

1 ERIC GRANT  
 2 Deputy Assistant Attorney General  
 3 REBECCA M. ROSS, Trial Attorney (AZ Bar No. 028041)  
 4 rebecca.ross@usdoj.gov  
 5 DEDRA S. CURTEMAN, Trial Attorney (IL Bar No. 6279766)  
 6 dedra.curteman@usdoj.gov  
 7 Environment and Natural Resources Division  
 8 United States Department of Justice  
 9 P.O. Box 7611, Washington, D.C. 20044  
 10 Tel: (202) 616-3148; Fax: (202) 305-0275  
 11 *Attorneys for the United States*

12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 ANNE CRAWFORD-HALL et al.,  
 15 Plaintiffs,

16 v.

17 UNITED STATES OF AMERICA  
 18 et al.,  
 19 Defendants.

CASE NO. 2:17-cv-1616-SVW

**UNITED STATES' REQUEST  
 FOR JUDICIAL NOTICE IN  
 SUPPORT OF MOTION TO  
 DISMISS**

Honorable Stephen V. Wilson  
 United States District Judge

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1 Pursuant to Federal Rule of Evidence 201, United States of America et al.  
2 (“United States”) respectfully requests that the Court take judicial notice of the  
3 following documents in resolving the United States’ Motion to Dismiss:

4 1. Withdrawal of Decision, *Kramer et al. v. Pacific Reg’l Dir.* (Mar. 29, 2019),  
5 attached hereto as **Exhibit A**.

6 2. Certificate of Service for Withdrawal of Decision, *Kramer et al. v. Pacific*  
7 *Reg’l Dir.* (Mar. 29, 2019), attached hereto as **Exhibit B**.

8 These documents are proper subjects for judicial notice because it is  
9 “generally known within the territorial jurisdiction of the trial court’ or ‘can be  
10 accurately and readily determined from sources whose accuracy cannot reasonably  
11 be questioned.’” *Gustavson v. Wrigley Sales Co.*, 961 F. Supp. 2d 1100, 1113 n.1  
12 (N.D. Cal. 2013) (quoting Fed. R. Evid. 201(b)).

13 The Court may also “take judicial notice of proceedings in other courts,  
14 both within and without the federal judicial system, if those proceedings have a  
15 direct relation to the matters at issue.” *United States v. S. Cal. Edison Co.*, 300 F.  
16 Supp. 2d 964, 973 (E.D. Cal. 2004) (quoting *U.S. ex. rel. Robinson Rancheria*  
17 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992)).

18 Lastly, as further support for this request, also attached hereto is the  
19 Declaration of Rebecca M. Ross in Support of the United States’ Request for  
20 Judicial Notice.

21 For the foregoing reasons, the United States respectfully requests that the  
22 Court take judicial notice of the documents attached hereto as **Exhibits A and B**.

23 DATED: April 2, 2019.

24 Respectfully submitted,  
25 ERIC GRANT  
26 Deputy Assistant Attorney General  
27 Environment and Natural Resources Division  
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/s/ Rebecca M. Ross  
REBECCA M. ROSS, Trial Attorney  
DEDRA S. CURTEMAN, Trial Attorney  
Environment and Natural Resources Division  
United States Department of Justice  
*Attorneys for the United States*

**CERTIFICATE OF SERVICE**

I, Rebecca M. Ross, hereby certify that on April 2, 2019, I caused the foregoing UNITED STATES' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS and related exhibits to be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Rebecca M. Ross  
REBECCA M. ROSS, Trial Attorney  
Environment and Natural Resources Division  
United States Department of Justice

# **EXHIBIT A**

**ASSISTANT SECRETARY—INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR**

BRIAN AND SUZANNE KRAMER;  
COUNTY OF SANTA BARBARA,  
CALIFORNIA; NO MORE SLOTS; LEWIS P.  
GEYSER AND ROBERT B. CORLETT;  
PRESERVATION OF LOS OLIVOS; SANTA  
YNEZ VALLEY CONCERNED CITIZENS;  
ANNE (NANCY) CRAWFORD-HALL;  
SANTA YNEZ VALLEY ALLIANCE,

APPELLANTS,

vs.

PACIFIC REGIONAL DIRECTOR, BUREAU  
OF INDIAN AFFAIRS,

APPELLEE.

**Withdrawal of Decision**

On January 19, 2017, Principal Deputy Assistant Secretary – Indian Affairs Lawrence Roberts issued a decision (“PDAS Decision”) in these consolidated appeals affirming the December 24, 2014 Notice of Decision by the Regional Director, Bureau of Indian Affairs Pacific Region (“BIA NOD”), to take certain off-reservation land in Santa Barbara County, California into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians (“Tribe”). In accordance with that decision, the subject lands were later conveyed to the United States in trust for the Tribe. However on February 13, 2019, the United States District Court for the Central District of California vacated the PDAS Decision.<sup>1</sup> The court remanded these appeals for a final decision by the Assistant Secretary – Indian Affairs and vacated the United States’ acceptance of conveyance premised on the PDAS Decision. Upon my subsequent review of the record in these consolidated appeals, I issued a final decision (“AS-IA Decision”) to affirm the BIA NOD on February 25, 2019.

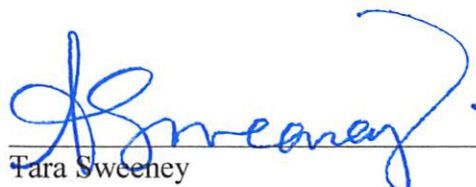
Upon issuance of my Decision, the BIA Pacific Regional Director took immediate steps to implement it in compliance with 25 C.F.R. § 151.12(c)(2)(iii) and the procedures set out in the BIA’s *Acquisition of Title to Land Held in Fee or Restricted Status (Fee-to-Trust Handbook)*. In doing so, the Regional Director determined that additional endangered or threatened species had been determined to exist within the geographic region of the subject property since 2014. As a

<sup>1</sup> Order, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018) (Feb. 13, 2019).

result, the BIA must determine whether such species may be affected by the agency decision. Based on that, the United States on March 13, 2019 moved the district court to stay the case to allow BIA to investigate this matter and determine what is necessary to bring it to a close, during which time the BIA would not re-accept title to the subject property.<sup>2</sup> The court did not respond to this request, and pursuant to the court's Order of March 18, 2019, the United States must now file its answer to Plaintiffs' amended complaint by April 2, 2019.

This limited timeframe does not afford the BIA the time needed to properly investigate these matters. Given these circumstances, I have determined that the most prudent course of action is to withdraw my February 25, 2019 Decision and vacate the Regional Director's December 24, 2014 Notice of Decision in order to remand the matter to allow the BIA to complete its review before issuance of a final decision in accordance with the procedures described in National Policy Memorandum NPM-TRUS-036, Off-Reservation Fee-to-Trust Decisions.

Dated: March 29, 2019



Tara Sweeney  
Assistant Secretary – Indian Affairs

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<sup>2</sup> Federal Defendants' Response to Order for Briefing, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018) at 1 (Mar. 13, 2019).

*Handwritten signature*



# **EXHIBIT B**

**CERTIFICATE OF SERVICE**

I certify that on the 29th day of March 2019, I delivered a true copy of the foregoing Withdrawal of Decision to each of the persons named below, either by depositing an appropriately addressed copy in the United States mail, by email, or both.

Nancie G. Marzulla  
Ian F. Gaunt  
Counsel for the Santa Ynez Band of Chumash Mission Indians  
1150 Connecticut Ave., NW, Suite 1050  
Washington, DC 20036

Brenda Tomaras, Esq.  
Counsel for Santa Ynez Band of Chumash Mission Indians  
Tomaras & Ogas, LLP  
10755-F Scripps Poway Parkway, No. 281  
San Diego, CA 92131

Jennifer Modrich  
Counsel for the Pacific Regional Director  
Bureau of Indian Affairs  
Office of the Solicitor  
U.S. Department of the Interior  
1849 C Street NW, MIB-MS-6513  
Washington, DC 20240

Amber Holderness  
Counsel for the County of Santa Barbara, California  
105 E. Anapamu Street, Suite 201  
Santa Barbara, CA 93101

Lewis P. Geyser  
Counsel for Lewis P. Geyser and Robert B. Corlett  
715 Cuatro Caminos  
Solvang, CA 93463-9790

Nicole Di Carnillo  
Linda Krop  
Counsel for Santa Ynez Valley Alliance  
906 Garden Street  
Santa Barbara, CA 93101

Sara Drake  
Office of the Attorney General  
State of California, Department of Justice  
P.O. 944255  
Sacramento, CA 94244-2550

Lawrence J. Conlan  
Wendy D. Welkom  
Counsel for Anne (Nancy) Crawford-Hall  
Cappello & Noel LLP  
831 State Street  
Santa Barbara, CA 93101

Brian Kramer  
Counsel for Brian Kramer and Suzanne Kramer  
1230 Rosecrans Avenue, Suite 300  
Manhattan Beach, CA 90266

James E. Marino  
Counsel for No More Slots  
1026 Camino del Rio  
Santa Barbara, CA 93110

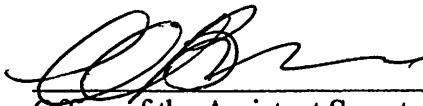
Ella Foley Gannon, Esq.  
Morgan Lewis & Bockius LLP  
Counsel for Santa Ynez Valley Concerned Citizens  
One Market Street, Spear Street Tower  
San Francisco, CA 94105-1596

Kenneth R. Williams  
Counsel for Preservation of Los Olivos  
980 9th Street, 161h Floor  
Sacramento, CA 85814

Linda Kastner  
P.O. Box402  
Santa Ynez, CA 93460

California State Clearinghouse Office  
Planning and Research  
P.O. Box 3044  
Sacramento, CA 95814

Pacific Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825



**MAR 29 2019**

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Office of the Assistant Secretary-Indian Affairs  
U.S. Department of the Interior  
1849 C Street NW  
MS-3642-MIB  
Washington, DC 20240

1 ERIC GRANT  
 2 Deputy Assistant Attorney General  
 REBECCA M. ROSS, Trial Attorney (AZ Bar No. 028041)  
 3 rebecca.ross@usdoj.gov  
 4 DEDRA S. CURTEMAN, Trial Attorney (IL Bar No. 6279766)  
 5 dedra.curteman@usdoj.gov  
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15 UNITED STATES OF AMERICA  
 16 et al.,  
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CASE NO. 2:17-cv-1616-SVW

**DECLARATION OF REBECCA  
 M. ROSS IN SUPPORT OF THE  
 UNITED STATES' REQUEST  
 FOR JUDICIAL NOTICE**

Honorable Stephen V. Wilson  
 United States District Judge

1 I, Rebecca M. Ross, declare as follows:

2 1. I am a Trial Attorney at the United States Department of Justice and  
3 am counsel for the United States of America et al. ("United States") in the above-  
4 captioned case.

5 2. I submit this Declaration in support of the United States' Request for  
6 Judicial Notice in Support of Motion to Dismiss filed concurrently with this  
7 Declaration.

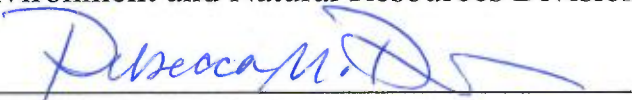
8 3. Exhibit A to the United States' Request for Judicial Notice in Support  
9 of Motion to Dismiss is a true and accurate portable document format copy of the  
10 *Withdrawal of Decision* issued in *Kramer et al. v. Pacific Reg'l Dir.* (Mar. 29,  
11 2019).

12 4. Exhibit B to the United States' Request for Judicial Notice in Support  
13 of Motion to Dismiss is a true and accurate portable document format copy of the  
14 Certificate of Service prepared and issued in connection with the *Withdrawal of*  
15 *Decision* issued in *Kramer et al. v. Pacific Reg'l Dir.* (Mar. 29, 2019).

16 I declare under penalty of perjury under the laws of the United States that  
17 the foregoing is true and correct.

18 DATED: April 2, 2019.

19 Respectfully submitted,  
20 ERIC GRANT  
21 Deputy Assistant Attorney General  
22 Environment and Natural Resources Division

23   
24 REBECCA M. ROSS, Trial Attorney  
25 DEDRA S. CURTEMAN, Trial Attorney  
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27 United States Department of Justice

28 *Attorneys for the United States*