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June 25, 2014

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Sacramento, California 95825-1846

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, California 95825-1846

Re: Santa Ynez Band of Chumash Indians' May 2014 Final Environmental Assessment-  
Camp 4 Property

Dear Mr. Broussard and Ms. Dutschke:

My comments regarding the Santa Ynez Band of Chumash Indians' May 2014 Final Environmental Assessment for Camp 4 development alternatives ("the EA") are as follows:

1. It is stated in 1.3 of the EA that there currently are 136 tribal members and 1,300 lineal descendants. It also is stated that the primary objective of developing Camp 4 is to provide housing for current Tribal members and future generations.

The Tribe showed plans prior to acquiring the property demonstrating a desire to develop Camp 4 to include the following:

- \* a multi-100 room hotel;
- \* two (2) golf courses
- \* an equestrian center
- \* 175 condominiums

The EA does not address the impacts any one of the above-listed reasonably foreseeable expectations for construction at Camp 4.

The fact that the Tribe has publically announced its desire to build all of the foregoing at Camp 4 requires that the environmental impact of each of these improvements to be evaluated. The fact that not one of these improvements was studied renders the EA deficient. Given the magnitude of the aggregate foreseeable improvements the Tribe has represented it will make at Camp 4, an Environmental Assessment is insufficient. A comprehensive Environmental Impact Statement is mandatory.

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2. There is no mention in the EA under either Alternative A or Alternative B as to where housing for the future generations would be built. My comments are:

A. The EA provides identification of where 143 houses would be built, commencing in 2023. The EA provides **no information** as to when construction of additional housing will commence for the existing 1,300 lineal descendants or any future generations, let alone identify where such additional housing will be located.

B. The EA does not state the anticipated maximum number of homes that would be built at Camp 4.

C. Under Alternative A, there does not appear to be any space set aside for additional housing; thus, if Alternative A is implemented, it appears that the Tribe does not intend to provide additional housing for future generations at Camp 4.

D. Under Alternative B, there is no information as to **where** the Tribe anticipates constructing new homes for future generations.

Because of the foregoing, the EA is deficient for failing to consider the environmental impact of the reasonably foreseeable construction of a significant number of additional homes at Camp 4 based upon the Tribe's representation of its intention to provide housing for future generations. The disclosure of the Tribe's current plans for future home construction is mandatory. An Environmental Assessment is insufficient for a project of this magnitude. A comprehensive Environmental Impact Statement is mandatory.

3. Section 3.2.3 provides, in part, that "The federal antidegradation policy (40 CFR Part 131.6) is designed to protect water quality and water resources. The policy directs states to adopt a statewide policy....". My comment are:

A. On June 17, 2014, the Santa Ynez River Water Conservation District No. 1 (ID1) announced its unanimous declaration of a "stage one" **water supply shortage** and asked customers to voluntarily cut their water usage by 20 percent "effective immediately". The need for the 20 percent water cut-back was attributed, in part, to the finding that "a new California Public Health Department (CDPH) drinking water standard that begins July 1 (2014) ... will limit the district's ability to utilize groundwater supplies." *ID1 declares water shortage - Santa Ynez Valley Extra, Tuesday, June 24, 2014, page 1, Section 1.*

B. With respect to groundwater use, an overlying landowner can do whatever she wants as long as she can make the case that the use is "beneficial". Although not mentioned in the EA, the Tribe has stated it intends to build a golf course at

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Camp 4. It is reasonable to anticipate that the Tribe will contend that maintaining landscaping, with or without fairways and greens, is “beneficial” to their enjoyment of Camp 4. It also is reasonably foreseeable, if not certain, that water shortages will remain a major concern of the Santa Ynez Valley.

Because of the foregoing, the EA is deficient. In order for required consideration to be given to the Tribe’s stated intention of 143 new homes at Camp 4 and Santa Ynez River Water Conservation District No. 1’s finding that the impact of the state’s new legislation will further limit the ability to utilize groundwater supplies, an Environmental Assessment is insufficient. A comprehensive Environmental Impact Statement is mandatory.

4. Section 3-29 provides that “the EPA issues General Construction NPDES permits that require all projects **over** one acre in size comply with the terms and conditions described within the NPDES permit.” (Emphasis added)

Alternative B represents houses being built on one (1) acre lots. My comment is:

A. The Tribe needs to confirm that NPDES permits **shall be obtained** for each individual one (1) acre lot if Alternative B is implemented, and **not** interpret the phrase “projects **over** one acre in size” to exclude lots that are one (1) acre.

Because of the foregoing, the EA is deficient. In order to determine if NPDES permits will be required, the Tribe must be on the record regarding their position as to whether or not NPDES permit requirements apply to their proposed one (1) acre lots. Even with this information provided, an Environmental Assessment is insufficient. A comprehensive Environmental Impact Statement is mandatory.

5. Section 3-68 regarding the draft contract between the Tribe and the Santa Barbara Sheriff’s Department (SBCSD) is irrelevant. My comment is:

The Santa Barbara County Board of Supervisors rejected the proposed contract between the Tribe and SBCSD. Among other concerns, the proposed contract contained language that was vague and ambiguous, and failed to provide for a waiver of sovereign immunity.

It is unknown whether or not the County will, or can even afford to, provide law enforcement, fire, ambulance and other emergency services to Camp 4 should Camp 4 be taken into Trust and developed as proposed by the Tribe in the EA or, alternatively, as represented by the Tribe to the community (hotel, golf course, equestrian center, 175 condominiums). The fact that such services currently are being supplied to the existing land held in Trust does not in any way ensure the ability of the County to provide even more emergency services to 1,400 acres of populated land that is removed from the State and County tax rolls. Even if this information is provided, an Environmental Assessment is insufficient. A comprehensive Environmental Impact Statement is mandatory.

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6. Section 3-74 includes a conclusion that “if the project doubles the traffic volume there would be a barely audible increase in the ambient noise level.” My comment is:

Alternative B provides for the building of a Tribal Facility and states that “the proposed Tribal Facility will host 100 annual special events, **each of which is expected to draw 400 attendees and vendors**”. The EA does not state the traffic volume attributable to each of the 100 individual events was evaluated on an **individual event basis**, taking into consideration the audible increase in the ambient noise level due to the ingress and egress of the automobiles for each individual event.

The extent to which the 100 individual special events will impact the ambient noise level is unknown at this time. Even if this information is provided, an Environmental Assessment is insufficient. A comprehensive Environmental Impact Statement is mandatory.

7. Section 4-19 contains an incorrect statement which must be rectified so as to avoid the potential that it might be used to serve as a source of authority in a future repetition of the statement. The incorrect statement is:

“Restoration of tribal sovereignty to the project parcels would be a benefit to the Tribe.”

My comment is:

At no time has the Tribe had sovereign rights over the projected parcels (Camp 4). The Spaniards, the first to govern the area, did not recognize any tribes in California. Mexico also did not recognize any tribes in California when it took control of the region. Thus, there are **no sovereign rights to restore**. The Tribe’s reference to the 1893 Quiet Title action brought by the Church against the local tribes fails to include the Church prevailed. A Federal judge found that the Tribe had **no** sovereign rights. It was not until the late 1940's that any land went into Trust for the Chumash, and it was not until the early 1960's that the Tribe executed and filed articles of organization with the Bureau of Indian Affairs.

8. Section 4.5.2 provides that “the new housing development proposed under Alternatives A and B would be capable of relieving current overcrowding on the Tribe’s Reservation and accommodating future growth of the Tribe.” My comments are the same as stated in Item 2, above, namely:

A. The EA provides identification of where 143 houses would be built, commencing in 2023. The EA provides **no information** as to when construction of additional housing will commence for the existing 1,300 lineal descendants or any future generations, let alone identify where such additional housing will be located.

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B. The EA does not state the anticipated maximum number of homes that would be built at Camp 4.

C. Under Alternative A, there does not appear to be any space set aside for additional housing anywhere except for the 206 acres identified as “agricultural”; thus it appears that, if Alternative A is implemented, there is no intention of providing additional housing for future generations or, alternatively, the vineyards will be replaced with housing.

D. Under Alternative B, there is no information as to when and where the Tribe anticipates constructing new homes for future generations.

8. Alternative C is the only alternative that will not cause significant negative environmental impact at Camp 4 and to the surrounding area. The EA confirms that both alternatives A and B would **adversely and significantly impact** water - both for Camp 4 and for neighboring properties dependent upon well water - as well as special-status species, protected oak trees and migratory birds. My comment is:

**An Environmental Assessment is categorically insufficient to comply with the National Environmental Policy Act with respect to a project of this size. Federal Law requires the BIA to prepare a comprehensive Environmental Impact Statement.**

Thank you for your consideration of my public comments regarding the document entitled May 2014 Final Environmental Assessment.

Respectfully,

Kelly B. Gray

cc: Congresswoman Lois Capps  
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