

BEFORE THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR

BRIAN KRAMER AND SUZANNE)
KRAMER, COUNTY OF SANTA)
BARBARA, NO MORE SLOTS)
LEWIS P. GEYSER AND ROBERT)
CORLETT, PRESERVATION OF LOS)
OLIVOS, SANTA YNEZ VALLEY)
CONCERNED CITIZENS, ANNE)
(NANCY) CRAWFORD-HALL, and)
SANTA YNEZ VALLEY ALLIANCE,)
)
Appellants,)
)
v.)
)
PACIFIC REGIONAL DIRECTOR)
)
Appellee.)
)

**SANTA YNEZ BAND OF CHUMASH MISSION INDIANS' MOTION
TO RESUME BRIEFING ON CONSOLIDATED APPEALS**

The Santa Ynez Band of Chumash Mission Indians, the real-party-in-interest in the pending appeal of the Regional Director's Notice of Decision (NOD) issued by the Pacific Regional Director of the Bureau of Indian Affairs (BIA) for the Tribe's Camp 4 Fee-to-Trust Project, requests that briefing on this appeal be resumed.

In January and February 2015 the Appellants filed notices of their appeal of the Regional Director's decision with the Interior Board of Indian.¹ By memoranda dated January 30, 2015 and February 9, 2015, the Assistant Secretary for Indian Affairs (AS-

¹ See Memorandum from AS-IA to Hon. Steven K. Linscheid (Jan. 30, 2015); Memorandum from AS-IA to Hon. Steven K. Linscheid (Feb. 9, 2015) (noting these appeals and assuming jurisdiction over them).

IA) notified the IBIA that he was assuming jurisdiction over and consolidating those appeals.² On February 3, 2015 and February 18, 2015, the IBIA transferred those appeals to the AS-IA.³ On March 23, 2015 the Assistant Secretary ordered the Regional Director to prepare and deliver copies of the Administrative Record.⁴ On April 28, 2015, the Assistant Secretary issued a briefing schedule,⁵ which was later enlarged at the joint request of the parties. Under this new briefing schedule all briefing was to be completed by September 14, 2015.⁶

However, on June 24, 2015, the AS-IA stayed briefing on these appeals pending briefing in a separate challenge to the Regional Director's decision (filed by Geraldine B. Shepherd, Kenneth A. Sexton, Wendy Shepherd, Earl B. Shepherd, and Wendell B. Shepherd) on whether that appeal was timely.⁷ Since all briefing on the issue of whether the Shepherd Appeal was timely was completed on August 12, 2015, the Tribe now asks the AS-IA to order that briefing in the consolidated appeals be resumed.⁸ All parties other than the following have advised counsel for the Tribe that they do not oppose this motion: (1) The Shepherd Appellants do not oppose this motion with a caveat;⁹ (2) The

² Memorandum from AS-IA to Hon. Steven K. Linscheid (Jan. 30, 2015); Memorandum from AS-IA to Hon. Steven K. Linscheid (Feb. 9, 2015).

³ Order Regarding Administrative Record and Electronic Communication (Mar. 23, 2015).

⁴ *Id.*

⁵ Order Setting Briefing Schedule (April 28, 2015).

⁶ Order Granting Motion for Extension of Time (May 21, 2015).

⁷ Order Staying Briefing Schedule (June 24, 2015).

⁸ If the AS-IA determines that the Shepherd Appeal was timely, the Tribe requests that the briefing of that appeal follow the same briefing schedule as this appeal.

⁹ “[The Shepherd Appellants] do not want briefing in the Kramer appeal to proceed absent first there being a determination of the timeliness of the Shepard notices of

Santa Ynez Valley Alliance and Santa Ynez Valley Concerned Citizens take no position on this motion; and (3) Counsel for the Tribe tried but were unable to reach counsel for Preservation of Los Olivos.

Respectfully submitted,

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September 4, 2015

Counsel for the Santa Ynez Band of
Chumash Mission Indians

appeal. Assuming the Shepherd family is deemed to have timely noticed their appeal and is permitted to participate in the briefing, we have no objection to a new briefing schedule being issued with the Shepherd appeal consolidated with the Kramer appeal.” Email from J. Katz to I. Gaunt (Sept. 3, 2015).