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7 COUNTY OF SANTA BARBARA

8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 COUNTY OF SANTA BARBARA,

Case No: 2:17-cv-703

12 Plaintiff,

**[PROPOSED] TEMPORARY  
RESTRAINING ORDER**

13 v.

14 KEVIN HAUGRUD, in his official  
15 capacity as Acting Secretary of the  
Interior; LAWRENCE ROBERTS, in  
16 his official capacity as Principal Deputy  
Assistant Secretary – Indian Affairs;  
17 AMY DUTSCHKE, in her official  
capacity as Director, Pacific Region,  
18 Bureau of Indian Affairs; THE  
DEPARTMENT OF THE INTERIOR,  
19 an agency of the United States of  
America; THE BUREAU OF INDIAN  
20 AFFAIRS, a division of the United  
States Department of Interior; and  
21 DOES 1 through 100,

22 Defendants.

1 Before the Court for decision is Plaintiff’s application for temporary  
2 restraining order and order to show cause why a preliminary injunction should  
3 not issue, seeking to order Defendants Kevin Haugrud, in his official capacity  
4 as Acting Secretary of the Interior, Lawrence Roberts, in his official capacity as  
5 Principal Deputy Assistant Secretary – Indian Affairs, Amy Dutschke, in her  
6 official capacity as Director, Pacific Region, Bureau of Indian Affairs, the  
7 Department of Interior, and the Bureau of Indian Affairs to take certain parcels  
8 of land out of trust for the benefit of the Santa Ynez Band of Chumash Indians  
9 (“Chumash Tribe”) and/or enjoin Defendants from permitting or authorizing  
10 pre-development or development activities on that property.

11 Having considered all of the materials filed thus far, the Court concludes  
12 that a temporary restraining order to maintain the status quo is warranted.  
13 Plaintiff has met the required showing for injunctive relief prior to a full  
14 adjudication on the merits. Plaintiff has shown that: (a) it is likely to succeed  
15 on the merits; (b) likely to suffer irreparable harm in the absence of immediate  
16 and preliminary relief; (c) the balance of equities tips in favor of issuing the  
17 order; and (d) that an injunction is in the public interest.

18 In November 2013, the Chumash Tribe submitted a Fee-to-Trust  
19 Application requesting that the Bureau of Indian Affairs, of the Department of  
20 the Interior, take five parcels of land totaling approximately 1,433 acres, located  
21 in the Santa Ynez Valley, Santa Barbara County, into trust for the benefit of the  
22 tribe. Those parcels of land are identified as the following: (a) Parcel 1 - APNs  
23 141-121-051 and 141-140-010; (b) Parcel 2 – APN 141-140-010; (c) Parcel 3 –  
24 APNs 141-230-023 and 141-140-010; (d) Parcel 4 – APNs 141-240-002 and  
25 141-140-010; and (d) Parcel 5 – APN 141-230-023 (the “Property”). In May  
26 2014, the Bureau of Indian Affairs issued a Final Environmental Assessment  
27 purporting to evaluate the impacts of that trust acquisition. Following that  
28 assessment, Defendants issued a Finding of No Significant Impact on October

1 17, 2014 and Notice of Decision approving the Fee-to-Trust Application on  
2 December 24, 2014.

3 Through its application, Plaintiff at least has raised substantial questions  
4 about the environmental impacts of the trust acquisition that would require  
5 Defendants to prepare an Environmental Impact Statement before taking title to  
6 the Property per the National Environmental Policy Act (“NEPA”), 42 U.S.C.  
7 section 4321 *et seq.* and its implementing regulations. Furthermore, Plaintiff  
8 has established that the Environmental Assessment at least arguably is non-  
9 compliant with NEPA’s mandates that any environmental review take a hard  
10 look at the potential environmental impacts of that action, including any  
11 cumulative impacts, mitigation measures, and potential alternatives. The  
12 Environmental Assessment at issue appears to contain factual errors,  
13 unsupported conclusions, and a lack of adequate analysis in several areas.

14 The Department has completed the transfer of title process. When the  
15 Property is transferred into trust, the Chumash Tribe can begin development on  
16 the Property and has indicated that it will do so immediately. Any such  
17 development could destroy, impact, and damage prime agricultural lands and  
18 resources on those lands and in the surrounding area. The land and resources  
19 could not be restored to their pre-development state if such development  
20 commences. On the other hand, nothing in the record indicates that delaying  
21 the trust acquisition or any development efforts will harm Defendants. Further,  
22 it is in the public interest to ensure that Defendants have complied with NEPA  
23 and their own Land Acquisition Policies prior to taking title to and permitting  
24 the development of an over 1400 acre Property in an agricultural area.

25 Accordingly, pending hearing of the Order to Show Cause Why  
26 Preliminary Injunction Should Not Issue, Defendants Kevin Haugrud, in his  
27 official capacity as Acting Secretary of the Interior, Lawrence Roberts, in his  
28 official capacity as Principal Deputy Assistant Secretary – Indian Affairs, Amy

1 Dutschke, in her official capacity as Director, Pacific Region, Bureau of Indian  
2 Affairs, the Department of Interior, and the Bureau of Indian Affairs; and their  
3 agents, employees and other acting in active concert or participation with them,  
4 ARE HEREBY ORDERED AND ENJOINED as follows:

5 1. Ordered to complete the documentation necessary to take the  
6 following parcels of land out of trust: (a) Parcel 1 - APNs 141-121-051 and  
7 141-140-010; (b) Parcel 2 – APN 141-140-010; (c) Parcel 3 – APNs 141-230-  
8 023 and 141-140-010; (d) Parcel 4 – APNs 141-240-002 and 141-140-010; and  
9 (d) Parcel 5 – APN 141-230-023, located in the Santa Ynez Valley of Santa  
10 Barbara, California and totaling approximately 1433 acres; and

11 2. Prohibited from permitting or authorizing any pre-development or  
12 development activities on the Property.

13 The above Temporary Restraining Order is effective immediately as the  
14 requirement of posting a bond is waived. Posting of a bond is not required in  
15 this case because Plaintiff has shown: (a) a high likelihood of success on the  
16 merits; (b) irreparable harm to Plaintiff and the public if an injunction is not  
17 entered immediately; (c) a lack of harm to Defendants by the injunctive relief;  
18 and (d) the public interest in ensuring compliance with environmental statutes  
19 and federal law.

20 This Order is issued on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

21 **SO ORDERED.**

22  
23 Honorable \_\_\_\_\_  
24 \_\_\_\_\_  
25