

**SANTA YNEZ CHUMASH Responses (02-05-16)
to Santa Barbara County Response (02-01-16)
to SANTA YNEZ BAND OF CHUMASH INDIANS RESPONSE TO
County of Santa Barbara Ad hoc Subcommittee of the Board of Supervisors
Proposed Term Sheet (12-10-15)**

Preamble: Only two eastern parcels (2) and (4) taken into trust, vineyard/parcel (1) and Highway 154 view shed/parcels (3) and (5) not taken into trust

Response: Take all 5 parcels into trust with tribal land trust (Sycuan/Kumeyaay Diegueño Land Conservancy example) on portions of Parcels (3) and (5) along Highway 154

Preamble: if a final agreement is reached, the County of Santa Barbara will support Fee-to-Trust through an Act of Congress and the BIA process for Camp 4 being used for Tribal Housing and a Tribal Center. COUNTY OK IF AGREEMENT REACHED

1) Waiver of Sovereign Immunity – currently in progress [County has agreed to waiver in 2015 new Compact, but County refuses to waive its immunity; unclear effects of proposed County changes to 2015 new compact waiver other than parties and are therefore not accepted.]

2) Term

a) New gaming compact expires 12-31-2040.

b) Must discuss terms of extension prior to set end of term of agreement. [COUNTY ISSUE]

c) COUNTY: need approval of Secretary of Interior [Tribe: no guarantee Secretary will sign]

3) Municipal Finance/Fiscal considerations—County wants to keep its 38% of 1% property tax rate but then argues that it is just a payment in lieu of taxes and they need not follow the division of taxes for Cities. So it either approximates property taxes or is totally unrelated and the Tribe can propose any amount in response.

RESPONSE: REPEAT PRIOR TRIBAL OFFER WITH BUELLTON PROPERTY TAX SPLIT; RESEARCH OTHER CITIES THAT SHARE EVEN LESS WITH THEIR COUNTIES

a) [COUNTY ASKS FOR ANNUAL APPRAISALS] Current County process is initial appraisal, final after four (4) years, with owner reassessments.

b) Need to discuss incorporated City model vs. unincorporated area models: example Buellton. [COUNTY REJECTS]

c) Tribal/Government owned lands not taxed. [COUNTY REJECTS]

d) Property taxes only on private residences phased in over time.

e) No Sales Tax or TOT. [COUNTY REJECTS]

4) Mitigation non-economic impacts (Land Use and Environmental Mitigation) priority items

a) Continue federal and Tribal enforcement of Compliance with all Mitigation Measures, Best Management Practices, and Additional Protective Measures in the Finding of No Significant Impacts and the Final Environmental Assessment for Camp 4 referenced. [ONLY DISAGREE AS TO APPLICATION OF STATE LAW/BUILDING CODES VS. INTERNATIONAL/TRIBAL BUILDING CODES]

b) [COUNTY NO OFFSITE USE GROUNDWATER]

Tribal response: use consistent with County approved Golden Inn and Village of up to 61 Acre feet annually; will agree to cooperate with Sustainable Groundwater Master Plan same as our neighbors.

5) Future Use of Land and Limits

a) County to work with Tribe on cancellation of all Williamson Act contracts on Camp 4 vs. COUNTY RESPONSE ONLY PARCELS (2) and (4) and if finding in public interest]. County to work with Tribe on waiver of any and all penalty fees. Golden Inn and Village means SY Valley Community Plan can be amended at any time with increased height, increased densities and view shed encroachments.

b) TRIBE: Gaming as limited by federal, State and Tribal law vs. COUNTY NO GAMING OFF EXISTING RESERVATION]

6) Infrastructure and service supports [No County impact fees]

a) Review of Tribal road maintenance agreement for Sanja Cota Road.

7) Other items for consideration

a) Consider Separate agreements for school and service agencies outside Santa Barbara County's jurisdiction.