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12 COUNTY OF SANTA BARBARA

13 UNITED STATES DISTRICT COURT  
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 COUNTY OF SANTA BARBARA,

Case No: 2:17-cv-703

16 Plaintiff,

**PLAINTIFF’S EX PARTE  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE WHY PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE**

17 v.

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

DATE: TBD  
TIME: TBD  
COURTROOM:  
JUDGE:

Defendants.

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Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65-1 of the Local Rules of the United States District Court for the Central District of California, Plaintiff County of Santa Barbara (the “County”) makes application to, and moves this Court for, the entry of a temporary restraining order and an order to show cause why a preliminary injunction should not issue, ordering Defendants Kevin Haugrud, in his official capacity as Acting Secretary of the Interior, Lawrence Roberts, in his official capacity as Principal Deputy Assistant Secretary – Indian Affairs, Amy Dutschke, in her official capacity as Director, Pacific Region, Bureau of Indian Affairs, the Department of Interior, and the Bureau of Indian Affairs (“Defendants”) to take the property at issue in the litigation out of trust, and/or, enjoin them from pre-development and development activities on the Property.

The County seeks a temporary restraining order, and ultimately a preliminary injunction, to: (1) require Defendants to file the necessary documentation to take the 1,433 acre property that is the subject of this suit (the “Property”) out of trust; and/or (2) prohibit Defendants’ from permitting, authorizing, or continuing to authorize any pre-development or development activities on the Property.

This application is made on the grounds that a temporary restraining order is appropriate because: (1) the County is likely to prevail on its claims under the National Environmental Policy Act (“NEPA”), 42 U.S.C. section 4321 *et seq.* and Administrative Procedure Act (“APA”), 5 U.S.C. section 701 *et seq.*; (2) Defendants threaten immediate and irreparable harm to the County’s interests; (3) the balance of equities tips sharply in the County’s favor; and (4) an injunction is in the interests of the public.

The Department’s approval of the trust acquisition and environmental review related to that acquisition are unlawful under NEPA, its implementing regulations, and the Department’s Land Acquisition Policies, 25 C.F.R. Part

1 151. The Department, however, has completed the transfer of the Property into  
2 trust and development on the Property could begin, which the Santa Ynez Band  
3 of Chumash Indians has indicated it plans to do immediately. Once  
4 development begins, prime agricultural lands and resources on those lands that  
5 cannot be replaced will be impacted, damaged, or lost.

6 Immediate issuance of a temporary restraining order is necessary to  
7 preserve the status quo and halt any pre-development or development activities  
8 on the Property pending this Court’s ruling on the County’s request for  
9 preliminary injunction. In the longer term, construction and development  
10 activities on the Property will continue to harm and permanently alter the  
11 natural resources on the Property. This activity would significantly impair this  
12 Court’s ability to maintain the status quo and enforce the provisions of the  
13 applicable federal statutes and regulations at issue in this litigation.

14 The County’s application is based on the supporting Memorandum of  
15 Points and Authorities; the Declaration of Amber Holderness and exhibits  
16 attached thereto; the Request for Judicial Notice; all papers, pleadings, records,  
17 and files in this case; all matters of which judicial notice may be taken; and such  
18 other arguments and/or evidence as may be presented to the Court at hearing.

19 The County’s counsel has provided a copy of this Application and  
20 supporting documents to Defendants’ legal counsel Rebecca M. Ross, Indian  
21 Resources Section, Environment & Natural Resources Division, United States  
22 Department of Justice, P.O. Box 7611, Washington, D.C. 20044, telephone:  
23 (202) 616-3148, fax: (202) 305-0275, email: rebecca.ross@usdoj.gov. via email  
24 on January 28, 2017. As stated in the Declaration of Amber Holderness,  
25 counsel for the County attempted to secure Defendants’ agreement to take the

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