

## Letters : Opinion: The battle over Camp 4

August 18, 2013 12:13 AM

The following is a letter sent Aug. 13 to Santa Barbara County Board of Supervisors Chair Salud Carbajal:

Dear Chairman Carbajal:

This is a communal request from numerous groups throughout the Santa Ynez Valley, as well as from Santa Barbara, following a meeting this morning of their representatives.

We, the county constituents who elected all five supervisors and tasked them with responsibility for overall county welfare, are united in opposition to our county representatives entering into the Santa Ynez Band of Chumash Indians requested dialogue agenda for your Aug. 20 Board of Supervisors meeting. We urgently and respectfully request that this dialogue be postponed until the following questions are addressed:

1. On Aug. 7, Chumash Chairman Vincent Armenta sent the county a "courtesy letter" informing the county that the tribe had submitted an application to the Bureau of Indian Affairs to take the 1,400 acres into federal trust — an application that we learned was submitted at the end of July. Can you keep this item for dialogue with the tribe on the agenda for Aug. 20 before county counsel has the opportunity to review the application and provide the supervisors with legal counsel?
2. The tribe owns multiple real estate properties within the greater Santa Ynez Valley, including many off-reservation homes. Do you, as our representatives, support the claim that there is a "tribal housing need"? Under what authority does the Board of Supervisors have to determine what members of the tribe need?
3. On Aug. 2, Chandra Wallar included in a memo submitted to the "United States House of Representatives Committee on Natural Resources Subcommittee of Indian and Alaska Native Affairs" a clearly worded statement regarding the legality of the county entering into a discussion, dialogue or agreement with the tribe on a government-to-government basis, stating "... judicially enforceable agreements between counties and tribal governments be required to ensure that potential impacts resulting from projects are fully analyzed and mitigated to the satisfaction of the surrounding local governments in the long term." Are you familiar with this memorandum? Per 25 CFR 151 Federal Government (Secretary of the Interior) states that the secretary will not agree to development restrictions on land in trust. If the Secretary of the Interior will not restrict development, how does the county expect to safeguard the community with agreements? Has county counsel explained this to you?
4. Are you willing to risk opening a dialogue that could trigger a violation of the spirit and the very letter of the Santa Ynez Valley Community Plan? Does the Board of Supervisors wish to set a precedence whereby any large land owner can come before the board to discuss their

individual agenda, rather than using the in-place functions of the county's Planning Department, which is what the county's own guidelines stipulate?

5. As protectors of our land-use policies, did you know that the Santa Ynez Valley Community Plan states and provides that the county shall oppose removal of land from the community plan boundaries and its jurisdiction? Are you willing to protect Camp 4's zoning and agricultural status? Would the SYV Plan need to be amended before any fee-to-trust transaction could occur due to the fact that such a transaction would be expressly inconsistent with the plan? Are you confident in the staff of Santa Barbara County to safeguard against a precedent-setting negative consequence that could affect the entire county and beyond?

6. If the Board of Supervisors moves to approve entering into a dialogue with the tribe regarding land use, zoning, agricultural preservation, development process knowing that the subject is "How can we avoid the rules in place to carry out our tribal development plans?", do they recognize that the board is being used as a tool to say the tribe has local support?

7. What can be done to protect the Santa Barbara and Santa Ynez Valley residents, agricultural lands and other fee property owners, present and future, that rely on the aquifer that is directly under the Camp 4 acreage from tribal ownership claims, considering the numerous tribes now filing for water rights. For example, the Aqua Caliente Band of Cahuilla Indians is suing the Coachella Valley Water District and Desert Water Agency, claiming senior water rights in an effort to block neighboring communities from withdrawing water from the area's aquifer. In addition, there was a Law Review article in the UC Hastings College of Law stating that the Santa Ynez Band of Chumash could move forward legally to establish groundwater rights. The letter states: "This note will lay out arguments the Santa Ynez Chumash Band could use to secure a right to groundwater on their reservation in Santa Barbara County as their successful casino brings in more and more visitors at the same time that groundwater beneath their reservation is depleted by non-Indian users.

8. Supervisor Carbajal, as board chair, are you of the opinion that allowing Santa Ynez Valley property to be placed into federal trust is good for the county economically? Does the Board of Supervisors understand how such an action can undermine the citizen rights for the entire county population?

9. Can the Board of Supervisors demonstrate unity of purpose after studying and reviewing the historical data in your possession on the tribe's status and expansion blueprint and vote with Supervisor Doreen Farr in opposing fee to trust?

10. Can Supervisor Farr represent her constituents effectively in the manner publicly stated of opposition to loss of county land and unregulated commercial expansion without each district supervisor's support? Should all five supervisors consider the importance of safeguarding the economic well-being of all five supervisorial districts when making decisions?

Thank you for your efforts on behalf of our county population and for your consideration of our request to postpone this Aug. 20 agenda item.

*The author, who represents Santa Ynez Valley Concerned Citizens wrote this on behalf of representatives from various organizations of Santa Ynez Valley and Santa Barbara.*