support the contention that land that the SY Band already owns needs to be in trust. In the claim that the 1400 acres needs to be in trust is undermined by the fact that the SY Band owns several properties in fee in the area that are not, and apparently do not "need" to be, in trust.

The Regional Director and BIA also claim that, regardless of its intended use, there is a need to put this land in trust to insure that the SY Band is able to exercise its own land use control and regulations over the property. But the Regional Director's assertion that the property will be exempt from State and local regulation is incorrect. The Regional Director cites no authority for the claim that lands taken into trust are exempt for state and local regulations.

The IRA does not provide support for this claim. Although the IRA arguably exempts trust land from state and local taxation, it does not exempt trust land from State and local regulation. POLO is aware that the Secretary of Interior claims that it has the authority to

exempt Indian trust lands from State and local regulation pursuant to 25 CFR § 1.4. But there is no statutory authority for Section 1.4 and, as outlined above its constitutionality is suspect. Furthermore, even if Section 1.4 were constitutional, in 1965 the Secretary of Interior pursuant to his claimed authority under Section 1.4, adopted and made applicable to all trust lands in California:

> "all of the laws, ordinances, codes, resolutions, rules or other regulations of the State of California, now enacted or as they may be amended or enacted in the future, limiting zoning, or otherwise governing, regulating or controlling the use or development of any real or personal property, including water rights , , ,"
>
> 30 Fed. Reg. 8722 (1965).

Thus, regardless of whether the land is owned in fee by the SY Band, or owned by the United States in trust for the SY Band, it is subject to State laws and regulations. And, consequently, the claim that the SY Band needs to have the property placed in trust to escape State and local land use regulations is without merit. Instead, as required by the 1965 Secretarial Order, the SY Band should be required to demonstrate that it has complied with, and will continue to comply with, all State and local laws before this land is taken into trust – including the Santa Ynez Community Plan, the Williamson Act, the California Environment Quality Act and all other applicable California land use, water use, environmental and planning laws.

The Regional Director abused her discretion by failing to adequately consider the significant jurisdictional problems and conflicts of land use if the SY Band attempts to assert its own civil regulatory jurisdiction over the 1400+ acres if the land is taken into trust. The SY Band's effort, in reliance on the NOD, to remove the land from State and local control and regulation will cause major jurisdictional and land use conflicts and related litigation. But the Regional Director in the NOD did not discuss the applicable State and local laws or the impact of

removing their requirements and protections. Nor did the Regional Director compare the State and local laws to the proposed or applicable tribal laws to insure that the environment and public remain protected. Nor does the Regional Director discuss the 1965 order of the Secretary of Interior, quoted above, declaring that State laws and regulations, not tribal laws and regulations, apply to trust lands in California.

Furthermore the Regional Director implies that the SY Band will have exclusive, governmental control and authority over the land if it is taken into trust. This is simply not correct. The SY Band is not an independent government. If the land is conveyed into trust, it will be owned by the United States and held and managed by the United States for the benefit of the SY Band subject to federal land use and environmental laws. The potential application of these federal laws was not discussed in the NOD.

One extremely important federal land use law, which was not discussed by the Regional Director, is the potential impact of applying the federal reserved water rights doctrine to land acquired in trust and whether that doctrine should apply to Indian water claims to both ground water and surface water. The implication of the SY Band's potential claim to priority reserved water rights, including ground and surface water to support their casino and other trust properties, should have been considered by the BIA before deciding whether to take these lands into trust.

This is only a partial list of the regulatory factors that the BIA and Regional Director ignored or did not adequately address in the NOD and FONSI. Appellant will provide more detail and analysis of these factors in their opening brief.

6. **The BIA failed to address the potential gaming uses of the land.**

The SY Band has, in the past, asserted that it ultimately intends to build a casino on all or part of the 1400+ acres. They have prepared plans and depictions for the construction of a casino on the land. The BIA and Regional Director failed to adequately address the potential use of this

land, or a portion of this land, for gaming. Although the SY Band's stated intention for the fee-to-trust is for housing, the BIA concedes that it is not willing or able to restrict the use of the property to housing or non-gaming uses after it is taken into trust. The BIA failed to address the SY Band's potential gaming on the land or its compliance with the Indian Gaming Regulatory Act.

7. **The BIA failed to comply with the National Environmental Policy Act (NEPA).**

NEPA requires an Environmental Impact Statement (EIS) be prepared for all "major Federal actions significantly affecting the quality of the human environment." (42 U.S.C. § 4332(2) (c).) NEPA requires federal agencies to take a "hard look" at the environmental consequences of their actions and, if the decision is to prepare a FONSI instead of an EIS, to provide a "convincing statement of reasons to explain why a project's impacts are insignificant." In this context, NEPA requires the agency to take cumulative impacts and the interests of the community into account. And. if there is a potential significant environmental effect, the agency must prepare an EIS.

POLO and several other groups and individuals provided comments on the proposed fee-to-trust transfer and the Environmental Assessment which clearly demonstrated the need for an EIS to be completed, circulated and approved, with appropriate mitigation measures, before the land is taken into trust. Some of the comment letters are listed in the NOD. Those letters and comments that urge the preparation of an EIS are incorporated here by reference. And for the reasons outlined in those comment letters, an EIS was required. It was arbitrary and capricious for the BIA and Regional Director to prepare a Finding of No Significant Impact (FONSI) instead of an EIS with respect to the trust acquisition and development of the 1400+ acres and reasonably foreseeable related projects.

Any other federal agency taking a "hard look" at these potential impacts would mandate the preparation of an EIS. In this case, instead of taking a "hard look" at the potential impact of

the proposed fee-to-trust acquisition, the BIA completely ignored the need to study the impacts of this proposed trust acquisition in an EIS -despite the fact that they were brought to their attention by the entire community.

Furthermore, the problem here is potentially more serious than the fact that the BIA failed to take a "hard look" at the potential impacts or that the BIA failed to provide "convincing statement of reasons" why they think the impacts are insignificant. The problem is that it appears that the BIA is unwilling or unable to require full compliance with NEPA because to do so would be incompatible with its supposed mission to protect and fully support tribal economic development regardless of the environmental consequences. Obviously the BIA will not fully comply with NEPA and prepare an EIS, unless directed to do so by this Board or a Court.

REQUEST FOR RELIEF

For at least the forgoing reasons, the BIA's and Regional Director's NOD to take the 1400+ acres into trust was arbitrary, capricious and contrary to law. The Appellant, POLO, requests that this Board vacate and reverse the NOD and FONSI. The Appellant also requests that the application of the SY Band to have the 1400+ acres be taken into trust be denied.

Finally, this appeal is offered in answer to, and in support of other similar appeals filed by other interested parties with respect to the NOD and/or FONSI on the proposed 1400+ acre fee-to-trust transfer. POLO joins and supports those appeals, and the relief requested in those appeals, to the extent those appeals are not inconsistent arguments and relief requested in this appeal. 43 CFR § 4.313.

Dated: January 20, 2015

Respectfully submitted,

KENNETH R. WILLIAMS
Attorney for Appellant
Preservation of Los Olivos

ATTACHMENT TO STATEMENT OF REASONS

KENNETH R. WILLIAMS, State Bar No. 73170
Attorney at Law
980 9th Street, 16th Floor
Sacramento, CA 95814
Telephone: (916) 543-2918
Fax: (916) 446-7104

Attorney for Appellants
Preservation of Los Olivos and
Preservation of Santa Ynez

UNITED STATES DEPARTMENT OF INTERIOR

INTERIOR BOARD OF INDIAN APPEALS

BUREAU OF INDIAN AFFAIRS

PRESERVATION OF LOS OLIVOS and PRESERVATION OF SANTA YNEZ, Appellants, v. PACIFIC REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	Case No. **NOTICE OF APPEAL**

Pursuant to 25 C.F.R. Part 2 and 43 C.F.R. Part 4, Preservation of Los Olivos and Preservation of Santa Ynez (Appellants) appeal the June 17, 2013 one page, one paragraph, APPROVAL OF PROPOSED LAND CONSOLIDATION & ACQUISITION PLAN SANTA YNEZ BAND OF CHUMASH INDIANS ("LCAP Approval") by the Regional Director of the Pacific Region of the Bureau of Indian Affairs ("BIA"). A copy of the LCAP Approval (without attachments) is attached to this notice. The LCAP Approval is arbitrary and capricious and contrary to law. It should be reversed and vacated for at least the following reasons:

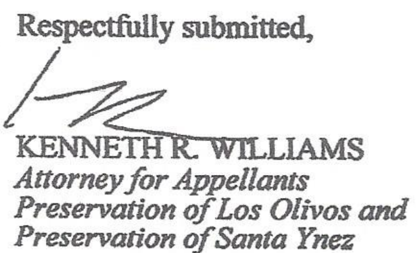
1 1. The LCAP Approval is not supported by evidence in the record. Instead, without
2 substantiation or explanation, BIA approved the proposal as submitted by the Santa Ynez
3 Band of Indians (SY Band). The BIA should be required to provide interested parties with all
4 the attachments and evidence which it claims supports its decision to approve the LCAP.
5
6 2. The BIA failed to give notice of the LCAP Approval, "by personal delivery or mail" on all
7 "interested parties" as required by the regulations. 25 CFR 2.7. Furthermore, the time to file
8 any notice of appeal of the LCAP Approval "shall not begin to run until notice has been
9 given" to all "interested parties" "by personal delivery or mail." *Id.* The BIA has not given
10 Appellants notice of the LCAP Approval by email or personal delivery as required.
11
12 3. The stated purpose of the LCAP approval is to facilitate fee-to-trust applications submitted by
13 the SY Band to the BIA. But the SY Band does not qualify for fee-to-transfer benefits. The
14 United States Supreme Court and Ninth Circuit Court of Appeals have held that fee-to-trust
15 benefits under the Indian Reorganization Act are limited to tribes that were federally
16 recognized in 1934. The SY Band was not a federally recognized tribe in 1934. Instead the
17 SY Band was first recognized by the federal government as a tribal corporate government in
18 1964 when its charter was approved by the Secretary of Interior.
19
20 4. The LCAP is inconsistent with and contrary to the law and regulations governing tribal land
21 acquisition. There is no authority to use the rules governing tribal land acquisitions to acquire
22 land that was never part of a reservation and was never owned by a tribe. Nor do these rules
23 apply, as claimed by the SY Band and the BIA, to regain an alleged former right to occupy
24 lands once owned – but no longer owned - by the Catholic Church.
25
26 5. The SY Band has no aboriginal title or ancestral claim to lands within, or affected by, the
27 LCAP. The Supreme Court and Ninth Circuit Court of Appeal have held that any aboriginal
28 claims of Indians, including the Chumash, to lands in California were extinguished 160 years

ago by the California Land Claims Act of 1851. Congress subsequently compensated California Indians for these lost aboriginal and ancestral claims. Therefore they do not exist an cannot be a basis for the LCAP

6. The LCAP Approval is a major federal action that will have significant adverse environmental impacts on the Santa Ynez Valley and Santa Barbara County. The BIA ignored and failed to comply with the National Environmental Policy Act before issuing the LCAP Approval.
7. None of the land included in the LCAP is currently held in trust by the United States for the SY Band. Therefor all the land in the LCAP is subject to State and local laws. The BIA failed to insure that there was compliance and consistency with State and local laws before approving the LCAP.
8. Only the Secretary of Interior, as a cabinet level official, has the Congressional authority to approve an LCAP. There is no authority for the Secretary of Interior to delegate or re-delegate this authority to the BIA. And it would violate the principles of federalism to allow a federal employee to approve maps which will be used as a basis for exempting land from State and local taxation and regulation. The BIA lacked the authority to approve the LCAP.
9. After a docket number is assigned to this appeal and a briefing schedule is issued, and as allowed by the regulations, Appellants will include a detailed written statement of errors of fact and law upon which this appeal is based in their opening brief.

Dated: September 17, 2013

Respectfully submitted,



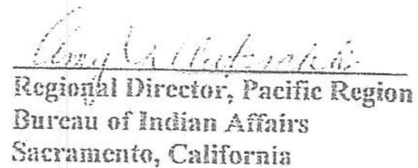
KENNETH R. WILLIAMS
Attorney for Appellants
Preservation of Los Olivos and
Preservation of Santa Ynez

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
PACIFIC REGION

APPROVAL OF PROPOSED LAND CONSOLIDATION & ACQUISITION PLAN SANTA YNEZ BAND OF CHUMASH INDIANS

The within Proposed Land Consolidation & Acquisition Plan, consisting of pages 1 - 9 with Exhibits A and B and Tribal Resolution #926 dated March 27, 2013, is hereby approved pursuant to 25 CFR §151.2(h) and §151.3(a)(1). All acquisition applications submitted pursuant to said plan shall be considered within the Secretary's discretion and under all applicable laws and regulations, including the National Environmental Policy Act of 1969.

Date: ____________



Regional Director, Pacific Region
Bureau of Indian Affairs
Sacramento, California

Pursuant to the authority delegated by 209 DM 8, 230 DM 1 and 3 IAM 4

CERTIFICATE OF FILING AND SERVICE

I certify that a true and correct copy of the NOTICE OF APPEAL was mailed to the addresses listed below, by first class mail, postage prepaid, on September 17, 2013:

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203

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

Amy Dutschke
Pacific Regional Director
United States Department of Interior
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Mr. Vincent Armenta, Chairperson
Santa Ynez Band
P.O. Box 517
Santa Ynez, CA 93460

Mr. Jacob Appelsmith
Senior Legal Advisor
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, CA 93101

Sara J. Drake – Senior Asst. A.G.
California Department of Justice
Indian & Gaming Law Section
P.O. Box 944255
Sacramento, CA 94244-2550

Dated: September 17, 2013

Respectfully submitted,

KENNETH R. WILLIAMS
Attorney for Appellants
Preservation of Los Olivos and
Preservation of Santa Ynez