

Congress of the United States

Washington, DC 20515

September 20, 2013.

Michael S. Black, Director
Bureau of Indian Affairs
MS-4606
1849 C Street, N.W.
Washington, D.C. 20240

Dear Director Black:

We write to you regarding the Santa Ynez Band of Chumash Indians' application for fee to trust for the property known as "Camp 4" and the Band's Tribal Land Consolidation and Acquisition Area (TCA), approved by the Bureau of Indian Affairs (BIA) Pacific Regional office in June, 2013.

While we have taken no position on the trust application ourselves, we have been contacted by many constituents from the area who are concerned about the proposed acquisition and the legal implications of the TCA. Time is of the essence in conveying accurate information to the public, especially to those constituents directly affected in the Santa Ynez Valley. We ask that you provide us with written answers to the following questions as soon as possible:

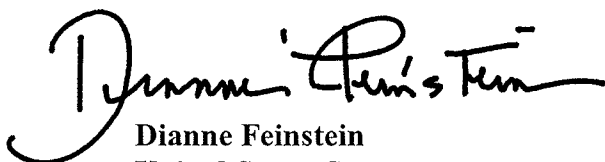
1. Does the BIA follow any specific guidelines or criteria when it approves a TCA plan? If so, what are those criteria and/or guidelines? How were they applied in the approval of the Santa Ynez Band's TCA?
2. Is the development of TCA plans a public process? If so, why did the BIA not solicit input from the community before finalizing the Santa Ynez Band's TCA?
3. Has the BIA (or Secretary) approved a TCA for any other California Indian tribe? If so, when, and which tribe(s) was/were involved? Have other consolidation plans been approved elsewhere in the nation? Please explain those processes and outcomes.
4. Under 25 CFR 151.3, land within a TCA appears to be treated as equivalent to contiguous or on-reservation acquisitions. Does this mean that any land within a TCA would be considered contiguous for the purposes of Sec. 2719 (a)(1) of the Indian Gaming Regulatory Act, and therefore automatically deemed eligible for gaming?
5. More generally, if lands lie within a TCA, does the BIA typically treat non-contiguous land acquisitions as "on-reservation acquisitions" for purposes of fee to trust under 25 CFR 151.10 instead of under 25 CFR 151.11 which is typically used for noncontiguous and other "off-reservation" acquisitions?
6. How does the approval of a TCA specifically impact the Santa Ynez Band's application for fee to trust for Camp 4? For example, the Environmental Assessment for the Santa Ynez Band's application states that the property will be considered an on-

reservation acquisition because it lies within a TCA, although the property is not contiguous with, nor within the boundaries of, the tribe's reservation. Please explain clearly whether the existence of the TCA in the Santa Ynez Band's case puts this in a category of an on-reservation acquisition for fee to trust, or otherwise creates any presumption or preference for approval of fee to trust for parcels that lie within an approved TCA.

7. If the approval of a TCA does not provide a presumption or lesser standard for review for tribes seeking to take land into trust within its boundaries, what purpose does a TCA serve?
8. Does the BIA apply less scrutiny to the distance between the reservation and the parcel than if it is in a TCA? Will it give less consideration to the comments of state and local governments for approval of fee to trust if the land is within a TCA?
9. If a TCA covers land that is not owned in fee or in trust by a tribe of the federal government, what impact will the designation have on other land owners?
 - a. Will it impact their water rights?
 - b. Will it put a cloud on their title or have other effects on property values?
 - c. Does it impact State and local regulation of the lands within the TCA?
 - d. Does a TCA give the tribe any priority right to acquire the land in fee, such as a right of first refusal?
 - e. Does a TCA give the tribe or BIA any regulatory jurisdiction over land which they do not own? Do not have held in trust?
10. 25 CFR 2.7 requires that, when it makes a decision, the BIA shall give "interested parties" "written notice of the decision by personal delivery or mail." Has the BIA given written notice to all "interested parties", including all landowners within the TCA?

For any questions regarding this request, please contact Devin Rhinerson (Devin_Rhinerson@feinstein.senate.gov; 202-224-3841) or Rachel Kondor (Rachel.Kondor@mail.house.gov; 805-730-1710). Thank you in advance and we look forward to your response.

Sincerely,


Dianne Feinstein
United States Senator


Lois Capps
Member of Congress