

**Santa Ynez Valley Concerned Citizens
W.E. Watch
The Coalition for Sensible Planning
Neighborhood Defense League of California
Preservation Of Los Olivos (POLO)**

March 30, 2011

OPEN LETTER TO:

Honorable Congressman Elton Gallegly
2309 Rayburn HOB
Washington, D.C. 20515-0523

SUBJECT: OBJECTION TO LEGISLATIVE REQUEST, FEE TO TRUST, 1,400 ACRES, SANTA YNEZ VALLEY. The Santa Ynez Band of Mission Indians (“Chumash”) request that you directly introduce legislation into the United States Congress to convey approximately 1,400 acres of property located in the Santa Ynez Valley of Santa Barbara County at the NE-corner of Hwy 154 and Hwy 246 (Armour Ranch Rd) from Fee to Trust for the Santa Ynez Band of Mission Indians thereby bypassing the public process contained in Bureau of Indian Affairs formal process for Fee to Trust lands.

Dear Congressman Gallegly:

Allow us to introduce ourselves. We are five citizen-populated, separately mandated organizations who have come together to prepare this letter to you:

The Santa Ynez Valley of Concerned Citizens was created in 2000 to represent and articulate local stakeholders’ responses to and concerns with the ever-evolving land use development plans of the Santa Ynez Band of Mission Indians. Of particular concern were the applications for the taking of public, taxable lands from Fee to Trust, and their proposed uses and impacts to the community. For more go to: www.SYVConcernedCitizens.com

Women’s Environmental Watch (W.E.Watch) was founded in 1990. “Working together to sustain the beauty and environment of the Santa Ynez Valley,” W.E.Watch educates their members and the community about ecological issues affecting the quality of life in the Santa Ynez Valley. W.E.Watch actively supports socially responsible efforts to protect our surroundings for ourselves and future generations while allowing for differences of opinions and approaches. For more go to: www.wewatch.net

The Coalition For Sensible Planning was formed to unite local groups in common cause. We advocate neighborhood integrity, long term community planning, appropriate growth commensurate with available resources and the conservation of existing agricultural and open spaces. The Coalition for Sensible Planning is based in Santa Barbara, California. For more go to: www.sbcsp.org

Neighborhood Defense League of California provides advocacy, funding and educational resources to protect these principles: 1) preserve local sovereignty 2) honesty and transparency in government 3) protect California communities' heritage and quality of life and 4) strengthen the connection between sound land use planning and California Environmental Quality Act (CEQA) at the earliest possible stage in the planning process. For more go to: www.ndlca.org

Preservation Of Los Olivos (POLO) is a group of citizens who are dedicated to preserving the highest quality of life in our rural community. Our mission is to be actively involved with educating the community on issues and local, state, and federal government in their decision making in order to ensure the balance of our rural environment, local business economy, and in defense of the public's health and safety. For more go to: www.polosyv.org

We appreciate your sending your representative, Mr. Thomas Widroe, to our recent meeting of several Santa Barbara County community groups and a variety of non-associated citizens. The purpose of this meeting was to address and learn of the concerns raised by the report of a Santa Ynez Band of Mission Indian's request to your office for legislation that would allow the subject 1,400 acres to go from Fee to Trust.

If granted by you or anyone in Congress, this granting would bypass the very critical and detailed application process that would otherwise be held by the Department of the Interior's Bureau of Indian Affairs (BIA).

The intent of this application process has always been public transparency, and, as is customary with all other County land use development of similar scale and consequence, requires the full participation of all local stakeholders – public and local bureaucratic – whereas the Federal legislative process does not.

WE ARE THEREFORE RESPECTFULLY ASKING YOU NOT TO PROPOSE OR SUPPORT ANY LEGISLATION WITH THE SANTA YNEZ BAND OF MISSION INDIANS, THAT, IN EFFECT, CIRCUMVENTS THE DELIBERTIVE CRITERIA IN EITHER THE BUREAU OF INDIAN AFFAIRS (BIA) HEARING OR SANTA BARBARA COUNTY DISCRETIONARY LAND USE PERMITTING PROCESSES.

Let us restate some of our concerns:

1. Support for such legislation would produce a dangerous precedent for circumvention of the established BIA process. The critical components of community input (which had historically been ignored by the BIA) and Federal judicial review, is now mandated by the 2010 Federal Court ruling *Preservation of Los Olivos, et. al., vs. Pacific Regional Director, Bureau of Indian Affairs*.
2. If enacted, your legislation would bar the State of California's ability to bring their concerns and arguments to the table before the BIA, as enumerated in the attached August 26, 2005 letter from the Governor's Office. ("*Notice of Non-Gaming Land Acquisition [5.68 acres] Santa Ynez Band of Mission Indians*"). To

read a copy of the letter visit the SYV Concerned Citizens or POLO web sites.

3. The BIA Fee to Trust process has mechanisms for environmental, fiscal and general economic impact reviews. These include studies to determine potential negative impacts of proposed development that could impose burdens on the community. These burdens are defined as harmful to the environment and general quality of life, and their attendant mitigation costs (in dollars and diminution of public services) must be born by the public (County and State) already suffering deep budget shortfalls and ever increasing deficits.
4. In an application for Fee to Trust, a tribe must prove economic need. While this may have been the case in the past, the Santa Ynez Band of Mission Indians, due to its considerable revenue produced by current casino operations, has distributed approximately \$500,000 annually, including exemption from California Income Tax, to each of its estimated 150 members.
5. Once land passes into Trust, it becomes "Sovereign" to the Santa Ynez Band of Mission Indians, and is therefore immediately and forever exempt from any community or regulatory oversight. Effectively, then, the Tribe would be immune from breaking or changing any promises made to induce Fee to Trust.
6. The National Association of Counties, including Santa Barbara County, has officially asked Congress for comprehensive examination and reform of Fee to Trust.
7. Currently the BIA is considering the claim, along with supporting data, that the Santa Ynez Band of Mission Indians may not be eligible for Fee to Trust. No adjudication has yet been rendered.
8. In interviews, references by Tribal Chairman Armenta alluding to Foxwoods (the largest casino complex in the nation) which he referred to as a "model" are alarming, to say the least, to the 22,000 Santa Ynez Valley residents who value their way of life in our rural setting.
9. The subject property is currently under contract to the State of California under the Williamson Act, in exchange for a property tax reduction of 50%. The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten-year agreement that the land will not be developed or otherwise converted to another use. The motivation for the Williamson Act is to promote voluntary land conservation, particularly farmland conservation.

We respectfully re-affirm our request that you not honor any request to introduce legislation designed to circumvent established judicial and Bureau of Indian Affairs processes for evaluating Fee to Trust applications.

Congressman Gallegly, if, after this letter, you are positively considering the Santa Ynez Band of Mission Indian's request, then we respectfully request that you attend a Town


Hall meeting with us, your constituents, to satisfy yourself that this community deserves the public process provided via the BIA.

We look forward to hearing back from you on this matter.

Cordially,


Santa Ynez Valley Concerned Citizens

P.O. Box 244, Santa Ynez, CA 93460


BY: Gregory M. Simon


W.E. Watch

P.O. Box 830, Solvang, CA 93464


BY: Cathie McHenry, President


Coalition for Sensible Planning

contact@sbcsp.org
Goleta, Ca.


BY: Ann Crosby, President

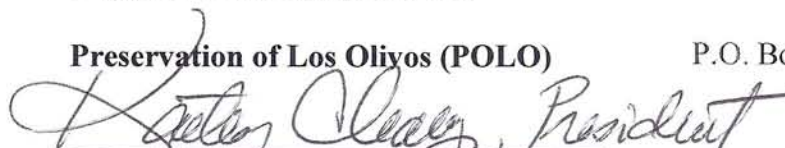
Neighborhood Defense League of California

1482 E. Valley Rd., # 252, Santa Barbra, CA 93108


BY: Judith Ishkanian, President

Preservation of Los Olivos (POLO)

P.O. Box 722, Los Olivos, CA 93441


BY: Kathy Cleary, President

Cc: President Barack Obama
The Honorable California Governor
Jerry Brown
Santa Barbara County Supervisor
Doreen Farr
Santa Ynez Band of Mission Indians
Tribal Chairman Vincent Armenta

Santa Barbara County Supervisors
Solvang City Council
Buellton City Council