

An aerial photograph of a rural landscape. The foreground shows a field with distinct rows, possibly a vineyard or agricultural field. The middle ground is filled with green trees and fields. In the background, there are rolling hills under a clear sky. The overall scene is bright and open.

**Intergovernmental
Memorandum of Agreement – Camp 4
County of Santa Barbara
&
Santa Ynez Band of Chumash Indians**

**Public Meeting
October 5, 2017**

Ad hoc Subcommittee

Established August 25, 2015 – Established
with New Members on February 7, 2017

Purpose of Ad Hoc Subcommittee and Direction by the Board of Supervisors:

Engage the Santa Ynez Band of Chumash Indians in discussions related to land use and financial matters of mutual concern that include but are not limited to the Waiver of Sovereign Immunity, Santa Ynez Valley properties of interest inclusive of the Camp 4, Mooney, Escobar and 350 acre "Triangle" properties and other general topics between the County and the Tribe as appropriate...

Summary

- Met in public meetings with Tribe on nine occasions from September 2015 - October 2016.
- Discussed:
 - Waiver of Sovereign Immunity
 - Term
 - Municipal Finance
 - Future Use of Land and Limits
 - Gaming
 - Williamson Act
 - Fee to Trust Lands

Background

- **August 25 & September 15, 2015** - Established and clarified role of Ad Hoc Subcommittee Farr and Adam
- **January 10, 2017** – Supervisors Hartmann & Williams appointed to serve on the short-term Ad Hoc Subcommittee
- **January 10, 2017** – Board directed County Counsel to initiate federal litigation if BIA Regional Director decision was affirmed
- **January 19, 2017** – Interior affirmed Regional Director’s decision to take Camp 4 into trust & concluded adequate NEPA review
- **January 28, 2017** – County Counsel filed in Federal District Court
- **February 7, 2017** – Board of Supervisors renewed the short term advisory Ad Hoc Subcommittee
- **February 2017 began** – New Ad Hoc Subcommittee and Tribal Business Committee (Met on 9 occasions formally)

Guiding Points

- Build on the early work of previous Ad Hoc Subcommittee and Tribe in the public process
- Recognize Tribal sovereignty and self governance
- Recognize need for Tribal housing
- Recognize critical services provided by County and Tribe
- Protect the rural character of the Santa Ynez Valley
- Provide greater certainty regarding development and timing
- Establish strong model for government-to-government relations
- Address fiscal and environmental impacts

Discussions - Broad Range of Options

- Discussed broad range of options suggested by County, Tribe and community.
- Explored options “outside the box” to achieve goals of County and Tribe.
- Discussions were intense, sincere and thorough.

Summary of Key Terms in Agreement

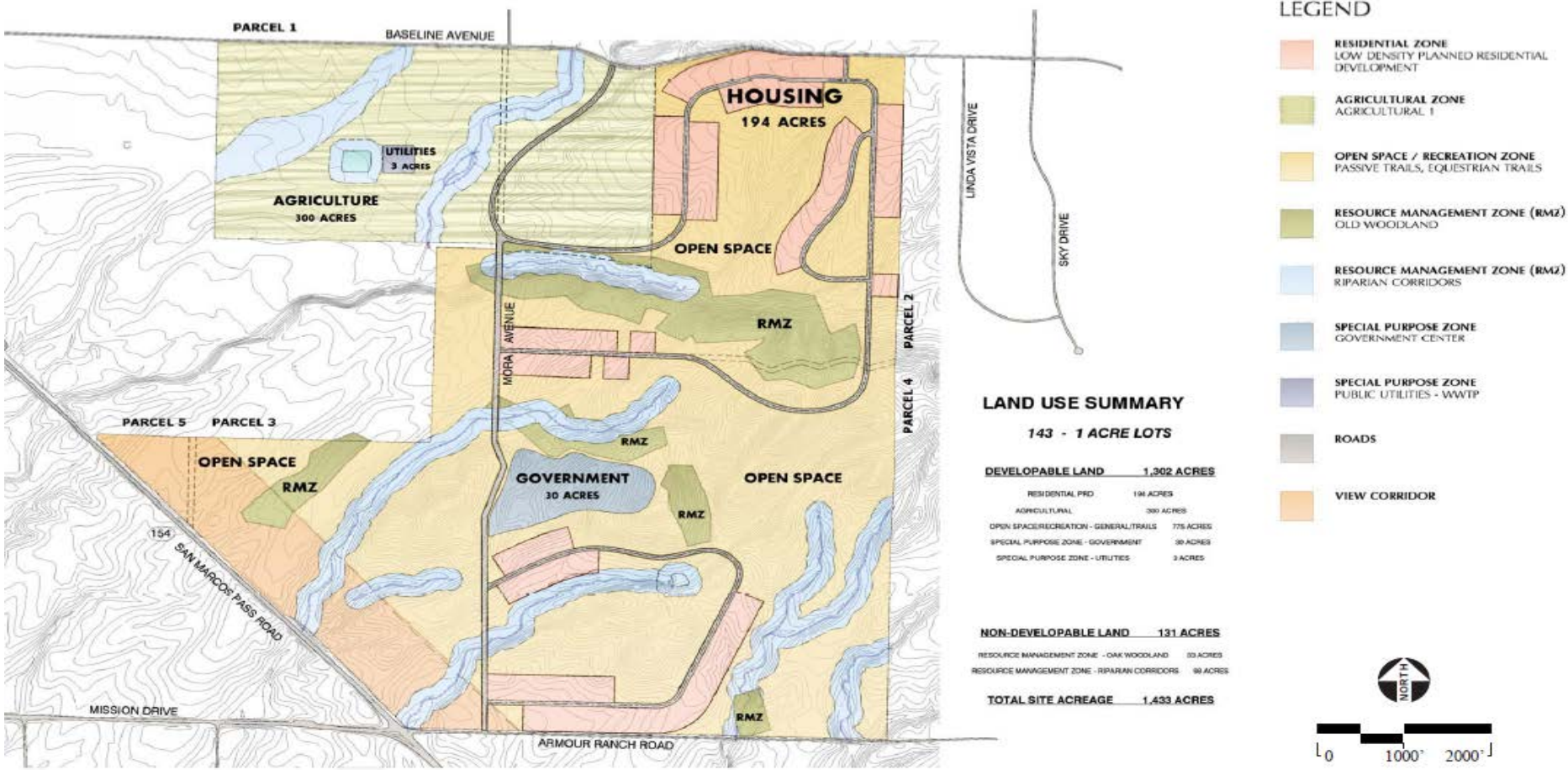
September 25, 2017 Meeting:

- Waiver of Sovereign Immunity
- Term
- Mitigation of Fiscal and Environmental Impacts
- Safety & Code Compliance
- Land Use
- Dismissal & Support Provisions

Questions Posed by the Community in Following Areas:

- Scope of Agreement
- Term
- Support of Legislation
- Fiscal Component
- Land Use
 - Gaming
 - Water
 - Commercial
 - Tribal Facilities
- Enforceability – Waiver of Sovereign Immunity
- Public Process - Timing

Camp 4 Land Use Map



Land Use

- **No gaming allowed – EA and legislation disallows**
- Tribe to comply with the Final EA, FONSI and Alternative B of the Final EA as adopted May of 2014, including:
 - No buildings on Camp 4 within 985 feet of State Highway 154; and
 - All required mitigation measures in the FONSI and Final EA (Alternative B)– be implemented.
 - Compliance with the FONSI and Final EA also shall not preclude solar energy on Camp 4. *All forms of solar energy are prohibited on Camp 4 within 985 feet of State Highway 154.*

Land Use - Mitigation Monitoring Plan - **Water**

- No Export of Water
- Water Use - Drought = No Increase
Non Drought = +4 AFY
- 2005 Green Building Guidelines and LEED for homes criteria
- Indoor plumbing: highest efficiency fixtures and fittings available
- Less landscaping for clustered one-acre lots than 5 acre lots
- Native landscaping and drought tolerant species emphasized
- Tertiary wastewater treatment plant and recycling
- Recycled water for landscaping
- Recycled water for plumbing in all government buildings (Tribal Hall)
- Recycled water for vineyards and all irrigation as feasible
- Reduction in vineyard by 50 acres and corresponding decrease in water use by 50 acre feet
- Areas outside of buildings and roads would be kept as permeable surfaces to the extent practicable (promote groundwater recharge)
- Rooftop runoff directed towards vegetated areas and splash blocks and not underground storm drains (again to promote groundwater recharge)
- Special limits during periods declared as drought by County: no turf grass irrigation
- Separate from Agreement and EA: Tribe to participate in SGMA process

Land Use

- Limits on Commercial
 - No Commercial proposed (Ag commercial currently allowed)
 - 206 acres of Ag
 - Net decrease in commercial as no winery in approved project
- Provision of Open Space
 - 869 acres of open space recreational
 - 98 acres RMZ– Riparian
 - 33 acres RMZ- Oaks Woodland
- Tribal facilities
 - 30 acres special purpose – Tribal facilities
 - Tribal members and guests for tribal events functions and ceremonies – 250 parking spaces – 100 events

Land Use

- No structures 985 Feet of HWY 154
 - Open space and recreational area adjacent to 154
 - Tribal housing separated from 154 by 985 ft. open space zone
- Building Height
 - 75 % of single family residences single story
 - Residential structures compatible with surrounding residences.

County Land Use Policies

- Compliance with SYVCP
 - Pursuit of an enforceable Intergovernmental Memorandum of Agreement for “Camp 4” is consistent with the policies contained within the Santa Ynez Valley Community Plan
 - LUC-SYV- 6 - The County shall oppose the loss of jurisdictional authority over land within the plan area where the intended use is inconsistent with the goals and polices and development standards of the Plan or in the absence of a satisfactory enforceable agreement. In addition, Action LUG- SYCV-6.1 indicates, the County shall pursue legally enforceable government-to-government agreements with entities seeking to obtain jurisdiction over land within the Plans Area to encourage compatibility with the surrounding area and mitigate environmental and financial impacts to the County.
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Term

- Agreement effective on the latest of the dates upon which each of the following conditions met:
 - Approval of Agreement by the County of Santa Barbara Board of Supervisors;
 - Approval of the General Council of the Tribe, which includes approval of the Tribe by vote and authorization for Chairman Kahn to sign the Agreement;
 - Dismissal of the County's federal litigation,
 - Written approval by the Secretary of Interior or the written determination by the SOI that approval of the Agreement is not required.
- Agreement shall be in effect until December 31, 2040.
- Reopeners provided for in Agreement.

Enforceability - Waiver of Sovereign Immunity

- Enforceable Agreement protects and secures stated land uses for term of agreement
- Consistent with County/Tribe law enforcement service contract.
- Limited WOSI by Tribe, consent to jurisdiction, and no exhaustion of tribal remedies.
- *Tribe expressly and irrevocably waives for term of Agreement its right to assert its sovereign immunity from suit and enforcement and execution of any ensuing judgment or award and consents to be sued in the federal courts of the United States or the state courts of the State of California provided that the dispute is limited solely to issues arising under this Agreement.*

Fiscal

- County and Tribe differing perspectives on service impacts costs
- Development of the Camp 4 property may, in some cases, result in impacts and costs to the County.
- County does not have permitting authority over development on lands held in trust and that the payments made under this Agreement do not constitute taxes, exactions, or fees.
- Payments are approximate off-sets to the potential losses and impacts to the County and are intended to support an approximate level of County services to Camp 4, and affected communities.

Fiscal

- Tribe to pay County a flat annual fee of \$ 178,500 -- due in four (4) equal quarterly payments.
 - Payments expire in full upon expiration of Agreement on December 31, 2040.
- Tribe to comply with the terms of the Williamson Act contract on Camp 4 until December 31, 2023. Payments begin after the expiration of the Williamson Act contract on December 1, 2023
- If the Williamson Act contract is cancelled or terminated prior to December 31, 2023 through the passage of H.R. 1491, these payments to the County would begin upon completion of the first home on the Camp 4 property
- Payments to the County may qualify as "Credits Related to Payments Due Under Section 5.2" pursuant to Section 5.3 of the Tribe's Tribal-State Compact
- County agrees to support the Tribe getting credit for those payments.

Fiscal – Transportation & Circulation

- Near Term
 - Pay “fair Share” of cost of roundabout (23.2%) -SR 246 at 154 (Cal Trans installing)
- Cumulative
 - SR 154 corridor
 - Signalization or roundabouts – TBD by Cal trans
 - SR 246 Corridor
 - Signalization or roundabouts - TBD by Cal trans

Legislation

- Reference of Agreement in legislation
- Notice to Congress that there is an agreement and Tribe has waived sovereign immunity for enforceability

Scope of Agreement

- Agreement addresses Camp 4
- In absence of Fee to Trust Reform - Tribes not mandated to secure agreements

Public Process

- Public Meeting of September 25 - Agreement not complete
 - Provided summary of known terms
- Additional public meetings scheduled
- Board of Supervisors consideration of agreement
October 17, 2017

Next Steps & Closing Comments

- Set Hearing on October 3, Board of Supervisors for October 17, 2017
- Second Public Meeting with Community (today)
- Third Public Meeting – October 9, 5:30 to 7:30 – Buellton Marriott –
- Consideration of Agreement by the Tribal Membership
- Consideration of the Agreement by Board of Supervisors at a noticed, public meeting of Tuesday, October 17.
- Work with Department of the Interior
- Work with Legislators to amend HR 1491 to reference Agreement.







Thank you

Website – www.countyofsb.org/tribal-matters.sbc

Camp 4 Vicinity Map

LEGEND

-  Santa Ynez Reservation Boundaries
-  Project Boundary
-  Santa Ynez Urban Zoning Boundary
-  Santa Ynez Community Plan Boundary

Miles

0 0.6 1.2

