

# SANTA YNEZ VALLEY CONCERNED CITIZENS

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## COUNTY RESIDENTS WANT 'HISTORIC' AGREEMENT MADE PUBLIC

*Coalition of citizens groups files appeal to keep County-Tribe negotiations on track*

SANTA YNEZ, Calif. (Feb. 22)—Awaiting the opportunity to review the terms of a negotiated agreement deemed “historic” by the Santa Barbara County Board of Supervisors and leaders of the Santa Ynez Band of Chumash Indians, a coalition of groups led by Santa Ynez Valley Concerned Citizens today filed a protective appeal of the federal government’s decision to remove 6.9 undeveloped acres from County control and take the land into trust on behalf of the Tribe.

The coalition supports what it understands the County-Chumash agreement to be based on oral statements at the last meeting of the Board of Supervisors. However, without having the opportunity to read any document, even an agreement in principle, the groups had no choice but to file an appeal with the U.S. Department of the Interior’s Board of Indian Appeals before today’s 4 p.m. EST deadline. Joining Santa Ynez Valley Concerned Citizens (SYVCC) in the appeal were Preservation of Los Olivos (POLO), Preservation of Santa Ynez (POSY) and Women’s Environmental Watch (W.E.Watch). Together, the organizations represent a large, diverse coalition of more than 1,000 Santa Ynez Valley residents and businesses.

“Unfortunate timing forced us to take this step,” SYVCC Executive Director C.J. Jackson said. “While our members embrace the spirit and substance of the County-Tribe agreement as it has been described, we have not seen a word of it in writing. The public expected the opportunity to review the written agreement, but nothing surfaced before today’s deadline to file an appeal. The County and the Tribe negotiated in private, outside of the public’s view. We share the hope that a written agreement will lead to greater trust between the Tribe, County and community, but we remain so concerned about the conversion of private land to trust status, and the terms and process for doing so, that we feel we had no choice.”

In addition to gaining time to review the agreement, the protective appeal extends the timeframe to enable the Chumash Tribal Council to vote on the agreement. Appealing also allows the Bureau of Indian Affairs time to agree to a key provision that would ensure that the uses of the 6.9 acres are not changed in the future to gaming or more intensive uses. According to recent news reports, the tribal vote is expected to take place in early March.

“We wish the federal government’s schedule had allowed the Tribal Council, as well as the public, time to evaluate the agreement,” SYVCC Board Member Nancy Eklund said. “When everyone is presented with a written, enforceable agreement that satisfies concerns our coalition has raised, we will withdraw this appeal immediately.”

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To expedite the process and contribute to the development of a document that will be truly historic for Santa Barbara County, Concerned Citizens has presented a suggested draft to County Supervisors that incorporates the terms that have been mentioned in meetings, in the media and in discussions with county staff. SYVCC's lawyers have been assured that such a draft is welcome.

Specifically, Concerned Citizens is seeking written assurance from the Tribe and County, with the blessing of the U.S. Bureau of Indian Affairs, that the 6.9 acres across from the Chumash Casino will be used only for a cultural center, park, retail area and adequate parking to support those uses. No activity related to gaming should be allowed.

The agreement drafted by SYVCC also includes provisions for funding public services, such as fire protection, that will be required as a result of development on tribal property. It submits the plans for county architectural review. The draft also commits the County and Tribe to negotiations of an agreement covering the Tribe's future development plans, and involves the public in those discussions.

While today's filing with the Interior Board of Indian Appeals is intended to keep the development of a written agreement on track, Concerned Citizens cited several flaws in the decision by the Bureau of Indian Affairs (BIA) to take the 6.9-acre property into federal trust, exempting it from local zoning and land-use laws, taxes and state environmental regulations. The environmental assessment of the Chumash Tribe's proposed project inaccurately described its environmental impacts and failed to account for the cumulative impacts of the Tribe's other land acquisitions. The BIA also did not properly assess the need to have this land taken into trust. Furthermore, the decision failed to address the potential use of this land for gaming. All of these concerns about trust land conversion (or annexation, as it is sometimes called) are expected to be raised again in future tribal proposals, so this transaction is viewed as a crucial precedent for the County.

SYVCC is hopeful that the County and Chumash leaders have created the foundation for a constructive working relationship and a road map for dealing with long-term issues related to development and its impacts.

"We hope that talks between the County and Tribe will lead to a broader agreement about development that is consistent with current land-use planning and gives local residents a voice," Eklund said. "For starters, though, we would like the opportunity to read the agreement related to this single piece of land."

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