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.

Decision

On January 19, 2017, Principal Deputy Assistant Secretary – Indian Affairs ("PDAS") Lawrence Roberts issued a decision ("PDAS Decision") in consolidated appeals from the December 24, 2014 Notice of Decision ("2014 NOD") by the Regional Director, BIA Pacific Region ("Regional Director"), to take certain land in Santa Barbara County, California into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians ("Tribe"). The PDAS Decision asserted it was final for the Department in accordance with 25 C.F.R. § 2.20(c). Several appellants then filed actions in federal district court challenging the PDAS Decision and the 2014 NOD on various grounds, including on the basis that the PDAS Decision was not final for the Department.

On February 13, 2019, the United States District Court for the Central District of California in *Crawford Hall et al. v. United States of America* ruled that the PDAS Decision was not final for the Department.[1] The court stayed further proceedings pending the Department's resolution of appeals of the 2014 NOD in a final agency action subject to judicial review. On February 15, 2019, I issued a Notice to the Parties in the consolidated administrative appeals informing them that I intended to complete the administrative process and issue a final determination in these appeals based on the record submitted by the parties. Having now reviewed the record in these

[1] Order, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018).

consolidated appeals in light of the applicable laws and regulations, I hereby affirm the 2014 ROD based on my own analysis which conforms with the reasoning and analysis set forth in the PDAS Decision, summarized below, which I adopt as my own.[2] Pursuant to 25 C.F.R. § 2.6(c), this Decision shall be final for the Department of the Interior ("Department") and effective immediately.

Background

Brian and Suzanne Kramer ("Kramers"), the County of Santa Barbara, California, No More Slots ("NMS"), Lewis P. Geyser and Robert B. Corlett, Preservation of Los Olivos ("POLO"), Santa Ynez Valley Concerned Citizens ("SYVCC"), Anne (Nancy) Crawford-Hall, and the Santa Ynez Valley Alliance ("SYVA") (collectively, "Appellants") filed separate appeals to the Interior Board of Indian Appeals ("IBIA") from the 2014 NOD. Pursuant to 25 C.F.R. § 2.20 and the November 12, 2015 memorandum entitled "Assumption of Jurisdiction over certain appeals of fee-to-trust decisions to the Interior Board of Indian Appeals pursuant to 25 C.F.R. § 2.4(c)," former Assistant Secretary – Indian Affairs ("AS-IA") Kevin Washburn assumed jurisdiction over and consolidated the appeals.

Effective December 31, 2015, before briefing in these appeals concluded, Mr. Washburn resigned from office as AS-IA and no replacement was nominated before the end of the last Administration. Therefore on January 19, 2017, PDAS Lawrence Roberts issued a decision in the consolidated appeals affirming the 2014 NOD. The PDAS Decision asserted it was final in accordance with 25 C.F.R. § 2.20(c) and that no further administrative review was necessary.

Several Appellants, including Appellant Crawford-Hall, filed separate challenges to the PDAS Decision in federal district court.[3] On February 13, 2019, the district court in *Crawford Hall v. United States of America*[4] held that the PDAS Decision was not final for the Department and stayed further proceedings pending my resolution of the administrative appeals from the 2014 NOD. Consistent with the district court Order, on February 15, 2019, I issued a Notice to Appellants in the administrative appeals informing them that I would complete the administrative process and issue a final determination in the consolidate appeals from the 2014 ROD based on the record already submitted. This decision constitutes such final determination.

The 2014 NOD

In 2013, the Tribe submitted an application to the BIA Pacific Region for the trust acquisition under the Indian Reorganization Act of approximately 1,427.28 acre off-reservation parcel

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[2] While the Department continues to believe that PDAS Roberts had delegated authority in January 2017, I take this action, which conclusively resolves the question of authority to decide these administrative appeals, so as to advance this matter toward a final resolution.

[3] *See Crawford Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2017); *Santa Ynez Valley Concerned Citizens et al. v. U.S. Dep't of Interior*, Case No. 2:17-cv-07942 (C.D. Cal. 2017). Messrs. Geyser and Corlett also filed a federal court action. *Geyser et al. v. United States et al.*, Case No. 2:17-cv-07315, appeal filed, No. 18-56288 (9th Cir. 2018).

[4] Order, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018).

("Camp 4").[5] The Tribe sought the trust acquisition primarily for housing. On December 24, 2014, the Regional Director issued the 2014 NOD, which was a 25-page notice of decision approving the Tribe's application. The Regional Director evaluated the Tribe's application by considering the factors set out in 25 C.F.R. §§ 151.10 and 151.11, including comments received on the application from the public and state and local governments. In particular, the Regional Director evaluated the following: the history of the Tribe's existing land base and its need for additional land; the Tribe's proposed use of the Camp 4 property; the impact on state and local governments from of the removal of Camp 4 from the tax rolls; potential jurisdictional problems and conflicts of land use from acquiring Camp 4 in trust; whether the BIA was equipped to discharge its additional responsibilities that would result from acquiring Camp 4 in trust; the extent to which the Tribe provided information that would allow the Secretary to comply with applicable environmental regulations; the location of Camp 4 relative to state boundaries and the Tribe's reservation; and the anticipated economic benefits associated with the Tribe's proposed use of Camp 4. Based on her evaluation of the application under the criteria at 25 C.F.R. Part 151, the Regional Director issued notice of her intent to accept Camp 4 into trust for the Tribe.

Administrative Appeals

The 2014 NOD included a notice of rights of administrative appeal. As already noted, the Appellants originally filed separate appeals with the IBIA, which AS-IA Kevin Washburn consolidated in February 2015 after assuming jurisdiction over the appeals.

The administrative record was filed with the office of AS-IA on April 13, 2015.[6] After a delay to determine jurisdictional issues arising from a late-filed notice of appeal from the 2014 NOD, the AS-IA issued an order on December 2, 2015 setting a schedule for briefing the appeals.[7] After briefing commenced, but before it had finished, AS-IA Kevin Washburn resigned from office and PDAS Lawrence Roberts assumed responsibilities as Acting AS-IA consistent with the Federal Vacancies Reform Act. Though scheduled to conclude on February 16, 2016, Acting AS-IA Roberts extended briefing to April 1, 2016 to allow the filing of responses to supplemental reply briefs of certain Appellants.[8] On July 29, 2016, Mr. Roberts resumed his responsibilities as PDAS, continuing to exercise the delegated, non-exclusive authorities of AS-IA while the office of AS-IA remained vacant. The office of AS-IA remained vacant throughout the remainder of the previous Administration. On January 19, 2017, Mr. Roberts issued a 42-page decision in the administrative appeals affirming the 2014 NOD.

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[5] The Tribe amended its original application after it withdrew a Tribal Consolidation Area plan. *See* 2014 NOD at 8.

[6] Order Setting Briefing Schedule, *Kramer, et al. v. Pac. Reg. Dir., BIA* (AS-IA) (Apr. 28, 2015). Briefing was subsequently stayed by order dated June 24, 2015, the AS-IA stayed briefing to consider a separate notice of appeal from the 2014 NOD. *See* Order Staying Briefing Schedule, *Kramer, et al. v. Pac. Reg. Dir., BIA* (AS-IA) (Jun. 24, 2015).

[7] Order to Resume Briefing and Setting Briefing Schedule, *Kramer, et al. v. Pac. Reg. Dir., BIA* (AS-IA) (Dec. 2, 2015).

[8] Order Regarding Appellants' Supplemental Reply Brief, *Kramer, et al. v. Pac. Reg. Dir., BIA* (AS-IA) (Mar. 18, 2016).

The PDAS Decision

PDAS Roberts adopted the same standards that the IBIA employs in reviewing the parties' briefs and in evaluating their standing to appeal.[9] I agree that it is proper to adopt the IBIA's precedent and standards of review for the purposes of issuing a final decision in these administrative appeals.

After reviewing the relevant statutory and regulatory framework and the applicable standards of review,[10] PDAS Roberts addressed Appellants' arguments that the Regional Director failed to address correctly and adequately the factors set out in 25 C.F.R. §§ 151.10 and 151.11 for off-reservation fee-to-trust acquisitions and that there was insufficient support in the record for the 2014 NOD and that it should be set aside and remanded.

Appellants' arguments focused mainly on the Regional Director's application of the factors at 25 C.F.R. § 151.11 and the sufficiency of the BIA's environmental review. Some Appellants raised further arguments concerning the constitutionality of the Secretary's land-into-trust authority.

Appellants also argue that the exercise of the Secretary's land-into-trust authority under Section 5 of the IRA is unconstitutional or otherwise unlawful. Citing to *Carcieri v. Salazar*,[11] Appellants argue that the Tribe was neither recognized nor under federal jurisdiction in 1934 and is thus ineligible to have land placed into trust under Section 5 of the IRA.

Standing

As a preliminary matter, the PDAS Decision evaluated the standing of certain Appellants under the standards employed by the IBIA,[12] which requires an appellant to demonstrate they are an interested party whose own legally protected interests were adversely affected by the decision being appealed. Based on those standards, the PDAS Decision separately assessed Appellants POLO, SYVCC, NMS, SYVA, and Messrs. Geyser and Corlett and concluded that each had failed to meet their burden to demonstrate standing to pursue their appeals of the 2014 NOD.[13] For the same reasons set forth in the PDAS Decision, I concur. In the interest of bringing this

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[9] PDAS Decision at 6.

[10] PDAS Decision at 2-3, 11-12.

[11] 555 U.S. 379 (2009).

[12] PDAS Decision at 6-11 (addressing standing of Appellants POLO, SYVCC, NMS, SYVA, and Messrs. Geyser and Corlett).

[13] The administrative appeal of Messrs. Geyser and Corlett raised constitutional challenges to the Regional Director's authority to issue the 2014 NOD. After they appealed PDAS Roberts' standing determination, the federal district court in *Geyser v. United States of America*, 17-cv-7315 (C.D. Cal.), found that Messrs. Geyser and Corlett had standing for their claims. *Id.*, Order re Cross-Motions for Summary Judgment (Aug. 30, 2018). However the district granted summary judgment to the United States on the merits of Messrs. Geyser and Corlett's claims. Notwithstanding Messr. Geyser and Corlett's standing to raise constitutional challenges in federal district court, the fact remains that the AS-IA, like the IBIA, lacks jurisdiction to consider constitutional challenges in administrative appeals from the decisions of BIA officials. *See infra* at 10.

matter to a final resolution, however, PDAS Roberts nonetheless considered and addressed the merits of each Appellant's claims and I do the same here.

Factors at 25 C.F.R. § 151.11

The factors for evaluating off-reservation trust-acquisition requests are found at 25 C.F.R. § 151.11, which also incorporate 25 C.F.R. § 151.10(a)-(c) and (e)-(h).

25 C.F.R. §151.10(a) - Authority for Acquisition. The Regional Director referenced the Indian Land Consolidation Act of 1983, 25 U.S.C. § 2202 ("ILCA"), as the authority for the acquisition of the land in trust.[14] In the PDAS Decision, PDAS Roberts correctly stated that Section 2202 of ILCA extends the Secretary's authority to acquire land in trust under the Indian Reorganization Act, 25 U.S.C. § 5108, to all tribes who participated in a Section 18 election, *see id.* § 5125, regardless of the outcome of that election. PDAS Roberts rejected arguments by certain appellants that the Regional Director lacked authority under ILCA to acquire the land in trust for the Tribe. PDAS Roberts also discussed that the BIA had issued an earlier decision in 2012, in connection with a different acquisition for the Tribe, concluding that the Tribe was under federal jurisdiction in 1934 consistent with *Carcieri v. Salazar*, 555 U.S. 379 (2009). PDAS Roberts explained that no party had timely appealed that 2012 decision, and thus the question of the Tribe's status in 1934 was settled for the Department and not subject to further administrative review.[15] I reach the same conclusion as PDAS Roberts: the question of the Tribe's status as under federal jurisdiction was final for the Department once the BIA issued its 2012 decision and no party timely appealed that decision. Accordingly, I concur with PDAS Roberts' analysis with respect to this factor and adopt it as my own.

25 C.F.R. § 151.10(b) - Need for Additional Land. The Regional Director described existing constraints on the Tribe's ability to develop new tribal housing on its existing Reservation, and the Tribal needs that would be met if the Camp 4 were acquired in trust, including allowing the Tribe to exercise self-determination and sovereignty over the site.[16] The Regional Director found, and the PDAS agreed, that the Tribe's stated needs fell squarely within the IRA's land acquisition policy.[17] Relying on existing precedent and the Department's own policies, PDAS Roberts correctly rejected Appellant's various arguments for a more rigid justification of need.[18]

25 C.F. R. § 151.10(c) – Purpose for which the Land will be Used. The Regional Director found that the Tribe had adequately described the proposed use of Camp 4 if taken into trust.[19] Though primarily intended for Tribal housing, the Tribe proposed that, following the acquisition in trust,

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[14] 2014 NOD at 3.

[15] PDAS Decision at 14.

[16] 2014 NOD at 19-21.

[17] PDAS Decision at 16 (citing 25 C.F.R. § 151.3(a)(3)).

[18] PDAS Decision at 15-17.

[19] 2014 NOD at 21-22.

part of the property would continue to be used for vineyards and stables. PDAS Roberts correctly rejected Appellants' arguments that this provision required the Regional Director to evaluate any or all potential future uses. Instead he concluded, and I agree, that the Regional Director adequately found that the proposed acquisition would serve to enhance the Tribe's land base and support tribal housing, infrastructure, and tribal self-determination, in addition to serving its cultural, spiritual, and educational needs.[20]

25 C.F.R. § 151.10(e) - Impact on State and Local Tax Rolls. Based on the evidence before her, the Regional Director concluded that the decrease in tax revenues to the County of Santa Barbara from the trust acquisition would be de minimis, amounting to less than 1% of the total tax the County expected to generate from property taxes for FY 2013.[21] PDAS Roberts rejected, and I agree with his conclusion, and adopt it as my own, that the Regional Director was not required to consider revenues that might accrue based on future activities or other presumptions.[22]

25 C.F.R. §151.10(f) - Jurisdictional Impacts. The Regional Director considered the nature and scope of the County of Santa Barbara's jurisdiction over the Camp 4 site and concluded that the Tribe's proposed uses were not inconsistent and that trust acquisition would relieve the County of the burden of responsibility of maintaining jurisdiction over the site.[23] Though PDAS Roberts rejected the standing of some Appellants to assert harm from jurisdictional impacts, he nonetheless chose to address their arguments. The PDAS concluded that those arguments do not warrant reversal of the 2014 NOD for the reasons thoroughly explained in the PDAS Decision, which I hereby adopt as my own.[24]

25 C.F.R.§ 151.10(g) – BIA Ability to Discharge Additional Responsibilities. The record supports PDAS' rejection of Appellants' assertions regarding BIA's ability to discharge responsibilities related to the trust acquisition as unfounded.[25] The record further supports PDAS' determination to uphold the 2014 NOD's conclusion that acceptance into trust would not impose additional responsibilities beyond those already inherent in the federal trusteeship over the Tribe's nearby Reservation.

25 C.F.R. §151.11(b) - Location of Land Relative to State Boundaries and Distance from Reservation. The record supports the PDAS' conclusion that the Regional Director adequately considered the location of Camp 4 relative to state boundaries.[26] The 2014 NOD noted that the property is 1.6 miles from the Tribe's reservation, 520 miles from Oregon, 223 miles from Nevada and 307 miles from Arizona. The PDAS determined that BIA gave appropriate weight to

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[20] PDAS Decision at 17-19.

[21] 2014 NOD at 22.

[22] PDAS Decision at 19-21.

[23] 2014 NOD at 22-23.

[24] PDAS Decision at 21-24.

[25] PDAS Decision at 25.

[26] PDAS Decision at 25-26; 2014 NOD at 24.

comments regarding location of the land considering the distance to the Tribe's reservation and state boundaries.[27]

25 C.F.R. §151.11(c) - Whether Tribe Required Submit a Business Plan. The Regional Director stated that the Tribe intended to use the Camp 4 site for tribal housing and support infrastructure with the remainder to be used for on-going business operations consisting of vineyards and stables.[28] Because these were on-going operations, no new economic benefits would be associated with the acquisition. The PDAS Decision concluded that this was not error where, as here, a tribe has no plans in the foreseeable future to develop the property for economic development or business purposes.[29] I concur in the PDAS' analysis.

Based on the record before me, I concur in the conclusions reached in the PDAS Decision concerning the adequacy of the Regional Director's evaluation of the Tribe's application under the factors at 25 C.F.R. Part 151 and adopt its findings and conclusions as my own.

Compliance with NEPA

A draft environmental assessment ("EA") for the Tribe's proposed trust acquisition was prepared and distributed for public review and comment between August 20, 2013 and September 19, 2013.[30] The comment period was later extended to October 7, 2013 in response to requests received, and again to November 18, 2013 in response to a partial federal government shut down. The EA documented and analyzed potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, resources use patterns, public services, public health and hazardous materials, and noise and visual resources. A final EA was prepared and released for public review on May 29, 2014 until July 14, 2014. A Finding of No Significant Impact ("FONSI") was signed on October 17, 2014 and published on October 22, 2014. Based on the analysis in the EA, the BIA's review and consideration of the public comments received during the review period, and on the mitigation measures to be imposed, the Regional Director determined that the proposed trust acquisition was not a major Federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement ("EIS") therefore would not be required.[31]

After setting forth the standard of review for reviewing an agency's application of NEPA, PDAS Roberts proceeded to address Appellants numerous arguments challenging the sufficiency of the environmental documents and analyses underlying the 2014 NOD.

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[27] PDAS Decision at 26.

[28] 2014 NOD at 24.

[29] PDAS Decision at 26.

[30] 2014 NOD at 24.

[31] 2014 NOD at 24.

Public Comments. PDAS Roberts concluded that the administrative record clearly showed that the BIA responded to public comments prior to issuing the EA; that the BIA did not delegate its decision making authority; and that the BIA was not improperly influenced due to its responsibility to serve tribes, contrary to Appellants' claims.[32] I find that the administrative record supports the PDAS' conclusion that BIA carefully considered the potential environmental consequences of its actions and I therefore adopt it as my own.[33]

Evaluation of Impacts. PDAS Roberts considered in detail Appellants' arguments challenging the impacts analyses of the proposed trust acquisition contained in the EA and FONSI.[34] This included review of the appropriate baseline to be used for projecting potential impacts; the range of alternatives considered; the analysis of impacts to natural resources, including impacts on land, water, air quality, biological resources, traffic, land use, noise, public services, and visual resources. The PDAS further considered arguments concerning the analysis of the impact of tribal facilities described in certain alternatives and the cumulative impacts and growth-inducing analyses. Based on the administrative record, PDAS Roberts concluded that analyses were sufficient. I concur and adopt the reasoning detailed in PDAS Roberts as my own.

Issuance and Reliance on FONSI. PDAS Roberts also addressed in detail Appellants' arguments disputing the Regional Director's finding of no significant impact and her issuance of the FONSI.[35] Based on the record before him, the PDAS concluded that BIA's analysis reasonably supported the Regional Director's determination. PDAS Roberts concluded, and I agree, that the BIA properly assessed the potential impacts to the environment in its NEPA analysis and found them to be insignificant. The PDAS found that the mitigation measures for potential impacts were properly researched and evaluated based on scientific data proving their efficacy. The PDAS further rejected arguments that NEPA supplementation was required, concluding that the standards for requiring supplementation had not been satisfied, as there were no substantial changes in the proposed action relevant to environment concerns and no new circumstances or information.

Based on the record before me, I concur in the conclusions reached in the PDAS Decision concerning the adequacy of the EA and FONSI and adopt its findings and conclusions as my own.

Appellants' Other Arguments

In addition to the challenges referenced above, some Appellants argued that the 2014 NOD should be set aside on a variety of other grounds, including that the Regional Director exhibited bias in favor of the Tribe; that the Regional Director violated Appellants' due process rights

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[32] PDAS Decision at 30-31.

[33] PDAS Decision at 31 fn. 233 (evidence in the NOD showing BIA's careful consideration of comments submitted).

[34] PDAS Decision at 31-39.

[35] PDAS Decision at 40-41.

when she issued the 2014 ROD; and that improper, ex parte contacts occurred with BIA staff.[36] PDAS Roberts began by noting that the processing of trust acquisition applications under 25 C.F.R. Part 151 is not a formal adjudication between parties, and Congress has authorized tribes and individual Indians to have land placed in trust for their benefit.[37] Interested parties may submit comments, which the BIA considers within the criteria established by law before rendering a decision. PDAS Roberts further noted that because a presumption of regularity attaches to the actions of government agencies, Appellants bore the burden of proving bias.

Bias. PDAS Roberts found no evidence in the administrative record to overcome the presumption of regularity, to show that the Regional Director's decision was pre-determined, or to doubt the Regional Director's sworn declaration that her decision was based on her careful review of the merits of the Tribe's application.[38] Based on the administrative record, I concur with the PDAS conclusion and adopt it as my own.

Due Process. The PDAS concluded the sharing by the BIA of the draft FONSI with the Tribe, but not Appellants, did not violate the U.S. Constitution's due process clause. The BIA had an appropriate reason for doing so in the context of the ongoing environmental review, and Appellants were provided the opportunity to comment on the FONSI and other points in the environmental review, as required by NEPA. Nor did Appellants demonstrate that they had any protected interest in the BIA's review of the Tribe's application, or that they were deprived of any specific rights or cognizable interests.[39] For the reasons detailed in the PDAS Decision, I concur in these conclusions and adopt them as my own.

Ex Parte Communications. PDAS found that the administrative record contained no evidence of inappropriate ex parte communications with BIA staff with respect to the 2014 NOD. The PDAS noted that the trust application process is not a formal adjudication, and that communication between the BIA and tribal applicants is common and in fact required by the Department's regulations. The PDAS dismissed discrete statements by BIA staff relied on by Appellants as taken out of context.[40] For the reasons detailed in the PDAS Decision, I concur in these conclusions and adopt them as my own.

Constitutionality of the IRA. The PDAS rejected Appellants' arguments that the Secretary's authority to take land into trust under the Section 5 of the IRA is unconstitutional or violates certain other law.[41] PDAS Roberts observed that the IBIA has held it lacks authority to declare statutes or regulations unconstitutional and therefore lacks jurisdiction to hear such arguments,

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[36] PDAS Decision at 27-29.

[37] PDAS Decision at 27.

[38] PDAS Decision at 27-28.

[39] PDAS Decision at 28.

[40] PDAS Decision at 28-29.

[41] PDAS Decision at 12-13.

and that the same is true of the AS-IA.[42] For that reason, PDAS Roberts declined to consider any arguments attacking the constitutionality of Section 5 of the IRA, or alleging that the acquisition of the Property in trust is in some way unconstitutional, though he correctly noted that the courts have consistently upheld the Secretary's authority to take land into trust. For the reasons detailed in the PDAS Decision, I concur in this conclusion and adopt it as my own.

Motion to Strike

The PDAS Decision also granted the Regional Director's Motion to Strike Save the Valley, LLC's Amicus Curiae Brief in Support of Appellants ("Motion").[43] Such amicus curiae brief consisted of a complaint that Save the Valley, LLC ("STV") had filed in federal district court. *See Save the Valley, LLC v. U.S. Dep't of Interior*, 2:16-cv-02191-RGK-JEM (C.D. Cal.). PDAS Roberts stated that STV failed to seek leave to file such amicus brief, such amicus brief was filed past the deadline set for supplemental briefing, and the substance of the amicus brief focused on a separate legal claim. PDAS Roberts concluded that STV's filing constituted an attempt to belatedly enter the administrative appeals and granted the Regional Director's Motion. I concur with PDAS Roberts that the Motion should be struck and adopt his decision on the Motion as my own.

Conclusion

Pursuant to the authority of 25 C.F.R. §§ 2.4(c) and 2.20, I affirm the Regional Director's 2014 NOD to take approximately 1,427.28 acres of land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians. Pursuant to 25 C.F.R. § 2.6(c), this Decision shall be final for the Department and effective immediately.

Dated: 2/25/2019

Tara Sweeney,
Assistant Secretary — Indian Affairs

Encl.

Order, *Crawford-Hall v. United States of America*, 2:17-cv-0616 (C.D. Cal.) (Feb. 13, 2019)

Decision, *Kramer v. Pacific Regional Director, BIA* (AS-IA) (Jan. 19, 2017)

[42] PDAS Decision at 13.

[43] PDAS Decision at 1, 42.

Notice of Decision to take certain land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians, BIA Pacific Regional Director (Dec. 24, 2014)

CERTIFICATE OF SERVICE

I certify that on the 25 day of February 2019, I delivered a true copy of the foregoing Notice to Parties of Resumption of Administrative Appeals Process to each of the persons named below, either by depositing an appropriately addressed copy in the United States mail, by email, or both.

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