

Chumash land tops agenda for supervisors

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After a five-week summer recess, the Santa Barbara County Board of Supervisors will gather Tuesday for what is shaping up to be one of the longest and most contentious meetings in years.

An overflow crowd is expected to greet the board in Santa Barbara as the supervisors discuss the federal application by the Santa Ynez Band of Chumash Indians to annex 1,400 acres of prime valley land into its reservation boundaries for housing and other needs.

Chumash Chairman Vincent Armenta has asked for the meeting as an "attempt to re-start a government to government dialog" between the county and the tribe, on what the tribal leader said would involve a variety of issues.

His request comes some six years after Mr. Armenta told a different set of supervisors that "our doors are closed," after he was angered by the county government.

Tuesday's meeting comes just a month after the tribe applied to the Bureau of Indians Affairs for an administrative fee-to-trust application for the 1,400-acre "Camp 4" property near the junction of State Routes 154 and 246, some three miles from its reservation.

The land, purchased in 2010, was once owned by the late actor-developer Fess Parker. The tribe wants to add the land to its reservation for tribal housing.

"Currently, only about 17 percent of our tribal members and lineal descendants live on our reservation," Mr. Armenta said in a statement. "This federal trust land application is an integral part of accommodating current and future generations of Santa Ynez Chumash and creating a meaningful opportunity for tribal members and their families



Salud Carbajal

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Vincent Armenta

SPENCER WEINER PHOTO

to a part of a tribal community revitalization effort that rebuilds tribal culture, customs and traditions."

The tribe's expressed plans for the sweeping "gateway to the Santa Ynez Valley" acreage has become one of the most divisive issues in the region.

Opponents argue the land's development should be subject to the county's zoning and development laws. If the application is granted, they say, the tribe could do far more in terms of construction and building than the announced plans for more than 140 homes. The property is roughly the size of Solvang.

The Board of Supervisors has allotted two hours for the discussion Tuesday, but that is likely to be an underestimate as individuals and community activist groups have been flooding supervisors' email accounts with letters of opposition to the fee-to-trust application.

First District Supervisor Salud Carbajal, the board chairman whose name is attached to the agenda item, has been receiving strongly worded emails, as have his colleagues.

"The environment in the valley has just become so toxic and polarizing by all that it's become difficult even to engage in and consider a simple dialogue," he said Thursday. "It's really unfortunate that this is the environment we face."

Mr. Carbajal, who has been chastised by tribal opponents for accepting a campaign donation from the tribe the first year he ran for office, said he sees the tribe's request for an agenda meeting as an extension of an olive branch by the Chumash leadership.

"This item before us, irrespective of any other issue in play or not, is just an opportunity to try and get everyone on the same page with basic communication," Mr. Carbajal said. "I see it as a starting point to turn a new leaf and try to embark on a path to a more harmonious relationship."

The Chumash have repeatedly said the tribe does not plan to expand its gaming operations to the 1,400 acres. Their opponents argue there is nothing to prevent that, or other major development, if the land is placed in trust.

A number of organized community groups, as well as individuals, want the board to cancel the meeting.

Preservation of Los Olivos, or P.O.L.O., a long-standing group that has frequently battled against Chumash annexation and development in the rural valley, said that holding a special dialogue with the Chumash "creates a process no other person or groups is entitled to, violating the equal protection rights of all other citizens of Santa Barbara County."

P.O.L.O. also said that despite the tribe's assurances, the group believes that the "only necessary reason to place land into trust is to ensure the opportunity for gaming."

The Chumash also have applied to the county Agricultural Preserve Advisory Committee for nonrenewal of its Williamson Act contract for the entire 1,400 acres. The contract provides an owner with certain property tax breaks in return for keeping the land in agricultural use.

Third District Supervisor Doreen Farr, whose district includes the reservation and the 1,400 acres, said if the Chumash only want to create homesites, the tribe would not have to cancel the protection contract for the entire property.

The two applications happening at the same time "goes ahead and begs the question, what else do you want to do on the property besides housing and tribal buildings?" Ms. Farr asked.

She said community members are telling her they think it's premature for the county to enter into discussions until the Bureau of Indian Affairs deems the fee-to-trust application complete.

"We're still working with incomplete information," Ms. Farr said.

Ms. Farr said she opposes the fee-to-trust and believes the Chumash have other options to obtain what they want.

"We have some important procedural issues here," Ms. Farr said. "Now the application is filed. That was not the case when the tribe contacted Mr. Carbajal for a meeting."

The tribe disclosed in a press release late last week that it had submitted the application.

"More than two years ago we submitted a Draft Cooperative Agreement to the Santa Barbara County Board of Supervisors hoping to negotiate a payment in lieu of property taxes for our Camp 4 land," Mr. Armenta said in the release. "After repeated attempts to enter into a discussion, the 3rd District Supervisor refused to meet with us and left us with no other alternative than to file a federal trust application with the BIA."

Ms. Farr denied that she has refused to meet with tribal representatives.

Also in his statement, Mr. Armenta said that the Draft Cooperative Agreement included an offer of more than \$1 million annually to the county, as a way to offset the county's loss of property taxes. The Chumash also offered to waive its claims to sovereign immunity on the land.

"Essentially, the Santa Barbara County Board of Supervisors walked away from more than a million dollars a year in revenue for the county and will probably spend more than a million dollars fighting our trust application with the BIA," Mr. Armenta added.

Ms. Farr said details of that offer were sketchy, and she opposed it because the agreement would have only lasted a decade. The offering would have been a financial "drop in the bucket," she said.

Gerry Shepherd, of the new Valley Leadership Group, sent the board a "communal request from numerous groups throughout the Santa Ynez Valley, as well as from Santa Barbara," asking for a postponement.

Many of the groups' complaints stem from the fee-to-trust application appearing to counter the tenets of the Santa Ynez Valley Community Plan.

Susan Jordan, a Santa Barbara resident and director of the California Coastal Protection Network, said she plans to attend the meeting Tuesday to protest the Chumash application.

"This is a much larger countywide and statewide land use issue," said Ms. Jordan, a former Assembly candidate. "It's a complete change in policy. It's the first domino."

It is not just the 1,400 acres she's concerned about, Ms. Jordan said, but the indication that some 11,000 total acres is potentially in play.

The tribe, Ms. Jordan charges, has also long wanted to purchase the 1,600-acre Gainey Ranch land near Camp 4, as well as other properties on the Gaviota Coast and in Ventura County.

"They were not upfront with the county," Ms. Jordan said.

Mark Oliver, president of the Santa Ynez Valley Alliance, is concerned that the Chumash have understated desires to acquire wide swaths of valley land in fee-to-trust applications, including the township of Santa Ynez, the airport and surrounding acreage via a proposed Tribal Consolidation and Acquisition plan given to the BIA.

According to the document, the government's land acquisition policy indicates that tribal acquisition 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."

For opponents of tribal land expansion, that's chilling.

"All of this has happened without a word to the public," Mr. Oliver contends. "Without a word of input from those to be affected. Without a word to County government. It is a done deal.

"Perhaps more than any other thing being brought up at the BOS hearing on Tuesday, this issue should be front and center. It is incumbent upon our Supervisors to reject any attempt by the Tribe and the BIA to implement this plan."

Ms. Jordan and others say they're fine with the tribe buying land to build houses if they need to, but that they "should go through the county process."

The county must object to the application, she said, which would encourage state legislators and the state attorney general to object to the federal application.

"This is not an isolated situation in the valley," added Ms. Jordan, a former county planning commissioner. "It's precedent-setting land-use policy. It cannot be ignored. There are ramifications through the state."

Tribal leaders have repeatedly said that the traditional land holdings of the Chumash ran from Malibu to Paso Robles. Its reservation now has a residential capacity of 26 acres.

Placing the "Camp 4" property into federal trust would allow the tribe to exercise its self-determination and sovereignty over the property, Mr. Armenta has said.

"Land is often considered to be the single most important economic resource of a Native American tribe," he said. "Once the lands are placed under the jurisdiction of the federal and tribal governments, the tribal right to govern the lands becomes predominant."

In the Chumash statement about the application, tribal officials said there is a "great need" for the land to be put into federal trust, so that "the tribe may consolidate its land base and solidify its jurisdiction over the property owned by it."

"Today, the tribe has a small parcel of land in the flood plain of Santa Ynez Valley and we have run out of room for our growing tribal family," the chairman stated. "We hope that someday soon, we can start building homes on Camp 4 for our tribal members and their families."

Once the BIA deems the Chumash application complete, it will send a notice to the county and other jurisdictions, starting a 30-day comment period.

Ms. Farr said the county CEO's office will check with the BIA weekly to determine the ongoing status of the application.

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