

# Santa Ynez Valley Disclosure

Sotheby's International Realty has come across information that may be material to your transaction. The attached articles report that the Chumash Indian Tribe is pursuing a petition with the Bureau of Indian Affairs to approve the inclusion of certain land into its tribal boundaries. There is pending litigation which relates to this petition. Attached are the articles which reference this petition, the pending litigation and the potentially impacted land. Please note that the source of the information is the articles attached, and Sotheby's International Realty cannot independently verify the information. However, since the reported information may have a potentially material impact on certain properties, we urge you to speak with an attorney to understand how the reported events may affect you and the property, and to understand your rights, obligations and remedies.

By our signatures below we acknowledge receipt of this disclosure and articles referenced above;

\_\_\_\_\_  
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BUYER            SELLER

\_\_\_\_\_  
Date                                  Date

# Chumash Apply to Annex Camp 4

 independent.com - news 2013-aug-15-chumash-apply-annex-camp-4

By Matt Kettmann ( Contact )



Paul Wellman

**GRASSLAND DREAMS:** The Chumash tribe wants to put 143 homes on the nearly 1,400 acres of oak woodlands and vineyards on the east side of Highway 154.

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Valley Residents and Others Concerned over Potential Development, Precedent

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Thursday, August 15, 2013

By [Matt Kettmann](#) (Contact)

The Santa Ynez Band of Chumash Indians are now officially trying to annex the nearly 1,400-acre Camp 4 property into its reservation, which would remove it from the County of Santa Barbara's tax rolls and, more worrying to some, allow development to proceed without adhering to the county's strict planning rules. The tribe, which made many enemies in the Santa Ynez Valley by building the Chumash Casino Resort on its 137-acre reservation in 2004, bought Camp 4 from actor-turned-vintner Fess Parker for about \$40 million in 2010 and submitted its fee-to-trust application to the Bureau of Indian Affairs last month.

# More than a half-dozen lawsuits have been filed against tribe's efforts

## ■ CHUMASH Continued from Page A1

Because the Chumash TCA approval is the first to ever be issued in California, Ms. Farr acknowledged the county has no template on how to proceed, other than to urge objection to the federal government from local residents and state or federal representatives.

"It's clear that we just need to put a lot of pressure every place we can," Ms. Farr said. "Everybody here knows this is not a valley issue. This never was just a valley issue. It's a county issue. It's a state issue."

"Everybody who knows that should spread the word to people on the Gaviota Coast, to Montecito, to Santa Barbara, to Lompoc. Everybody. Some aspect of this is going to affect everybody."

Some past meetings on tribal land or gaming issues have erupted into yelling matches, but that was not the case Wednesday. A more restrained audience sought information and advice from Ms. Farr, and many issued a rallying cry to the valley to stay involved.

When one man suggested picketing the Chumash Casino to inflict economic damage, Ms. Farr said such a move might not be effective.

"I realize there are a lot of frustrations," she said. "The tribe has not done anything wrong. They are within their rights to purchase property and request a fee-to-trust. All our focus is on the BIA. That's where the litigation is."

At least a dozen neighborhood groups, associations, organizations and environmental groups sought signatures from attendees on petitions to stop the tribal consolidation area, saying the bureau was "wrong on the history of the tribe's relationship to this land (and) the BIA was negligent in failing to scrutinize the tribe's assertions."

In addition to the county's lawsuit, more than a half-dozen other lawsuits have been filed by groups or individuals opposing the TCA, including Preservation of Los Olivos and Preservation of Santa Ynez; Santa Ynez Valley Concerned Citizens; WE Watch; Santa Ynez Valley Board of Realtors; Montecito's Neighborhood Defense League; Meadowlark



BILL MORSON/NEWS-PRESS

Greg Schipper urges Santa Ynez Valley residents to keep pressure on government officials regarding the Chumash application.

Ranches; Save the Santa Ynez Valley Plan; No More Slots; and Nancy Crawford-Hall, a major landowner in the area and former publisher of the Valley Journal.

Also expected to file a lawsuit is the Rancho Estates Mutual Water Co.

Rep. Lois Capps, D-Santa Barbara, and Sen. Dianne Feinstein, D-San Francisco, have asked the Bureau of Indian Affairs director to answer a series of questions about the TCA, including what criteria were used in approving such a plan.

The BIA is still accepting comments on the environmental assessment for the Camp 4 fee-to-trust application, though the federal agency

has recently deemed that application complete, Ms. Farr said.

If the land is granted as fee-to-trust, that takes 1,400 acres of prime Santa Ynez Valley real estate out of the county land-use control. The Chumash have unveiled two different plans to build some 143 homes and other tribal government facilities on the property.

The Board of Supervisors has reserved Oct. 15 to discuss the matter, Ms. Farr said. If the deadline for comments is extended, the meeting may take place in early November.

"Needless to say, when the issue comes to the board, I want to see all of you there," the supervisor said to

the hundreds seated in front of her. "Votes we've had in the past on this have been heavily influenced on the fact that the community turned out to speak and have given powerful testimony on how they feel. You will need to continue to do that."

A new resident to the valley, Greg Schipper, said he doesn't want to "see this amazing place spoiled. This is all about money, greed."

Ms. Farr disagreed, stating she feels the main issue is "how much public subsidy they (the Chumash) are entitled to, for taking the land out of the tax rolls."

If the county does not get the answers it wants, Ms. Farr suggested calling for a congressional oversight hearing and investigation into the BIA process.

Mr. Schipper added in his comments. "Everyone needs to be heard. We can make a difference. Do not stop. ... Make sure you don't step down. Don't give up."

A large core group of residents who have been involved in tribal land and gaming issues for more than a decade also spoke, including former Planning Commissioner C.J. Jackson, attorney Jim Marino and Solvang Mayor Jim Richardson.

Many people asked basic questions about the land plan and what impact it could have on individual land rights, while also seeking advice on how to be involved in opposition plans.

Musician David Crosby, a valley resident for 19 years, stated that he was "resentful" that the tribe would not be paying taxes on the Camp 4 land and that the TCA was an attempt to frighten area landowners.

"That overlay (the TCA) is a scare tactic," Mr. Crosby said. "The point is to devalue your property. The point is to make you sell. The point is to scare you. They can't take it into the reservation land if you don't sell it to them."

Ms. Farr indicated that even if valley residents are unhappy with what the tribe has done, "they have done what they were allowed to do by law. The issue moving forward for the county is with the BIA and lack of transparency."

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# Chumash land furor



BILL MORSON/NEWS-PRESS PHOTOS

A meeting about the Santa Ynez Band of Chumash Indians' application to annex land draws an overflow crowd Wednesday evening at the Solvang Veterans Memorial Building.

## More than 500 turn out to oppose tribe's land-acquisition plans

By NORA K. WALLACE  
NEWS-PRESS STAFF WRITER

Residents of the Santa Ynez Valley, ignited by a Santa Ynez Band of Chumash Indians' land-acquisition plan and tribal efforts to add more than 1,400 acres to its reservation, pledged in force Wednesday night to continue fighting what many are calling an "unprecedented taking of county land."

More than 500 people turned out for a meeting with 3rd District Supervisor Doreen Farr, overflowing the Solvang Veterans Memorial Building, to learn how best to combat the tribe's land-acquisition efforts.

The meeting was prompted by looming legal deadlines involving the Chumash fee-to-trust application for 1,400 acres known as Camp 4 at the junction of State Routes 154 and 246, as well as by the Bureau of Indian Affairs's approval of a Chumash tribal consolidation area.



County Supervisor Doreen Farr, who organized Wednesday's meeting, speaks to the audience while holding the Chumash application that would add 1,400 acres to their reservation.

The fee-to-trust application, if approved, would add the 1,400-acre property to the Chumash reservation.

The tribal consolidation area designates the geographic boundaries of a

tribe's historic reservation area that the BIA will recognize when processing fee-to-trust applications, which Ms. Farr indicated would likely make it easier for such applications to get approval.

The tribal consolidation area, encompassing about 11,500 acres of land in the valley, was approved in June by the Pacific Region office of the Bureau of Indian Affairs without any notice to county government or area residents.

Santa Barbara County is filing a "robust response" to the fee-to-trust's environmental assessment, and is filing a lawsuit against the issuance of the tribal consolidation area.

It is asking the Bureau of Indian Affairs to overturn and vacate the TCA approval and to suspend the fee-to-trust applications within the boundary of the land plan until all issues are resolved.

Please see **CHUMASH** on A5

# Inaugural Space X launch set

By NORA K. WALLACE  
NEWS-PRESS STAFF WRITER

out the Central Coast if skies are clear.

Mr. Musk spoke to the News-Press about the then-expected February 2004 launch of the Falcon 1 from Ven-

tors made the Twitter that "demo has a lo

Cohen understands that opposition exists but says the tribe remains confident. "We think that the Bureau of Indian Affairs is very responsive to fee-to-trust for housing requirements," said Cohen. "The tribe's not going away."

INDEPENDENT.COM'S MOST RECENT COMMENTS

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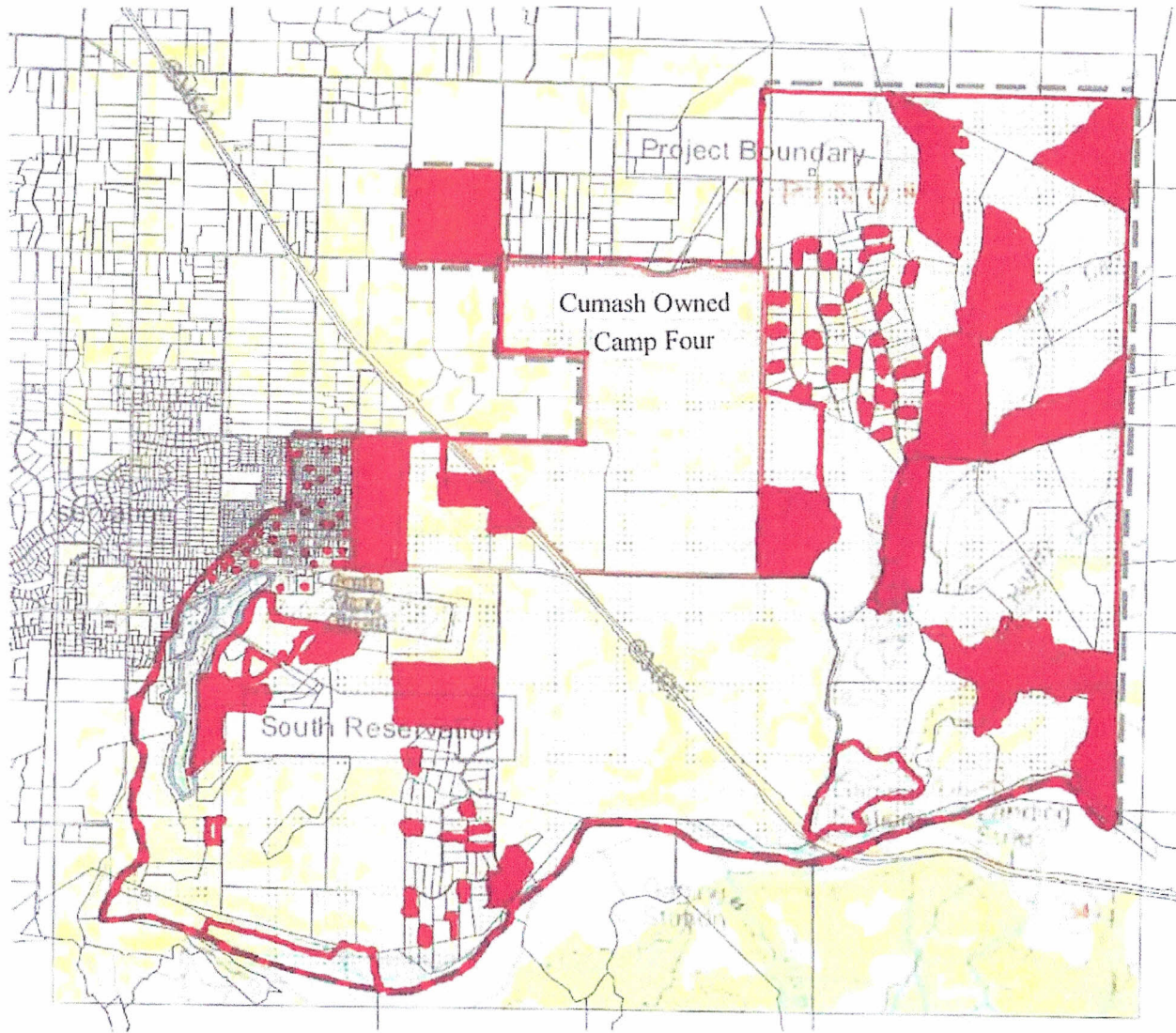


Our Mon-Wed-Friday newsletter keeps you up-to-date on all things Santa Barbara.

## Exhibit A

### Tribal Land Jurisdiction Fracturing Plan or Consolidation Plan?

Tribal Consolidation Area, Hypothetical Jurisdictional Checker Board in 2043. A consolidation plan that promotes the fracturing of jurisdiction, is many things, but a consolidation plan is not one of them.



**EXHIBIT C**

**Red: Santa Barbara Thoroughbred Farms 30 Parcels**

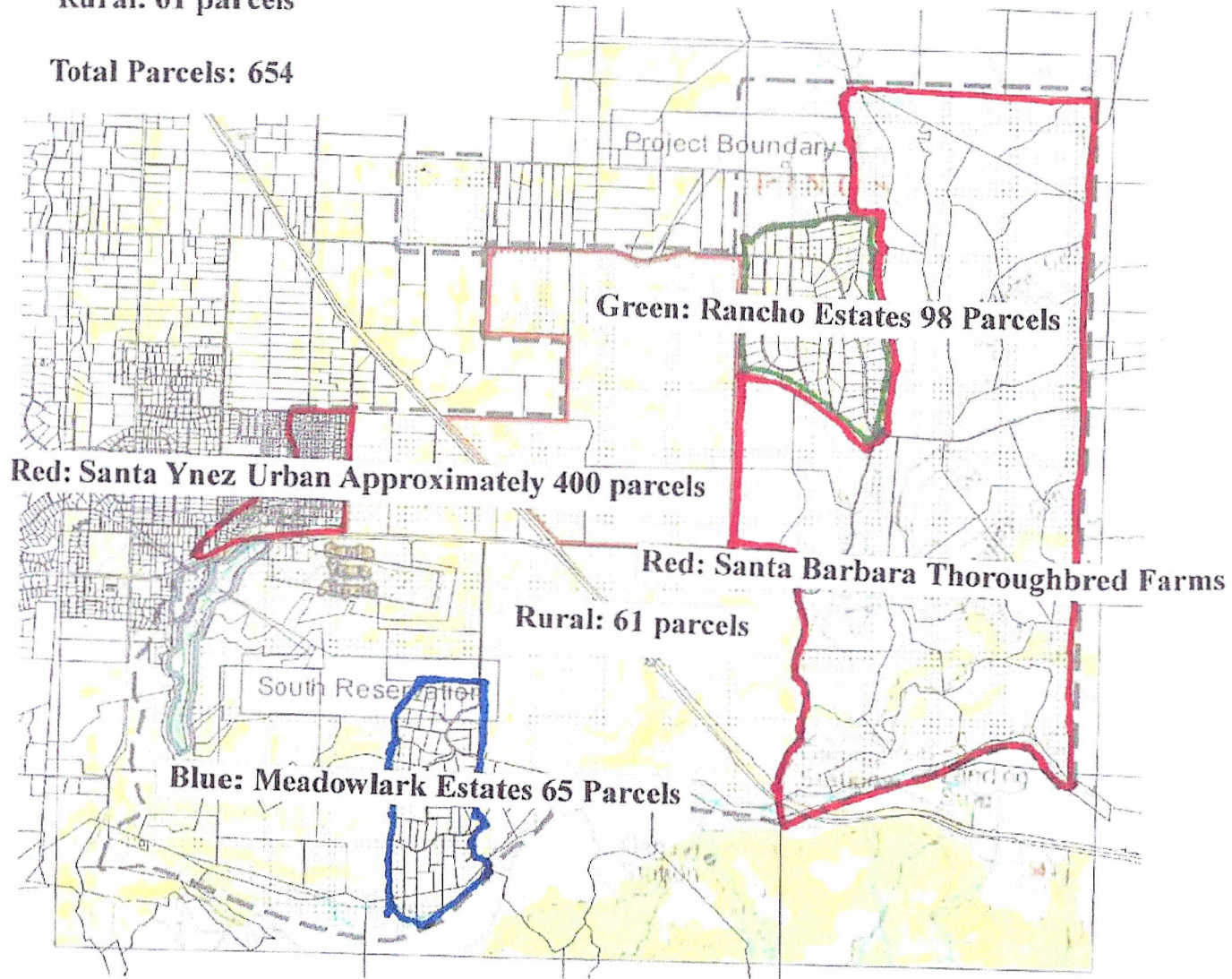
**Green: Rancho Estates 98 Parcels**

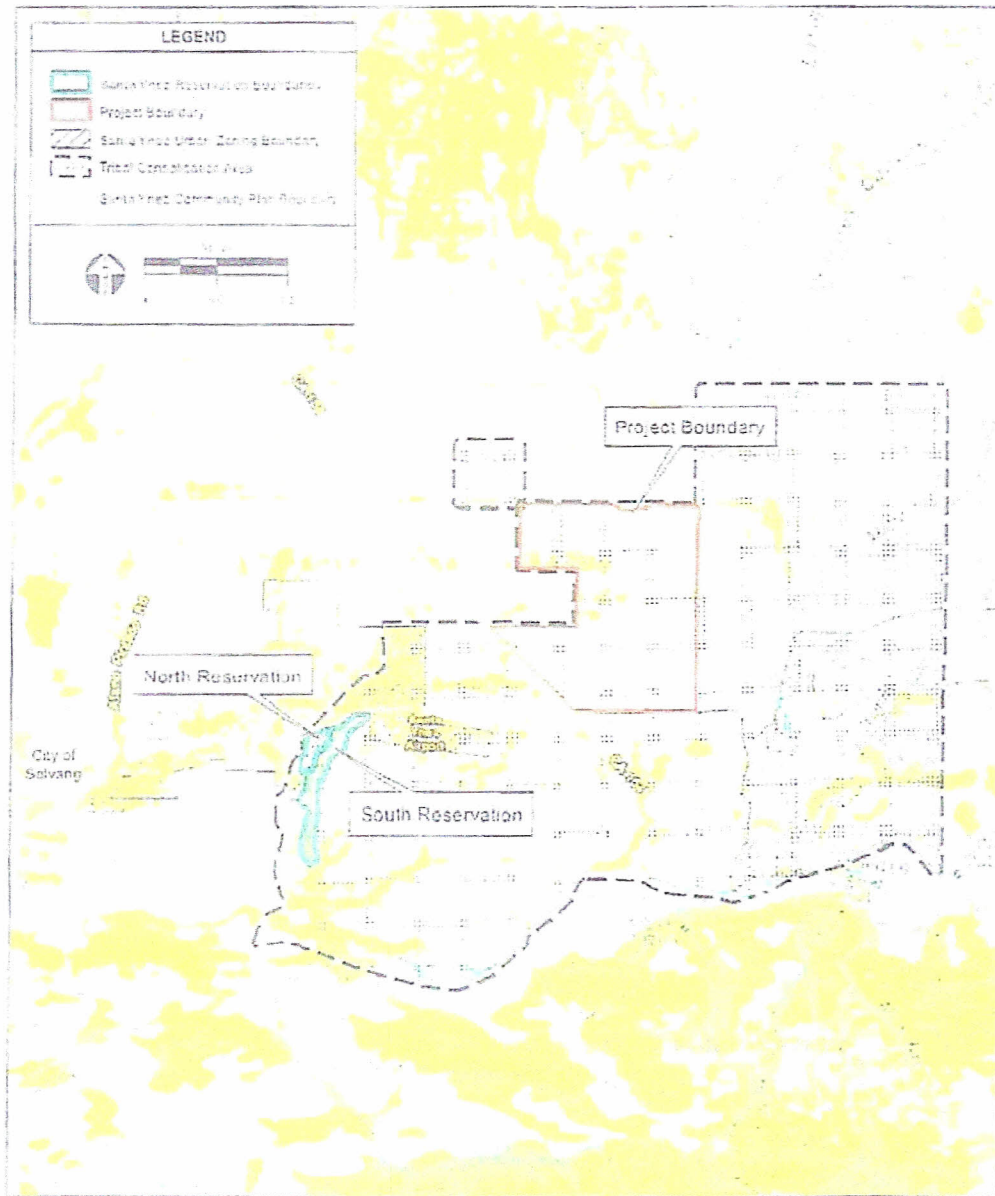
**Blue: Meadowlark Estates 65 Parcels**

**Red: Santa Ynez Urban Approximately 400 parcels**

**Rural: 61 parcels**

**Total Parcels: 654**





NO. 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000

Santa Ynez, map 1-1-1, 1-1-2, 1-1-3, 1-1-4

Figure 1-2  
Site and Vicinity

### Exhibit B

Chumash map submission with TCA, shows nothing, not even the roads. It appears to be vacant land outside of the urban boundary of Santa Ynez.



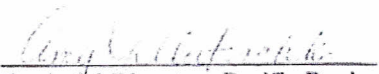


UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
PACIFIC REGION

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: 4/17/13

  
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

Santa Ynez Band of Chumash Indians

**LAND CONSOLIDATION AND  
ACQUISITION PLAN**

June 2013

"The tribe desperately needs housing," said Sam Cohen, who handles government and legal affairs for the Chumash, explaining that the intent is to build 143 homes on the property, not another casino. While the property currently only amounts to \$84,000 per year in taxes, Cohen said that the tribe in June 2011 offered to pay \$1 million per year for 10 years to the county and waive their sovereign immunity from lawsuits, so long as the county signs a cooperative agreement with them. "We'd like to work with the county to find common ground to make this work," said Cohen, who's happy that the Board of Supervisors appears ready to talk about such an agreement on August 20.

But 3rd District Supervisor Doreen Farr doesn't buy it. She is advocating loudly against such an agreement as well as any fee-to-trust annexation alongside a slew of Santa Ynez Valley organizations, including the Santa Ynez Valley Alliance, S.Y.V. Concerned Citizens, the Women's Environmental Watch, Preservation of Los Olivos (POLO), and Preservation of Santa Ynez (POSY), the latter two of which have appealed another, much smaller annexation that's been in the works since 2005. They fear that if the county is seen as working toward an agreement, the tribe could more easily get the annexation done by an act of Congress, which could overlook opposition if there appears to be a dialogue underway.

"Perhaps there are individuals in local government that feel this is inevitable, that all of the lands owned by the tribe will eventually be part of their reservation, but we are just as sure that this will never happen."

"We're adamantly opposed to fee-to-trust in the valley," said Carol Herrera, speaking on behalf of those organizations following a group meeting on Monday. "Perhaps there are individuals in local government that feel this is inevitable, that all of the lands owned by the tribe will eventually be part of their reservation, but we are just as sure that this will never happen." She's proud of the 10 years that valley residents spent on their community plan and doesn't want to see it go to waste. "If the land is put into trust, they have a sovereign right to proceed with their land as they choose and do anything they want," she said. "We've got really stringent rules, and they could easily be circumvented by putting the land into trust."

Also concerned with the application is the California Coastal Protection Network's Susan Jordan, who is a veteran of large-scale planning and environmental issues across the state but a relatively new player in the Camp 4 debate. "I view this as a county and statewide land-use issue, and this is a precedent-setting action, so everyone needs to be very careful," said Jordan, who worries what the tribe may try to do if it ever succeeds in purchasing the 1,600-acre Gainey Ranch, located adjacent to the reservation, or perhaps even properties on the Gaviota Coast. "I view them as developers, and that's okay, but I have spent the last 20 years making developers do the right thing up and down the coast, and that's what this is about."

### ***Purpose and Scope***

Pursuant to 25 C.F.R § 151.2(h)<sup>1</sup>, the Santa Ynez Band of Chumash Indians ("Santa Ynez" or "Tribe") submits this Proposed Tribal Consolidation and Acquisition Plan ("Plan") for the approval of the authorized representative of the Secretary of the Interior.<sup>2</sup> The Federal Government's land acquisition policy at 25 C.F.R. 151.3(a)(1) specifically contemplates tribal consolidation areas to be akin to both on-reservation and adjacent lands with respect to acquisition for trust purposes. This means that tribal consolidation areas, like on-reservation or adjacent lands, do not require the high level of scrutiny that off-reservation acquisitions do, and further affords such acquisitions a greater level of credibility as part of a plan which has already been reviewed and approved by the BIA.

The purpose of this Plan is to assist the Tribe in acquiring additional lands in order to increase the tribal land base and provide sufficient land for housing, economic development and governmental purposes. The Tribe believes that planning for land acquisitions within the area historically held for the Tribe by the Roman Catholic Church will help the Tribe achieve its goals of providing ample housing and governmental services to its members. In addition, the Tribe has been offered restricted public domain allotments held by individual tribal members or descendents of the original Indian allottees within the Los Padres National Forest. Such lands could be used for mitigation or exchange purposes.

The Tribe's plan includes the geographical area which was the subject of the 1897 Quiet Title Action brought by the Roman Catholic Church (Bishop of Monterey), encompassing approximately 11,500 acres of the College

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<sup>1</sup> The intent of this Tribal Consolidation and Acquisition Plan is to meet the provisions of 25 C.F.R. §§ 151.2(h) and 151.3(a)(1). See attached Exhibit A, an IBIA case that addresses this provision. The IBIA found that the Regional Director was not acting reasonably when he used the ILCA-derived criteria to assess the appellant's "Land Consolidation and Acquisition Plan." *Abesentee Shawnee Tribe. Anadarko Area Director* (1990) 18 IBIA 156, 163.

<sup>2</sup> 25 C.F.R. 151.2 (Definitions) includes, in part: (h) *Tribal consolidation area* means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe. Further, 151.3(a)(1) (Land acquisition policy) states: (1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or

Rancho ("Tribal Consolidation Area").<sup>3</sup> As described more fully below, this area was part of the Tribe's ancestral territory and comprised most of its historic territory. The Tribal Consolidation Area was once part of the lands of Mission Santa Ines and was part of the subsequent Rancho Canada de los Pinos recognized by the U.S. government as well as being close to an individual land grant made to a Santa Ynez Chumash Indian by Mexican Gov. Micheltorena. All these lands were considered to have been the property of the Santa Ynez Mission Indians by the Spanish and Mexican governments and the Catholic Church. Even after California statehood, the Catholic Church carried forward this theory of land tenure by the Santa Ynez Chumash.

The Santa Ynez Band of Chumash Mission Indians has clear connections to the Tribal Consolidation Area based on law and cultural use. The tribal government has the opportunity to return the lost land - which it has had to purchase back - to its jurisdiction and stewardship once more through federal trust status. The intent of this Plan is to assist the Tribe with that goal.

#### ***History of the Santa Ynez Reservation***

The Chumash people have been associated with the property included within this Plan and surrounding territory since time immemorial. In fact, a rich record exists of the Santa Ynez Chumash's historical connections to these lands. Archaeological evidence supports the area's use by the Chumash people before contact with the Spanish. This use continued during and after the Mission Period.

The Santa Ynez Chumash, ultimately, ended up with just a sliver of land under its jurisdiction. In 1906, the federal government placed 99 acres into federal trust around Zanja de Cota Creek. Today the Santa Ynez Indian Reservation comprises about 137 acres. This area includes unusable lands such as a streambed and an easement for a state highway that cuts through the reservation.

The acquisition of additional property within the Plan area represents an opportunity for the Chumash people to return a small portion of their historical territory to their stewardship. The goal is to create a tribal community on the land by building homes for tribal families. This also will

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<sup>3</sup> See attached Exhibit B, map of the proposed consolidation and acquisition area.

help relieve overcrowded conditions on the present reservation, where much of the housing stock was built through HUD low-income grant programs.

The Chumash have long-standing cultural and spiritual ties to the property encompassed within the Plan and the surrounding territory. The legal record - involving actions by the U.S. government, Mexican government, and the Spanish through their Mission outposts - also demonstrates the land tenure history of Santa Ynez Chumash in this territory.

Except for a brief experience with tribes in the lower Colorado River basin along the present-day Arizona border, the Chumash were the first California tribal group that Europeans encountered in what is now California. Explorer Cabrillo sailed to the islands and coastal areas inhabited by the Chumash in 1542.

#### The Mission Era

The Spanish built five Catholic missions among the Chumash people. Mission Santa Ines was established in 1804 as a halfway point between the Santa Barbara and La Purisma (Lompoc) missions. Each mission was granted about seven square leagues of land surrounding it for the use and support of the local Indian communities. That would have given Mission Santa Ines more than 441 square miles of land.

In practice, the missionaries and soldiers were brutal men who enslaved the local Chumash people and nearly decimated them through disease, starvation and harsh treatment. Despite this, the sentiment of the Spanish and Mexican governments and the Catholic Church was that the lands of the missions essentially were what we know of today as reservations, for the use and upkeep of the Indians. The tribal members forced to live and work near the missions were considered to be neophytes or Christianized Indians.

The Church viewed the land to be held in trust for the Indians, who had a "natural" right of occupancy. The Church and Spain considered title to the land to be with the Indians as decreed from the "laws of nature and imminent occupation." The priests were just the administrators of the land on behalf of their Indian "wards." That is, the mission activity was not accompanied by a conveyance of land to the missions themselves. Under the

Spanish theory of colonization, the mission establishments weren't intended to be permanent.

The slave-like conditions at the mission led to the Chumash Revolt of 1824. It started when soldiers flogged an Indian from La Purisma mission who was at Santa Ines. The revolt spread to the Santa Barbara and La Purisma missions and led to the burning of the Santa Ines mission. Many Chumash feared the soldiers would kill them and fled to the San Joaquin Valley. The priests and military knew they couldn't keep the missions going without the Indian slave labor so soldiers rounded up the Chumash and brought them back to the mission.

A decade after the revolt, the Mexican government secularized the missions and intended to disperse the lands to the Indians and settlers. The goal never was fully accomplished. Many Chumash did flee the mission after the secularization efforts and ended up in the area around Zanja de Cota Creek in the Canada de la Cota. The area still was considered to be within the lands of the Catholic Church.

#### California statehood

Statehood for California in 1850 ushered in new attempts to deal with the Chumash land. The United States and California began addressing land claims and Mexican land grants that arose from the Treaty of Guadalupe Hidalgo.

The Bishop of Monterey petitioned the Board of Commissioners in charge of land claims in California on behalf of the Catholic Church and "Christianized Indians" associated with the 20 missions across California. Among his requests: That the government confirm at least one square league area to each mission, and confirm the grants to individual Indians and communities.

The basis of the petition was two-fold. First, the Church stated it held the land in trust for the Indians. Second, the Church had valid grants based upon the laws of the Spanish and Mexican governments and the Catholic Church. The Church's view was this: The land and any revenues from it belonged to the Indians. The role of the missionaries was to make sure that the land and revenues were cared and accounted for.

The Land Claims Commission denied the claims of the individual Santa Ynez Indians. But it did grant the Bishop of Monterey the right to the Canada de los Pinos, the area that is included within the Plan. The federal government in 1861 issued a patent for those lands to the Bishop. The Chumash villages around Mission Santa Ines lands remained within the land grant.

#### Mission Indian Relief Act

In 1891, Congress passed the Mission Indian Relief Act designed to help those Indians who had been associated with and enslaved by the missions. Many of these communities were destitute because their land had been taken away from them. In fact, much of the land these Indians had lived and worked on was lost through the land claims settlement process and the government later gave it to settlers.

Based on the Act, the federal government created the Smiley Commission which found that the Santa Ynez Indians were primarily living in a village around the Zanja de Cota Creek area on lands they had moved to around 1835 after the secularization of the missions. The commission determined that abundant evidence existed to validate the Chumash's long period of occupancy of the mission land, but the commission could not support creating a federal reservation through the legal theory of adverse possession because the Bishop's earlier petition stated that the Church had long considered the mission lands to be "owned" by the Chumash. The Chumash could not be considered to have been in adverse possession of the land - even though the previous Land Claims Commission denied their land claims.

#### Church lawsuit

The Smiley Commission developed a different approach. The federal government began negotiating with the Catholic Church to obtain federal trust lands for the Santa Ynez Chumash. Part of this scheme involved the Bishop of Monterey filing a lawsuit against individual Santa Ynez tribal members in a quiet title action. With U.S. government support through the approval of the local Indian agent, the Bishop commenced a quiet title claim. The action concerned about 11,500 acres of the Rancho Canada de los Pinos, or the College Rancho.



The action was necessary because, at least according to the position held by the Bishop in his petition to the Land Claims Commission, the Church actually held the lands around the mission in trust for the Chumash. The negotiations and quiet title action resulted in an agreement in which the Bishop would convey some land to the federal government for a reservation for the Santa Ynez Band of Chumash Mission Indians.

At various times, parcels of land ranging from 5 acres to 200 acres were proposed as the property to be deeded to the United States for the Santa Ynez Chumash. Each of these proposals represented areas that were significantly less than the original mission lands (held for the local Chumash), the Rancho Canada de los Pinos (the mission lands as reconfigured by the United States), and even the combined total of the Santa Ynez individual land grants.

Ultimately, what was transferred to the United States to be held in trust for the tribe was just 99 acres, a tiny fraction of the 11,500 acres of the Rancho Canada de los Pinos that had been that had been given up without Chumash consent.

***Previous Land Consolidation/Acquisition Efforts of the Tribe***

As noted, the Tribe was originally conveyed a mere 99 acres for use as a Reservation. In the 1970s, the Tribe acquired an additional 27 acres which was used for HUD housing. Since that time, the Tribe has purchased additional lands for inclusion in the Reservation. In 2003, approximately 12 acres were added to the Reservation when the Tribe's fee-to-trust acquisition was granted. The Tribe has a further fee-to-trust acquisition for 6.9 acres of land contiguous to the Reservation which was approved by the Department of Interior currently pending before the IBIA. The Tribe has additionally submitted an application for 6.6 acres of land contiguous to the Reservation.

In 2010, the Tribe was able to purchase the 1390 acre Camp 4 property from Fess Parker. The Camp Four property was once part of the lands of Mission Santa Ines and part of the area included within the Quiet Title Action. Thus, the Tribe has consistently purchased land within their historic territory and within the Tribal Consolidation Area.

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***Provisions of the Land Consolidation and Acquisition Plan***

1. ***Goals.*** Consistent with its prior efforts, the Tribe is pursuing two overall land-related goals. First, to the extent feasible (both financially and otherwise), the Tribe wishes to provide a sufficient land base for the Tribe to house its members, economic development and tribal government activities. Second, the Tribe wishes to promote the highest and best use of any existing and future trust land base by assuring that Tribal goals such as cultural preservation are met while at the same time still providing land for housing, economic development and other governmental functions.
  
2. ***Need to Set Priorities.*** Due to the high cost of land acquisition in the Consolidation and Acquisition area, the Tribe must prioritize its land acquisitions.
  - a. ***Priorities.*** With the financial and other constraints in mind, as well as the Tribe's goals and prior acquisitions, the Tribe's priority schedule for acquisition of land within the Tribal Consolidation Area will be:

***CATEGORY 1 - Highest Priority:*** Acquisition of parcels which can be used for tribal housing, economic development and tribal governmental facilities.

***CATEGORY 2 - High Priority:*** Acquisition of parcels contiguous to existing parcels of tribal trust land that have the potential of being used for projects of importance designated by the Tribe.

***CATEGORY 3 - Medium Priority:*** Acquisition of parcels not contiguous to tribal trust lands, but having development potential.

***CATEGORY 4 - Low Priority:*** Acquisition of parcels not contiguous to tribal trust lands for the purpose of increasing the tribal trust land base or of public domain allotments for purposes of increasing the tribal trust land base, exchange or mitigation.

3. *Procedure.* The Business Committee will review each potential land acquisition and determine into which category it falls. Depending on the categorization, and subject to the availability of funds, the Tribe will then determine whether to acquire the parcel or not.