



# **MIRANDA, TOMARAS & OGAS, LLP**

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## **FAX TRANSMITTAL SHEET**

### **RECIPIENT INFORMATION**

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### **GENERAL INFORMATION**

**Date/Time:** August 10, 2004

**Pages (Includes Cover):** 2

**Special Instructions:**

- URGENT
- Please Reply
- For Your Information

**Message:** BIA Assessment language for the 6.9 parcel

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### Affects on BIA

Acceptance of the acquired lands into Federal trust status should not impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation. As noted, the property is currently vacant and has no forestry or mineral resources which would require BIA management. With respect to maintenance of the property itself, the Tribe has, and will continue, to maintain the property through its Planning/EPA department. Emergency services to the property are provided by City and County Fire and Police through agreements between those agencies and the Tribe.

Based upon the Tribe's current plans for the property, it is anticipated that easements for utilities may be necessary. However, the processing of any easements should not impose any significant burdens on the BIA as the Tribe itself contracts for the survey and environmental assessment, as well as drafting of any applications and easements. The minimal processing of the Easement documents will only affect the BIA at the Agency level and require recording at the LTRO, once that is completed, no additional responsibilities or burdens will be placed on the BIA. Thus, the acquisition of these lands into Federal trust status will place no discernable burdens on the BIA.

### Location

The property is located within the City of Santa Ynez. There is no issue regarding contradictory jurisdictions as the property is approximately 634 miles from the Oregon border, approximately 401 miles from the Nevada border, approximately 397 miles from the Arizona border and approximately 18 miles from the Pacific Ocean. Further, the property lies within the County of Santa Barbara, and lies approximately 30 miles from the City of Santa Barbara. Finally, the property is adjacent to Highway 246 which runs along the Santa Ynez Reservation and is contiguous to the Reservation.



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Response Required	ND
Due Date	_____
Memo	_____ Lit _____
Tele	_____

(RB)

October 8, 2004

Mr. Clay Gregory, Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Re: Santa Ynez Band of Chumash Indians 6.9 Acre Fee-to-Trust Application.

Dear Mr. Gregory:

Although the current application for the 6.9 Acre property addresses potential effects on the Bureau of placing the property into trust, we have been asked to clarify this language to help with the Bureau's assessment.

Acceptance of the acquired lands into Federal trust status should not impose any significant additional responsibilities or burdens on the Bureau beyond those already inherent in the Federal trusteeship over the existing Reservation. As noted, the property is currently vacant and has no forestry or mineral resources which would require Bureau management. The cultural resources on the property will be managed by the Tribe. With respect to maintenance of the property itself, the Tribe has, and will continue, to maintain the property through its Planning/EPA department. Emergency services to the property are provided by City and County Fire and Police through agreements between those agencies and the Tribe.

The Tribe's plans for the property have been explained in the Environmental Assessment. While there are currently easements on the property for sewer and water, the Tribe anticipates that there may be additional easements needed. However, this should not impose any significant burdens on the Bureau as the Tribe itself contracts for the survey and environmental assessment, as well as drafting of the application and easement. Thus, the acquisition of these lands into Federal trust status will place no discernable burdens on the Bureau.

In addition, there were some comments made in response to the Environmental Assessment regarding the Tribe's ability to have a "tax-free enclave." Although this is not a factor which the Bureau can or should use as determinative in either accepting or denying the Tribe's application, the Tribe wanted to provide the Bureau with some additional information. As you know, and as was further explained in the Tribe's response letter, the Tribe collects sales tax on all transactions to non-Tribal members as well as Tribal members not residing on the Reservation. In fact, the Tribe has collected nearly \$200,000 in sales tax so far this year. All of that money goes directly to the State and County. Furthermore, the Tribe has proven to be economically beneficial to the region by providing over 1300 jobs at its resort and tribal



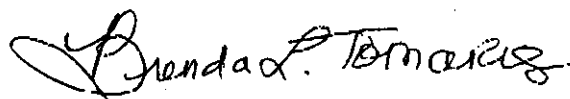
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government operations. Through this tribal employment of local citizens, the State has collected nearly \$2.0 million in income tax. Over \$1.0 of that comes from employed tribal members. Finally, the Tribe uses over 600 vendors from the local communities and counties in its business operations.

As this data shows, the Tribe's operations provide a great benefit to the local communities, despite the perception otherwise. Please do not hesitate to contact me with any questions. I look forward to your response.

Very truly yours,

MIRANDA, TOMARAS & OGAS, LLP



Brenda L. Tomaras  
Attorneys for the Santa Ynez Band of Chumash Indians

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**REVISED NARRATIVE FOR FEE TO TRUST APPLICATION**  
**(TRIBAL REQUESTS)**

**1. All applications must be in writing and accompanied by a duly enacted tribal resolution which requests Secretarial action. (§ 151.9)**

On July 19, 1999, the General Council of the Santa Ynez Band of Mission Indians duly adopted Resolution #701 and on October 20, 2000 duly adopted Resolution #701-A, authorizing the Tribal Chairperson and the Business Council to submit a Fee-to-Trust Application and to execute a grant deed conveying the subject property to the United States of America to be held in trust for the Santa Ynez Band of Mission Indians on the Santa Ynez Indian Reservation (See Attachment "1" to original application). A formal letter and application was submitted to the Bureau of Indian Affairs, Southern California Agency on November 8, 2000. This revised narrative is being submitted based on the new proposed use for the property.

**Location and Legal Description**

The Tribe is seeking to take a total 6.9 acres into trust. This includes all that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara. The 6.9 acres includes APN# 143-241-02, APN# 143-241-03, APN# 143-251-01, APN# 143-251-06, APN# 143-251-05, APN# 143-251-09, and APN# 143-251-08 as shown in the attached preliminary title reports and legal descriptions.

**2. § 151.10(a) The existence of statutory authority for the acquisition and any limitations contained in such authority:**

The Santa Ynez Band of Mission Indians is recognized as an American Indian Tribe by the Secretary of the Interior. The Tribe is organized under the Articles of Organization which were adopted by the membership on November 17, 1963. The Articles of Organization were approved by the Secretary of the Interior on August 23, 1963.

Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984), as amended, provides the authority for this acquisition. The Secretary of the Interior is authorized to acquire and hold land in trust for the Tribe pursuant to Section 203 of the Indian Land Consolidation Act (25 U.S.C. 465) as amended. The process for securing this land acquisition is governed generally by 25 CFR Part 151.

**3. Land Acquisitions must be consistent with policy set forth in 25 C.F.R. § 151.3. If application is not consistent with the policy, the application must state that a waiver of the regulations is being requested, and a justification for approval of the waiver should be contained within the application and/or supporting documents.**

The Santa Ynez Band of Mission Indians has ownership of fee simple title to a 6.9 acre parcel (Santa Barbara County, California), of vacant land. Pursuant to 25 CFR sections 151.3(a),

**RECEIVED**   
BY RPN | DATE 5/13/02

151.3(a)(1), 151.3(a)(2) and 151.3(a)(3). the Tribe does hereby submit the following information in support of it's request that the Secretary of the Interior accept the 6.9 acres of land near the boundaries of the Santa Ynez Band of Mission Indians reservation in to Trust.

**4. § 151.10(b) The application must state why the tribe needs additional land:**

Subsequent to the mission period, the Mexican governors of California issued land grants to tribal leaders and several heads of families of the "Santa Inés Indians." These land grants were not honored by the United States Government after taking over California. The Santa Ynez Band was therefore forced from the lands near the Mission where they had lived throughout the Mexican occupation/rule of California. They eventually resettled at the Sanja de Cota creek area owned by the Church. This area, approximately 100 acres of land, was eventually acquired by the U.S. Government for use as the Sana Ynez Reservation. Much of that land was unusable creek bed and flood plain and continues to be so today.

The current reservation of the Santa Ynez Band of Mission Indians is located in the community of Santa Ynez, southwest of Highway 246 in Santa Barbara County, California. The Tribe has a total enrollment of 158 persons. The reservation includes a total holding of 126.35 acres in Trust separated into the original or Southern Reservation and a Northern Reservation. The approximately 26 acres of the Northern Reservation is primarily residential housing. The Northern and Southern portions of the reservation are separated by an irregularly shaped 11 acre parcel of land (the Davidge property) which is primarily riparian in nature. That property is currently in escrow for sale to the Tribe and will serve to unite the Northern and Southern portions of the reservation. However, even with uniting the reservation, the Tribe continues to have a very limited trust land base.

The current Reservation lands are highly constrained due to a variety of physical, social, and economic factors. A majority of the lands held in Trust for the Santa Ynez Band are located in a flood plain. This land is not suitable for much, if any, development because of flooding and drainage problems. The irregular topography and flood hazards are associated with the multiple creek corridors which run throughout the property resulting in severe limitations of efficient land utilization.

Undeveloped property is at a minimum within the Santa Ynez Reservation. Lands that are undeveloped are of insignificant size for development. On the Northern portion of the reservation, which is made-up of 26.9 acres, land utilization is specifically designed to provide residential opportunities for tribal members. Any further development in the area would be appropriate only for small scale residential enhancements or governmental facilities.

The remaining approximately 99 acres held in Trust for the Santa Ynez Band constitutes the Southern Reservation. Portions of the Southern reservation, upon which the tribal hall and other offices are now located, are constrained by the Sanja De Cota Creek and another tributary creek. These two water courses have created a small island thus limiting further the available space the Tribe has to enhance and exercise its rights to self-determination. Given the limited usable land the Tribe has to work with, it has established a plan for land consolidation of lands

immediately adjacent to the Reservation. Such land consolidation allows the Tribe to consolidate its holdings for purposes of enhancing its self-determination, beautification of the Reservation and surrounding properties, and protection and preservation of invaluable cultural resources.

Placing the property into trust facilitates the Tribe's land consolidation plan by allowing the Tribe to exercise its self-determination and sovereignty over such property. Tribal trust land also has the benefit of being exempt from State and local taxation, which otherwise might impose an economic burden on the Tribe, or impede the economic development of the land for the benefit of the Tribe and its members. Placing the land solely within the jurisdiction of the Federal and tribal governments removes it from State jurisdiction and the imposition of State and local regulatory laws. Such State and local laws, in addition to their potential interference with tribal development of the property, may also conflict with tribal taxing and regulatory schemes governing activities on the land.

Specifically, the Tribe must be able to manage and develop its property pursuant its own laws, interests and goals. As with any 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 overriding authority of the State of California and the County of Santa Barbara, thus impairing the Tribe's ability to adopt and execute its own land use decisions and development goals. Thus, in order to ensure the effective exercise of tribal sovereignty and development prerogatives with respect to the land, trust status is essential

In addition to allowing the Tribe to work within its own regulatory scheme, trust status provides protections for the lands that the Tribe would not otherwise be able to achieve. For example, once the land is in trust, parties other than the Federal government or the Tribe, whether they be governmental or private entities, have no power over the property. Thus, these parties would not be able to obtain rights in the property through, for example, adverse possession or the power of eminent domain.

In the case of this property, a significant archaeological/cultural resource was recently discovered. This resource is portions of an ancient village site which the Tribe is making every effort to preserve and protect. There should be no question that the Tribe maintains the primary interest in such resources and should therefore be the ultimate authority on proper treatment and disposition of such resources. Placing the property into trust thus ensures that the Tribe has jurisdiction over the property and will be able to dictate how best to preserve and protect such resources.

**5. §151.10(c) The purposes for which the land will be used:**

The Santa Ynez Band of Mission Indians originally planned to use the 6.9 acres of land to provide additional land for an expanded tribal administration and community center. The intent was to develop the site for community facilities that support tribal self-determination. However, because of the significant archaeological find on the property, the Tribe has determined that such a use would not be consistent with its goals.

The new plans for the property are anticipated to consist of three components: (1) a cultural center and museum; (2) an open community/commemorative park which would focus on the history of the Chumash people and act as a preservation/buffer for the village site; and (3) a correlative commercial retail building which would help generate revenues for upkeep of the cultural center and park.

In addition to the necessity of taking the property into trust for purposes of preserving the invaluable cultural resources on the property, taking the property into trust will serve to enhance the Tribe's land base as is contemplated by its land consolidation plan which supports tribal self-determination. Doing so will allow the Tribe jurisdiction over such things as the overt appearances of the property as well as the cultural resources contained within the property.

Tribal lands also comprise the heart of the non-economic resources of a tribe by serving cultural, spiritual, or educational purposes, among others. This invaluable tribal resource is protected by placing newly-acquired fee lands in trust with the United States Government. Once the lands are placed under the jurisdiction of the Federal and tribal governments, Federal and tribal interests in the land hold sway over those of the State or local county governments. The importance of this cannot be overstated, as the inherent right to govern its own lands is one of the most essential powers of any tribal government. By placing the land in trust, the potential interference with those powers by State and local governments is significantly reduced, and the jurisdiction of the Tribe thereby solidified and preserved. Further, transferring the property from fee ownership by the Santa Ynez Band into Trust with the Federal government will help the Tribe to achieve its goals of cultural resource protection and preservation, community outreach and self-determination.

**6. §151.10(e) The application must state what impact on the State and its' political subdivisions will result from the removal of the property from the tax rolls:**

The impact on the tax rolls as a result from putting the land into trust is not significant. Prior to the Tribe's purchase, the property tax on the McRae 2.2 acres (for 2001-2002) was \$11,484.84, with an annual increase of up to two percent (2%). The annual property tax on the 4.7 acres already owned by the tribe (for 2000-2001) was \$30,763.42 with an annual increase of up to two percent (2%). The County of Santa Barbara's annual tax revenue for 2000-2001 was over \$327 million. Therefore, the percentage of tax revenue that will be lost by transferring the land into trust would be insignificant in comparison to the total amount of revenue enjoyed by the County. In assessing the impact on the County and State, moreover, the loss in revenue from property taxes will be offset at least in part by the Tribe's contributions and potential job opportunities for the surrounding community.



**7. §151.10(f) The application must fully describe the jurisdictional problems or conflicts which may arise as a result of the intended land use and removal from State or local jurisdiction:**

Santa Barbara County has the current jurisdiction of the land use on the property. The County's land use regulations are presently the applicable regulations when identifying potential future land use conflicts.

The Tribe does not anticipate that there will be any adverse jurisdictional impacts by the land being taken into trust. The proposed activities will for the most part be consistent with local surroundings. The Tribe also hopes to share information about the Tribe's culture and history to members and the surrounding communities. There would likely be periodic events with minimal jurisdictional impacts.

The property is currently zoned Commercial Highway. Surrounding areas are either also zoned Commercial Highway or Recreational. The Tribe desires to use the land for purposes of preservation and protection of cultural resources and community outreach and education regarding the Chumash people. Therefore, there is a great need for the land to be taken into trust so that the tribe may appropriately determine how best to accomplish these goals. There should be no jurisdictional impacts because the Tribe's intended use is for the most part consistent with current land uses and even less intrusive to the land and surrounding community.

The land presently is subject to the full civil and criminal prohibitory jurisdiction of the State of California and Santa Barbara County. Once title to the land is accepted into trust and becomes part of the Santa Ynez Reservation and thus Indian Country, the State of California will have the same territorial and adjudicatory jurisdiction over it and over individuals and transactions that occur on it as the State now has over similar individuals and transactions in other areas of Indian Country within the state. Under P.L. 280 [18 U.S.C., Section 1162 (criminal) and 28 U.S.C. Section 1360 (civil)], except as otherwise provided in P.L. 280, the State of California would continue to exercise its jurisdiction to enforce its civil and criminal prohibitory laws against all individuals on the land, and to adjudicate in State courts civil causes of action arising in this Indian Country involving individual Indian defendants, but not the Tribe itself. P.L. 280 itself does provide certain important exceptions to this civil jurisdiction, such as extending no civil jurisdiction to tax, and denying to State courts the right to determine ownership, possession, or any interest in such trust land. Thus, provision of police services would continue to be the responsibility of the Santa Barbara County Sheriff's Department, and criminal prosecutions of criminal offenses under state statutes committed by anyone within such Indian Country would continue to be brought in State courts. However, neither the State nor the County would have jurisdiction to enforce civil regulatory laws within that Indian Country against individual reservation Indians or the Tribe, such as building and zoning ordinances, rent control, etc. Thus, there are no jurisdictional conflicts which would arise out of taking the land into trust.

With respect to impacts to the State and County, the Tribe has been consistently cooperative with local government and service providers to assist in mitigating any adverse

effects their activities may cause. For instance, the Tribe has an existing agreement with the California Highway Patrol to assist in monitoring traffic related to the Tribe's casino. This agreement is renewable and has been in place since the Summer of 1995. In addition, the Tribe is helping to fund additional positions within the local Fire Department. The Tribe has also been able to make generous contributions to the surrounding communities. They have sponsored numerous organizations and events. These include youth programs, sports programs, and local emergency service providers such as the Sheriff's Department and Fire Department. Thus the Tribe has made every effort to help mitigate any impacts to County service organizations. The Tribe hopes to continue to support such community activities.

In addition, the Tribe has established the Santa Ynez Environmental Office. This office administers the tribal EPA activities, works closely with the Department of Forestry, and administers the Tribe's priorities and policy goals concerning the environmental protection needs of the Tribe. Current goals include the protection of ground water resources and surface flow water resources, and concerns about illegal dumping and solid waste management.

Finally, the Tribe, as part of its Highway 246 Mitigation Measures, is installing signalization of the Edison intersection. This improvement being done by the Tribe is something the County itself has wanted for some time.

**8. The application must state what mitigation actions are planned to reduce adverse impacts identified under items 6 and 7 above:**

The Tribe does not anticipate any adverse impacts with the use of land to be taken into Trust. See tribal activities and contributions above in # 7.

**9. §151.10(g) The application must identify any potential impact upon services currently provided by BIA, or what BIA services will be requested or required if the application is approved:**

Acceptance of the acquired lands into Federal trust status should not impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation.

**10. An original (or certified copy) of the proposed deed to the United States of America in trust for the Santa Ynez Band of Mission Indians. The notary acknowledgment on the deed must conform to California notary law. The deed must be executed by the legal landowner(s) as evidenced by a current title report or a recent title insurance policy. For conveyances of tribal "fee" lands, the deed must be signed by a representative of the tribe as evidenced by a duly enacted tribal resolution:**

*See Attachment "2" to the original application.*

**11. Any agreement(s) for purchase or exchange of the subject property (escrow instructions should also be included):**

This section is not applicable to the Tribe because the Tribe has fee simple title to the entire 6.9 acres.

**12. A current title report or title policy (see item 10 above). As required in the Standards of the U.S. Department of Justice (see CFR 151.13), a title company must be willing to issue a final title policy on the approved U.S. form - ATLA U.S. Policy - 9/28/91, and subject only to those exceptions acceptable to the U.S. and with liability in an amount equal to the value [most commonly, the purchase price] of the subject property:**

*See Attachment "3", Attachment "4", and Attachment "5" to the original application.*

**13. THE LAND DESCRIPTION ON THE DEED AND TITLE EVIDENCE MUST BE IDENTICAL. Metes and bounds land descriptions must be supported by a legible copy of a survey plat (maps will be microfilmed by BIA):**

*See Attachment "6" to the original application.*

**14. For any exception listed on the title evidence, a copy of the referenced document must be included - e.g., rights of way of record; all information relevant to any existing special assessment districts; legible copies of all maps or plats reference; deeds or judgments that might be referenced. (If monetary liens exist, tribe must state plan for their elimination at close of escrow and/or prior to acceptance of title by the U.S.):**

See applicable documents attached to title reports. In addition, see identical copies behind both title reports of Quitclaim Deeds from the Roman Catholic Bishop and the Petroleum Securities Company to the Secretary of the Interior of the United States of America.

**15. For rights of way of record, tribe must state whether or not such right will interfere with the intended use of the subject property - e.g., describe how location of electrical lines prohibit or limit land use within right of way area or if line is proposed for relocation (copies of any negotiated agreements should also be included):**

Exceptions have been accepted by the Santa Ynez Band in Resolution No's. 701-B and 701-C, which is attached as *Attachment "7"* to the original application.

**(i) The extent to which information has been provided that allows the Secretary to comply with 516 DM 6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.**

An a Phase 1 Assessment and subsequent assessment of the property have been performed. These are attached as "*Attachment 9*" and "*Attachment 10*" to this revised narrative.

**16. Application should include a copy of any appraisal report, if an appraisal is already available:**

An appraisal report is not available because the tribe already owns the 6.9 acres of land in fee simple title.

**17. Application must include an environmental assessment. (BIA may request additional documentation, investigations, or reports in order to be able to evaluate the impact of the trust acquisition as required by the National Environmental Policy Act):**

An environmental assessment has been prepared and was included as an attachment to the application. See Attachment "8" to the original application. In addition, a copy of the 2002 archaeological report is attached as "Attachment 11" to this revised narrative. Further, a subsequent environmental assessment is being prepared based upon the new information and addressing prior comments. This environmental assessment will be submitted upon completion.

**18. Application should include description of existing terrain, existing improvements and/or occupants, statement as to whether or not there is LEGAL ACCESS to the subject property (plot maps showing existing roads, etc., and any proposed roads, structure sites, etc., are useful):**

The 6.9 acre Master property slopes gently toward the southern and western property boundaries from the slightly higher northeastern portion. Elevations range from 595 to 540 feet above mean seal level (msl). The eastern portion drains into a retention area along Hwy 246, while the western portion drains into Zanja de Cota Creek, which runs along the western property boundary. Zanja de Cota Creek is a small tributary to Alamo Pintado Creek, which flows into the Santa Ynez River approximately 2 miles downstream of the site. Crop production, grazing, and road construction activities have historically disturbed the property, altering the natural topography of the site. Access to the Property exists off of Highway 246 to the South and Numancia to the North.

*In addition, See ATLA Survey included as Attachment "5" to the original application.*

**19. Land acquisitions for economic development must include a detailed explanation of the proposed development and how it will benefit the tribe, e.g., tribal employment, anticipated revenues to the tribe and projections for increased tribal programs or services:**

The plans for the property are anticipated to consist of three components: (1) a cultural center and museum; (2) an open community/commemorative park which would focus on the history of the Chumash people and act as a preservation/buffer for the village site; and (3) a correlative commercial retail building which would help generate revenues for upkeep of the cultural center and park. Further, details are provided in the subsequent environmental assessment.

**20. THE APPLICANT MUST PAY ALL TAXES DUE AND PAYABLE UNTIL SUCH TIME AS THE APPLICANT HAS BEEN ADVISED THAT THE PROPERTY HAS BEEN ACCEPTED INTO TRUST. THE APPLICANT MUST ALSO MAKE SURE THAT ALL FINANCIAL OBLIGATIONS ARE MET IN ORDER TO AVOID ATTACHMENT OF ANY LIENS AGAINST THE PROPERTY PROPOSED FOR TRUST APPLICATION (e.g., tribes are responsible for contributions to the Internal Revenue Service for tribal employees).**

All taxes have been paid as described in the attached title reports. *See Attachments "3" and "4"* to the original application.

**Conclusion:**

As demonstrated throughout this application and supporting documents, the Santa Ynez Band has a great need to acquire additional trust lands in order to support the reservation and surrounding community, as well as preservation of valuable cultural resources. The Tribe's goals of preserving the village site, and developing a cultural center/community park will have minimal jurisdictional impacts on the community, but maximum social impacts for the surrounding residents.

**FEE TO TRUST APPLICATION**  
**(TRIBAL REQUESTS)**

**1. All applications must be in writing and accompanied by a duly enacted tribal resolution which requests Secretarial action. (§ 151.9)**

On July 19, 1999, the General Council of the Santa Ynez Band of Mission Indians duly adopted Resolution #701 and on October 20, 2000 duly adopted Resolution #701-A, authorizing the Tribal Chairperson and the Business Council to submit a Fee-to-Trust Application to execute a grant deed conveying the subject property to the United States of America to be held in trust for the Santa Ynez Band of Mission Indians on the Santa Ynez Indian Reservation (See Attachment "1"). A formal letter and application was submitted to the Bureau of Indian Affairs, Southern California Agency.

**Location and Legal Description**

The Tribe is seeking to take a total 6.9 acres into trust. This includes all that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara. The 6.9 acres includes APN# 143-241-02, APN# 143-241-03, APN# 143-251-01, APN# 143-251-06, APN# 143-251-05, APN# 143-251-09, and APN# 143-251-08 as shown in the attached preliminary title reports and legal descriptions.

**2. § 151.10(a) The existence of statutory authority for the acquisition and any limitations contained in such authority:**

The Santa Ynez Band of Mission Indians is recognized as an American Indian Tribe by the Secretary of the Interior. The Tribe is organized under the Articles of Organization which were adopted by the membership on November 17, 1963. The Articles of Organization were approved by the Secretary of the Interior on August 23, 1963. The Secretary of the Interior is authorized to acquire and hold land in trust for the Tribe pursuant to Section 203 of the Indian Land Consolidation Act (25 U.S.C. 465) as amended.

Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984), as amended, provides the authority for this acquisition.

**3. Land Acquisitions must be consistent with policy set forth in 25 C.F.R. § 151.3. If application is not consistent with the policy, the application must state that a waiver of the regulations is being requested, and a justification for approval of the waiver should be contained within the application and/or supporting documents.**

The Santa Ynez Band of Mission Indians has ownership of fee simple title to a 6.9 acre parcel (Santa Barbara County, California), of vacant land. Pursuant to 25 CFR sections 151.3(a), 151.3(a)(1), 151.3(a)(2) and 151.3(a)(3), the Tribe does hereby submit the following information in support of its request that the Secretary of the Interior accept the 6.9 acres of land near the boundaries of the Santa Ynez Band of Mission Indians reservation.

**4. § 151.10(b) The application must state why the tribe needs additional land:**

The reservation of the Santa Ynez Band of Mission Indians is located in the community of Santa Ynez, southwest of Highway 246 in Santa Barbara County, California. The Tribe has a total enrollment of 163 persons. The reservation includes a total holding of 126.35 acres in Trust. The Northern and Southern portions of the reservation are separated by an irregularly shaped 11 acre parcel of land which is primarily riparian in nature.

In the evaluation of the Tribe's request for acquisition of lands, an important consideration is the Tribe's need for additional lands (25 C.F.R. 151, Section 151.10(b)). The 6.9 acres in question is necessary to provide property which can be developed for needed reservation-oriented services. These services would include relocation of the Tribal hall from its current location on the south side of Highway 246, as well as provide additional land for an expanded tribal administration and community center.

Reservation lands are highly constrained due to a variety of physical, social, and economic factors. A majority of the lands held in Trust for the Santa Ynez Band are located in a flood plain. This land is not suitable for a large tribal hall because of flooding and drainage problems. The irregular topography and flood hazards are associated with the multiple creek corridors which run throughout the property resulting in severe limitations of efficient land utilization.

Undeveloped property is at a minimum within the Santa Ynez Reservation. Lands that are undeveloped are of insignificant size for development. On the Northern portion of the reservation, which is made-up of 26.9 acres, land utilization is specifically designed to provide residential opportunities for tribal members. Any further development in the area would be appropriate only for small scale residential enhancements and not for the construction of a large tribal administration and community center.

The remaining 98.6 acres held in Trust for the Santa Ynez Band constitutes the Southern Reservation. The portion of the Southern reservation upon which the tribal hall and other offices are now located amounts to approximately 5% (6 acres) of the reservation. This 6 acre parcel is constrained by the Sanja De Cota Creek and another tributary creek. These two water courses have created a small island. Because this is one of the few areas of the reservation appropriate for commercial rather than residential development, the necessary Tribal administrative and economic facilities are forced to compete within a restricted space.

Currently, the Santa Ynez Casino sits next to the existing tribal hall and medical center. The casino utilizes approximately seven (7) acres of space for the structure and parking. As the tribe's sole source of income, the casino is vital to the tribe's economic security and independence. By relocating the tribal hall and surrounding offices, the tribe will be able to utilize the current area where the casino occupies in order to expand their gaming operations within the existing reservation area.

The new tribal administration and community center will allow the tribe to share in tribal gatherings and other services important to the tribe as a community. Community outreach activities, such as job referral programs, day care, and youth counseling, would be supported by a

new tribal administration and community center.

**5. §151.10(c) The purposes for which the land will be used:**

The Santa Ynez Band of Mission Indians plans to use the 6.9 acres of land to provide additional land for an expanded tribal administration and community center. The intent is to develop the site for community facilities that support tribal self-determination.

The present Tribal Administrative building (Tribal hall) is located on the lower part of the reservation. It serves as a meeting hall, an administrative building, and as a focal point for social gatherings. The Tribal hall is used for wedding receptions, funeral gatherings, birthday parties, Christmas parties, and other social gatherings. The Tribe allows, free of charge, the use of the Tribal hall to organizations such as Alcoholics Anonymous, People Helping People, and local community groups. Offices for Tribal Administration, Tribal Elder's Council, Tribal Education Committee, and the Santa Ynez Environmental Office are all housed in the Tribal hall.

The Santa Ynez Band does not anticipate a significant change in the usage of the Tribal hall they plan to construct. The community center will function to provide additional services to the community as described above, including, job referral programs, youth counseling, day care, and cultural gatherings. It is foreseeable that these buildings might facilitate a large annual or biannual event, but their primary function will be to meet the administrative needs of the Tribe. Transferring the 6.9 acres from fee ownership by the Santa Ynez Band, into Trust, will help the Tribe achieve their goals of increased community outreach and self-determination.

**6. §151.10(e) The application must state what impact on the State and its' political subdivisions will result from the removal of the property from the tax rolls:**

The impact on the tax rolls as a result from putting the land into trust is not significant. Prior to the Tribe's purchase, the property tax on the McRae 2.2 acres (for 1999-2000) was \$1,962.00, with an annual increase of up to two percent (2%). The annual property tax on the 4.7 acres already owned by the tribe (for 1999-2000) was \$31,444.20 with an annual increase of up to two percent (2%). The County of Santa Barbara's annual tax revenue for 1999 was over \$382 million. Therefore, the percentage of tax revenue that will be lost by transferring the land into trust would be insignificant in comparison to the total amount of revenue enjoyed by the County. In assessing the impact on the State, moreover, the loss in revenue from property taxes will be offset at least in part by the Tribe's contributions and potential job opportunities for the surrounding community.

**7. §151.10(f) The application must fully describe the jurisdictional problems or conflicts which may arise as a result of the intended land use and removal from State or local jurisdiction:**

Santa Barbara County has the current jurisdiction of the land use on the Master property. The County's land use regulations are presently the applicable regulations when identifying testing and potential future land use conflicts.



The property is zoned Commercial Highway. Surrounding areas are either also zoned Commercial Highway or Recreational. The Tribe desires to use the land for tribal administration and community center activities, not commercial development. Therefore, there is a great need for the land to be taken into trust so that the tribe may use the land to expand services to their members and the surrounding community. There should be no jurisdictional impacts because the Tribe's intended use is for the most part consistent and even less intrusive to the land and surrounding community.

The land presently is subject to the full civil and criminal prohibitory jurisdiction of the State of California and Santa Barbara County. Once title to the land is accepted into trust and becomes part of the Santa Ynez Reservation and thus Indian Country, the State of California will have the same territorial and adjudicatory jurisdiction over it and over individuals and transactions that occur on it as the State now has over similar individuals and transactions in other areas of Indian Country within the state. Under P.L. 280 [18 U.S.C., Section 1162 (criminal) and 28 U.S.C. Section 1360 (civil)], except as otherwise provided in P.L. 280, the State of California would continue to exercise its jurisdiction to enforce its civil and criminal prohibitory laws against all individuals on the land, and to adjudicate in State courts civil causes of action arising in this Indian Country involving individual Indian defendants, but not the Tribe itself. P.L. 280 itself does provide certain important exceptions to this civil jurisdiction, such as extending no civil jurisdiction to tax, and denying to State courts the right to determine ownership, possession, or any interest in such trust land. Thus, provision of police services would continue to be the responsibility of the Santa Barbara County Sheriff's Department, and criminal prosecutions of criminal offenses under state statutes committed by anyone within such Indian Country would continue to be brought in State courts. However, neither the State nor the County would have jurisdiction to enforce civil regulatory laws within that Indian Country against individual reservation Indians or the Tribe, such as building and zoning ordinances, rent control, etc.

The Tribe does not anticipate that there will be any adverse jurisdictional impacts by the land being taken into trust. The proposed activities will for the most part be the same as those that are already in place at the existing structures across Highway 246. The Tribe desires to have new and better equipped buildings so that they may expand their services. The Tribe also hopes to develop a community center to provide job referral programs, youth counseling, day care, and to share information about the Tribe's culture and history to members and the surrounding communities. There would likely be periodic events with minimal jurisdictional impacts.

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~~The Tribe has been consistently cooperative with local government and service providers to assist in mitigating any adverse effects their activities may cause.~~

The Tribe has an existing agreement with the California Highway Patrol to assist in monitoring traffic related to the Tribe's casino. This agreement is renewable and has been in place since the Summer of 1995.

The Tribe has also established the Santa Ynez Environmental Office. This office administers the tribal EPA activities, works closely with the Department of Forestry, and administers the Tribe's priorities and policy goals concerning the environmental protection needs of the Tribe. Current goals include the protection of ground water resources and surface flow

water resources, and concerns about illegal dumping and solid waste management.

The Tribe has also been able to make generous contributions to the surrounding communities. They have sponsored numerous organizations and events. These include youth programs, sports programs, and local emergency service providers such as the Sheriff's Department and Fire Department. The Tribe hopes to continue to support such community activities.

**8. The application must state what mitigation actions are planned to reduce adverse impacts identified under items 6 and 7 above:**

The Tribe does not anticipate any adverse impacts with the use of land to be taken into Trust. See tribal activities and contributions above in #7.

**9. §151.10(g) The application must identify any potential impact upon services currently provided by BIA, or what BIA services will be requested or required if the application is approved:**

Acceptance of the acquired lands into Federal trust status should not impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation.

**10. An original (or certified copy) of the proposed deed to the United States of America in trust for the Santa Ynez Band of Mission Indians. The notary acknowledgment on the deed must conform to California notary law. The deed must be executed by the legal landowner(s) as evidenced by a current title report or a recent title insurance policy. For conveyances of tribal "fee" lands, the deed must be signed by a representative of the tribe as evidenced by a duly enacted tribal resolution:**

*See Attachment "2".*

**11. Any agreement(s) for purchase or exchange of the subject property (escrow instructions should also be included):**

This section is not applicable to the Tribe because the Tribe has fee simple title to the entire 6.9 acres.

**12. A current title report or title policy (see item 10 above). As required in the Standards of the U.S. Department of Justice (see CFR 151.13), a title company must be willing to issue a final title policy on the approved U.S. form - ATLA U.S. Policy - 9/28/91, and subject only to those exceptions acceptable to the U.S. and with liability in an amount equal to the value [most commonly, the purchase price] of the subject property:**

*See Attachment "3", Attachment "4", and Attachment "5".*

**13. THE LAND DESCRIPTION ON THE DEED AND TITLE EVIDENCE MUST BE IDENTICAL. Metes and bounds land descriptions must be supported by a legible copy of a survey plat (maps will be microfilmed by BIA):**

*See Attachment "6".*

**14. For any exception listed on the title evidence, a copy of the referenced document must be included - e.g., rights of way of record; all information relevant to any existing special assessment districts; legible copies of all maps or plats reference; deeds or judgments that might be referenced. (If monetary liens exist, tribe must state plan for their elimination at close of escrow and/or prior to acceptance of title by the U.S.):**

See applicable documents attached to title reports. In addition, see identical copies behind both title reports of Quitclaim Deeds from the Roman Catholic Bishop and the Petroleum Securities Company to the Secretary of the Interior of the United States of America.

**15. For rights of way of record, tribe must state whether or not such right will interfere with the intended use of the subject property - e.g., describe how location of electrical lines prohibit or limit land use within right of way area or if line is proposed for relocation (copies of any negotiated agreements should also be included):**

Exceptions have been accepted by the Santa Ynez Band in Resolution No's. 701-B and 701-C, which is attached as *Attachment "7"*.

**(i) The extent to which information has been provided that allows the Secretary to comply with 516 DM 6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.**

An environmental assessment has been prepared and is included as an attachment to this application. *See Attachment "8"*.

**16. Application should include a copy of any appraisal report, if an appraisal is already available:**

An appraisal report is not available because the tribe already owns the 6.9 acres of land in fee simple title.

**17. Application must include an environmental assessment. (BIA may request additional documentation, investigations, or reports in order to be able to evaluate the impact of the trust acquisition as required by the National Environmental Policy Act):**

An environmental assessment has been prepared and is included as an attachment to this application. *See Attachment "8"*.

**18. Application should include description of existing terrain, existing improvements and/or occupants, statement as to whether or not there is LEGAL ACCESS to the subject property (plot maps showing existing roads, etc., and any proposed roads, structure sites, etc., are useful):**

The 6.9 acre Master property slopes gently toward the southern and western property boundaries from the slightly higher northeastern portion. Elevations range from 595 to 540 feet above mean seal level (msl). The eastern portion drains into a retention area along Hwy 246, while the western portion drains into Zanja de Cota Creek, which runs along the western property boundary. Zanja de Cota Creek is a small tributary to Alamo Pintado Creek, which flows into the Santa Ynez River approximately 2 miles downstream of the site. Crop production, grazing, and road construction activities have historically disturbed the property, altering the natural topography of the site.

*In addition, See ATLA Survey included as Attachment "5".*

**19. Land acquisitions for economic development must include a detailed explanation of the proposed development and how it will benefit the tribe, e.g., tribal employment, anticipated revenues to the tribe and projections for increased tribal programs or services:**

The tribe intends to use the 6.9 acres as a tribal administration and community center. No economic development is planned for the site.

**20. THE APPLICANT MUST PAY ALL TAXES DUE AND PAYABLE UNTIL SUCH TIME AS THE APPLICANT HAS BEEN ADVISED THAT THE PROPERTY HAS BEEN ACCEPTED INTO TRUST. THE APPLICANT MUST ALSO MAKE SURE THAT ALL FINANCIAL OBLIGATIONS ARE MET IN ORDER TO AVOID ATTACHMENT OF ANY LIENS AGAINST THE PROPERTY PROPOSED FOR TRUST APPLICATION (e.g., tribes are responsible for contributions to the Internal Revenue Service for tribal employees).**

All taxes have been paid as described in the attached title reports. *See Attachments "3" and "4".*

**Conclusion:**

As demonstrated throughout this application and supporting documents, the Santa Ynez Band has a great need to acquire additional trust lands in order to support the reservation and surrounding community. The Tribe's goals of developing a new and expanded tribal administration and community center will have minimal jurisdictional impacts on the community, but maximum social impacts for the surrounding residents. The new center will allow the Tribe to increase social services to the members and youth as well as provide a location where the reservation community and surrounding localities can take advantage of the new services being offered.

# CALIFORNIA INDIAN LEGAL SERVICES

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November 8, 2000

Virgil Townsend, Superintendent  
Southern California Agency  
Bureau of Indian Affairs  
2038 Iowa Avenue, Suite 101  
Riverside, CA 92507-0001

Re: Fee to Trust Application for the Santa Ynez Band of Mission Indians

Dear Mr. Townsend:

This letter and the following attachments constitute the application of the Santa Ynez Band of Mission Indians, a federally recognized tribe, for acceptance into trust of parcels of land located within Santa Barbara County. California Indian Legal Services (CILS) represents the Santa Ynez Band (Tribe) in this matter. Please be advised that where documents in this application state the "Santa Ynez Band of Mission Indians" or the "Santa Ynez Band of Chumash Mission Indians", they are the same as the "Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California" as listed in the Federal Register.

Pursuant to 25 USC § 465, 25 USC § 2719, and 25 CFR Part 151, the Santa Ynez Band of Mission Indians hereby applies to the United States Department of Interior for approval of its request to take the following described parcel of land, located in Santa Ynez, California, into trust for the use and benefit of the Tribe. The land is described as; 1) Santa Barbara County Accessors' Parcel No. 143-241-02, commonly known as 3400 Numancia Street, Santa Ynez, California, consisting of two point two acres (2.2) of land, and 2) Santa Barbara County Accessors' Parcel No 143-241-03, 143-251-01, 143-251-06, 143-251-05, 143-251-09, 143-251-08, consisting of four point seven (4.7) acres of land.

This application is structured according to the latest guidelines set by the Area Office, entitled "Sacramento Area - Bureau of Indian Affairs, Land Acquisition Applications (Tribal Requests)". The Tribe requests that you inform it of any additional materials the BIA may need to process its request. We further request that you process this application as soon as possible as the documents which are now current will not be if this process is unnecessarily delayed, and since the Tribe is currently incurring property taxes in connection with this land.

**FEE TO TRUST APPLICATION**  
**(TRIBAL REQUESTS)**

**1. All applications must be in writing and accompanied by a duly enacted tribal resolution which requests Secretarial action. (§ 151.9)**

On July 19, 1999, the General Council of the Santa Ynez Band of Mission Indians duly adopted Resolution #701 and on October 20, 2000 duly adopted Resolution #701-A, authorizing the Tribal Chairperson and the Business Council to submit a Fee-to-Trust Application to execute a grant deed conveying the subject property to the United States of America to be held in trust for the Santa Ynez Band of Mission Indians on the Santa Ynez Indian Reservation (See Attachment "1"). A formal letter and application was submitted to the Bureau of Indian Affairs, Southern California Agency.

**Location and Legal Description**

The Tribe is seeking to take a total 6.9 acres into trust. This includes all that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara. The 6.9 acres includes APN# 143-241-02, APN# 143-241-03, APN# 143-251-01, APN# 143-251-06, APN# 143-251-05, APN# 143-251-09, and APN# 143-251-08 as shown in the attached preliminary title reports and legal descriptions.

**2. § 151.10(a) The existence of statutory authority for the acquisition and any limitations contained in such authority:**

The Santa Ynez Band of Mission Indians is recognized as an American Indian Tribe by the Secretary of the Interior. The Tribe is organized under the Articles of Organization which were adopted by the membership on November 17, 1963. The Articles of Organization were approved by the Secretary of the Interior on August 23, 1963. The Secretary of the Interior is authorized to acquire and hold land in trust for the Tribe pursuant to Section 203 of the Indian Land Consolidation Act (25 U.S.C. 465) as amended.

Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984), as amended, provides the authority for this acquisition.

**3. Land Acquisitions must be consistent with policy set forth in 25 C.F.R. § 151.3. If application is not consistent with the policy, the application must state that a waiver of the regulations is being requested, and a justification for approval of the waiver should be contained within the application and/or supporting documents.**

The Santa Ynez Band of Mission Indians has ownership of fee simple title to a 6.9 acre parcel (Santa Barbara County, California), of vacant land. Pursuant to 25 CFR sections 151.3(a), 151.3(a)(1), 151.3(a)(2) and 151.3(a)(3), the Tribe does hereby submit the following information in support of its request that the Secretary of the Interior accept the 6.9 acres of land near the boundaries of the Santa Ynez Band of Mission Indians reservation.

new tribal administration and community center.

**5. §151.10(c) The purposes for which the land will be used:**

The Santa Ynez Band of Mission Indians plans to use the 6.9 acres of land to provide additional land for an expanded tribal administration and community center. The intent is to develop the site for community facilities that support tribal self-determination.

The present Tribal Administrative building (Tribal hall) is located on the lower part of the reservation. It serves as a meeting hall, an administrative building, and as a focal point for social gatherings. The Tribal hall is used for wedding receptions, funeral gatherings, birthday parties, Christmas parties, and other social gatherings. The Tribe allows, free of charge, the use of the Tribal hall to organizations such as Alcoholics Anonymous, People Helping People, and local community groups. Offices for Tribal Administration, Tribal Elder's Council, Tribal Education Committee, and the Santa Ynez Environmental Office are all housed in the Tribal hall.

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**Conclusion:**

As demonstrated throughout this application and supporting documents, the Santa Ynez Band has a great need to acquire additional trust lands in order to support the reservation and surrounding community. The Tribe's goals of developing a new and expanded tribal administration and community center will have minimal jurisdictional impacts on the community, but maximum social impacts for the surrounding residents. The new center will allow the Tribe to increase social services to the members and youth as well as provide a location where the reservation community and surrounding localities can take advantage of the new services being offered.