

**SANTA YNEZ BAND OF CHUMASH INDIANS**

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July 27, 2016

Chairman Peter Adam  
Santa Barbara County  
Board of Supervisors  
105 East Anapamu Street  
Fourth Floor  
Santa Barbara, CA 93101

2016 JUL 29 AM 8:53  
COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

RE: **Request to resume County-Tribal Negotiations**

Dear Chairman Adam:

The Santa Ynez Band of Chumash Indians ("Tribe") writes to formally request the resumption of negotiations between the County of Santa Barbara (County) and the Tribe regarding land use issues for that 1,400 acres owned by the Tribe and commonly referred to as "Camp 4." As you are aware, the Tribe would like to annex Camp 4 to its Reservation to create 143 residential lots for tribal housing for members and their families and necessary infrastructure for its support.

At your meeting on March 15, 2016, the County Ad Hoc Subcommittee of the Board of Supervisors presented a report to the full Board providing an overview of its meetings with the Tribe. The Board of Supervisors voted to "pause" on County-Tribe discussions for five months or so, during which time the parties' legal representatives will reach conceptual agreement of the issue of sovereign immunity.

We are informed that legal representatives from both sides have reached conceptual approval on the issue of sovereign immunity.

This process began in June 2011 when the Tribe delivered a draft Cooperative Agreement to then County CEO Chandra Wallar. Unfortunately, it took over two years for the County to acknowledge receipt of the agreement and for the Tribe to be given the opportunity to engage directly with the elected officials for the County. With that said, during the summer of 2013 the Tribe did finally secure the County's acknowledgement of the Tribe's offer of \$1 million a year for ten years as payments in lieu of taxes with an enforceable waiver of sovereign immunity. However, on August 20, 2013 the County voted to reject the Tribe's draft agreement and refused to entertain any further government-to-government negotiations. In 2013, the County collected \$83,000 in property taxes on the property in question.

It was not until the Indians, Alaska Natives and Insular Affairs Subcommittee of the Resources Committee held a hearing in June of 2015 and threatened to move legislation to take Camp 4 into trust that the County even agreed to any negotiations with the Tribe.

The first meeting on September 24, 2015, with the County Ad Hoc Committee was to re-review the terms of the Camp 4 Cooperative Agreement a mere four and a half years after the Agreement was delivered to the County.

October 19 and November 12, 2015 were spent re-reviewing the Cooperative Agreement and learning about County property taxes while at every meeting the Tribe reiterated that the County needed to respond to the June 1, 2011 initial offer to the County in the Cooperative Agreement.

Finally, on December 10, 2015, the County responded to the June 1, 2011 Cooperative Agreement with its own term sheet and demands that the Tribe include all the land it owns in a comprehensive "100" year plan. The Tribe responded to the County term sheet on January 14, 2015 with both sides reviewing their competing term sheets on February 11, 2016.

Still the County repeated its demands for a long-term plan for all Tribal properties. Here are four quotes from just you as a member of the County Ad Hoc Subcommittee:

- "We need to explore the goals and aspirations of the tribe, understand their vision for the valley and the whole county." (9/24/15, 17:28)
- "What we have to get to at some point is an understanding of what the intent of the tribe is over the next 100 years, to see what's the intent. How big does it get?" (9/24/15, 59:59)
- "The elephant in the room here is, 'What is it that we're talking about?' In my opinion, this is a waste of time if we're not doing something in a global way." (10/19/15, 1:03:40)
- "What's the vision? Long term, I said 100 years, maybe you can do 50? But anything would be helpful." (12/10/15, 57:15).

In response to these requests the Tribe provided a draft non-binding proposal for all of its properties for discussion purposes, In an act that cannot be confused with "good faith" and without engaging in any discussion with the Tribe regarding the draft, the County filed our draft proposal with the Bureau of Indian Affairs citing the draft as a reason to deny the Camp 4 fee to trust application.

We have reviewed that letter from the County to the Committee on Natural Resources dated July 5, 2016 expressing optimism as to negotiations with the Tribe. The Tribe has reached conceptual approval on the pre-condition of the County as to a waiver of sovereign immunity. The Tribe now asks the County to honor the commitment by the County to good faith negotiations which was articulated by the County in their letter to the Committee on July 5, 2016.

Our Tribal members and their families cannot wait for housing any longer.

Thank you for your consideration of our perspectives. I hope you can support our efforts.

Sincerely,



Kenneth Kahn  
Tribal Chair

CC:

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Supervisor Salud Carbajal (1<sup>st</sup> District);

Supervisor Janet Wolf (2<sup>nd</sup> District);

Supervisor Doreen Farr (3<sup>rd</sup> District); and

Supervisor Steve Lavagnino (5<sup>th</sup> District).